

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – October 10, 2011
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Chair Dan Ewert, Vice Chair Jan Milne, Commissioners Sean Joyce, Chuck Kocher and Randy Tessman.

ABSENT: Commissioners Misty Slagle and John Procter

STAFF: Bryan Brown, Planning Director; and Laney Fouse, Planning Staff

OTHERS: Thomas F. Spatish*, Don Zimmer, Wayne Dillinger, Julie Francis, Toni Lamb, Dan Pitts, Dan Wilson, Rhonda Wilson, Mike Ellingson, Tabbie Hungerford, Andrea Mota, Alfred Mota, Belinda Wing, Leise Wedich*, Roger Skoe, Tom Pettitt, Carol Barrow, Steve Cobb, Carol Cobb, Bill Wingard, Sue Wingard, Mike Harris, Manfred Zysk, Robert Daniels, Pat Gleason, Patty Gleason, George Hildenbrand, Holly Hildenbrand, Lina Ball*, Deb Besner, Kay Lewelling, Tom Nisbet, Terry N. Tolls, Allen Patterson, Tim Thayer, John Dewar, Charles Burden, Craig Lewelling, Bob Zimmer, Tammy Harris, Phillip Shephard, Kathleen Polley

(*Spelling of names may be incorrect.)

PRESENT:

1. **CALL TO ORDER** 7:00 pm
2. **CITIZEN INPUT** None
3. **PUBLIC HEARINGS**

a. Site and Design Review and Conditional Use Permit DR11-04/CUP 11-01 –
The applicant is requesting site and design review and a conditional use permit for a 10-unit manufactured home park on property adjacent to the existing Village on the Lochs manufactured home park on S. Elm Street.

Chair Ewert read the public hearing format. Commissioners indicated no ex parte contacts, no conflict of interest, and Chair Ewert reported he visited the site but drew no conclusions.

Chair Ewert opened the public hearing.

Staff Presentation: Mr. Brown, Planning Director entered the September 30, 2011 staff report into the record. He said the R-1 site is vacant but is subject to two overlay districts -- Flood Hazard and Wetlands Overlay Zones.

Commissioner Tessman wanted to know how the applicant was going to treat storm water. Mr. Brown said the applicant will need to follow clean water standards so it does not adversely impact any adjacent properties.

Commissioner Milne asked Mr. Brown if they had a full application from the applicant. Mr. Brown explained the applicant submitted a one-page narrative with the site and design review application and a one-page narrative with the conditional use permit application.

Chair Ewert said he had a full page of questions but wanted to hear from the applicant first.

Applicant: Tom Petit, addressed the issues compiled in the staff report including home site elevations, wetlands, flood plain, landscaping, parking on and off street, sidewalks, and line of site.

Mike Ellingson, Pacific NW Engineering, said there is not a lot of site work like cutting, filling and moving dirt around until the homes are actually put in place and does not affect the water path.

Questions from commissioners centered around several issues including wetlands, a consistent elevation of the home sites, flood plain boundaries, on/off street parking, sidewalks with no street parking and additional guest parking, traffic on Elm Street and potential accidents, line of site obscured by street trees, and the storm drain system.

Proponents: None

Opponents: (Residents of Village on the Lochs)

Manfred Zysk, concerned about the traffic speeding down the hill on Elm Street and how accidents would be unavoidable. He said many years ago he was interested in purchasing this lot but could not because it was designated a flood plain. His other concerns were sewage and water.

Al Mota, worried about the storm water runoff and how it impacts everyone including the RV park across the Molalla River and as far away as Oregon City and felt the issue had not been fully addressed. His other concern is traffic safety. Currently there are no signs prohibiting parking so people are parking on both sides of the street. Mota said this greatly narrows the street and there have been two accidents to parked cars during the last three weeks.

Andrea Mota, wondered if the residents would be getting a copy of the conditions Petit spoke of and asked who would be enforcing those conditions. She was also concerned that the applicant did not know the laws about wetlands and landscaping.

Chair Ewert responded that a copy of the conditions will be available at the Planning Department. Mr. Brown said the most conditions would have to be met prior to a building permit being issued.

Bob Daniels, concerned about the homes being constructed too close to the flood plain and would end up with moisture underneath them.

Rhonda Wilson, said her biggest concern was maintenance for which the current residents pay for each month. She noted the poor condition of the current streets because they were not maintained.

Chair Ewert said the streets were private and there was no home owners association to deal effectively with how the funds were spent for maintenance. He said, this issue was out of the Planning Commission's scope and suggested the residents establish an HOA.

Chair Ewert took a moment to address the room need for Planning Commissioners and urged the group of attendees to serve on the Planning Commission.

Mike Harris, thanked Chair Ewert for actually visiting the site prior to the meeting. Harris was concerned about the development and how the runoff would impact the homes downstream from Phase II. Another concern was the availability of a sewer system.

Commissioner Milne read Condition 9 of the recommended conditions, which states, the sewer for Phase I was designed to handle the addition of Phase II.

Harris talked about the high water flow year of 1996 which came close to flooding homes in the Phase I development. He was also concerned about lot sizes for Phase II and wondered if the Commission had any control over lot sizes.

Chair Ewert said that the city code determines how many homes can be placed on a lot. Mr. Brown said there were no minimum or maximum lot sizes but it had to be seven or less manufactured homes per acre.

Harris also appreciated the Commission's concern about the wetlands because it is a major corridor for wildlife.

Steve Cobb wanted clarification about the flood plain because there seemed to be some confusion. He was also concerned about the proposed 3 foot sidewalks because most of the time people parked on the curbs so there was no room to walk on the sidewalk much less get a wheelchair through.

Julie Francis wanted the Commission to not consider this Phase II project as a low-income housing option because of the current lot rental costs added to the purchase price of a manufactured home.

Deborah Besner said that the owner was purely interested in collecting his rent rather than following through on the conditions required.

Mike Harris added that the value of the housing at Village on the Lochs had dropped fifty percent and wondered how the owner expected to make a profit. His concern was that the current residents would end up bearing those costs.

Manfred Zysk said their homes have decreased substantially but their rent has been going up every year.

Bob Daniels, wants to eliminate the sidewalks on Elm Street in order to provide more parking.

Dan Wilson, is concerned about the speeding traffic eventually resulting in an accident.

Neutral:

Lena Ball, resident, wants a community clubhouse built on the property instead of more homes.

Rebuttal:

Petit said he understood the concerns about the speeding traffic but considered it a police issue. Ellingson said the existing sewer system is a closed system so in the event of a flood, the flood waters would not affect the sewer system. Petit said homes would be set properly and up to code and property will be maintained by them; ADA requirements are being met in regards to the sidewalks, and by having no parking on the streets, it will help with congestion for both traffic and pedestrians.

Chair Ewert closed the public hearing and the Commission entered into discussions.

Discussion:

Commissioner Milne said she heard a lot of comments from the residents about speeding traffic and safety concerns and wanted to know if the Commission could require traffic mitigation.

Mr. Brown responded there was a formal traffic calming program although it had not been utilized since it had been passed. He suggested a letter to the City Council to address this potential traffic issue asking them for solutions.

Commissioner Milne said she was thinking more along the lines of a traffic calming measure similar to the one used at North Birch.

Mr. Brown said requesting a calming measure to slow down traffic is the most common request in cities across the nation but the problem is not always solvable and can be expensive.

Commissioners Tessman, Kocher, Joyce agreed that the application was incomplete because there are a lot of issues for which there is not adequate information to make a decision.

Chair Ewert said there were several pieces of information still needed in order for the Commission to make a decision and asked for a motion to continue the public hearing at a later date to give the applicant time to present a more complete application.

Chair Ewert asked staff if we were within the 120-day review time. Mr. Brown said he had recommended in the staff report that the applicant grant an extension of the 120-day review time equal to the time it takes them to return with a revised site plan for a Planning Commission decision.

Mr. Petit agreed to waive the 120-day period saying they were prepared to do some redesign.

MOTION:

A motion was made by Commissioner Joyce and seconded by Commissioner Kocher to keep the public hearing open for the **Site and Design Review and Conditional Use Permit (DR11-04/CUP 11-01)** until date certain of November 21, 2011. Motion passed 5-0.

4. **NEW BUSINESS** - The reconsideration of a request by Wayne Dillinger, Area Wide Towing of Molalla, for an **Outright Permitted Use determination** regarding his proposed business in an M-1 zone district at the NW corner of SE 4th Avenue and Sequoia Parkway was rescheduled for the next Planning Commission meeting on October 24, 2011.

5. **MINUTES – None**

6. **ITEMS OF INTEREST FROM STAFF**

Mr. Brown introduced new Planning/Economic Development staff Laney Fouse.

7. **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION - None**

8. **ADJOURNMENT at 10:30 PM.**

(Minutes Approved on October 24, 2011)