

Canby Planning Commission
Regular Meeting
September 12, 1983

MEMBERS PRESENT: Commissioners Davis, Schrader, Cutsforth, Baller and Shinn

MEMBER ABSENT: Chairman Kahut

OTHERS PRESENT: F. Richard Land, Dick Archer, Steve Amick of the Oregonian, Fred and Mardeen Hultgren, Dorothy and Ainsworth Wehus, David Bury, Gary Evans, Steve Frederick of Canby Herald, Leonard N. Keller, Pat Schwarzin, Jane Carlson, Katherine and Arthur Ellickson, Tish and Russ Wallbaum, Larry Ross, John Wilson Beck, Marv Dack, Linda and David Baker, Mr. and Mrs. de la Salandra, Rod Back, Ron Gray, Iris and Bill Stevens, John Kelley and Kathie Steele City Attorneys, Bud Atwood City Planner and Virginia Shirley, Secretary.

The minutes of the Planning Commission meeting of August 22, 1983, were approved as presented.

City Planner Bud Atwood read a letter of resignation which the City had received from Charles MacKenzie.

Item No. 1: Request for a Conditional Use Permit for a Home Occupation to manufacture Gran and Gramp Captinas beds on property located at 1024 S. Elm Court and described as Tax Lot 3600, Section 4BD, T4S, R1E. The applicant is Ainsworth P. Wehus. City Planner Bud Atwood gave the staff presentation with a recommendation for approval with four conditions. He also read into the record a letter objecting to the proposal which had been received from Richard C. Hunt. Mr. Wehus presented three letters from people who had purchased his bunk beds, to the Commission. Mr. Wehus stated that he had nothing to add to the staff report.

Vice-chairman Davis called for further proponents to the application. Mr. Fred Hultgren, 1002 S. Elm Court, stated that he lived next door and the cottage industry of Mr. Wehus was operating had never bothered them and that he had no objections to the continuance of his business.

Gary Evans, Gresham, stated that he was acquainted with Mr. Wehus through his work with the disabled American veterans. Mr. Evans went on to say that Mr. Wehus spent hundreds of hours in volunteer work for this and other organizations.

Russ Wallbaum, 890, S. Elm Court, stated that he had lived nearby for five years and had no objections to the continuance of this cottage industry. Mr. Wehus keeps his property in good condition and has respect for the neighborhood.

There being no further proponents, the Vice-chairman called for opponents. When none came forth, the public hearing was closed.

Vice-chairman Davis informed the Commission that in talking to the City Attorney prior to the meeting he had stated that rather than making the motion so lengthy, the Commission should clearly state the findings of fact and then proceed with the motion.

Commissioner Baller stated that the six requirements of the Building Official speak for themselves and the Fire Marshal has a copy. Also, the Home Occupation requirements as stated in the City Planner's staff report pretty well cover all the findings that you need and the findings as listed. Commissioner Shinn questioned the carrying on of a home occupation in an accessory building. Asked if there could be a problem with the porch or shed being used. Commissioner Baller stated that he felt this would be considered part of the primary building - the same as a deck. Mr. Baller's interpretation of an accessory building was one that is completely removed from the primary structure. The City Planner stated that although the building in question is removed, the saw table could be moved into the garage without any problem.

Commissioner Shinn stated that due to the support of the local testimony, the Commission will be able to find in favor of most of the findings. This proposal will be consistent with the comprehensive plan and objectives of the zoning ordinance when given the criteria from Article 1, 10.1.20, when taking into account location, size, design, and operation characteristics, this request will have a minimum adverse impact. Testimony from neighborhood residents indicates the applicant keeps the residence in good condition and that the activities take place inside. There will be no danger to neighborhood assets and the applicant has a bona fide intent and capability. *Commissioner Shinn moved to approve the conditional use permit for Mr. Wehus based on the findings of fact as enumerated and subject to the following conditions: 1) All reports from other departments and agencies become conditions of approval; 2) Hours of work limited from 8:00 a.m. to 5:00 p.m., Monday thru Friday; 3) No signs to be permitted, except for a maximum of 1-1/2 square foot unilluminated nameplate within the interior of the building or in a window; and, 4) Any signed complaint from an abutting property owner shall be reviewed by the Commission and if valid, the conditional use shall be terminated. The motion was seconded by Commissioner Baller and passed unanimously with the Vice-chairman voting.

Item No. 2: CONTINUED REQUEST for an eleven (11) lot subdivision and a conditional use permit for a ninety (90) unit mobile home park to be located on the south side of S. W. 13th Avenue directly south of S. Elm Street. This is approximately 16.6 acres of property involved in these applications. The applicant is Canyon Ridge, Inc. Vice-chairman Davis stated that she would like to make a clarification. Tonight's meeting is a public meeting, but since the public hearing was closed at the August 22, 1983, meeting there will not be further public testimony brought out this evening and Mr. Kelley will explain further at this time.

City Attorney John Kelley stated that apparently there was a question of whether the testimony portion was closed at the prior hearing. The tapes were reviewed together with the secretary's notes and it does reflect that the public testimony portion of the hearing was closed. The Commission had gone into the deliberation portion of the hearing at this point. There will be no further public testimony taken tonight.

City Planner Atwood stated that he would bring the Commission up-to-date on the questions they had posed at the last meeting. The additional traffic count which was taken on September 6, from 11:00 a.m. to September 7 at 11:00 a.m. The count north of Elmhurst Nursing home on S. Elm for twenty-four hours was 1600 prior to school opening and 2009 with school open. On S. Elm at 13th prior to school opening the count was 1031 and with school open 1279, which is still way under the capability of the street. Another thing the Commission may want to keep in mind is that a prior project was approved and was terminated because the time-limit for development ran out, but that would have allowed 167 additional units in the area. The Data Research Center in Portland was called due to concern of the Planning Commission regarding the size of this project. The people at the center suggested that a project needs to be about 100 units or greater to be feasible to have a crew on hand to take care of it, so you don't have one of the tenants being the manager for his rent. The staff has some additional suggestions for conditions to preserve the grove of fir trees.

Vice-chairman Davis commented on the traffic count, and further stated that although the amount of traffic may look heavy when viewed from the street, engineering allows a much heavier amount of traffic without any problems resulting.

Mr. Atwood read a letter from the Fire Marshal dated September 7, 1983, stating that due to the width of the streets within the project, parking could be allowed on one side of the streets without any problem. This letter has been made a part of the permanent record.

The City Planner reviewed with the Commission the changes that had been made in the original proposal during the course of the last two meetings, and prior to tonight's meeting. The City Planner suggested that as a condition of approval, the Commission require that the grove of fir trees be saved by eliminating the two lots on which they stand. Commissioner Baller asked if the applicant had agreed to this condition and the City Planner stated no, that it would be a condition of approval.

Commissioner Schrader asked what the notation on the proposal meant where they referred to "double wides in one area and single wides in one area." The City Planner stated that the double wides would be placed around the east, west and south sides of the proposed park. Commissioner Baller asked if this was to give the appearance of single family residences. The answer was yes. The City Planner went on to explain that this would not be a requirement on the north side where it bordered the applicant's proposed subdivision. These can be either single or double wide manufactured homes.

Commissioner Schrader asked if the condition requiring the developer to place traffic and street signs included the intersection of S. Elm and 13th Avenue, just outside of the park. The City Planner stated that it was presently signed. Commissioner Schrader asked if this were a four-way stop. Commissioner Schrader stated that he felt a four-way stop should be a condition of this project. The City Planner stated that normally this would be handled by the Traffic Safety Committee and suggested that a letter be sent to the Traffic Safety Committee suggesting a four-way stop.

Commissioner Schrader went on to say that if this is approved he would like to see continuous concrete footings to give the appearance of permanence. There are certain standards being proposed by HUD now. Discussion followed regarding the type of foundations that the proposed manufactured homes should have.

Commission Cutsforth asked with the mobile home and modular home were the same. Commissioner Baller stated that there was a difference, but that this proposal was for both mobile and modular homes. City Planner Atwood stated that this proposal was for manufactured housing. Commissioner Baller asked Mr. Land if this park would have both mobile and modular homes within the park. Mr. Land stated that they would be renting the spaces, so the individual who rents the space will be conforming to state and city requirements as far as footings and foundations are concerned. A person could place a modular home in the park, but the restrictions are for the manufactured homes. We don't see anybody moving a home once it is brought into the park, but don't intend to take the option of moving the manufactured home away from him. City Planner Atwood stated that a modular home has to have the same foundation as a permanent home, whereas a manufactured home doesn't require the same type of foundation.

Commissioner Schrader stated that a "performance bond" should be posted, should the financial status or ownership change before the project is completed it would assure the completion of the park.

Commissioner Schrader asked for a condition of tie-downs for the single wides. The question of pets being allowed within the park was brought up and it was the concensus of the Commission that this item should be left to the discretion of the owner.

Commissioner Schrader wanted assurance that the condition calling for a site-obscuring fence would assure that the fence definitely would be site obscuring. Also, the mobile home park should be required to have an on-site, full-time manager. The manager should live on the site and should be accountable to the Building Official and the Public Works people for the maintenance of this park. This park would be subject to Mr. Atwood's surveillance to make sure it is kept to standards.

Commission Schrader stated that for the record he would like to make the six conditions listed on the latest plat map, conditions of approval. Commissioner Shinn asked if they wanted to include the condition that the 14 foot mobile homes would be segregated from the double wides. City Planner Atwood asked if they would like to add a seventh condition that a mobile home can be moved within the park. It was the concensus of the Commission that it should be included.

Vice-chairman Davis stated that although must terminology has been used, the Commission is aware that this development will not include modular homes. It is a park for manufactured homes which are often referred to as mobile homes. Manufactured and mobile homes are one and the same. The City Attorney stated

that the terminology should be standardized throughout. Commissioner Schrader stated that by our ordinance there is no difference between mobile and manufactured homes.

Commissioner Shinn requested the Vice-chairman call for a recess. Vice-chairman Davis called for a recess at 8:35 p.m. and reconvened the meeting at 8:53 p.m. The Vice-chairman opened by saying that numerous meetings have been held and much detail has gone into the points that are important to all and the livability of the community, however state law requires the Commission to address a certain list of criteria.

City Attorney Kelley stated that apparently there had been some confusion raised by the additional conditions that staff has recommended to the Planning Commission. A particular question was brought to Mr. Kelley regarding the additional conditions and the lack of opportunity for public input with regard to those conditions. These are conditions that have been recommended by Mr. Atwood after conferring with Mr. Land. Mr. Atwood has submitted them as recommended conditions, after talking with Mr. Land. Mr. Kelley stated that he wanted to point out to the Commission that while they are not required to hold additional public hearings, with respect to conditions requested, or submitted, by staff; there may be additional impact specifically on Mr. Beck's property by this park that is proposed in Mr. Land's conditions. Mr. Kelley wanted the Planning Commission to be aware of that and the fact that Mr. Beck does not have the opportunity to address the Commission as the public hearing portion of the meeting is closed. For the record, Mr. Kelley wished the Commission to be aware of that problem.

Vice Chairman Davis stated that most of the conditions the Commission is already aware of and they are conditions the Commission has requested over the course of the meetings held on this proposal. Mr. Atwood stated that there had been concern voiced over the grove of trees at the last meeting. Commissioner Shinn pointed out in the minutes where such concern had been voiced regarding the grove of fir trees, as a case in point.

Vice Chairman Davis stated that at this time they should consider the required findings for the subdivision portion of the application.

Commissioner Schrader stated that in regard to the subdivision portion of this proposal involving the north lots there is no problem in their arrangement. They conform with the City zoning and subdivision regulations, the comprehensive plan, and the proposal does comply with the applicable statewide planning goals. The subdivision portion of the proposal looks much like some of the other developments within the area. The idea of the back alley-way adds to the safety features and the future development of 13th Avenue. Minimum adverse impact on the livability of the surrounding area will be felt by this development. The location and design of the subdivision does seem to be attractive and does preserve the assets of the community.

Commissioner Schrader went on to address the findings of fact for the conditional use permit. The mobile home park will meet the conditional use requirement of

the comprehensive plan and zoning ordinance as it does meet the minimum requirements as stated in our ordinance. By adopting the conditions to be enumerated later, the conditional use permit will also take into account the location, size, design, and operating characteristics. This proposal will have minimum adverse impact on the value and livability of the surrounding properties. The location and design of the site and structures will be as attractive as the nature of the use and the setting warrants, as will be enumerated in the conditions that follow. The proposal will preserve assets of particular interest - the trees, landscaping, the grove of Fir trees, the Redwood trees on the south side of 13th Avenue and along the extension of S. Elm Street.

Commissioner Baller stated that maybe the terminology should be manufactured home park as presented on the preliminary plat rather than mobile home park. Commissioner Shinn stated that as a matter of record, no matter what the Commission may call the proposal for the rest of the evening, we are talking about a manufactured home park.

Commissioner Schrader lead the Commission in establishing the following list of conditions to be attached to these applications.

1. Recommendations and requirements of other staff reports to be made conditions of approval of these projects.
2. Upon completion of streets and all underground utilities, the street right-of-way from curb to property line will be placed in a maintainable condition approved by the Public Works Department. During construction, maintenance of street right-of-way will be the responsibility of the developer.
3. No trees to be removed that can safely be left to enhance living environment. Trees bordering on S.W. 13th Avenue are to be protected by a deed restriction placed on the face of the final plat.
4. Street improvements on S.W. 13th Avenue to include curbing, sidewalk, and an additional four (4) feet of pavement for a total paved width of 40 feet. From S. Elm Street west, S. W. 13th Avenue will require curbs, sidewalk on the south side and paving of the south half of the street.
5. Proposed extension of S. Elm Street from S. W. 13th Avenue to south project boundary will be a dedicated 42 foot right-of-way. This street to be improved to city standards with 32 feet of paved roadway, 6-inch curbs, and 4-1/2 foot sidewalks on both sides.
6. A twenty-one (21) foot offer-of-dedication for future street purposes from S. Elm Street approximately 66 feet along project's south property line to property corner. A ten (10) foot dedication along the north boundary on the property along S. W. 13th Avenue.
7. Site drainage to be handled to the satisfaction of the Public Works Department.

8. Final subdivision plat to be submitted within one year after approval of the tentative plat. If the applicant wishes to proceed with the subdivision after the expiration date, he must formally request an extension of time, in writing, stating the reasons therefor. The Commission may allow an extension of not more than six months, provided the request is properly filed prior to the end of the one-year approval period.
9. The subdivider shall, without delay, submit the final plat to the County Assessor and the county governing body for signatures as required by ORS Chapter 92. Approval of the final plat shall be null and void if the plat is not recorded within 6 months of the date of the signature of the Chairman of the City Planning Commission.
10. After the plat has been approved by all City and County officials, two reproducible copies of all data (plat face, dedications, certifications, approval) and one copy of recorded restrictive and protective covenants shall be returned to the Public Works Office.
11. Street name and traffic signs shall be installed at all intersections according to city standards or deposit made with the city of an amount equal to the cost of installation.
12. The annexation fee owing on this parcel to be paid prior to any work on either the subdivision or mobile home park.
13. Private park restrictions to be forwarded to City Planner prior to any occupancy. This will be forwarded to the Commission for approval and/or changes needed to protect the health, safety and welfare of the residents.
14. A six (6) foot site-obscuring fence to be placed around the perimeter of the mobile home park.
15. Landscaping to be genuinely site obscuring and approved by staff prior to installation.
16. Underground sprinkling system to be installed for public areas.
17. Playground area with equipment to be installed prior to any occupancy. Playground equipment with a valuation of at least \$2,500.00 to be placed within the playground area.
18. Canby U. S. Post Office to be contacted to establish placement of Neighborhood Delivery Collection boxes.
19. All trash receptacles to be so located that they are not seen while driving through the park and can not be tipped over by dogs or other animals.
20. The recreation center and tennis courts to be constructed prior to development of Phase II of the mobile home park.

21. No occupancy to be permitted in the mobile home park until the completion of Phase I.
22. All units to have skirting attached at the time of installation.
23. All mobile home park requirements listed in City Ordinance No. 690, as amended by Ordinance No. 722, to be requirements of this conditional use.
24. The conditional use permit will expire in two (2) years if construction is not underway.
25. All models to be new (owner may switch from family to adult section or vice versa).
26. Fourteen (14) foot wide minimum with 800 square feet of area minimum square footage.
27. No metal/metal exterior sides and roof.
28. Double wides on all perimeter spaces excepting the north side of mobile home park.
29. Double wides to have a minimum square footage of 1200 square feet and 1 and 2/3 boths.
30. All single wide units must meet State of Oregon minimum tie-down requirements of not more than 3'6" from each end and evenly spaced not more than 11' apart.
31. Developer must post a performance bond for the mobile home park using the format described in Section 10.4.40(7)(o) (i,ii, and iii).
32. All units must be placed on continuous concrete footings. Refer to: Interim Acceptance Criteria for Manufactured Homes for HUD Mortgage Insurance, dated July 25, 1983. This is to include wood frames or concrete stem-walls to the base of the units. Piers spaced 8' apart to be a minimum of 8 x 8 x 16.
33. Planning Commission to recommend to Traffic Safety Committee that four-way stop signs be placed at the intersection of S. Elm and S. W. 13th Avenue.
34. That the appropriate area of approximately 100' x 125' which includes the grove of fir trees in the southeast portion of the mobile home park be preserved.
35. An on-site full-time manager be required.
36. All units must meet all HUD and OSSSC requirements.
37. An on-going six months' review by the staff and report to the Planning Commission until completion of the project.

Canby Planning Commission
September 12, 1983
Page 9

*Commissioner Schrader moved to approve the subdivision along S. W. 13th Avenue and a conditional use permit for the balance of the Estate Eight property for a manufactured home/mobile park subject to the conditions enumerated and the findings of act as previously listed. The motion was seconded by Commissioner Shinn. Vice-chairman Davis asked for a roll-call vote. Commissioner Baller - yea; Commissioner Schrader - yea; Vice-chairman Davis - yea; Commissioner Shinn - yea; and, Commissioner Cutsforth - nay. Motion carried 4 to 1.

City Planner Atwood explained that there is a fifteen (15) day appeal period for anyone aggrieved. It will go to the Council on appeal and they will only take the findings that are here, they may not make any new findings, or take new testimony. There is a \$100.00 filing fee on all appeals.

There being no further business to come before the Commission, the meeting was adjourned.

This meeting has been recorded on tape.

Respectfully submitted,


Virginia Shirley, Secretary
Canby Planning Commission