

CANBY PLANNING COMMISSION
Regular Meeting
April 22, 1991

7:30 p.m.

APPROVED

I. ROLL CALL

Present: Chairman Schrader, Commissioners Westcott, Wiegand, Fenske, Mihata and Zieg.

Staff Present: Robert Hoffman, Planning Director and Joyce Faltus, Secretary.

Others Present: Terry Prince, Cam Sivegind, Joe Forsythe, John Watson, Vince Pavlicek.

II. MINUTES

The minutes of **March 11, 1991** were approved **unanimously**, as corrected.
The minutes of **April 8, 1991** were approved **unanimously**.

III. BUSINESS FROM THE AUDIENCE

None

IV. COMMUNICATIONS

None

V. UNFINISHED BUSINESS

None

VI. FINDINGS

Commissioner Westcott moved for approval of MLP 91-02 (Olsen) Findings, Conclusions and Order. Commissioner Zieg seconded the motion and it carried unanimously.

VII. PUBLIC HEARINGS

ANN 91-01, an application by John Watson (applicant) and Harold and Yvonne Wodtli (owners), for approval to annex a 4.7 acre parcel along the east side of S. Pine Street to the City of Canby (Tax Lot 700 of Tax Map 3-1E-34C). If annexed, the parcel would be zoned R-2 (Medium Density Residential).

When asked if they had any ex-parte contact or conflict of interest, Commissioners Fenske and Mihata advised that they visited the site and drew no conclusions.

Mr. Hoffman presented the staff report. He explained that the applicant is requesting approval to annex a 4.7 acre site, to be developed, along with adjacent land, as a "manufactured housing park." The Comprehensive Plan Designation for the site is High Density Residential and the County Designation is RRFF-5. If the annexation is approved, the property would come in under the Comprehensive Plan designation as R-2, High Density Residential. Mr. Hoffman reviewed the applicable criteria. The Pine Street road alignment was previously before the Planning Commission with regard to a minor land partition and the access issue to one of the parcels. Pine Street is also the route for a major sewer interceptor to serve the southern part of the City, and a major collector street. Mr. Hoffman discussed another possible realignment of Pine Street that might take place after the property is annexed. Most utilities are available nearby and no provider has expressed concern about providing service to the site. A major new sewer interceptor is available at the 99E and Pine Street intersection. There is a 12" water line available on the eastern property line and electric service, as it is available at the nearby industries, will be extended. Mr. Hoffman noted the additional condition Rusty Klem recommends: "All extensions of service will be the responsibility of the developer."

This property is entirely within the Urban Growth Boundary and is considered a Priority "A", which means it is part of the next series of parcels considered appropriate for annexation.

Any development proposal of this site, or adjacent sites, would have to be reviewed under the Site and Design Review Ordinance or and will require proper buffering due to the relationship with adjacent parcels.

Mr. Hoffman further explained that an area annexed to the city shall be automatically classified in the zone which best conforms to the land use map of the Comprehensive Plan. Such zoning, he added, shall be considered by the Planning Commission in its review, and by the City Council in conducting its public hearing for the annexation.

Based on his findings and conclusions, staff recommends that the Planning Commission recommend City Council approve ANN 91-01 and recommend such approval to the PMALGBC, with the following conditions:

1. All development and recording costs are to be borne by the developer when the property is developed.
2. All City and service-provider regulations shall be adhered to at the time of development.
3. Any development of the property must be preceded by a conditional use permit, and by Site and Design Review or PUD or Subdivision review.
4. All extensions of service will be the responsibility of the developer. This language is not meant to preclude formation of an LID or reciprocity agreements with other property owners.

To assist the Commission in understanding how the existing zoning, the Comprehensive Plan zoning and the current City limits fit together, Mr. Hoffman reviewed the existing zoning within the City limits and this proposal, on Exhibit 3. He explained that the heavy black line indicated the existing City limits. The zoning of the parcels surrounding the lot in question were discussed. Mr. Hoffman explained the differences between the Comprehensive Plan zoning and the current zoning ordinance. With regard to the Pine Street alignment, Mr. Hoffman referred to the court case that required the City to find a means of access to a parcel partitioned by Miriam Larson.

Applicant

John Watson, 6 Othello, Lake Oswego, stated that he concurs with the staff report. With regard to condition #4, he asked that language be added clarifying that extension of services should not preclude reciprocity agreements or LIDs. He added that the partition of Tax Lot 1200 has been added to the tax map by the County, and is now under two ownerships.

With no further testimony, the public portion of the hearing was closed for Commission deliberation.

The Commission discussed the future street alignment of Pine Street and Mr. Hoffman explained that the applicant would like to consolidate his ownerships so his parcels would not be split by Pine Street. The applicant is willing to explore various alignments.

Based on the staff report and testimony, **Commissioner Westcott moved for approval of ANN 91-01, with the following conditions as recommended in the staff report:**

1. All development and recording costs are to be borne by the developer when the property is developed.
2. All City and service-provider regulations shall be adhered to at the time of development.
3. Any development of the property must be preceded by a conditional use permit, and by Site and Design Review or PUD or Subdivision review.
4. All extensions of service will be the responsibility of the developer. This language is not meant to preclude formation of an LID or reciprocity agreements with other property owners.

Commissioner Schrader seconded the motion and it carried unanimously.

ORDINANCE NO. 858 - Language to Require Review of Conditions of Residential Structures Proposed to be Moved. The Commission will consider possible language to require review of conditions of residential structures proposed to be moved:

Chapter 16.48 Site Plan Review
Section 16.48.010 Required Prior to Plan Check

Add the following paragraph:

A site plan review shall also be conducted by staff for any residential structure, including but not limited to manufactured homes, whether new or previously occupied, which are proposed to be moved onto a site. This review is intended to focus on Code compliance and mitigation of safety hazards as well as to insure "near like-new" condition of building exterior.

Section 16.48.050 Standards and Criteria for Site Plan Review

Add the following:

- E. For residential structures moved onto the site, including but not limited to manufactured homes, a determination shall be made by staff that a "near like-new" condition of building exterior shall exist prior to occupancy. This

determination shall include an evaluation of color, materials, and appearance of siding, roofing and appurtenances, as determined by evidence of recent painting, new construction, or replacement or repair of weathered, damaged or deteriorated materials or surfaces.

Mr. Hoffman explained that this is a Legislative Hearing. He presented the staff report, discussing the criteria that must be met. Additionally, he discussed Council's concern regarding older, poor quality homes that could possibly be moved on a site in the City. Mr. Hoffman explained that he contacted LCDC, who agreed that the City could amend the language to read **any structure proposed to be moved under Site and Design Review**, if the City did, indeed, review **any and all structures proposed to be moved**, and agreed **all structures must be found to be "as near like new" as possible.**"

Mr. Hoffman explained that this is a legislative hearing. He discussed the applicable criteria that must be met, as outlined in the staff report. The amendment is taking place because the Commission recommended that the manufactured housing ordinance be reviewed as an outright use, rather than a conditional use. When the Council was considering that recommendation, concerns were expressed about the possibility of someone moving in an older manufactured home, or an older, poor quality home. State law does not allow a City to require that a manufactured home be new but, if adding provisions beyond what the State allows, it must cover all structures in the City. LCDC suggested that if the Design Review Board reviewed any structure that was proposed to be moved, the wording "as near like new" would be permitted. In Section 2, "as near like new condition of building exterior" is defined as including an evaluation of color, materials and appearance of siding, roofing and appurtenances, as determined by evidence of recent painting, new construction or replacement or repair of weathered, damaged or deteriorated materials or surfaces. The City has received no negative response from the State with regard to this language. Mr. Hoffman added that the proposed ordinance is concerned with housing and neighborhood quality, and helping to meet people's need for an adequate housing supply at affordable prices. Additionally, this ordinance responds to the State Goals and guidelines, as amended by recent legislative action. This review will take place prior to occupancy as, at time of building permit, a plan would have to be submitted that would establish this level.

The Commission discussed rewording the like-new statement to read, "near like-new or **historically restored**" in both Sections 1 and 2. The Commission further discussed the criteria under which it would be judging an application, should a hearing be requested. Additionally, a discussion took place regarding the current HUD standards.

Commissioner Mihata moved for approval of Ordinance No. 858 as presented, with the addition of the words historically restored in Sections 1 and 2. Commissioner Fenske seconded the motion and it carried unanimously.

VIII. OLD BUSINESS

Res. No. 91-01 - A Resolution Authorizing the City Planner to Require Information Requested by the Planning Commission.

Mr. Hoffman reviewed the discussions regarding this authorization, which the Commission requested be put in Resolution form.

The Commission requested that

Section 16.64.070 Improvements


be added above number 15, and that certain numerical corrections be made. Additionally, the Commission requested that 16.60.010, Major or Minor Partitions, under Filing Procedures, Section 8A which reads, "Such additional information as required by the Commission", be added.

Commissioner Fenske moved for approval of Res. No. 91-01, as amended. Commissioner Wiegand seconded the motion and it carried unanimously.

IX. ADJOURNMENT

The meeting was adjourned at 9:45 p.m.

Respectfully submitted,


Joyce A. Faltus