

MINUTES
CANBY PLANNING COMMISSION
REGULAR MEETING
JULY 10, 2000
7:00PM

I. ROLL CALL

PRESENT: Chairman Keith Stewart, Commissioners Paul Thalhofer, Jean Tallman, Corey Parks, Teresa Blackwell

ABSENT: Jim Brown, Geoffrey Manley

PLANNING STAFF: John Williams, Planning Director, Matilda Deas, Project Planner, Carla Ahl, Planning Staff

OTHERS PRESENT: Bruce Holte, Brad Tebbutt, Nancy Kowalski, Ron Pomeroy, George Carter, Ron Erickson, Sharon Hughes, Steven Hughes, Dennis Pahlisch, Frank Cutsforth, Sheila Thrams, Bradley Coon Mike & Wendy, Joleen Anderson, Julia Martin, Joel Martin, Rob McNamee, Kathleen Scott, R. L. McNamee, Kathleen McNamee, J.B. Poulson, Sue Linhart, Steve Pfeifer, Kathy Litkie, Vince Schroder, Hank Jarboe, Frank Cutsforth, Jim Pliska

II. CITIZEN INPUT ON NON AGENDA ITEMS

None

III. PUBLIC HEARINGS

DR 00-01/CUP 00-03 Pahlisch Nielsen Homes, an application for a community pool facility located on lot 60 in the Tofte II subdivision.

Chairman Stewart reviewed the hearing process, procedure and format. He referred to the applicable criteria posted on the wall and on page 2 of the staff report. When asked if any Commissioner had a conflict of interest, Mr. Parks stated that he lives in Tofte Farms, but did not see it as a conflict and planned to participate. When asked if any Commissioner had ex-parte contact, Mr. Stewart, and Ms. Blackwell had visited the site but drew no conclusions, Mr. Parks stated he had received two phone calls from residents of Tofte Farms, one with concerns about the cost of the project, and one who did not agree with the location of the site. No questions

were asked of the Commissioners.

John Williams presented the staff report. He explained that when this project first came before the Commissioners as a Conditional Use Permit, and a Site and Design Review, the Commission had denied the Conditional Use, and did not make a decision on the Design Review.

John stated that the applicant had focused this application on the concerns the Commissioners had at the last hearing. They addressed the safety issues by increasing the height of the fence to 6 feet, having a locked gate (either coded or keyed), having the site lit year round, covering the pool when not in use, installing a 24 hour security system, having a phone available at the site, and installing traffic signs (Children Crossing and No Parking).

Mr. Parks questioned whether the city would have to approve any signage to restrict parking on public streets. John stated that apparently the Home Owners Association has the ability to control some parking under the CC & R's, and thought the Police would be willing to work with the Association in this circumstance, but stated he would look into it.

Mr. Stewart asked John about the parking in front of the facility, John compared it to the parking that is allowed all around Wait Park with painted crosswalks where people know where to cross at and didn't see it as an issue.

John stated the Planning Commission had questions at the last meeting regarding the ownership and the on going maintenance costs of the facility and whether the residence of Tofte Farms were willing to pay the costs. John explained that in response to those concerns the applicant had mailed a letter with a survey to each resident, of the people who responded 69% were in favor of the pool. John added that a Pool Committee has been established to oversee the operation of the facility.

John stated that Staff felt most of the issues had been addressed and recommended approval of the application with conditions.

Mr. Parks asked why the pool was redesigned. John explained there were issues with utilities and setbacks and the redesign avoids those issues.

Mr. Stewart asked why the sidewalk hadn't been conditioned, John stated that sidewalks were conditioned by the subdivision but agreed it could be added as a condition for this application.

Mr. Stewart opened the Public Hearing

APPLICANT:

Nancy Kowalski, Representative Pahlisch Nielson Homes, stated that the major issues the Planning Commission had with the original application (home owner approval, facility safety, traffic safety, and parking) had all been addressed by this application.

Ms. Kowalski explained that a survey of the home owners had been taken to assess the support of the community for the facility, if there was no support then the applicant would not have proceeded with the project. She added of the 65 home owners who lived in Tofte Farms at the time of the survey 69% were in favor of the pool, and of the 56 home owners that did respond to the survey 80% were in favor of the pool and 20% were opposed.

Ms. Kowalski stated Pahlisch Nielson had contracted with Sterling Properties (a professional management company) to do a review of the budget to assure accuracy. Sterling Properties worked with the Pool Committee to create a very comprehensive revised budget. She stated that with the addition of Phase III there will be 142 Home Owners and that the annual expense would be an additional \$99 a year in Home Owner fees.

There were questions regarding the fees going over the \$200 limit. Ms. Kowalski stated that Oregon Law allows Home Owner Associations to put an increase in fees to a vote of the Home Owners.

Ms. Kowalski stated that the facility had been redesigned to address the Commissioners' concerns. She noted that sidewalks are proposed around the entire facility with a 6 foot fence and landscaping materials planted between the fence and the 4 foot brick wall to make it difficult for trespassers to use the wall to scale the fence.

Ms. Kowalski added that the gate facility will be a carded entry and emergency services would be provided with access. She stated that the facility will be guarded by a motion detector security system that will require a phone line at the facility which facilitated the decision to install a phone with a long distance block on it for emergency situations and for users of the pool to be able to contact home if needed.

Ms. Kowalski addressed the security of the facility stating that it will be lit at night even when not in use, and the visibility of the lot being located at the entrance to the development would discourage trespassing. She added that Sterling Properties had recommended adult supervision be required for any user of the pool under the age of 14.

Ms. Kowalski stated that none of the lots around the pool are sold, so future buyers will be aware the facility is there before they purchased lots. She added that the Home Owner Association will install "No Parking Foot Traffic Only Near Pool" signs and warning signs that state "Slow Children Crossing to Pool".

Mr. Parks stated his concern regarding speed that people turn into the subdivision, and the tendency to cut the corner, and asked if the applicant would be willing to install a "porkchop"

raised island that helps channel traffic into their proper lanes. Ms. Kowalski stated she was unable to answer that question directly but thought that the applicant would be open to the idea.

There was a discussion regarding the type of cover that would be used on the pool. Ms. Kowalski stated it was a neoprene cover. Ms. Blackwell asked if it would be attached to the pool or if it would float. Ms. Kowalski stated it would be attached and designed to keep people from falling into the pool.

Ms. Kowalski stated one reason for reducing the size of the pool was to have more area for families to socialize in. Mr. Parks stated that the size of the pool is about half of the original application. Ms. Kowalski responded it was in consideration of members of the Home Owners Association concerns regarding the cost of maintaining the pool facility, with the reduction of the size they were able to eliminate one of the pumps, which reduced the cost but kept a good facility that can be used by many people. Mr. Parks asked if the size was adequate for the amount of people who would be using the facility. Ms. Kowalski stated that she has heard no negative comments from residents regarding the reduction.

Mr. Thalhoffer questioned where the pool signage would be located. Ms. Kowalski replied that they would be placed at 13th Place and on Ponderosa, and stated other locations could be added.

George Carter, Sterling Properties Services, stated that they specialized in the management of properties such as Tofte Farms, with Home Owner Associations. He added that when there is a recreational facility such as this pool facility located in a development, there is a high awareness of the facility and the safety standards are higher in general, because it is their children that will be using this facility.

Mr. Carter stated that locating the facility at the entrance is not unusual since many developers often showcase the amenities of their developments.

Mr. Parks questioned the effectiveness of the revised CC & R's. Mr. Carter responded that the Attorney's opinion was that the revised CC & R's were legal and appropriate. Mr. Parks asked if the applicant had any objections to the City Attorney reviewing the letter, Mr. Carter deferred the question to Mr. Pahlisch.

Mr. Pahlisch questioned the requirement under the new CC & R's to amend the dollar amount when it gets close to the \$200 cap. Mr. Carter stated that the new CC & R's had no cap, the Board of Directors (which will be elected by the Home Owners) has the authority to raise the fees to whatever is need for the community.

Dennis Pahlisch, Pahlisch Nielson Homes addressed the Commissioners stating they are proposing the pool because they have had experience with other subdivisions and it is a community amenity that has added value to the homes.

Mr. Pahlisch stated he would work with Public Works on installing a curb or “porkchop” at 13th Ave, and the best location for signage. Mr. Parks asked if the no parking would be just for the block that surrounds the pool. Mr. Pahlisch stated it would be a good idea to increase the area covered by signs.

Mr. Pahlisch explained that a recreation facility becomes the focus of a neighborhood, and people are very cautious around it, if they speed through the area, everyone knows who you are and you will hear about it.

Mr. Pahlisch stated that the reduction in maintenance costs was one reason for reducing the size of the pool, but also the reduction allows for more room for socializing and sunbathing.

Mr. Stewart asked if Mr. Pahlisch would allow families that are opposed to the facility to “opt out”. Mr. Pahlisch stated he would not be opposed to allowing people to “opt out” but was unsure if it would be legally possible. He added that when the Home Owners Association takes over, some decisions will be made by a vote of the majority, and it would be impossible to please all of the people.

Mr. Stewart read a letter from Mr. Pomeroy stating his concerns regarding individual home owners liability in any lawsuits resulting from accidents at the pool. Mr. Pahlisch stated that the Home Owners Association has an insurance policy that would be the entity involved in any litigation. He stated he was unaware of any cases in which an individual home owner was named in a lawsuit.

PROPOSERS:

Bruce Holte, Tofte Farm resident, stated both he and his wife Tammy are in favor of the pool facility. They believe it would be good for the community, giving children something to do, and would bring neighbors together and their concerns regarding safety have been adequately resolved by this application. He added that the Public Pool Facility is often full and his family has been turned away on hot days. As a member of the Pool Committee, and the Tofte Home Owners Association he encouraged the Planning Commission to vote in favor of the pool facility.

Bradley Coon, Tofte Farm resident, stated that as a father of six children he is in favor of the facility. He has lived in other communities that have had recreation areas and they have always been a benefit to the community. Since Tofte is a family community with many small children, the facility would be a great place for kids. He commented that in the long run with proper management it will always be an asset to the community. When he purchased his home he was unaware they had planned a pool, but all eight members of his family are excited about the facility.

Kathy Litkie, Tofte Farm resident, stated that she was disappointed with the decrease in the size of the pool and felt it would not accommodate the amount of people that would use the

facility when the subdivision was complete, she added that \$200 was a lot of money, but felt it should be a manageable amount for people who can afford to live in Tofte Farms. In her experience other communities with pool facilities enjoy them and they are an asset that increases the value and live-ability of the community. Her family has also been turned away at the Public Pool due to it being full. She added that the residents of Tofte Farms are very health minded and most of the users of the pool would walk there so she doesn't see the parking as being a problem.

John Williams informed the audience that many letters had been received by the Planning Department and they had been included in the Commissioners information and were part of the official record.

Brad Tebbutt, Tofte Farm resident, stated that after deliberating on this application he has decided that he is strongly in favor of the facility, he believed the project would improve the sense of community, decrease the crowding at the public pool during warm weather (his family has also been turned away from the public pool). He stated that in regards to traffic safety it would be safer to have children riding bicycles to the Tofte Pool than to have them ride their bicycles on 13th Ave.(which is a very high traffic road) the half mile to the public pool.

He addressed the concerns regarding noise that may be created at the pool, stating the lots around the site are unsold so future owners will know the facility is there when they purchase a lot, and with the pool only being open between the hours of 9:00am til 9:00 pm, he does not feel it should be a problem with the neighbors across 13th Avenue.

Mr. Tebbutt addressed the on street parking that may be generated by the facility and compared it with the amount of on street parking that is generated on 13th Ave. during soccer games, and felt it should not be a major concern.

Mr. Tebbutt questioned the Planning Commission's role in this process and ask that they only consider whether this was an appropriate use of the site and not the legality of a contract that was signed by the home owners with the builder. Mr. Stewart explained that the Planning Commission is the citizen sounding board for all land use decisions. Mr. Parks commented that the planning code for conditional uses demands that the Planning Commission weigh both the positive and the negative elements of a development.

Mrs. Tallman stated often the Planning Commission will bring up a serious problem that hasn't been noticed by the applicant and it will create a better final product, she explained that the original 4' fence that was proposed with the first application would not have been a deterrent for people wanting to trespass.

OPPONENTS:

Ron Pomeroy, Tofte Farms resident, stated the location of the site on one end of the

development makes it not as accessible for future homes in other phases. He expressed his concern regarding the increase of \$99 to the Home Owner dues and the fact that there is no cap on the amount of dues that can be assessed, and that until the other phases of the subdivision were completed the existing home owners would carry a disproportionate share of the cost.

Mr. Pomeroy questioned the accuracy of the budget that was proposed, and if the residents who were in favor of the pool really knew what they are getting for the price. He stated his concerns regarding the amount of liability insurance the Home Owners Association carried and what the individual home owners liability would be in excess of that amount. He questioned if the pool was the right way to bring about the values of family and community, or if a park would be a more appropriate use.

He did not believe there had been any real change from the original design that was not approved at the last Planning Commission meeting, a little higher fence, a little smaller pool, but it did not address the location, which did not fit due to the public exposure and the liability. He added that the comment was made by Ms. Kowalski that a child would have to work really hard to climb over the proposed fence, he believes they could and would do it.

He concluded that the home owners did not have enough information to know whether they wanted to assume the liability risk, and was opposed to the application. Mr. Parks commented that he was unaware of any lawsuit in Oregon where individual members of a Home Owners Association had successfully been sued beyond the limits of the insurance policy. Mr. Pomeroy responded that he did not see why it could not be done, and that the members had not been informed regarding the liability amounts that the management company had deemed adequate.

Steve Pfeifer, Member of the Pool Committee, Tofte Farm resident. He stated that he liked the idea of a pool for his children but disagreed with the proposed site. He had concerns that the residents of Tofte Farms were not receiving accurate information regarding the proposed costs of the pool, that the resulting dust from future construction of the surrounding home sites would increase maintenance costs, the size of the pool would not accommodate the residents of Tofte Farms after all phases were complete, and overcrowding of the pool would lead to safety problems. He added that he was in favor of a pool, but wanted it done right.

Mr. Parks asked if the applicant would allow the City Attorney to review the CC & R's for Tofte Farms. Ms. Kowalski stated that the applicant would not be opposed to the review, and that if there were problems they would want to rectify them. Ms. Kowalski clarified that the total number of homes in Phase I and Phase II is 97, with the completion of Phase III there will be 142, if there is a Phase IV (there is no contract at this time to purchase the additional property) there will be a total of 195 homes in Tofte Farms.

Mr. Parks asked if there were any assurances that the homes in Phase IV would be a part of this Home Owner Association. Ms. Kowalski stated that the intention is to have them be a

part of the existing Association, to split a community between home owners associations would not be a good thing to do. Mr. Pahlisch stated that if a different developer purchased the remaining Tofte property the Planning Commission could make it a condition of approval that they join the Tofte Farms Home Owners Association.

Ms. Blackwell asked if there were any figures on the number of children per household in the Tofte subdivision. Mr. Pfeifer stated that he knew of no figures on the amount, but that there are so many children there, most people drive 10 mph, he stressed the proposed pool is too small to accommodate the amount of people that will be using it.

Mr. Stewart closed the public hearing.

COMMISSION DELIBERATIONS:

Mr. Thalhofer stated that his major concern with the original application was the impact on neighbors across 13th, after hearing the testimony he believes that currently most of the residents of Tofte Farms bike or roller blade to the Public Pool facility and that parking along 13th Ave. would not have a major impact to the area.

Mr. Thalhofer stated he would be in favor of a different location for the facility, but this was the application that was being decided upon. He continued that he would be in favor of the conditional use if it was conditioned that a median be installed on 13th Ave., signing be placed around the facility (with Public Works input), the sidewalk be continuous around the facility, with lighting that does not impact the surrounding area, and a 6' fence.

Mrs. Tallman stated that striped crosswalks should also be conditioned, one at 13th Place and one at Ponderosa. She stated that the changes to the design had addressed the Commissioners major concerns with the original application. Mrs. Tallman added that the pool is small, but this is being balanced by having more room for socializing.

Mrs. Tallman asked if parking is allowed on 13th Ave at this time and if it will still be allowed in the future. John Williams responded that it would be a decision made by the City Council. She asked why there couldn't be a few parking spaces on 13th Place allotted to the pool. Mr. Stewart replied that it would be in the sight line of the children, and that after development the Home Owners Association will be in a better position to evaluate what is needed.

Mr. Parks stated this was a difficult application with many pros and cons. He agreed with many of the issues Mr. Pfeifer brought up regarding the facility being too small to accommodate the entire development. He continued that with the traffic and safety issues regarding the location of the site, it was nominally compliant with the conditional use.

Mr. Parks stated that for him to approve the application there were conditions that needed to be added, the porkchop median to prevent vehicles from cutting the corner at the entrance,

restricted parking on both sides of Ponderosa and on 13th Ave., a third crosswalk installed on the other side of 13th Place across Ponderosa, and that the CC & R's do allow for the budgeting in the fashion that the management company believes are permissible.

Ms. Blackwell stated that the lot location is minimally acceptable. She agreed that the striped crosswalks be conditioned along with the signing, the "porkchop" for traffic control.

Mr. Stewart encouraged the Home Owners Association come to terms with the 11 families that are opposed to this facility, and did not believe the Planning Commission should be dealing with problems that the Association should be dealing with.

Mr. Stewart continued that the proposed pool is small, but he liked the design and was pleased that the home owners had gotten involved in the process. Mr. Parks asked if the home owners had seen a picture of the new design before they voted. Mr. Pfeifer and Mr. Pomeroy stated they did not vote on the design, and asked the Commissioners to take a look at how many residents of Tofte Farms really support this application in this location.

An audience member responded that the applicant can only react to the responses that were received, she stated this is a democracy, people who chose not to respond to the ballot were in a sense voting that they did not care.

Mr. Stewart re-opened the public hearing.

Joleen Anderson, Tofte Farm resident, stated that she was a proponent for the facility and thought it would be an asset for her, not only while her children are young but also in the long run. She added that she would like to see the pool bigger but understood the applicant had tried to address concerns people had with the cost of the facility. She compared this project with the city raising taxes, she may not vote for the increase in taxes, but it is majority rule.

Mr. Parks asked if she had voted on this redesigned facility, Ms. Anderson stated that she thought the revisions were minor and was still a proponent, but did not remember seeing the revision. She thought the first step was to get the project approved by the Planning Commission and then it could be fine tuned. Mr. Stewart explained that the Commission needs to approve the final design. She questioned why the Commissioners would have the jurisdiction to determine the size of the pool when she thought it should be a Home Owner decision. Mr. Stewart explained that it was the applicant who determined the size, but once that design was approved, it would have to be brought back to the Commission for any modification.

Mr. Parks explained that the size of the pool is part of the site design. He stated the pool is 1/3 smaller than the facility the residents had originally voted on, and he was trying to discover if that issue would change the residents minds.

Ms. Kowalski stated if the application is approved the applicant is willing to go to the

home owners for their input, they do not want to build a facility the majority of the residents do not want. Mr. Parks stated that the Commission was trying to avoid future problems that may arise over residents who will be unhappy with the smaller size.

Mr. Pahlisch stated that the more options that are available, the more opportunity there will be for disagreements. He explained there was \$35 difference in the operating budget per households between the 2 pools, and he was willing to look into finding a compromise.

Mr. Ron Erickson, Tofte Farms resident stated that he had voted on this version of the facility. He explained that the community had voted on this project once, if it is thrown back into the process for an extended period of time, it might not happen at all. He added that everyone had an opportunity to express their concerns, opposition, or support of the project and thought the Commission should make a decision.

Mr. Stewart closed the public hearing

Mr. Thalhoffer moved to approve DR 00-01/CUP 00-03 with conditions that

- the sidewalk around the pool be completed at time of construction
- lighting within the facility be worked out with public services so not to impact surrounding area
- a traffic island on Ponderosa
- signs placed one block away from the facility on Ponderosa and on 13th Place
- three striped crosswalks
- the City attorney approving the legality of the Association's right to assess fees for maintenance of the facility
- landscaping be irrigated
- 911 signage
- hazard sign along outer wall of the facility
- silent alarm with a by pass for the police
- an extra light to be worked out with service providers

Seconded by Mrs. Tallman.

Ms. Blackwell asked what the options were for the applicant if they wanted to change the size of the pool. Mr. Stewart stated they could come back with a modification. The motion carried 5-0.

DR 00-05 Space Age Fuel (Continued from 6-26-2000) An application for approval of a gas station and convenience store including a three island fueling canopy and a future rental space.

Mr. Stewart asked if any member had a conflict of interest, Mr. Thalhoffer stated he would

be abstaining from participating in the discussion and the vote, due to having represented the owner of the property in other unrelated matters. No other member stated any conflict. When asked if any member had ex-parte contact, Mrs. Tallman, Mr. Parks, Ms. Blackwell, Mr. Stewart had visited the sight but drew no conclusions, no questions were asked of the Commissioners.

John Williams gave the Staff Report, explaining that the public hearing was left open from the last meeting in order to get new information. He received a fax from ODOT stating the movements that would be allowed at the Hwy 99E access. Left turns out onto Hwy 99E will not be allowed due to the sight distance to the west being limited by the bridge railing. Left turn in will only be allowed if the applicant can "make the median work", which John thought was possible. John added that there were other conditions recommended by ODOT regarding the design of the throat (shown on the applicants new drawing), right-of-way improvements, and drainage.

Mr. Stewart asked for clarification regarding ODOT's comment about the first opening in the driveway to the restaurant to be closed. John explained that when you enter the site, the first driveway that goes to the 4th Quarter will be closed to increase the distance that traffic can back up.

APPLICANT:

Vince Schroder, Representative for Space Age Fuel, provided the Commissioners with new diagrams for the development and stated the applicant was prepared to address the concerns the Commission had with the original application.

Mr. Schroder presented a detailed site design, drawn to scale showing:

- Location of the fueling tanks
- Fuel truck route and turning radius
- Number of vehicles that can queue on Berg Parkway before impacting the driveway
- Loading zone that has been added for delivery vehicles
- Traffic flow for vehicles heading back to Canby
- Addition of a deceleration lane on Hwy 99E
- Allowed turning movements on Hwy 99E
- Cross easement lines increased to 13 feet

Mr. Schroder addressed the Commissions concern regarding the amount of traffic that was generated by the 4th Quarter and Pacific Rock. He stated the traffic from the 4th Quarter was generating only 60-90 cars per day, only half of which heads back toward Canby. He added that Pacific Rock had estimated 172 trips could be generated daily by the plant, but actual traffic is 20-30 trucks per day, the plant serves only the local area (½ hour trips or less) so there is limited

growth, trucks leave the plant 3-4 minutes apart, and to increase safety “do not block driveway” signs could be added on Berg Parkway.

Mr. Schroder addressed the issue of the size of the lot. He explained the average size of a service station in Canby is 11,545 square feet, in comparison this proposed development is 57,151 square feet, which is more than adequate to safely accommodate all traffic.

PROPONENTS:

Hank Jarboe, owner of the 4th Quarter, addressed the Commission stating that he believes the design will adequately address the traffic situation and that it would accommodate any future development of his property.

Frank Cutsforth, property owner, stated that he has visited Space Age Stations around the state, and they are quality operations and thinks they will serve Canby well. He stated that he is pleased with the site plan, and it will create a win/win situation for both the owners of the station and also for Mr. Jarboe.

Jim Pliska, Space Age Fuel, stated that he believed all the issues the Commissioners had with the original application have been addressed by this revision. He added that this site should be able to accommodate all traffic that will be generated, and it will be Space Age Fuel’s largest site to date.

OPPONENTS:

None

Mr. Stewart closed the public hearing.

COMMISSION DELIBERATIONS:

Mr. Stewart commented that the applicant had presented the Commissioners with a revised plan that removed a lot of the concerns he had with the first application, and the presentation was very helpful in visualizing the project. He approved modifying the travel lanes to 13 feet, and appreciated that Mr. Jarboe had approved of the revised plan, and that he could support this application.

Ms. Blackwell stated that the scaled drawing helped clarify the dimensions and it was easier to understand than the original plan. She stated a “do not block the driveway” sign should be conditioned, and she supported the application.

Mr. Parks stated his concern regarding partial curbing on the frontage road separating east bound traffic from vehicles fueling at the islands, the cost would be nominal and it may mitigate

any problems that may arise from increased traffic.

Ms. Blackwell stated she was concerned about vehicles that may cross over the travel lane but she did not feel a concrete curb was the answer. Mr. Stewart suggested posting 5 mph signs at the facility. Mr. Parks thought there should be some way of keeping the traffic flowing in the proper direction and reduce the possibility of vehicles interaction.

Mr. Pliska commented that in his experience a curb has never stopped a vehicle from going anywhere, then the owners sue when they damage their vehicle. He stated the fuel deliveries will be approximately every other day, with the deliveries scheduled after hours so there will be minimal interaction between fueling trucks and customers. He stated he would not be in favor of placing the curbing on the site and thought it would cause more problems that it would help.

Mrs. Tallman stated that once the site is open, the applicant would be able to determine if the curbing would help the traffic flow, and would put it in on their own. She stated the revised site map was very helpful, and agreed with Ms. Blackwell that the original application was very confusing. She stated she would support the application.

Mrs. Tallman moved to approve DR 00-05 with the condition of a "do not block the driveway" sign on Berg Parkway. Seconded by Ms. Blackwell. Motion carried 4-0 with Mr. Thalhofer abstaining.

MLP 00-04 Ronald & Connie McNamee, an application to partition an existing 22,550 square foot lot located off S Locust St into three lots.

Mr. Stewart asked if any member of the hearing body had a conflict of interest, none was stated. When asked if any member had ex-parte contact, Mr. Stewart responded he had visited the site, but drew no conclusions, no questions were asked of the Commissioners.

Matilda Deas, Project Planner gave the staff report. She explained that in 1998 the original owner of the property had petitioned to construct 3 duplex units on the site, the applicant had proposed a 12' access, but the Commission had conditioned a 20' access.

She stated the proposed duplexes were never built and the new owners are asking to divide the property into 3 lots, and installing one Manufactured home on each lot with garages proposed on lots 2 & 3. She explained that lot 1 is the street lot, with lot 2 behind it and lot 3 behind lot 2, creating virtual flag lots. The applicant had proposed a 12' access strip serving lots 2 & 3 and a 12' driveway for lot 1. She stated the Fire Marshal had approved the 12' access with the 12' driveway for lot 1, but that City code allows a 12' access if it is accessing a single flag lot, and does not exceed 100'. She explained that the access strip is over 140' long and is accessing 2 lots, so staff is recommending a 20' access with the elimination of the 12' driveway.

Matilda stated there is a requirement that manufactured homes have a carport or a garage, this application does not propose either for lot 1, she had talked with the applicant that afternoon, and with the removal of the driveway there is just enough room to bring the manufactured home closer to S Locust St and a 10' X 20' carport, but it is a very tight fit. She added that with a slight adjustment to the property lines there would be room for the placement of the home and the carport on lot 1.

Matilda stated that staff recommends approval of the application with the conditions of a 20' access drive, a carport or garage, and to work with the applicant on the lot lines.

APPLICANT:

Ron McNamee, 1400 S. Elm Sp # 2, Canby resident, addressed the Commission, he questioned the necessity for a 20' access (which he thought would look like a city street), when only 4 cars would be accessing the back two lots. He cited the staff report (section 3 paragraph D) where private roads could be allowed when adequate assurance for year around maintenance was provided to allow for emergency vehicle access, he thought he had met that requirement because the Fire Marshal approved the 12' access with the hammer head turn around.

He stated that the utilities would be covered by a 20' access and future problems would require the driveway to be dug up, and he commented that there would be more room for landscaping with a 12' access. He addressed the Public Works Supervisor's comments regarding increased congestion at the site due to the condominiums located across the street. Mr. McNamee informed the Commissioners that the condominiums referred to accessed onto Township Rd and would not affect traffic on Locust in front of this property.

Mr. McNamee addressed a condition of approval in the staff report requiring a sidewalk be installed on Locust St. He told the Commissioners that there is an existing sidewalk on Locust. Mr. Stewart asked what condition the sidewalk was in. Mr. McNamee responded it was in good condition. John stated the condition is usually kept in the staff report in case there is damage to the sidewalk during construction.

Mr. Thalhofer asked the applicant how the addresses for the lots would be posted on Locust St. Mr. McNamee responded it would probably be a stacked sign post.

PROPONENTS:

None

OPPONENTS:

Steven Hughes, 490 S. E. Township Rd, Canby resident stated he was the owner of the property to the east of this development, he questioned whether this was a mobile home

subdivision and if so could the Commission condition the appearance of homes to have such amenities such as siding, pitched roofs, and composition shingles. He was aware that mobile homes were allowed in an R-2 zone but asked the Commission to make sure they would fit into the neighborhood.

Mr. Stewart questioned if the applicant was proposing mobile homes or manufactured homes. Matilda responded that they were manufactured homes. John stated all that was being addressed at this public hearing was the division of the lots, and once the lots were created the owner could do what was allowed under the code, and manufactured homes are allowed.

Mr. Hughes asked if this was a manufactured home subdivision, John explained if it creates less than 4 lots, it is considered a minor land partition. Mr. Hughes stated that he would like some assurances that whatever was put on the lots would be of high quality and would not decrease the value of surrounding property. Mr. McNamee stated two of the homes would be new, and one is a 1992, and they would be installed to code.

Sharon Hughes, 490 S. E. Township Rd, Canby resident, believed that placing 3 manufactured homes around her property would bring the value of her home down. She appreciates the fact that these will be owner occupied homes, and that the land would be cared for, but she was opposed to having manufactured homes on the property and believes if they are allowed by code they should be required to have the 20' access.

Mr. Stewart informed Mrs. Hughes that the City is in the process of Comprehensive Plan review and suggested that she join one of the committees looking in to affordable housing in Canby. He added that the Commission is having to make decisions regarding affordable homes and keeping areas looking "fresh", and her input would be welcomed.

Mrs. Tallman stated that the manufactured homes of today look very different from the manufactured home of years ago. John stated that Canby's code was changed because it had to meet State requirements in placing manufactured homes.

Sue Linhart, 485 S. Manzanita, Canby resident, owner of the property adjacent to this land partition, her concerns were that having 3 manufactured home on a small lot would reduce the value of her home. She believed that if the applicant is allowed to place manufactured homes on the property they should have to follow the same requirements that single family homes do, and install the 20' access.

J. B. Poulson, 485 S. Manzanita, Canby resident stated that they purchased their home because of the privacy it afforded. He asked the Commissioners if having manufactured homes next door would devalue his property, Mr. Stewart responded that he had not seen any facts or figures regarding that issue. Mr. Stewart commented that the land prices in Canby are so expensive it would facilitate the placement of nice looking manufactured homes with landscaping and that it is difficult to tell the difference between manufactured homes and stick

built homes.

Matilda Deas stated there has been a shift in who is buying manufactured homes, younger people are buying them as starter homes and they are retaining their value better than in the past. Mr. Poulson stated that his house is his investment and would not like to lose equity due to what is allowed to be placed on the neighboring property. Matilda stated the Oregon Manufactured Housing Association publishes information, and they have a web site.

John reminded everyone that the decision was whether or not to allow the division of the land, once the land is divided it will be able to be used for uses allowed in the code, so what the Commission was focusing on was the site design, and lot sizes. He added that there are ordinances to assure the upkeep on property.

Mr. Hughes questioned whether a single wide manufactured home would be allowed on lot # 1. Matilda responded that there is no proposal presented at this time, but when a building permit is applied for all of the codes must be met before the permit will be issued. Mr. Stewart assured the audience that Mr. Bob Godon, City of Canby's Building Inspector, was very thorough and would not cut corners, everything would be done by the book.

Mr. Stewart closed the public hearing.

DELIBERATIONS:

Mrs. Tallman stated that she remembered the distinctive shape of this property from the original application, and thought the applicant had done a good job of laying out the lots. She believed the 20' access should be conditioned since it is a requirement in the code if the access is over 100' long and it serves more than 2 houses. She explained the width is needed so the access would accommodate 2 emergency vehicles at one time.

Mr. Thalhoffer stated he would request the condition of no parking on the access strip.

The Commission discussed the application and agreed on the following conditions of approval:

- 20' paved access strip
- "no parking" signs on access strip, done at developer's expense
- eliminate the single driveway for lot 1
- condition a carport or garage for lot 1

Ms. Blackwell moved to accept MLP 00-04 as amended. Seconded by Mr. Thalhoffer. Motion carried 5-0.

IV. FINDINGS

SUB 00-04 Oregon Development, Inc. An application for Phase III of the Faist

subdivision, containing 25 single family homes on 5.20 acres.

Mr. Parks questioned if it was normally conditioned that a developer provide a certified landscaper. Matilda stated to avoid future problems it has usually been conditioned that way.

Mr. Thalhofer moved to approve SUB 00-04 as written. Seconded by Mrs. Tallman. Motion carried 5-0.

V. DIRECTORS REPORT

John stated that the City Council has proposed a joint meeting of the City Council and the Planning Commission at one of the Councils workshops in August. Mr. Stewart responded that he will be gone the entire month of August, John stated that he will pass the information along to the Council.

Mr. Parks asked if working on updating the zoning code was part of the meeting. John stated the meeting was suggested to improve the working relationship between City Council and the Planning Commission, to make a unified system, everyone working on the same page. John stated that the City Council has also expressed interest in updating the zoning code, so there maybe another meeting scheduled in the near future.

John asked the Commissioners if they wanted him to schedule another residential fire sprinkler informational workshop with Mr. Yarbrough. There was a discussion between Commissioners regarding prioritizing their work load, it was agreed to pursue the sprinkler issue after the new year when the Commission would halve more time to devote to the issue.

John informed the Commissioners that Lancaster Engineering had been chosen as the new traffic study engineers. Mr. Stewart asked if a one page executive summary could be included with the traffic report and it was agreed by the Commissioners that they did not need the statistic pages at the end of the reports to be included in the packet.

John asked if the packets could be delivered on Monday the 17th, that was acceptable to the Commissioners.

VI. ADJOURNMENT