

A G E N D A
CANBY PLANNING COMMISSION

REGULAR MEETING
City Council Chambers

Monday, September 28, 1992
7:30 p.m.

I. ROLL CALL

II. CITIZEN INPUT ON NON-AGENDA ITEMS

III. COMMUNICATIONS

IV. FINDINGS

SUB 92-03/PUD 92-01 - Cedar Ridge Replat
SUB 92-05 - Dave Anderson

V. NEW BUSINESS

VI. PUBLIC HEARINGS

CUP 92-10, an application by John and Pat Watson for approval to develop an 11.3 acre site as a 68-unit Manufactured Housing Park. All units shall be 28 foot, double-wide homes, in semi-permanent settings, with wood composition siding and composition shingle roofs. Metal roofs or siding will not be permitted. The site is located on the east and west sides of S. Pine Street, south of S.E. 2nd Avenue (Tax Lots 700 and 790 of Tax Map 3-1E-34C and Tax Lot 2200 of Tax Map 3-1E-33DD). *Continued from August 24, 1992.*

ZC 92-02, an application by **Ziebart Homes, Inc.**, for approval of a Zone Change from R-1, Single Family Residential, to R-2, High Density Multi-Family. The applicant ultimately intends to build 24 up-scale apartment units on the 1.69 acre parcel. The property is located on the south side of Territorial Road, east of N. Maple (Tax Lots 2200 and 2300 of Tax Map 3-1E 28 DD). *Continued from September 21, 1992.*

SUB 92-04, an application by Regan Enterprises for approval of Phase V of Township Village, a 27-lot single family subdivision. The property is located on the south side of S. Township Road, west of S. Redwood Street and north of S.E. 13th Avenue (Tax Lot 1800 [part] of Tax Map 4-1E-3).

MLP 92-10, an application by Walter West Construction for approval to divide a 10.39 acre parcel into 2 parcels, approximately 3.64 and 6.75 acres each. The property is located on the southeast corner of N. Redwood Street and Territorial Road (Tax Lot 702 of Tax Map 3-1E-27C).

DR 92-09, an application by John and Pat Watson for approval of a Site and Design Review application for a 68-unit mobile home park. Special attention will be paid to design and maintenance of landscape and irrigation areas. The site is located on the east and west sides of S. Pine Street, south of S.E. 2nd Avenue (Tax Lots 700 and 790 of Tax Map 3-1E-34C and Tax Lot 2200 of Tax Map 3-1E-33DD).

VIII. DIRECTOR'S REPORT

IX. ADJOURNMENT

The City of Canby Planning Commission welcomes your interest in these agenda items. Please feel free to come and go as you please.

Kurt Schrader, Chair
Linda Mihata, Vice-Chair
John Zieg
Tamara Maher

Wade Wiegand
Laurie Gustafson
Henry Fenske



MEETING TIMELINES AND PROCEDURES

- *In order not to restrict any person from testifying but, rather, to encourage everyone to do so, the Canby Planning Commission shall try to adhere as closely as possible to the following timelines:*

Applicant (or representative[s]) - not more than 15 minutes

Proponents - not more than 5 minutes

Opponents - not more than 5 minutes

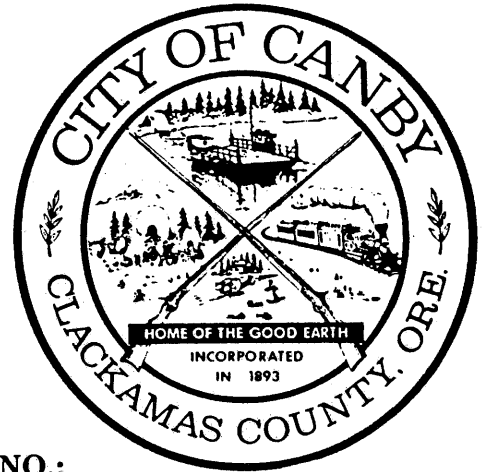
Rebuttal - not more than 10 minutes

- *Everyone present is encouraged to testify, even if it is only to concur with previous testimony. For more complete presentations, Proponents and Opponents may "buy" time from one another. In so doing, those either in favor, or opposed, may allocate their time to a spokesperson who can represent the entire group.*
- *All questions must be directed through the Chair.*
- *Any evidence to be considered must be submitted to the hearing body for public access.*
- *All written testimony received, both for and against, shall be summarized by staff and presented briefly to the hearing body at the beginning of the hearing.*

Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven (7) days after the hearing.



- STAFF REPORT -



APPLICANT:

Regan Enterprises

FILE NO.:

SUB 92-04
(Township Village V)

OWNER:

Regan Enterprises
31151 S. Needy Road
Canby, OR 97013

STAFF:

Robert G. Hoffman, AICP,
Planning Director

LEGAL DESCRIPTION:

Tax Lot 1800 (part) of
Tax Map 3-1E-3

DATE OF REPORT:

September 18, 1992

LOCATION:

South of S.E. Township Road,
along Pine Street

DATE OF HEARING:

September 28, 1992

COMP. PLAN DESIGNATION:

Medium Density Residential

ZONING DESIGNATION:

R-1.5 *(Intermed. Density Residential)*

I. APPLICANT'S REQUEST:

The applicant is requesting approval of a 27-lot residential subdivision on 6.86 acres, as Phase V of Township Village. A revised Master Plan for the larger Township Village area has also been submitted. This revised plan indicates ten phases. Twenty-seven single family lots are proposed, varying in size between 7,210 and 9,615 square feet.

II. APPLICABLE CRITERIA:

A. City of Canby Code Section 16.62.020

This is a quasi-judicial land use application. Applications for a subdivision shall be evaluated based upon the following standards and criteria:

- i. Conformance with the text and applicable maps of the Comprehensive Plan.
- ii. Conformance with other applicable requirements of the land development and planning ordinance.
- iii. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.

B. Other Applicable Policies and Regulations:

■ City of Canby Comprehensive Plan:

- I. Citizen Involvement
- II. Urban Growth
- III. Land Use
- IV. Environmental Concerns
- V. Transportation
- VI. Public Facilities and Services
- VII. Economics
- VIII. Housing
- IX. Energy

■ City of Canby General Ordinances:

- | | |
|-------|---|
| 16.10 | Off-Street Parking and Loading |
| 16.18 | R-1.5 Intermediate Density Residential Zone |
| 16.42 | Signs |
| 16.46 | Access Limitations |
| 16.60 | Major and Minor Partitions (Subdivisions)
(especially 16.64, Subdivision Design) |
| 16.86 | Street Alignment |
| 16.88 | General Standards |

III. FINDINGS:

A. Background and Relationships

The subject parcel was a part of previous considerations by the Planning Commission. Rezoning to R-1.5 for this and an adjacent site of 8.5 acres was approved, but the request for rezoning the remainder of the site of 33.4 acres was denied. Phases I, II and III of the Township Village development for the area have received approvals for subdivision with a number of conditions. Phase IV is under construction. A master site plan for Township Village underwent review and received tentative approval. A revised master site plan has been submitted with the present application. The final Order for Phase IV included the following condition, with staff comments noted in parenthesis.

14. The proposed Master Plan should be reconsidered by the developer for revision prior to submittal of Phase V, as follows:
 - a. consider the Tofte property "Master Plan". [extension of 10th Avenue to the east has been provided for and two pedestrian links have been provided for]
 - b. consider the connection to the new elementary school at Redwood and 10th. [10th Avenue connection has been provided for]
 - c. provide a fence along the northern boundary of the Philander Lee Elementary School and also along the eastern edge. [no fence has been indicated]

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement - the hearing process has provided an opportunity for this.

ii. Urban Growth

The subject parcel is entirely within the Urban Growth Boundary and within the City limits. The priority of the site is Priority "A" and has recently been annexed. Thus, it is appropriate for urban development.

iii. Land Use Element

The Comprehensive Plan Land Use Element indicates the parcel as appropriate for Medium Density Residential. The zoning of the parcel is consistent with this pattern, with the parcel zoned R-1.5, Intermediate Density Residential. The intent of Special Area "I" of the Comprehensive Plan has been met through annexation and zoning of the general area. The Planning Commission approved of the change from Rural County zoning to R-1.5 for the subject parcel. Development as urban residential remains. The subject subdivision is one step in that process.

iv. Environmental Concerns

The site is generally flat and the slope is very gradual. The predominant soil is Latourell Loam, a deep well-drained soil with Class I capability rating. The general site has been in Christmas Tree production. The area is suitable for urban residential development. It is possible to design methods and facilities to provide adequate protection of the air, water and land resources and to mitigate against any noise. The southeast portion of the City does not have adequate sewer capacity to handle all the area indicated within the Urban Growth Boundary. A major sewer route has been determined and initiated to serve this part of the City. Also, a collector road is needed to provide a connection between local areas and their arterials. The collector is being provided through Pine Street, a 50' right-of-way with a 40 foot pavement, being constructed with each phase of development. The proposed revised area Master Plan provides for this collector via S. Pine, between Township and 13th Avenue. The new sewer collector will be provided for in each phase within this new right-of-way, including the current phase.

v. Transportation Element

The Transportation Element Goal,

"To develop and maintain a transportation system which is safe, convenient and economical."

This is accomplished through the City's Capital Improvement Program and use of the Land Development Ordinance to prevent creation of dead-end streets, without adequate connections or turnarounds. As part

of development programs, new streets are to be programmed and constructed, making adequate provision of collectors and arterials. Also, adequate sidewalks and a pedestrian pathway system should be provided. The subject subdivision provides for a desirable local street pattern and provides for the Comprehensive Plan proposed collector street on S. Pine. Adequate sidewalks are proposed to be provided. The developer has requested approval to build a "four foot sidewalk, constructed 2.5 feet back of the curb similar to Phase II." The proposed phase connects to the present street system via S. Pine. A provision for extension is made in the proposed subdivision. Safe school access must be provided for the needs of children and other pedestrians, and should be provided between phases. These show on the Master Plan, including the connection to the Tofte/Herman property. Modification of the proposed roadway connection to the Tofte/Herman property may be needed. The tentative plat shows a slight bend to the north. It should not. Some concern has been expressed about the two ninety degree turns on S. Pine, shown on the Master Plan, near 13th Avenue. This would cause increased costs in utilities and maintenance. S. Pine is a "collector street" and traffic flow may be needlessly hindered. Other speed control devices may be more appropriate. The Planning Commission, as part of the Phase IV review process, asked the developer to reconsider phases such that S. Pine could be extended to 13th Avenue as part of Phase V. The Commission should ask why this has not been done or, alternatively, why the southerly portion of S. Pine is not in Phase VI instead of Phase VII.

vi. *Public Facilities and Services:*

This element stresses the need to ensure adequate provision of public facilities and services. One of the annexation provisions affecting this parcel provides for "adequate and significant allocations for park and open space as part of the revised Township Village Master Plan." The developer states, as part of his application:

"PARK LAND DONATION: The deed for park land donation, as agreed to during development of Phase III, is being offered to the City Council."

Condition #19 of the Phase III approval reads as follows:

19. Conditional donation will be made along the school's eastern boundary, approximately six acres, subject to a fair city ordinance with formulas going into effect for park land dedication within one year, and the Planning Commission will vigorously encourage any and all other subdivisions between now and the time the ordinance takes effect to dedicate similar park land.

The City adopted a Parks Systems Development Charge within the described time frame.

On January 28, 1992, the Regans signed the following agreement with the City:

"IT IS AGREED that if Regan Enterprises, or its successors in interest, dedicates approximately six (6) acres of land referred to in the Conditions of Approval for Township Village III (SUB 90-02), dated November 15, 1990, within one (1) year from the date of this agreement, the City of Canby will refund to any person who previously paid a Systems Development Charge to the City for parkland development on a lot in Township Village, the full amount the person originally paid at the time their building permits was issued."

At this date, the agreed upon area has not yet been dedicated, but it is in process. The legal papers are being prepared for submittal to City Council.

Regarding other site facilities and improvements, the developer states in his application:

IMPROVEMENTS: Improvements will be in accordance with City of Canby Land Development and Planning Ordinance No. 740. We are requesting approval for a four foot sidewalk to be constructed 2.5 feet back of the curb similar to Phase 2. Construction will be in accordance with City of Canby and Canby Utility Board Standards.

WATER AND SEWER: City water and sewer is available and will be extended by the developer. (With the approval of the Stipulated Final Order by DEQ, the sewer treatment plant now has substantial excess sewer capacity.)

Sewer and water service is available from S. Pine Street.

The service providers have been surveyed and report no problems or concerns. Staff will report on any additional concerns we may receive.

STREET LIGHTING: Developer shall provide street lighting in accordance with City standards.

TELEPHONE, CABLE, GAS AND ELECTRIC: Available and will be extended by the utility.

The School district has previously requested that pedestrian pathways be provided to the Philander Lee Elementary School "as soon as possible." Currently, children from Township Village must walk on Township Road or 13th Avenue and Ivy Street. No sidewalks are available for much of the distance. The Master Plan has been modified to propose direct pedestrian access from Township Village to the school, as a part of Phase VII and VIII. The fence the principal has requested has not been indicated on the Master Plan.

vii. *Economic Element*

Since this application is for residential development, this element does not apply.

viii. *Housing Element*

■ **GOAL:** *To provide for the housing needs of the citizens of Canby.*

The Housing Element, Policy No. 2, states that a gradual increase in housing density is to be encouraged. Policy No. 3 states that housing construction needs to be coordinated with provision of utilities, facilities and transportation. This subdivision proposal will aid Canby in meeting its Housing Goal and Policies through the provision of 27 well-designed, single-family lots, well served by utilities, public facilities and transportation.

ix. *Energy Conservation Element*

The Solar Access Standards for new development requires that a new development assure at least eighty (80) percent of the lots have a north-south dimension of 90 feet or more, and have a front lot line that is oriented within 30 degrees of a true east-west axis. Additionally, the Planning Commission "shall reduce the percentage of lots that must comply . . ." (16.95.050). The reduction in the required percentage of complying lots occurs when any of a number of conditions occur. The following condition has bearing on the Township Village Phase V subdivision application, and on subsequent phases of the Township Village development project:

Existing road patterns must be continued through the site or must terminate on-site to comply with applicable road standards or public road plans in a way that prevents given streets or lots in the development from being oriented for solar access. [16.95.050(A)(1)(c)]

A total of 74% of the lots in Phase V of the Township Village development project meet the basic requirements. The street pattern that exists in Phases I and II, which were developed prior to the adoption of the Solar Access Ordinance and the requirement to provide a north south collector road, caused some constraint on design to achieve Solar Access. A higher percentage of lots that comply with Solar Access requirements is not practical. If the lots along Pine were eliminated, the cost would rise dramatically. Section 16.95 permits adjustments to account for these factors, as indicated above. Thus, Phase V meets the requirements of the Solar Ordinance and the 6% adjustment should be allowed (2 lots).

With the submission of the subdivision plans for Phase V, the applicant also submitted a revised "Master Plan" of the overall layout of the Township Village development. Review of this "Master Plan" under the Solar Access Ordinance shows that some solar access lot design changes have been made, as recommended in Phase IV. The configuration of the land proposed to be developed in Phase VII makes compliance of

this Phase to the Solar Access Ordinance requirements difficult. The land is relatively narrow and oriented north-south. This configuration is caused by the proposed dedication of 6 acres of parkland adjacent to the school site (Lee).

C. Development Code Consistency Analysis:

1. Section 16.62.020 - Standards and Criteria

• **Conformance with Comprehensive Plan**

The foregoing discussion described the subject subdivision, master plan, and their relation to applicable Comprehensive Plan Goals and Policies. Basically, the proposed subdivision is consistent with the policies of the Comprehensive Plan, provided certain conditions are required to be met as indicated later in the staff recommendation.

• **Conformance with Applicable Requirements of the Land Development and Planning Ordinance:**

This is the object of this entire staff report. Staff has not found any requirements that will not be met, provided the recommended conditions are met.

• **Design and Lot Arrangement - The overall design shall be functional in terms of sites, utility easements and access, without hindering adjacent development.**

The revised Master Plan provides for solar access, and a collector street connecting the area to Township Road and 13th Avenue and other parts of the subdivision, without unduly encouraging traffic on local streets. The lots of the subdivision are of adequate size and shape to encourage adequate design of single family homes. Utility easements should be provided, as requested. Adequate roadway connections are made to encourage adjacent land development and needed connections. The 10th Avenue connection to the east should be angled slightly further south to provide better alignment with the adjacent proposed development. Since Lot #28 is very large, this is possible without losing a lot.

2. ***Section 16.64 - Subdivision Design Standards***

Streets - Streets have been designed to meet City standards. They are designed to provide for the ultimate collector street on Pine, while not encouraging excess traffic on residential streets. Provision for connection to future phases to the west is provided for.

Blocks - Generally, the block designs, sizes, topography, lengths, and shapes are well suited to the site and provide an adequate framework for lot design and extension to the west.

Easements - All necessary easements will be provided by the developer.

3. ***Section 16.64.040 - Lots***

Lots have been designed to meet standard subdivision practices and are appropriate for the site.

4. ***Section 16.64.050 - Public Open Space***

The developer has proposed dedication of park land. The Systems Development Charge Ordinance is now operational and is being collected, but will be refunded once the City Council accepts the proposed park dedication.

5. ***Section 16.64.060 - Grading of Building Sites***

The developer must follow all procedures referred to in this section as is the case in all subdivision work. The County now has in place, and will require, an erosion control plan.

6. ***Section 16.64.070 - Improvements***

The developer will need to follow all the development procedures of this section, as is the case in all subdivisions.

IV. CONCLUSION

The application, including the Master Plan for Township Village, meets the full intent of the Comprehensive Plan and applicable City Codes, provided that certain conditions are incorporated and implemented, as recommended below.

V. RECOMMENDATION

Based on the findings and conclusions presented in this report, and without benefit of a public hearing, staff recommends approval of SUB 92-04 (Township Village V), with the following conditions:

1. Full-width barricades shall be placed, at the developer's expense, at the end of the new streets which are planned to be extended later (8th, 9th, 10th, and S. Pine).
2. Any necessary utilities shall be constructed to the specifications of the service-provider.
3. Utility easements shall be provided and are to be twelve (12) feet along all streets and exterior parcel lines. Exterior lines of the subdivision adjacent to other platted subdivisions with easements, and easements along all interior lot lines, are to be six (6) feet wide off of each lot, for a total of twelve (12) feet.
4. "As-built" drawings shall be submitted to the City within sixty (60) days of completion.
5. Street name and traffic control signs shall be provided at the developer's expense. This shall include "dead end" signs for the end of the streets and "Stop" street signs, where required by the Director of Public Works.
6. A one foot "plug" and reserve strip shall be provided at the end of the dead ended streets to prevent access to the west, east, and south until platted or developed.

7. The final plat shall reference this land use application - City of Canby, File No. SUB 92-01, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits requested subsequent to the date of this approval.
8. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor, or his authorized Deputy, including, but not necessarily limited to, various matters related to land surveying, land title, plat security, and plat recordation.
9. Curbs and sidewalks shall be provided along all street frontages. While building setbacks are normally required to be measured from the property line, in situations where the sidewalks are built on private property, the driveways and parking areas shall be designed to provide a minimum of 19 feet of parking area between the sidewalk and the face of the garage (or some equal outdoor parking provided on-site).
10. No more than four lots in each block shall have the same house designs.
11. The developer shall revise the alignment of 10th Avenue extension and angle slightly to the south to better align with the Tofte/Herman proposed development.
12. Erosion-control during construction shall be provided by following the recommendations of the "Erosion Control Plans Technical Guidance Handbook," by Lori Faku and Rick Raety, dated November 1989, as revised (currently January, 1991).
13. The stormwater disposal system shall be reviewed and approved by the Public Works Director, including appropriate drywells.
14. The proposed Master Plan should be **reconsidered** by the developer for revision prior to submittal of Phase VI, as follows:

- a. indicate a proposed fence along the northern and eastern school/park property.
- b. indicate the southern extension of S. Pine to 13th Avenue as part of Phase VI, not Phase VII.
- c. eliminate the two right angle turns from S. Pine near 13th Avenue, and provide for direct utility connection to 13th Avenue.
- d. provide a walkway connection between S. Pine and the new park, approximately one-half the distance between the current proposed walkway on the west side of Pine Street and 13th Avenue.

Exhibits:

1. Application
2. Tentative Plat (*too large to reproduce*)
3. Master Plan (*too large to reproduce*)
4. Responses from Service Providers

SUBDIVISION APPLICATION

Fee: \$600 + \$20/lot

OWNER

APPLICANT

Name Regan Enterprises
Address 31233 French Prairie Rd.
City Wilsonville State OR Zip 97070
SIGNATURE [Signature]

Name
Address
City State Zip
Phone:

DESCRIPTION OF PROPERTY:

A portion of
Tax Map 4S 1E Sec 3 Tax Lot(s) 1800 Lot Size
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name Lot Block

PROPERTY OWNERSHIP LIST

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property (if the address of the property owner is different from the situs, a label for the situs must also be prepared and addressed to "Occupant"). Lists of property owners may be obtained from any title insurance company or from the County Assessor. If the property ownership list is incomplete, this may be cause for postponing the hearing. The names and addresses are to be typed onto an 8-1/2 x 11 sheet of labels, just as you would address an envelope.

USE

Existing Vacant - Tree farm
Proposed Single Family Residential

Existing Structures None

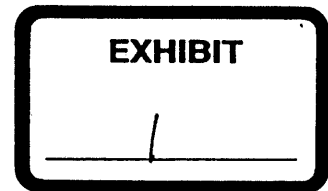
PROJECT DESCRIPTION

Owner proposes 28 single family residential lots. See narrative on Tentative Plat.

ZONING R-1 COMPREHENSIVE PLAN DESIGNATION R-1

PREVIOUS ACTION (if any) Annexation 90-02

File No. SUB 92-01 92w SUB 92-04
Receipt No. 1990 1998
Received by ASW ASW
Date Received 5/14/92 8/15/92
Completeness Date 8/15/92
Pre-App Meeting
Hearing Date 9/14/92 9/14/92



* If the applicant is not the property owner, he must attach documentary evidence of his authority to act as agent in making application.

PLEASE RETURN ATTACHMENTS!!!

*ASW
8/20/92*

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: August 17, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, CANBY ELEMENTARY AND HIGH SCHOOL DISTRICTS, TOM PIERSON, GARY HYATT, TODD SCHMIDT, CLACKAMAS COUNTY, MIKE JORDAN

The City has received SUB 92-04, an application by Regan Enterprises for approval of Township Village V, a proposal for a 27 lot single family residential subdivision. The property is located on the south side of S. Township Road, west of S. Redwood Street and north of S.E. 13th Avenue (Tax Lot 1800 [part] of Tax Map 4-1E-3).

We would appreciate your reviewing the enclosed applications and submitting comments by August 28, 1992 PLEASE. The Planning Commission will consider this application on September 14, 1992. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

Location of fire hydrants shown on Plat meet C.F.D requirements. At this time this office has no other comments or conditions.

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

EXHIBIT
4

Signature: *Jack Clark* Date: *Aug. 20, 1992*

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

JSW
8/17/92

DATE: August 17, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, CANBY ELEMENTARY AND HIGH SCHOOL DISTRICTS, TOM PIERSON, GARY HYATT, TODD SCHMIDT, CLACKAMAS COUNTY, MIKE JORDAN

The City has received SUB 92-04, an application by Regan Enterprises for approval of Township Village V, a proposal for a 27 lot single family residential subdivision. The property is located on the south side of S. Township Road, west of S. Redwood Street and north of S.E. 13th Avenue (Tax Lot 1800 [part] of Tax Map 4-1E-3).

We would appreciate your reviewing the enclosed applications and submitting comments by August 28, 1992 PLEASE. The Planning Commission will consider this application on September 14, 1992. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: Gary F. Hyatt Date: 8/25/92

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

95W
8/13/92

DATE: August 17, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, CANBY ELEMENTARY AND HIGH SCHOOL DISTRICTS, TOM PIERSON, GARY HYATT, TODD SCHMIDT, CLACKAMAS COUNTY, MIKE JORDAN

The City has received SUB 92-04, an application by Regan Enterprises for approval of Township Village V, a proposal for a 27 lot single family residential subdivision. The property is located on the south side of S. Township Road, west of S. Redwood Street and north of S.E. 13th Avenue (Tax Lot 1800 [part] of Tax Map 4-1E-3).

We would appreciate your reviewing the enclosed applications and submitting comments by August 28, 1992 PLEASE. The Planning Commission will consider this application on September 14, 1992. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

None

Adequate Public Services (of your agency) are available

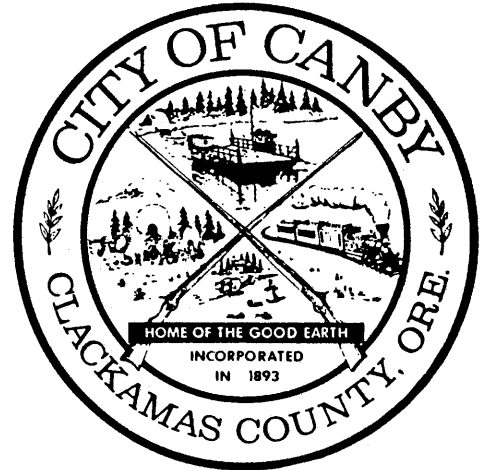
Adequate Public Services will become available through the development

Conditions are needed, as indicated

Adequate public services are not available and will not become available

Signature: *[Signature]*

Date: *8/18/92*



- STAFF REPORT -

APPLICANT:

Walter West Construction Company
P.O. Box 426
Wilsonville, OR 97070

FILE NO.:

MLP 92-10

OWNER:

John, Miriam, Daniel Larson
c/o Canby Care Center
390 N.W. 2nd Ave.
Canby, OR 97013

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 702 of Tax Map 3-1E-27C

DATE OF REPORT:

September 18, 1992

LOCATION:

Southeast corner of intersection
of NE Territorial/N. Redwood Street

DATE OF HEARING:

September 28, 1992

COMP. PLAN DESIGNATION:

Low Density Residential (6.45 acres)
High Density Residential (3.94 acres)

ZONING DESIGNATION:

R-1 (Low Density Residential)
R-2 (Medium Density Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval for a minor land partition that will partition a 10.39 acre parcel into two parcels, 3.94 acres and 6.45 acres. The partition is to occur along the boundary of the two existing land use zones.

II. APPLICABLE CRITERIA:

This is a quasi-judicial land use application. In judging whether a Minor Partition should be approved, the Planning Commission must consider the following standards:

- A. Conformance with the text and the applicable maps of the Comprehensive Plan;
- B. Conformance with all other requirements of the land development and planning ordinance;
- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of the adjacent properties;
- D. No minor partitions shall be approved where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to City standards is not necessary to insure safe and efficient access to the parcels;
- E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

III. OTHER APPLICABLE CRITERIA

- A. 16.16.030 Development Standards in R-1 Areas
- B. 16.20.030 Development Standards in R-2 Areas
- C. 16.56 General Provisions (for land divisions)
- D. 16.60 Major or Minor Partitions
- E. 16.62 Subdivisions - Applications
- F. 16.64 Subdivisions - Design Standards

IV. FINDINGS:

A. Location and Background

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 702 of Tax Map 3-1E-27C. It is located on the southeast corner of the intersection of N.E. Territorial Road and N. Redwood Street. The property consists of approximately 10.39 acres, with approximately 540 feet of road frontage along N.E. Territorial Road and 710 feet of road frontage along N. Redwood Street. Approximately 3.94 acres of the parcel is zoned R-2, Medium Density Residential, with the remaining 6.45 acres zoned R-1 (Low Density Residential).

The portion of the parcel that is zoned R-2 (3.94 acres) has a Site and Design review application before the Planning Commission for a 56-unit apartment complex. The applicant has stated an intention to subdivide the R-1 portion of the parcel (6.45 acres) into single family residential lots. The purpose of this partition is to clearly separate the portion of the parcel that is zoned R-1 from that which is zoned R-2. Another affect of the partition will be to also clearly separate the two developments.

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement

■ **GOAL:** *TO PROVIDE THE OPPORTUNITY FOR CITIZEN INVOLVEMENT THROUGHOUT THE PLANNING PROCESS.*

ANALYSIS

The notification process and public hearing are a part of the compliance with adopted policies and process regarding citizen involvement.

ii. Urban Growth

■ **GOAL:** *1) TO PRESERVE AND MAINTAIN DESIGNATED AGRICULTURAL AND FOREST LANDS BY PROTECTING THEM FROM URBANIZATION.*

2) TO PROVIDE ADEQUATE URBANIZABLE AREA FOR THE GROWTH OF THE CITY, WITH IN THE FRAMEWORK OF AN EFFICIENT SYSTEM FOR THE TRANSITION FROM RURAL TO URBAN LAND USE.

ANALYSIS

The project is entirely within the City limits and within the Urban Growth Boundary. The project meets the intent of Canby goals and policies regarding the Comprehensive Plan Urban Growth Chapter.

iii. Land Use Element

■ GOAL: TO GUIDE THE DEVELOPMENT AND USES OF LAND SO THAT THEY ARE ORDERLY, EFFICIENT, AESTHETICALLY PLEASING AND SUITABLY RELATED TO ONE ANOTHER.

Policy #1 Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.

Policy #2 Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.

Policy #3 Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.

Policy #5 Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.

Policy #6: Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the requirements of the land development and planning ordinance, in guiding the use and development of these unique areas.

- A) A map of "Areas of Special Concern" is included at the back of [the Land Use] Plan Element. That map is to be regarded as having the full force and effect of the Land Use Map in determining appropriate land uses and levels of development. Development proposals, even those that appear to conform with existing zoning, will be considered to conform with the Comprehensive Plan only if they meet the requirements imposed here.
- B) Specific characteristics of the Areas of Special Concern are as follows:

Area "N" consists of a wide strip of property bordering N.E. Territorial Road. It includes properties which are planned for medium density residential use and properties planned for high density residential use. Present development in the area includes apartments, condominiums, single family dwellings, and vacant lots. Present zoning includes some R-2 areas and a predominance of R-1 areas. Street dedications and, in some cases, street improvements are needed to make some of the properties suitable for higher density development. New developments, other than one single family dwelling per lot, will require prior upzoning to either R-1.5 or R-2, as appropriate.

ANALYSIS

The portion of the property that is zoned R-2 is also the portion of the property that is within the Area of Special Concern outlined above. The partition will not only separate the two zoning classifications, but will also separate that portion of the property that is in the Area of Special Concern.

The partition will also separate two types of residential development. Apartments have been proposed for parcel 1, and a single family residential development is intended for parcel 2.

iv. Environmental Concerns

- **GOAL:** *1) TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.*

2) TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION. TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

- Policy #2-R Canby shall maintain and protect surface water and groundwater resources.
- Policy #3-R Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.
- Policy #4-R Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.
- Policy #7-R Canby shall seek to improve the overall scenic and aesthetic qualities of the City.
- Policy #8-R Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.

ANALYSIS

On-site disposal of storm water will be required. The predominant soil is Canderly sandy loam, which are suitable for building sites. There are also McBee silty clay loam and Amity silt loam soils on the property. The last two soils have severe restrictions to building associated with them. No development has been proposed or intended on these soils. State and Local Code requirements regarding air, water, and noise pollution will be required of the development and construction. State laws and local regulations will require development to meet standards to prevent air, water, land and noise pollution.

There are wetlands that are located on the site. The wetlands have been delineated. The apartment development on parcel one does not propose to disturb the wetlands, and the intended single family residential development of parcel two will also remain clear of the wetlands as shown on the plat. The 100-year flood zone is also found along the eastern portion of the property. The flood zone has been determined to be located at or below the 84-foot elevation. Again, the apartment proposal for parcel one and the intended residential development for parcel two will not be encroaching upon this area.

v. **Transportation**

■ **GOAL:** ***TO DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM WHICH IS SAFE, CONVENIENT AND ECONOMICAL.***

Policy #1: Canby shall provide the necessary improvement to City streets, and will encourage the County to make the same commitment to local County roads, in an effort to keep pace with growth.

Policy #2: Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the city's growth needs.

Policy #4: Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents.

Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.

ANALYSIS

Access for parcel one will be from both Territorial Road and N. Redwood Street. Access for parcel two will be from N. Redwood Street. Dedication of land for road widening and improvements will be accomplished through the Site and Design Review application currently before the City. Construction of the improvements of Territorial Road and N. Redwood Street will occur in front of parcel one with the development of the apartments. Improvements for N. Redwood in front of parcel two will occur at the time that the parcel is developed.

There is an existing sixteen (16) foot access easement for a neighboring lot (to the southeast) located along the southern property boundary (parcel two). This easement will need to remain and be protected.

vi. **Public Facilities and Services**

■ **GOAL:** *TO ASSURE THE PROVISION OF A FULL RANGE OF PUBLIC FACILITIES AND SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.*

Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.

Policy #2: Canby shall utilize all feasible means of financing needed public improvements and shall do so in an equitable manner.

ANALYSIS

All public facilities are available for the proposal with adequate capacity. A water line will be extended along N. Redwood Street in front of parcel one as part of the apartment development. At the time that parcel two is developed, extension of the water line to the southern boundary will be required.

The property slopes down toward the east providing some difficulties in connecting to the sewer system. Storm water drainage may also present a few problems in this area. As such, provision for sewer services and storm water management for the eastern portions of both parcels will need to be designed with the Director of Public Works approval.

vii. **Economic**

■ **GOAL:** *TO DIVERSIFY AND IMPROVE THE ECONOMY OF THE CITY OF CANBY.*
(Not Applicable)

viii. **Housing**

■ **GOAL:** *TO PROVIDE FOR THE HOUSING NEEDS OF THE CITIZENS OF CANBY.*

ANALYSIS

The partition of the subject property will allow additional housing units to be built.

ix. Energy Conservation

■ **GOAL:** *TO CONSERVE ENERGY AND ENCOURAGE THE USE OF RENEWABLE RESOURCES IN PLACE OF NON-RENEWABLE RESOURCES.*

Policy #1: Canby shall encourage energy conservation and efficiency measures in construction practices.

Policy #2: Canby shall encourage development projects which take advantage of wind and solar orientation and utilization.

Policy #3: Canby shall strive to increase consumer protection in the area of solar design and construction.

Policy #5: Canby shall continue to promote energy efficiency and the use of renewable resources.

ANALYSIS

The partitioned lots will meet the requirements of the Solar Access Ordinance. The State has rules which encourage energy conservation through design and construction methods.

Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan:

Based upon the above described analysis, the proposal is consistent with or can, with conditions, be made consistent with the policies of the Comprehensive Plan.

C. Overall Design of Parcels

The configuration of the partition will allow for proper setback distances for residential construction on parcel two, and will provide sufficient setback distances for the proposed buildings on parcel one.

V. CONCLUSION

1. Staff finds that the partition request, with appropriate conditions, is in conformance with the Comprehensive Plan and the Municipal Code.
2. Staff concludes that the overall design of the proposed partition will be compatible with the area and will provide adequate building area for the provision of public facilities and services for the lots.
3. Staff concludes that all necessary public services will become available through the development of the property, to adequately meet the needs of the proposed land division.

VI. RECOMMENDATION

Based upon the findings and conclusions in this report, and based on an assumption that the Site and Design Review application pending before the Commission is approved, including roadway dedications, etc., and without benefit of public hearing, staff recommends approval of MLP 92-10, subject to the following conditions:

1. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 92-10.
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.

3. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
4. All monumentation and recording fees shall be borne by the applicant.
5. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:
 - 6 feet in width along interior lot lines; and,
 - 12 feet in width along exterior lot lines.
6. The existing sixteen (16) foot access easement located along the southern property boundary shall be surveyed and placed on the final plat.

Exhibits:

1. Application
2. Vicinity Map
3. Partition Plat (*too large to reproduce*)
4. Request for Comments Responses

MINING LAND PARTITION APPLICATION

Fee: \$600.00

OWNER

APPLICANT

Name Miriam Daniel & John M. Larson
Address 90 Canby Care Center
390 N.W. 2nd Ave.
City Canby State OR Zip 97013
Signature: see letter of Authorization

Name Walter West Construction Co.
Address P.O. Box 426
City Wilsonville State OR Zip 97070
Phone: 682-3003
Walter West

DESCRIPTION OF PROPERTY:

Tax Map 3-1E-27C Tax Lot(s) 702 Lot Size 10.39 acres (Acres/Sq. Ft.)

Legal Description, Metes and Bounds (Attach Copy) - see Preliminary Plat Map
Plat Name Lot Block

PROPERTY OWNERSHIP LIST

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property (if the address of the property owner is different from the situs, a label for the situs must also be prepared and addressed to "Occupant"). Lists of property owners may be obtained from any title insurance company or from the County Assessor. If the property ownership list is incomplete, this may be cause for postponing the hearing. The names and addresses are to be typed onto two (2) 8-1/2 x 11 sheets of labels, just as you would address an envelope.

USE

Existing Vacant Proposed Apartments (Parcel 1) Subdivision (Parcel 2)
Existing Structures None

PROJECT DESCRIPTION

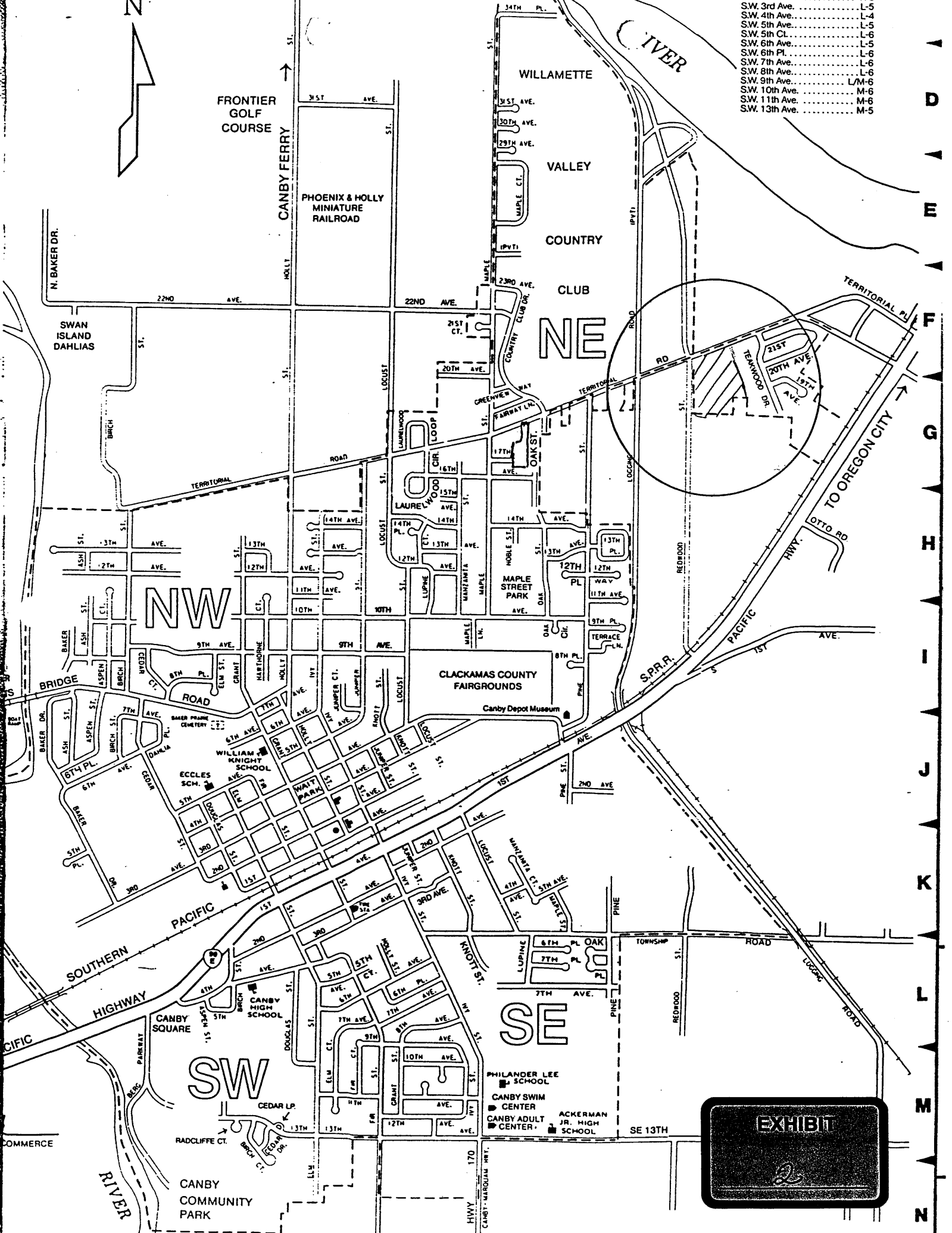
Minor partition to separate the R-1 & R-2 zones along the zone line

ZONING R-1 & R-2 COMPREHENSIVE PLAN DESIGNATION Bulk High & Low Density Residential
PREVIOUS ACTION (if any)

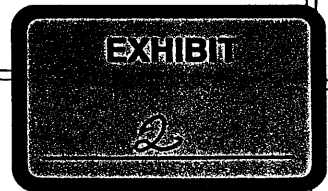
File No. MLP 92-40
Receipt No.
Received by
Date Received 9-2-92
Completeness Date
Pre-Ap Meeting
Hearing Date



If the applicant is not the property owner, he must attach documentary evidence of his authority to act as agent in making application.



- S.W. 3rd Ave. L-5
- S.W. 4th Ave. L-4
- S.W. 5th Ave. L-5
- S.W. 5th Ct. L-6
- S.W. 6th Pl. L-6
- S.W. 7th Ave. L-6
- S.W. 8th Ave. L-6
- S.W. 9th Ave. L-6
- S.W. 10th Ave. L-6
- S.W. 11th Ave. M-6
- S.W. 13th Ave. M-5



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PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

9/14/92

DATE: September 3, 1992

TO: CUB, (PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, CANBY ELEMENTARY AND HIGH SCHOOL DISTRICTS, TOM PIERSON, GARY HYATT, TODD SCHMIDT, CLACKAMAS COUNTY, MIKE JORDAN

The City has received MLP 92-10, an application by Walter West Construction for approval to divide a 10.39 acre parcel into 2 parcels, approximately 3.64 and 6.75 acres each. The property is located on the southeast corner of N. Redwood Street and Territorial Road (Tax Lot 702 of Tax Map 3-1E-27C).

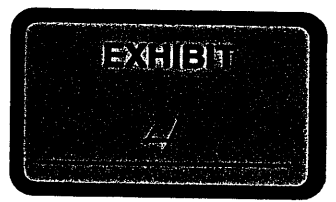
We would appreciate your reviewing the enclosed applications and submitting comments by September 10, 1992 PLEASE. The Planning Commission will consider this application on September 28, 1992. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

1. need sewer collection details before comment on design but we can make it work.
2. The same goes for stormwater.
3. See Larson copy + Teakwood files for needed street dedication. Is 40' consistent?
4. The streets must be improved.
5. Make sure the wetland line is correct and all DSL
6. The details of street construction aren't shown but will eventually or must be to Director's

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

5 Pics



Signature: Walter West Date: 9/9/92

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

9/14/92

DATE: September 3, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, CANBY ELEMENTARY AND HIGH SCHOOL DISTRICTS, TOM PIERSON, GARY HYATT, TODD SCHMIDT, CLACKAMAS COUNTY, MIKE JORDAN

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We would appreciate your reviewing the enclosed applications and submitting comments by September 10, 1992 PLEASE. The Planning Commission will consider this application on September 28, 1992. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

none

Adequate Public Services (of your agency) are available

Adequate Public Services will become available through the development

Conditions are needed, as indicated

Adequate public services are not available and will not become available

Signature:

Steph D. Horne

Date:

9/8/92

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

936
9/4/92

DATE: September 3, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty) (FIRE), POLICE, SEWER, CANBY ELEMENTARY AND HIGH SCHOOL DISTRICTS, TOM PIERSON, GARY HYATT, TODD SCHMIDT, CLACKAMAS COUNTY, MIKE JORDAN

The City has received MLP 92-10, an application by Walter West Construction for approval to divide a 10.39 acre parcel into 2 parcels, approximately 3.64 and 6.75 acres each. The property is located on the southeast corner of N. Redwood Street and Territorial Road (Tax Lot 702 of Tax Map 3-1E-27C).

We would appreciate your reviewing the enclosed applications and submitting comments by September 10, 1992 PLEASE. The Planning Commission will consider this application on September 28, 1992. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

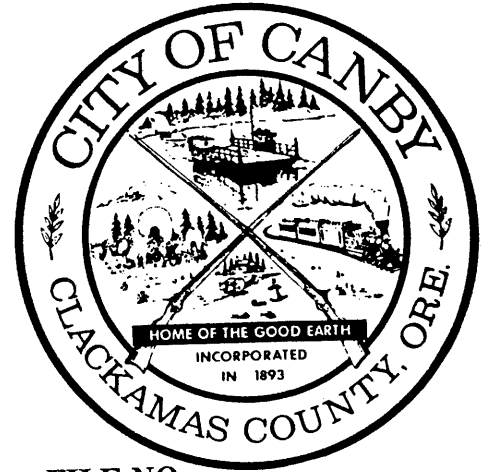
Comments or Proposed Conditions:

This office has no comments or conditions at this time.

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: *Jack Stark* Date: *9-4-92*

- STAFF REPORT -



APPLICANT:

John & Pat Watson
6 Othello
Lake Oswego, OR 97035

FILE NO.:

DR 92-09
(Pine Crossing Manufactured Home Park)

OWNER:

John & Pat Watson
6 Othello
Lake Oswego, OR 97035

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lots 700 & 790 of
Tax Map 3-1E-34C

Tax Lot 2200 of
Tax Map 3-1E-33DD

DATE OF REPORT:

September 18, 1992

LOCATION:

East and West side of S. Pine Street
south of S.E 2nd Avenue

DATE OF HEARING:

September 28, 1992

COMP. PLAN DESIGNATION:

3-1E-33DD 2200 Low Density
3-1E-34C 790 Residential

3-1E-34C 700 High Density Residential

ZONING DESIGNATION:

R-1 (Low Density
Residential)

R-2 (Medium Density
Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval of a Design Review Application to develop a 68-unit manufactured home park on an 11.3 acre site. Eight sites will be set aside and not developed for manufactured homes until either access is provided that will meet the ordinance requirements, or the ordinance requirements are amended to allow for the additional eight sites.

II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

16.10	Off-Street Parking and Loading
16.16	R-1 - Low Density Residential Zone
16.20	R-2 - Medium Density Residential Zone
16.44	Mobile Homes and Trailers
16.46	Access Limitations
16.49	Site and Design Review
16.88	General Standards

III. MAJOR APPROVAL CRITERIA

Site and Design Review

The Planning Commission, sitting as the Design Review Board, shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:

- A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
- B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and

- C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.

IV. FINDINGS:

A. Background and Relationships:

This application is for the review of the site and design of a manufactured home park. The use, a conditional use under both zones (R-1 and R-2), is currently being reviewed (CUP 92-10).

Since this site and design review application is only valid if the conditional use application is approved, the review of this application will be based on the assumption that the conditional use application was approved. The applicant has submitted some modifications to the original conditional use application, and a few more may be incorporated prior to approval (if approved). The review of this application will incorporate those modifications known at the time that this report was prepared, further modifications of the recommendations of this report may be necessary based on the final decision of the conditional use application.

B. Comprehensive Plan Consistency Analysis

i. CITIZEN INVOLVEMENT

- **GOAL:** *TO PROVIDE THE OPPORTUNITY FOR CITIZEN INVOLVEMENT THROUGHOUT THE PLANNING PROCESS*

ANALYSIS

The notification process and public hearing are a part of the compliance with adopted policies regarding citizen involvement.

ii. URBAN GROWTH

- **GOALS:** 1) *TO PRESERVE AND MAINTAIN DESIGNATED AGRICULTURAL AND FOREST LANDS BY PROTECTING THEM FROM URBANIZATION.*

- 2) ***TO PROVIDE ADEQUATE URBANIZABLE AREA FOR THE GROWTH OF THE CITY, WITHIN THE FRAMEWORK OF AN EFFICIENT SYSTEM FOR THE TRANSITION FROM RURAL TO URBAN LAND USE.***

Policy #3: Canby shall discourage the urban development of properties until they have been annexed to the city and provided with all necessary urban services.

ANALYSIS

The project is entirely within the City limits and within the Urban Growth Boundary. It fully meets the intent of Canby goals and policies regarding the Comprehensive Plan Urban Growth Chapter. All necessary urban services are provided for the site.

iii. LAND USE ELEMENT

■ ***GOAL: TO GUIDE THE DEVELOPMENT AND USES OF LAND SO THAT THEY ARE ORDERLY, EFFICIENT, AESTHETICALLY PLEASING AND SUITABLY RELATED TO ONE ANOTHER.***

Policy #1: Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses while grouping compatible uses.

Policy #2: Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.

Policy #3: Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.

Policy #5: Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.

Policy #6: Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the requirements of the land development and planning ordinance, in guiding the use and development of these unique areas.

- A) A map of "Areas of Special Concern" is included at the back of [the Land Use] Plan Element. That map is to be regarded as having the full force and effect of the Land Use Map in determining appropriate land uses and levels of development. Development proposals, even those that appear to conform with existing zoning, will be considered to conform with the Comprehensive Plan only if they meet the requirements imposed here.
- B) Specific characteristics of the Areas of Special Concern are as follows:

Area "O" includes several ownerships which are partially within the City limits and partially outside. All of area "O" is adjacent to S. Pine Street, an unimproved public road with a right-of-way of only twenty (20) feet. City sewer service is not yet available to the area. Presently zoned R-1, the area is anticipated to eventually be developed to higher residential densities. Development of area "O" could actually be connected with either the residential properties to its west or the area planned for industrial development to the east. In either case, area "O" will play an important part in the eventual improvement of S. Pine Street and the related public sewer improvements.

ANALYSIS

The use proposed by the applicant is appropriate for the zoning classification, and the comprehensive land use designation. The site and design of the park will need to take into consideration the unique location of the property. The property is adjacent to land zoned for industrial uses. The use of the property for a manufactured home park is currently being reviewed by the city. Assuming the approval of the use, special consideration will be needed for the portion of the property that is adjacent to the industrial-zoned land.

A sight-obscuring, wood fence will border the park's perimeter. Landscaping will be provided for the parks frontage along S.E. Third Avenue. A row of trees along S. Pine Street, south of S.E. Third Avenue, would provide additional visual buffering between the park and the industrial area. Because of the size of the right-of-way (50') and the amount of paving to occur (40'), the trees can only be planted in the street right-of-way if the fence is setback another five feet and the sidewalk is constructed on the subject property, adjacent to the right-of-way.

iv. **ENVIRONMENTAL CONCERNS**

■ **GOALS:** *TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.*

TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION.

TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

Policy #2-R: Canby shall maintain and protect surface water and groundwater resources.

Policy #3-R: Canby shall require that all existing and future development activities meet the prescribed standards for air, water, and land pollution.

Policy #4-R: Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.

Policy #7-R: Canby shall seek to improve the overall scenic and aesthetic qualities of the city.

Policy #8-R: Canby shall seek to preserve and maintain open space where appropriate and where compatible with other land uses.

ANALYSIS

On-site disposal of storm water will be required. No known hazards exist on the site. State and Local Code requirements regarding air, water, and noise pollution will be required of the development and construction. State laws and local regulations will require development to meet standards to prevent air, water, land and noise pollution.

v. **TRANSPORTATION CONCERNS**

■ **GOAL:** *TO DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM WHICH IS SAFE, CONVENIENT AND ECONOMICAL*

- Policy #1: Canby shall provide the necessary improvement to city streets, and will encourage the county to make the same commitment to local county roads, in an effort to keep pace with growth.
- Policy #2: Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the city's growth needs.
- Policy #3: Canby shall attempt to improve its problem intersections, in keeping with its policies for upgrading or new construction of roads.
- Policy #4: Canby shall work to provide an adequate sidewalk and pedestrian pathway system to serve all residents.
- Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.
- Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.

ANALYSIS

The city has a substantial interest in the development of the industrial area to the east of this property, and the main entrance will be along S.E. Third Avenue. Street trees are being proposed for the property's southern frontage along S.E. Third Avenue. Additional street trees along the property's northern frontage of S.E. Third Avenue would provide an attractive main entrance to the industrial area. Because the portion of the property north of S.E. Third Avenue is proposed to remain undeveloped at this time, and there is a possibility of "land-swapping" between the applicant and an adjoining land owner (to provide a more useable lot configuration for both parties), sidewalk and street tree improvements of the north side of S.E. Third Avenue should be postponed until the property is developed. The trees proposed, Norway Maple, are suitable as street trees.

vi. PUBLIC FACILITIES AND SERVICES

- **GOAL:** *TO ASSURE THE PROVISION OF A FULL RANGE OF PUBLIC FACILITIES AND SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.*

- Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.
- Policy #2: Canby shall utilize all feasible means of financing needed public improvements and shall do so in an equitable manner.
- Policy #5: Canby shall assure that adequate sites are provided for public school and recreation facilities.

ANALYSIS

With the proposed and/or required improvements associated with the conditional use application, all public facilities are available for the proposal with adequate capacity. Police, Fire, Water, and Electric services have adequate capacity to service this project.

vii. **ECONOMIC**

- **GOAL:** *TO DIVERSIFY AND IMPROVE THE ECONOMY OF THE CITY OF CANBY.
(NOT APPLICABLE)*

viii. **HOUSING**

- **GOAL:** *TO PROVIDE FOR THE HOUSING NEEDS OF THE CITIZENS OF CANBY.*

Policy #2: *Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing.*

Policy #3: *Canby shall coordinate the location of higher density housing with the ability of the city to provide utilities, public facilities, and a functional transportation network.*

ANALYSIS

The associated conditional use application addressed the use of the property in relation to this element of the Comprehensive Plan.

ix. **ENERGY CONSERVATION**

■ **GOAL:** **TO CONSERVE ENERGY AND ENCOURAGE THE USE OF RENEWABLE RESOURCES IN PLACE OF NON-RENEWABLE RESOURCES.**

Policy #1: Canby shall encourage energy conservation and efficiency measures in construction practices.

Policy #2: Canby shall encourage development projects which take advantage of wind and solar orientation and utilization.

Policy #3: Canby shall strive to increase consumer protection in the area of solar design and construction.

Policy #5: Canby shall continue to promote energy efficiency and the use of renewable resources.

ANALYSIS

The proposed and/or required trees will be "solar friendly" trees, as provided on the list in the City Planning Office. The State has rules which encourage energy conservation through design and construction methods.

C. Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan:

Based upon the above described analysis, the proposal, with appropriate modifications as outlined in the recommended conditions, is hereby found to be consistent with the policies of the Comprehensive Plan.

D. Evaluation Regarding Site and Design Review Approval Criteria

1. Part IV - Section 2, No. 2

"Minimum area for landscaping is 15% of the total area to be developed."

The total site is 11.3 acres. Based on this figure, approximately 1.7 acres of landscaping is required. Including only the common area of the park to be landscaped, the applicant is proposing approximately 1.28 acres of landscaping (11.4%). This figure does not include the

proposed play area or individual lot landscaping. Under the recommended conditions for approval for the conditional use application, at least 50% of the manufactured home sites will be landscaped. Combined with the landscaped common area, the total landscaped area will be approximately five acres (44%).

2. Part IV - Section No. 11

All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise, so that:

- A. It will not interfere with designated pedestrian or vehicular access, and**
- B. It will not constitute a traffic hazard because of reduced visibility.**
- C. It will not hinder solar access considerations.**

The vegetation used in the landscaping will not hinder solar access for manufactured home sites within the park or surrounding properties. The trees are listed on the "solar friendly" list.

3. Parking

The parking requirement is two (2) spaces per unit, which will be provided on each home site. Additional parking is possible on one side of the interior roads.

4. Access

Access, and interior roads have been addressed in the conditional use application review. The sidewalks along S.E. Third Avenue and S. Pine Street will be inset by five feet, with the street trees in between the sidewalk and the street. Along S. Pine Street the sidewalk will be on the subject property and not within the right-of-way. The fence will need to be set in another five feet to accommodate the sidewalk and street trees along S. Pine Street.

5. Architecture

There are three items to be reviewed under Architecture: the entrance sign, the fence/wall, and the individual homes.

Entrance sign: The sign will be a planting sign, a sign with a planting area in the front. The material will be brick framing with a sand blasted wood sign. The colors of the wood sign will be raised white lettering on a teal green background. The overall sign planting will be nine feet across, six and one-half feet high, and seven feet deep. The sign itself will be twenty-one (21) square feet (3' high x 7' wide). The planting area will be approximately twenty-eight (28) square feet (7' wide x 4' deep), and will be planted with flowers. Two flood lights for the sign will be recessed in the planting area. The power of the lights will be 100 watts each.

Fence/wall: A fifty-foot brick wall will be used for the corners of the entrance. The wall will be six feet high with brick posts two feet wide every eight feet. Extending from the wall approximately thirty feet in each direction will be a six-foot high wood fence with brick post. The wood fence will be solid, using 1" x 6" wood planks side by side.

The remaining fencing will be the same six-foot high solid wood fence, but it will be anchored by 4" x 4" wood posts.

Individual Homes: The applicant is requiring that the homes have wood composition siding and a pitched roof with composition shingles and a slope of not less than 3:12. The size, color, and exterior material of the homes must be approved by Pine Crossing management. Skirting material will be required to be treated wood and painted as to appear as concrete. All exterior additions, storage, carports, etc., will be required to be painted to match the colors of the home and trim. All of these requirements are from the applicant.

6. Landscaping, General

There will be twenty-three existing trees retained. These include sequoia, cedar, douglas fir, vine maple, maple, spruce, cherry, and birch trees. There are six different landscaped areas within this project: public streets, entry way, open spaces, play area, interior streets, and individual lots.

Public Streets: Norway Maple will be used for the street trees, including the additional trees for S. Pine Street. The ground cover will be grass. The trees and grass will be in between the sidewalk and the street. A wood fence, with brick post, will be placed adjacent to the entry way. A wood fence will be placed along the entire development's perimeter.

Entry way: The entry way covers both the island and the border along the streets. The island will have both grass and kinnikinnick ground cover with holly bushes and a sign. The sign was covered in the above section, under Architecture. The remaining entry way landscaping includes kinnikinnick ground cover and rhododendron, euonymus, holly, azalea, and mugo pine bushes. This landscaping will front a brick wall. Two plum trees will border the entry way on each side of the access drive at the entrance.

One change from the original plan, is that lots 40 and 41 will be rotated ninety degrees, so that their orientation will be east-west. The reason for this is so that the driveway for lot 41 will not be directly across from the main entrance. The portion of the rotated lot (probably lot 40) that is directly across from the main entrance will be landscaped with azaleas and holly, and space will be provided for flowers.

Open areas: There are two primary open areas. One is at the intersection of S. Pine and S.E. Third Avenue (to the west of the entrance to the park), and the other is to the west of the existing home in the park. The area to the north, next to the public streets will be grass covered with two plum trees. The area adjacent to the existing house will be covered with grass and bordered by four plum trees, two cedars, one spruce, one douglas fir, one maple, holly, rhododendron, oregon grape, dogwood, and the existing hedge.

Play area: The play area will be grass covered with one douglas fir, two cedars, one maple, and bordered by oregon grape and the existing hedge.

Interior Streets: The eleven foot landscaped area bordering the interior streets will have 56 maples and 13 lindens (approximately one tree per lot), with either grass ground cover or a walkway as called for in the site plan. The landscaping for the eleven foot setback area in front of each lot will vary according to five different landscape plans, and according to whether or not the area to be landscaped is to be shaded or receive full sunlight. The plants to be used include: rhododendron, laurel, mugo pine, euonymus, viburnum, azalea, sarcococca, abelia, pieris, holly, and nandina.

Individual Lots: The remaining area to be landscaped is fully within each of the individual home sites. The applicant is proposing to allow the home owner to chose the landscaping for the site, subject to no more than 30% allowed to be bark chips, and subject to approval by Pine Crossing management. The result will be that no less than 35% of the overall site will be landscaped with green vegetation, and no more than 15% will be in bark chip.

7. Overall Site Impact

The landscaping within the development will provide a minimum, but adequate green space between the homes and the street. The park will have an adequate visual barrier from future adjoining industrial development. The portion of the property to the north of S.E. Third Avenue will be landscaped upon development of the land. If a portion of that land is to be "swapped" with the adjoining residential lot, then that portion of that area will need to be landscaped prior to transfer of the land. Because no specific plans were presented for the possible recreational vehicle storage lot, no approval for site and design of such a lot is given at this time. Further review will be required for any development of the land to the north of S.E. Third Avenue.

Another change from the original site plan is to hold lots 3 through 10 from development until either the ordinance is amended in such a way that the proposed access point will allow 68 units, or a second entrance point is provided. If a second entrance point is provided, one lot will be removed. Upon one or the other option occurring the applicant has shown the proposed landscaping for lots 3 through 10. Staff believes that the trees and grass should be planted now for that area. The bushes should wait until the homes are placed, as will occur for the remaining park.

Staff finds that the conditions provided in the applicant's narrative are appropriate and will be considered to be a part of the recommended approval of this application.

V. CONCLUSION

The staff hereby determines that, with appropriate conditions, the manufactured home park described in the application and accompanying materials is in conformance with the standards of this and other applicable ordinances; the design is compatible with the design of other developments in the vicinity; and, the location, design, size, and materials of the exterior of the structure will be compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.

Further, staff concludes that, with approval conditions:

1. the proposed use of the site is consistent with the applicable requirements and policies of the Comprehensive Plan and the development ordinance;
2. the characteristics of the site are suitable for the proposed use;
3. that all required public facilities and services exist (or can be made to exist at the time of development) to adequately meet the needs of the proposed office;
4. the proposed use will not alter the character of the surrounding areas in such a way as to substantially limit or preclude the uses allowed; and
5. the conditions listed are the minimum necessary to achieve the purposes of the Site and Design Review Ordinance, and do not unduly increase the cost of housing.

V. RECOMMENDATION:

Based upon the application, site plan, landscaping plan, the project narrative, and accompanying application material, the facts, findings and conclusions of this report, and without the benefit of a public hearing, staff recommends that the Planning Commission approve, with conditions, DR 92-09. Furthermore, staff recommends approval of DR 92-09 with the following conditions:

1. Approval of the Conditional Use Application, CUP 92-10.
2. During construction, erosion control shall follow the Erosion/Sedimentation Control Plans Technical Guidance Handbook for Clackamas County, August 1991 (as amended).
3. The applicant shall participate in a preconstruction meeting with City staff, CUB, the fire district, etc., prior to construction.
4. The sidewalks along S.E. Third Avenue and S. Pine Street will be setback five (5) feet from the curb. The Norway Maples with grass ground cover proposed for S.E. Third Avenue will also be planted along S. Pine Street. The trees and grass will be planted between the sidewalks and the curbs.
5. The property's perimeter fence along S. Pine Street will be setback from the property line five (5) feet to accommodate the sidewalk.
6. No landscaping is required for the north side of S.E. Third Avenue at this time. Upon any further land use action of the portion of property north of S.E. Third Avenue, landscaping may be required.
7. No approval for a recreational vehicle storage area is granted with the approval of this Site and Design application.
8. Lots 3-10 are not approved for use as manufactured home sites until either the ordinance is amended to allow 68 units with one access point, or a second access point is provided.
9. The statements and conditions provided by the applicant in the project narrative (Exhibit 2) are hereby incorporated in the conditions of approval.

Exhibits:

1. Application for Design Review
2. Project Narrative
3. Vicinity Map
4. Overall Landscape Plan (*too large to reproduce*)
5. Sample Landscape Plan (*too large to reproduce*)
6. Sign, Fences and Wall Plan (*too large to reproduce*)
7. Application addendum
8. Department Responses to "Request for Comments"

SITE AND DESIGN REVIEW APPLICATION

Fee: \$250

OWNER

APPLICANT

Name JOHN & PAT WATSON

Name SAME

Address 6 OTHELLO

Address _____

City LAKE OSWEGO State OR Zip 97035

City _____ State _____ Zip _____

SIGNATURE [Signature]

Phone: 635-2040 JEN-OFFICE 721-4666

DESCRIPTION OF PROPERTY:

Tax Map T/L ID# 31E34C Tax Lot(s) #72200 Lot Size 4.8 Ac. 6.5 Ac. = 11.3 Ac.
31E33DD (Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Lot _____ Block _____

PROPERTY OWNERSHIP LIST

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property (if the address of the property owner is different from the situs, a label for the situs must also be prepared and addressed to "Occupant"). Lists of property owners may be obtained from any title insurance company or from the County Assessor. If the property ownership list is incomplete, this may be cause for postponing the hearing. The names and addresses are to be typed onto an 8-1/2 x 11 sheet of labels, just as you would address an envelope.

USE

Existing VACANT NON-PRODUCING AGRICULTURE Proposed MANUFACTURED HOUSING COMMUNITY

Existing Structures ONE 1-BDR SINGLE FAMILY HOUSE W/ATT GAR., 2 SMALL OUTBUILDINGS

Surrounding Uses NORTH & WEST - EXISTING MOBILE HOME PARKS, SOUTH - APARTMENTS & VACANT LAND, EAST - FILBERT ORCHARD. SOME PORTION OF NORTH IS LIGHT INDUSTRIAL.

PROJECT DESCRIPTION

DEVELOP A 68-UNIT MANUFACTURED HOME PARK ON A 11.3 AC. SITE. OVERALL APPEARANCE, QUALITY AND DESIGN WILL BE UPSCALE. COMPLIANCE TO COMMUNITY RULES, REGULATIONS AND MAINTENANCE WILL BE TOP PRIORITY. SPECIAL ATTENTION IS PROVIDED TO THE DESIGN AND MAINTENANCE OF LANDSCAPE AND IRRIGATION AREAS. ALL HOMES TO BE DOUBLE (24' or 28') WIDE, SOME TRIPLE WIDE SPACES. SEMI-RECESSED SETTING WILL BE USED AND EXTERIORS WILL BE WOOD COMPOSITION SIDING AND COMPOSITION SLOPED ROOFS. NO METAL SIDING OR ROOFS. ALL UNITS MUST BE ZONING R-1 & R-2 COMPREHENSIVE PLAN DESIGNATION All R-2

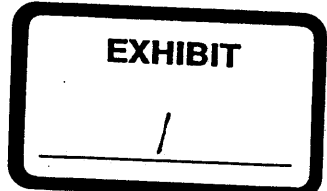
PREVIOUS ACTION (if any) T/L 700 ANNEXED 1991 (ANN 91-01) NEW OR LIKE NEW.

T/L 700 - R-2

T/L 790 - R-1

T/L 2260 - R-1

File No. _____
Receipt No. _____
Received by _____
Date Received _____
Completeness Date _____
Pre-App Meeting _____
Hearing Date _____



* If the applicant is not the property owner, he must attach documentary evidence of his authority to act as agent in making application.

In response to the Design Review request to provide some narrative of the project, as well as some of the Rules and Regulations for the project, the following narrative and attached sample documents and forms have been prepared. It should be noted these documents are of a private competitive business nature, there has been a cost factor in compiling this material, and many of the sample forms and documents are copyrighted. It is not intended this material to be available for public use, and further copying or distribution for purposes other than the application for Design Review is prohibited.

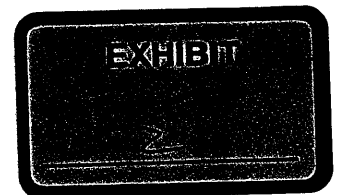
The following overview of the Rules, Regulations and Restrictions is intended to enhance the quality of life at Pine Crossing, preserve the tenants investments and minimize or eliminate disturbances and annoyances. These fall into three basic categories of Resource Conservation, Design and Aesthetic Considerations and Quality of Park Life Considerations. Highlights are as follows:

Resource Conservation:

- * All new homes placed in Pine Crossing must be built by manufacturer's who are signatory participants in Bonneville Power Administration's Super Good Cents program for manufactured homes.
- * All homes must include a visqueen or equal ground vapor barrier.
- * Each space will be equipped with a water sub-meter.

Design and Aesthetic Considerations:

- * Only double-wide (24' or 28') and triple wide homes will be placed in the park, with the possibility of one single-wide.
- * All homes must have wood composition siding and minimum 3:12 slope pitched roof with composition shingles. Metal siding or metal roofing is not permitted.
- * Windowless, or near windowless front/street elevations are not allowed. There must be a minimum of two windows on the front/street elevation with a total of 18 sq. ft., of which one must be 12 sq. ft. or larger.
- * Tenant must submit to Pine Crossing for approval the description, size, color, exterior material and elevation of the proposed home for approval prior to delivery or set-up.
- * A site plan for each proposed home must be submitted to and approved by Pine Crossing prior to delivery and set-up to assure compliance with lot coverage, open space, set-back requirements and proposed landscaping.
- * All homes will be excavated for a "semi-pit setting"; depth of approximately 12". (Partly resource conservation and partly aesthetic)
- * Skirting must be installed within 45 days of set-up or occupancy, whichever occurs first. Skirting material must be treated wood material, then painted as though to be concrete in appearance and texture.



- * Placement of heat pump compressor(s) must be submitted to and approved by Pine Crossing prior to placement in order to minimize disturbance and annoyance to adjacent tenants.
- * Pine Crossing will install all landscaping per plan, automatic sprinkle and maintain (mow) the 11 ft. landscaping set-back area at the front of each home. Planting of annuals, "color spots", and trimming, pruning and maintaining of the perennial shrubs is the responsibility of the individual space tenants after the expiration of the typical one-year warranty/maintenance period.
- * After landscaping plan approval by Pine Crossing, individual space landscaping, beyond the front yard landscaping set-back, is the responsibility of the tenant and must be installed and complete within 90 days after set-up or occupancy, whichever occurs first.
- * All landscaping installations will comply with the City of Canby's requirements of 30% material and 70% green vegetation. A list of suggested pre-approved planting materials will be provided to each tenant.
- * A landscaping security and performance deposit will be collected upon issuance of a set-up permit, and definitely before delivery of any home to the park. The tenant will warrant planting material survival to Pine Crossing for one year. Tenant will replace any dead, diseased or unhealthy plantings. Pine Crossing will administer this requirement.
- * Under a consideration is a requirement that all landscape areas be served by in-ground automatic sprinkler system. All front yards (the 11 ft. landscape set-back area) will be equipped with in-ground automatic sprinkler systems installed by Pine Crossing.
- * All vacant land and unoccupied spaces will be cultivated, leveled and mowed so as not to create a weed or visual nuisance or a fire hazard.
- * Continuous metal gutters and down spouts must be installed within 45 days of set-up or occupancy, whichever occurs first. Down spouts must be piped to street. No surface piping will be permitted. No plastic gutters.
- * A description and plan of all exterior additions, modifications, storage and fences must be submitted and approved by Pine Crossing prior to construction.
- * All exterior additions, storage, carports, etc. must be painted to match the colors of the home and trim.
- * All permits required for external or internal additions or modifications are the responsibility of the tenant.
- * External satellite dish, TV and radio antennas are not permitted.
- * External clothes lines must be approved by Pine Crossing prior to installation.
- * All external lighting additions or modifications must be submitted to and approved by Pine Crossing.

- * Fencing of individual spaces will be permitted only after material and design have been submitted to and approved by Pine Crossing. Maximum height will be five feet. There will be no front yard fencing, and maximum height of fence within 20 feet of curb is three feet.
- * Deck and patio areas cannot exceed 500 sq. ft. (a Canby Ordinance).
- * Oil barrels or evaporation coolers will not be permitted.
- * A site lighting plan will be developed by the Canby Utility Board.

Quality of Park Life Considerations:

- * Installation and maintenance of landscaping, play and picnic equipment for the open and play areas will be the ongoing responsibility of Pine Crossing.
- * If pets are allowed, appropriate rules for pets will be developed.
- * Pets, if allowed will be limited to house pets, with a lb. maximum. No Pit Bulls, Dobermans or Rotwillers will be allowed.
- * Homes and yard areas must be adequately maintained in compliance with the area appearance standards. Any home being unattended will be cared for by management and a charge will be made.
- * No overhauling of vehicles, major repair or oil changes will be permitted at the individual spaces.
- * The use of music or loud instruments, to the extent it becomes an annoyance, will be controlled.
- * It is assumed only two autos per space will be allowed. Autos must be parked off street in a manner that they do not protrude beyond the front/street side of the home (i.e. into the front yard area). No continual street parking will be permitted. Short term visiting guest will be an exception.
- * A plan and policy for the storage of Recreational Vehicles will be developed if space is available.
- * No taking in of "Problem Kids".
- * Home businesses which generate non-resident business traffic will not be permitted, which includes child care.
- * A policy regarding the marketing and resale of homes in the park will be developed.
- * The Statement of Policy will establish some kind of reasonable occupancy limit. It is assumed this will be something like two persons per bedroom, plus two.
- * Conviction or pleading guilty to drug charges will generally be considered grounds for eviction.



VICINITY MAP

Site

EXHIBIT
3

See also
Tract of
Land

1-20
1/10
D. M. Schmitt

SPECIAL WARRANTY DEED

Recorded By Titor Title
Courtesy Only. Not Examined

KNOW ALL MEN BY THESE PRESENTS, that ARCHIE E. SCHMITT and DOROTHY M. PULLBY SCHMITT, husband and wife, hereinafter called GRANTORS, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto JOHN F. WATSON and PATRICIA G. WATSON, husband and wife, hereinafter called GRANTEES, and unto GRANTEES' heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Clackamas, State of Oregon, described as follows, to-wit:

A tract of land being a part of the Philander and Anna Lee D.L.C., in Section 33, Township 3 South, Range 1 East, of the W. M., Clackamas County, Oregon, being more particularly described as follows:

Beginning with a point which bears South 1241.8 feet and West 455.3 feet from a stone marked x and set in the north end of division line between husband's and wife's halves of Philander and Anna Lee D. L. C., running thence South 582.5 feet; thence South 78° 15' West 273 feet to a stone marked x; thence North 27° West 487 feet to a stone marked x; thence North 63° East for 489.5 feet to the point of beginning.

TO HAVE AND TO HOLD the same unto the said GRANTEES and GRANTEES' heirs, successors and assigns forever.

And the GRANTORS hereby covenants to and with the said GRANTEES and GRANTEES' heirs, successors and assigns that said real property is free from encumbrances created or suffered thereon by GRANTORS and that GRANTORS will warrant and defend the same and every part and parcel thereof against the lawful claims and demands of all persons claiming by, through, or under the GRANTORS.

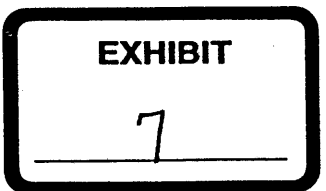
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The true and actual consideration paid for this transfer, stated in terms of dollars, is [REDACTED]

IN WITNESS WHEREOF, the GRANTORS have executed this instrument this 2 day of NOVEMBER, 1989.

Archie E. Schmitt
ARCHIE E. SCHMITT - GRANTOR

Dorothy M. Schmitt
DOROTHY M. SCHMITT - GRANTOR
PULLBY



STATE OF OREGON
County of Clackamas

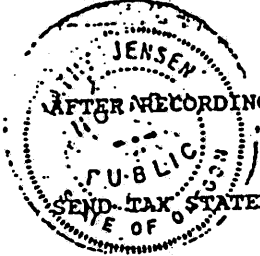
) ss.

NOVEMBER 2, 1989

Before me personally appeared the above named ARCHIE E. SCHMITT and DOROTHY M. SCHMITT, husband and wife and acknowledged the foregoing instrument to be their voluntary act and deed.

* PULLEY

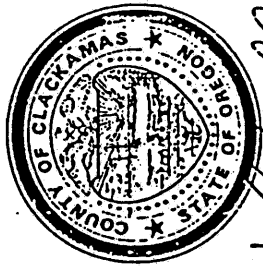
Kevin Jensen
Notary Public for Oregon
My Commission Expires: 11-2-93



AFTER RECORDING SEND TO: Mr. & Mrs. John F. Watson
6 Othello
Lake Oswego, Oregon 97035
SEND TAX STATEMENTS TO: Same as above

STATE OF OREGON }
County of Clackamas }
I, John Kauffman, County Clerk, for the County of Clackamas, do hereby certify that the instrument of writing was received for recording in the records of said county at

92 NOV 11 PM 1:39

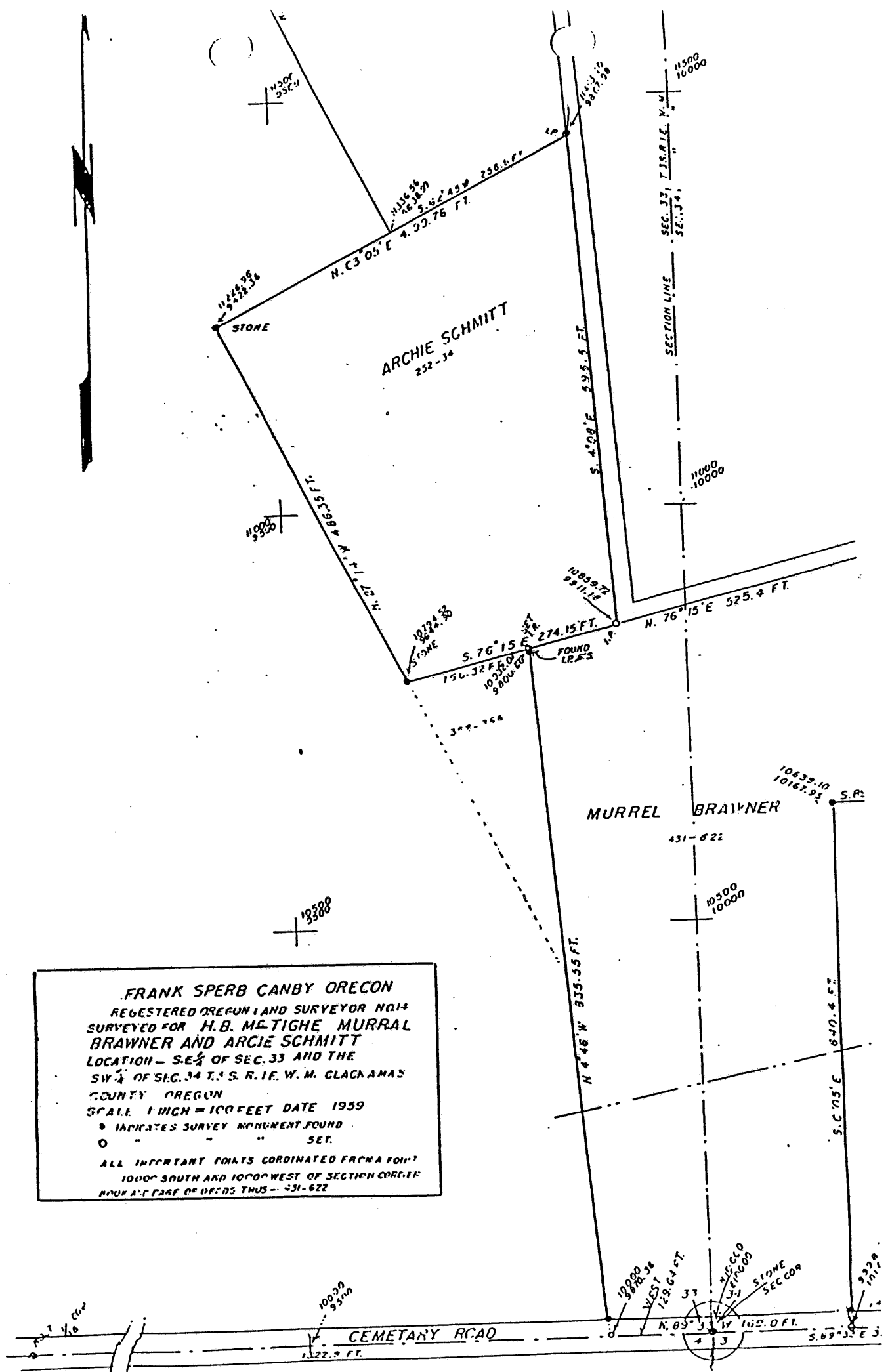


Witness my hand and seal this 11th day of November, 1989.
John Kauffman
JOHN KAUFFMAN
County Clerk

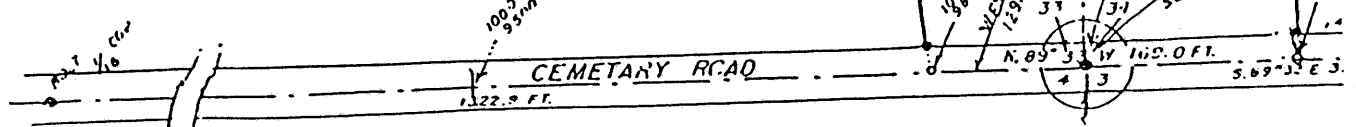
Recording Certificate
CCP-14 (Rev. 4/91)
92 13821

2. -- SPECIAL WARRANTY DEED

2



FRANK SPERB CANBY OREGON
 REGISTERED OREGON LAND SURVEYOR NO. 14
 SURVEYED FOR H. B. MATTIGHE MURREL
 BRAWNER AND ARDIE SCHMITT
 LOCATION - S.E. 1/4 OF SEC. 33 AND THE
 SW 1/4 OF SEC. 34 T. 3 S. R. 1 E. W. M. CLATSOP
 COUNTY OREGON
 SCALE 1 INCH = 100 FEET DATE 1959
 * INDICATES SURVEY MONUMENT FOUND
 O " " " " SET.
 ALL IMPORTANT POINTS COORDINATED FROM A POINT
 1000' SOUTH AND 1000' WEST OF SECTION CORNER
 NUMBER 1 EAST OF DEEDS THUS - 431-622



10-20-
AFTER RECORDING RETURN TO:
JOHN F. & PATRICIA G. WATSON
6 Othello
Lake Oswego, OR 97035

MEMORANDUM OF CONTRACT OF SALE

DATED: July 19, 1991

BETWEEN: HAROLD R. WODTLI and YVONNE E. WODTLI SELLERS
AND: JOHN WATSON and PATRICIA WATSON PURCHASERS

Pursuant to a Contract of Sale dated July 19, 1991, 1991, Sellers sold to Purchasers the real property located in Clackamas County, Oregon, as described on the attached Exhibit "A".

The true and actual consideration for this conveyance stated in dollars is the sum of [REDACTED]

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

SELLERS:

Harold R. Wodtli
Harold R. Wodtli

Yvonne E. Wodtli
Yvonne E. Wodtli

PURCHASERS:

John Watson
John Watson

Patricia G. Watson
Patricia Watson

STATE OF OREGON)
) ss.
County of Clackamas)

July 15, 1991

Personally appeared the above named HAROLD R. WODTLI and YVONNE E. WODTLI and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Clemens D. Bruney
Notary Public for Oregon
My Commission Expires 11-30-91

STATE OF OREGON)
) ss.
County of Clackamas)

July 19, 1991

Personally appeared the above named JOHN WATSON and PATRICIA WATSON and acknowledged the foregoing instrument to be their voluntary act and deed.

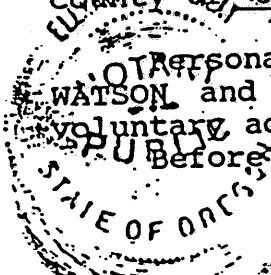
Before me:

Clemens D. Bruney
Notary Public for Oregon
My Commission Expires 11-30-91

Unless further notice, all tax statements should be sent to the following address: JOHN F. & PATRICIA G. WATSON

6 Othello, Lake Oswego, OR 97035

CHICAGO TITLE INSURANCE CO. L 82524



DESCRIPTION

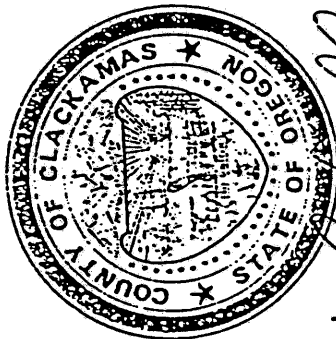
Part of the Philander Lee and wife D.L.C. No. 56, in Sections 33 and 34, Township 3 South, Range 1 East, of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

Beginning at a point marked by an iron pipe on the division line of the claim, dividing the claim into East and West halves, at a point 1098.5 feet South of the North end of said division line, and at the Southeast corner of a tract of land conveyed to Emil Goettsch, by deed recorded in Book 180, at page 78, Records of Clackamas County, Oregon; thence South on said division line 110.00 feet to the Southeast corner of tract conveyed to Peter Edgar Kerr and Emma B. Kerr, husband and wife, by deed recorded May 20, 1952, in Book 456, Page 722, Deed Records, and the true point of beginning of the tract to be described; thence continuing South on said division line 608.00 feet to the North line of a 20 foot road; thence South 76°09' West, a distance of 412.00 feet to an angle point on the East line of said 20 foot road; thence North 4°17' West on the East line of a 20 foot road, 706.10 feet to the Southwest corner of said Kerr Tract; thence North 89°39' East along the South line of said Kerr Tract to the point of beginning.

(MAP AND TAX LOT NO'S: 31E34C 00700 and 00790)

STATE OF OREGON }
County of Clackamas } ss.
I, John Kauffman, County Clerk, for the County of Clackamas, do hereby certify that the instrument of writing was received for recording in the records of said county at

91 JUL 22 PH 1:37



Witness my hand and seal affixed
John Kauffman
JOHN KAUFFMAN
County Clerk

Recording Certificate
CCP-R4 (Rev. 6/91)

91 35912

2

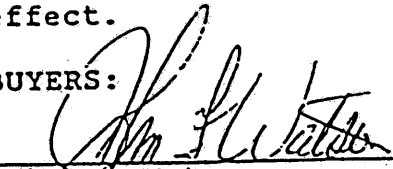
involuntarily, this contract without the written consent of seller, which shall not be unreasonably withheld.

(d) Payment Collection. Seller will maintain payment collection records and provide prompt, appropriate and timely reports to buyer for accounting and tax purposes. Such reports will document the payments and application thereof.

(e) Land Sale Contract. In addition to the provisions noted above, the land sale contract shall contain no "due-on-sale" clause (although Buyer shall remain liable following an assignment of Buyer's interest under the land sale contract), shall provide Buyer with a ten (10) day notice and opportunity to cure any monetary defaults and a sixty (60) day notice and opportunity to cure any non-monetary defaults. The land sale contract shall also contain no restrictions on development and improvement of the Property, in that Buyer plans to immediately commence development activities upon the Property. Finally, the land sale contract shall not contain the forfeiture remedy as provided by Oregon Law.

5. SELLER'S COOPERATION TO DEVELOPMENT. Seller acknowledges that Buyer's intend to develop the Property as a manufactured housing park. The approval for development will require (i) annexation into the City of Canby of that portion of the property currently outside the City Limits, (ii) approval of Clackamas County and the Boundary Commission to such annexation, (iii) approval from the City of Canby of a zoning designation of the entire Property to R-2, (iv) approval for a conditional use of the Property as a manufactured housing park, (v) resolving with the City of Canby the location and right-of-way dedication for the the proposed extension of Pine Street, (vi) vacating any portion of the current twenty (20) foot public right-of-way which is not used for the proposed extension of Pine Street, and (vii) the approval of all other municipalities, agencies and commissions to such applications. The approvals and processes listed are for information only and are not to be interpreted or intended as contingent items to this offer affecting the closing or closing date. Seller will not oppose, either directly or indirectly, any such applications or approvals. Seller will cooperate fully at all times and respond in a timely manner so as not to cause any delay where the Seller's approval or authorization is needed in the approval or application process.

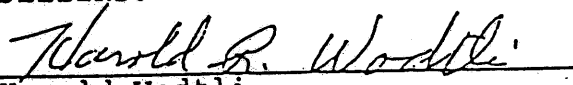
6. AMENDMENT. Except as specifically and expressly amended herein, the terms of the Agreement shall remain in full force and effect.

BUYERS:


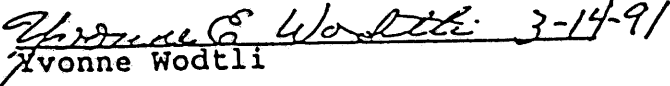
John F. Watson



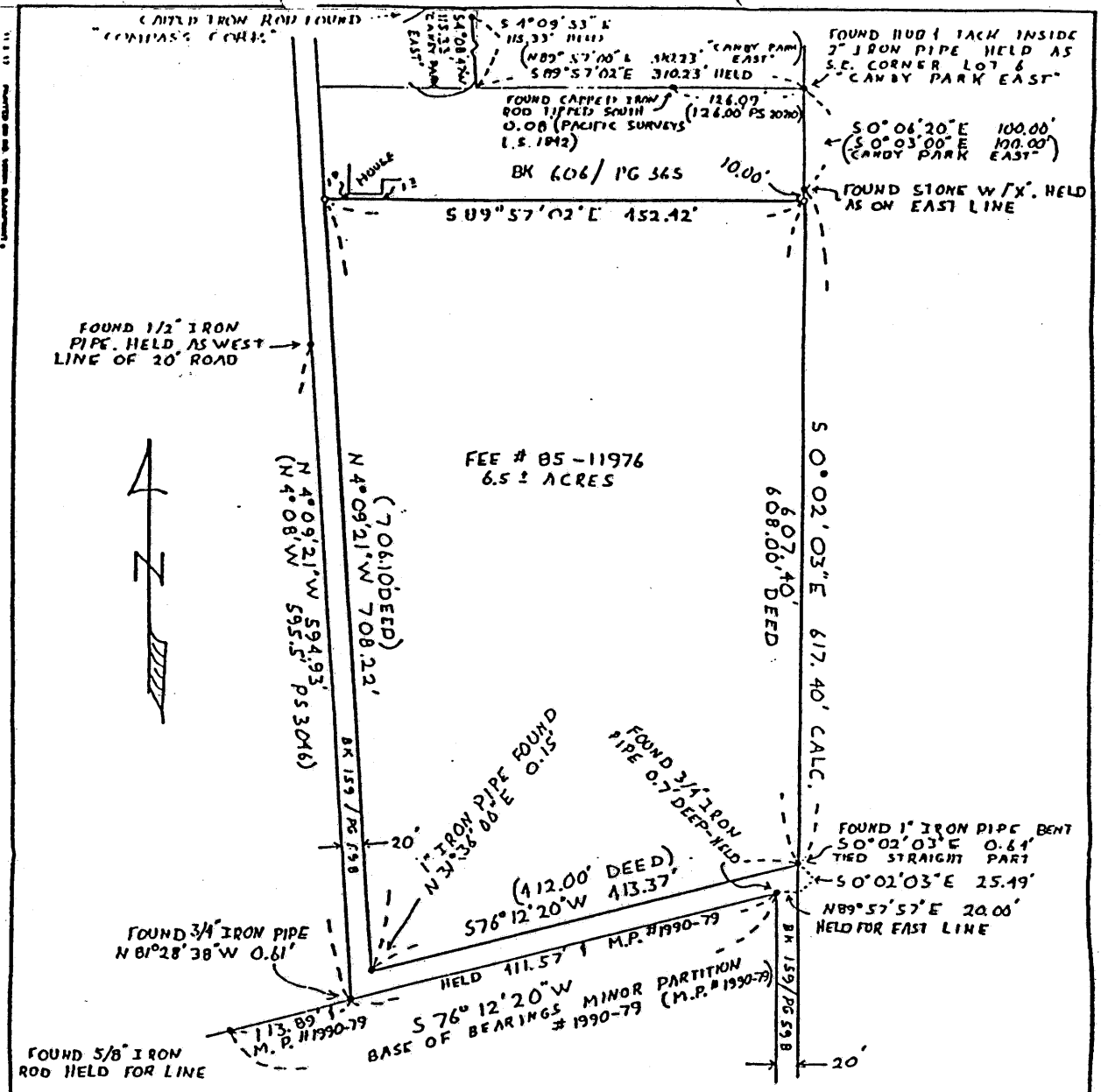
Patricia G. Watson

SELLERS:


Harold Wodtli

 3-14-91

Yvonne Wodtli



FEE # 85-11976
6.5 ± ACRES

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE BOUNDARIES OF THAT TRACT OF LAND DESCRIBED IN FEE NUMBER 85-11976 CLACKAMAS COUNTY DEED RECORDS.

THE BASIS OF BEARING FOR THIS SURVEY IS THE SOUTH LINE OF A 20 FOOT ROADWAY DESCRIBED IN DEED BOOK 159, PAGE 598 AND SURVEYED BY MINOR PARTITION # 1990-79.

MONUMENTS FROM MINOR PARTITION PLAT # 1990-79, P.S. 20210, P.S. 3046 AND THE PLAT OF "CANBY PARK EAST" WERE RECOVERED AND USED FOR CONTROL AS SHOWN.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Charles H. Haylock
OILING
JAN 21, 1988
CHARLES H. HAYLOCK
2319

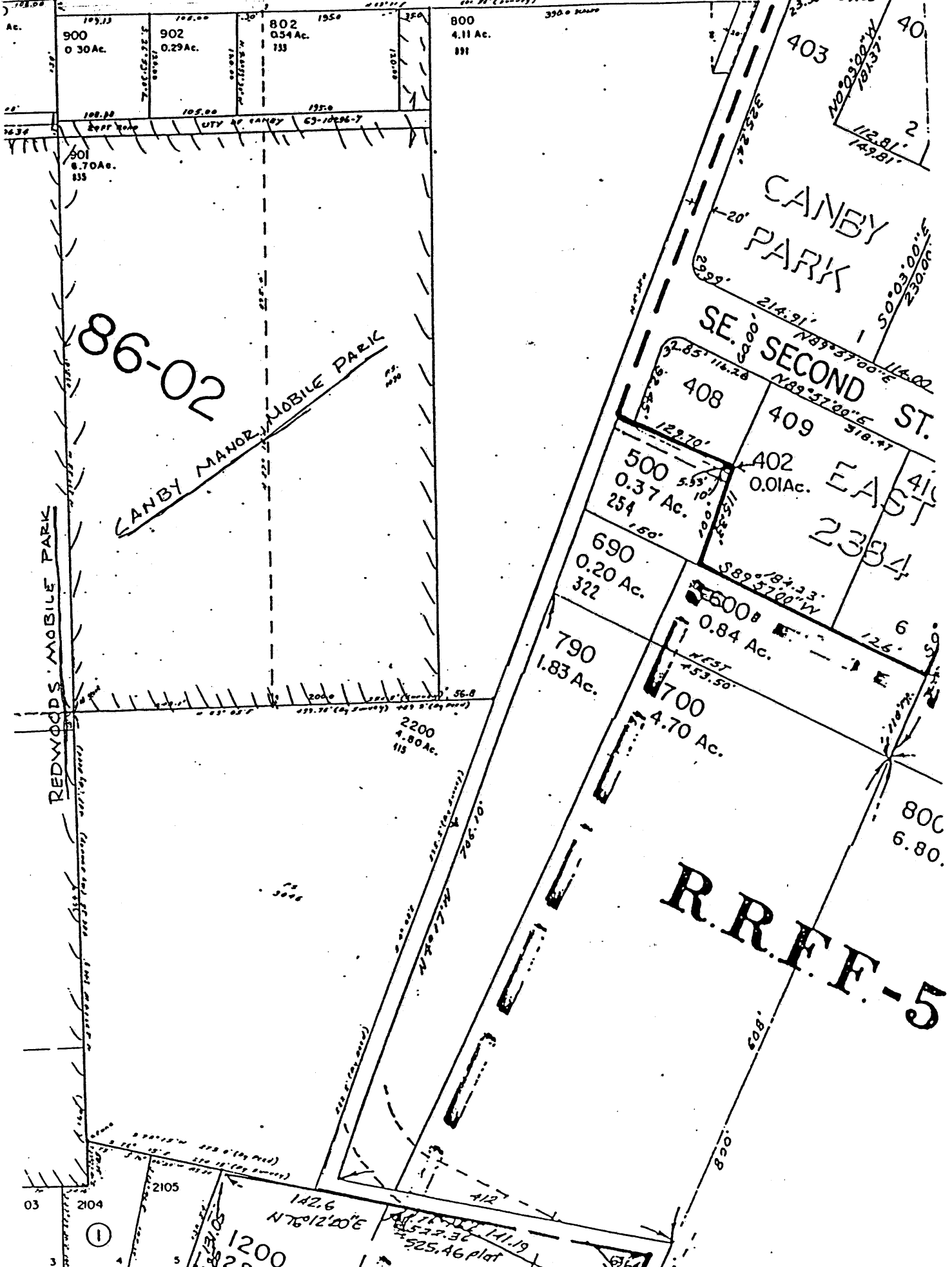
LEGEND

- DENOTES A 5/8" X 30" IRON ROD SET WITH A YELLOW PLASTIC CAP MARKED "PACIFIC SURVEYS/LS 2319".
- DENOTES MONUMENT FOUND AS NOTED
- () DENOTES DATA OF RECORD AS NOTED
- CALC. DENOTES A CALCULATED BEARING OR DISTANCE
- M.P. # 1990-79 DENOTES MINOR PARTITION PLAT # 1990-79

FOR: HAROLD WOSTLI	PACIFIC SURVEYS	
	141 N. GRANT ST. P.O. BOX 766 CANBY, OREGON 97005	PHONE: 266-9979
	DATE: 10/8/90	APPROVER: C. H. H.
	LOCATION: A PORTION OF P.L. # 20210 DEF. LDC = 56 IN SW 1/4 T 3 S. R 1 E. W 1/2 CANBY, OREGON	DRAWN BY: C. H. H.
	SCALE: 1" = 100'	REVISED
		2330

PACIFIC HIGHWAY 99E

U.S.



86-02

CANBY MANOR MOBILE PARK

REDWOODS MOBILE PARK

CANBY PARK

SE. SECOND ST.

EAST

R.R.F.F.-5

Ac. 900 0.30 Ac.
 902 0.29 Ac.
 802 0.54 Ac.
 133

800 4.11 Ac. 891

403
 40
 2
 12.81'
 149.81'

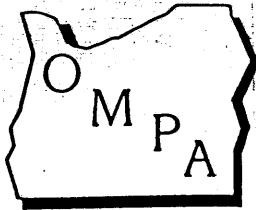
408
 409
 402 0.01 Ac.
 500 0.37 Ac.
 254
 690 0.20 Ac. 322
 790 1.83 Ac.
 700 4.70 Ac.
 800 0.84 Ac.
 80C 6.80.

2200 4.80 Ac. 415

2105
 2104
 1200
 2.81

142.6
 N76°12'20"E
 525.46 plat

THIS PARK IS A
MEMBER OF THE



OREGON MOBILEHOME
PARK ASSOCIATION

Park Rules and Regulations

The following rules apply to all Mobile Homes in the park, and are expressly made a part of the rental agreement between the tenant and the park. Equipment and apparatus furnished on these grounds are solely for the convenience of guests and all persons using same do so at their own risk. The Management will not be responsible for accidents, injuries or loss of property by fire, theft, wind, floods, or any act which is beyond its control. Violation of a Park Rule may be cause for eviction.

GENERAL RULES

1. Drunkenness, immoral conduct, or conduct causing a disturbance or annoyance to other tenants shall not be tolerated. All State and Local Laws shall be observed.
2. Tampering with park fuses, electric service or connection is strictly forbidden. Please contact office in case of trouble. Electric cord must be in first rate condition, heavy enough to handle the load on the Mobile Home.
3. Tampering with the Mail addressed to others is a *Federal Offense*.
4. Each Mobile Home must have a *No Freeze* heat tape on water line.
5. All evaporative coolers placed on Mobile Homes must be equipped with circulating water pumps.
6. Connections to oil barrels must be tight and no oil may be spilled on the cement patio or ground.
7. All tools loaned to tenants must be returned promptly after use.
8. Soliciting in the park is limited. Permission must be obtained from the office.
9. Washing machines, laundry tubs and filters on dryers must be thoroughly cleaned after each use. Clothing may be dried only in designated places.
10. Mobile Homes must be kept clean, lawns mowed and watered. Any lawn left untended will be cared for by the Management and a charge will be made.

11. No storage will be allowed beneath the Mobile Home, no rubbish allowed to accumulate. (Oregon State Law)
12. All garbage must be wrapped, deposited in proper container and lid tightly closed. (Oregon State Law)
13. All building, remodeling or alterations on your space are limited by state and local law. If desired, please inquire at the office.

VEHICLES

1. Park-posted speed limits must be observed at all times!
2. Vehicles must be parked only in designated spaces. No major overhauling will be permitted.

PETS

1. No person shall allow his pet animal to run at large or to create a health hazard within a mobilehome or trailer park. (Oregon State Law)

CHILDREN

1. When children are allowed they shall play only in designated places, where provided. Parents will be held accountable for any damage.

Additional rules for _____

(Name of Park)

Signature of Tenant

Signature of Manager or Owner

STRAIGHT TALK ABOUT MOBILEHOME PARK LIVING IN OREGON

The 1991 Truth in Renting Act (HB 2968) requires that a document called "Statement of Policy" be delivered to all prospective and current mobile home park tenants by the landlord. Before moving into a mobile home park, you must sign a receipt that you have received the attached Statement of Policy for this park. Mobile home park living has many advantages, including lower up-front capital costs, lower maintenance costs and a sense of security. However, there are important economic and legal consequences to a decision to locate your mobile home on rented land. You are advised to study carefully the following disclosures before buying a mobile home to place on a rented space. This document does not address all the issues you face in mobile home park living. It is intended to help you reach an informed decision. You have the right to consult a lawyer before reaching a decision and the right to shop around for the best deal.

1) The attached Statement of Policy contains important matters to be considered in renting a mobile home space.

2) The Statement of Policy is only summary in nature. You should read carefully all references and all exhibits to the Statement of Policy.

3) Oral representations should not be relied upon as correctly stating the representations of the park owner or manager. Refer to the Statement of Policy and its exhibits for correct representations.

4) If you sign a rental agreement prior to occupancy in a mobile home park, the agreement may or may not allow you to change your mind and cancel it during a "cooling off" period. Check on this.

5) Rents can and do go up. The space rent could increase faster than your ability to pay, especially if your income is fixed. When parks are sold, rents may increase. Remember that you, not the landlord, are responsible for your ability to pay rent.

6) Your tenancy may legally terminate: (a) if you fail to pay rent or you violate a law, an ordinance or the conditions of tenancy in the park, (b) if the park closes, or (c) when your rental agreement term expires.

7) Occasionally, rising rents or termination of tenancy or park closure may cause homeowners to bear moving costs. Mobile homes are not easily moved. You could also have difficulty finding a new place to put your home.

8) You are free to leave the park on 30 days notice without obligation to the landlord. The landlord is free to close all or a portion of the park on 12 months notice without obligation to you.

9) The law does not require you to sell your home to the landlord. It also does not obligate the landlord to sell the park or your lot to you.

10) The law allows reasonable restrictions on who lives in your home and to whom you may sell your home. Read your rental agreement.

11) Some mobile home parks offer you more security in the form of long-term rental agreements which may provide some protection against park closure or park sale and which may provide for limited or more predictable rent increases. You have the right to negotiate for terms that meet your needs.

12) Mobile home park living offers real value for your housing dollar, but remember that no form of private housing can guarantee you a place to live forever without regard to your ability to pay the costs of that housing. Before you buy a home or rent a space, find out:

- How often will your rent go up and how are increases determined?
- What protection, if any, does the park offer you against closure or sale?
- How long can you stay there?

LEARN THE FACTS — MAKE THE HOUSING CHOICE THAT'S RIGHT FOR YOU — GET YOUR AGREEMENT IN WRITING — THEN ACCEPT RESPONSIBILITY FOR THAT DECISION AND THE CONSEQUENCES.

MHCO

1509 S.W. Sunset Blvd., Suite 2-F
Portland, OR 97201

PET AGREEMENT FORM 21

This pet agreement is hereby attached to and becomes a part of the rental agreement

Name of Park: _____ Rental Agreement Date: _____

Name of Resident(s): _____ Pet Agreement Date: _____

Property Address: _____

Additional Security Deposit for Keeping Pet _____ \$ _____

Additional Fee Per Month for Keeping Pet _____ \$ _____

DESCRIPTION OF PETS

Type _____ Size _____ Weight _____ Color _____ Name _____

Type _____ Size _____ Weight _____ Color _____ Name _____

Witnesseth:
That, whereas the Tenant desires to keep a pet in the premises, and whereas the rental agreement prohibits the keeping of pets without permission of the owner, NOW THEREFORE, in consideration of the rental reserved herein the owner grants to the resident permission to keep the aforementioned pet in the premises subject to the following terms and conditions.

1. It is mutually agreed between the parties that tenants may keep the pet desired above at the above described premises.
2. The pet shall be on a leash or otherwise under tenant's control when it is outside the tenant's unit.
3. Failure to comply with the terms of this agreement shall give the owner the right to revoke permission to keep the pet and tenant shall be liable for any damages caused by the pet and the deposit shall be applied to said damages.
4. This agreement is incorporated in and shall become part of the Rental Agreement executed by the tenant.
5. Pet shall not cause any sort of nuisance or disturbance to neighbors.

SIGNATURE OF RESIDENT

SIGNATURE OF OWNER/AGENT

SIGNATURE OF RESIDENT

© MHCO 2/92

Distribution: White Copy - Tenant's File, Yellow Copy - Tenant

MHCO

1509 S.W. Sunset Blvd., Suite 2-F
Portland, OR 97201

R.V. AND EXTRA VEHICLE STORAGE AGREEMENT FORM 22

Park Name _____

1. I understand that _____ is under no obligation to furnish storage space for R.V.'s or extra vehicles. The park provides this service as a courtesy to the residents.
2. There is currently a charge of \$ _____ per vehicle per month. Landlord reserves the right to increase the monthly charge by giving proper written notice.
3. Spaces will be assigned on a first come-first served basis. Once assigned, spaces are reserved and private for the user.
4. _____ or it's employees assume no responsibility or liability for damages resulting from any cause.
5. Spaces are on an unsecured storage basis. Security is the responsibility of the user.
6. R.V.'s may not be parked in or near mobile home spaces except by written arrangements with the managers.

Comments: _____

Signed _____

Space # _____ Date _____ License # _____

Vehicle I.D.# _____

Description: _____

© MHCO 2/92

Distribution: White Copy - Tenant's File, Yellow Copy - Tenant

MHCO

1509 S.W. Sunset Blvd., Suite 2-F
Portland, OR 97201

PARKING VIOLATION FORM 45

TENANT NAME(S) _____

ADDRESS & SPACE #: _____

DATE: _____

DESCRIPTION/LICENCE NO: _____

This vehicle is in violation of the park's parking regulations and local parking ordinances. You are illegally parked in:

- _____ Visitors Space
- _____ Handicapped Space
- _____ Parking on Street
- _____ More Than One Space
- _____ Other _____

YOUR LICENSE NUMBER HAS BEEN RECORDED AND FILED.

PLEASE move this vehicle by _____. Failure to remove vehicle by this date will result in this vehicle being towed at your expense.

Manager Phone Number

© MHCO 2/92

Distribution: White Copy - Tenant, Yellow Copy - Tenant's File

MHCO

1509 S.W. Sunset Blvd., Suite 2-F
Portland, OR 97201

NOTICE OF DISTURBANCE FORM 46

To residents and/or guest _____

(names)

of dwelling unit # _____ at _____

(address)

city of _____, county of _____, state of Oregon

You are hereby given formal notice that disturbances and nuisances

(_____)

(_____)

on or about (date) _____, 19____, have caused discomfort, threat to the premises or manager, or disturbance of the peace to residents of this location ... or the surrounding community.

We advise you that all such disturbances must cease at once.

The police, sheriff and/or county health officer may be notified and if necessary called to insure abatement of such disturbances due to a breach of city, county, and/or state ordinances and statutes.

After all due notice to resident and guests, and a continued disturbance, the management reserves the right to issue a vacate notice to the occupants and/or immediate dismissal of guests.

Date _____

Signed _____ Park Name _____

Owner/Manager

© MHCO 2/92

Distribution: White Copy - Tenant, Yellow Copy - Tenant's File

Park: _____

Resident: _____

Space #: _____

A recent inspection was done on your space and the following item(s) need your attention. Please correct the following violation(s) of Park Rules and Regulations on or before _____.

- Skirting not installed within allotted time period.
- Awning and/or decks not installed within allotted time period.
- Unapproved items stored around home.
- Lawn not properly maintained.
- Weeds around home.
- Unwashed home.
- On-street parking.
- Patio and/or deck needs cleaning.
- Trees/bushes need pruning.
- Noisy pets/or pets running loose.
- Unauthorized person(s) residing in mobile home.
- Inoperable car on space.
- Improperly stored recreation vehicle.
- Children causing disturbance and/or damage.
- Working on automobile, trucks, motorcycles, etc. in park.
- General clean up around space.
- Other _____

SAMPLE

We are trying to provide a well maintained park and appreciate your cooperation in attaining that goal.

If you have any questions or a problem with correcting the item(s) indicated, please contact your on-site manager immediately to resolve the problem(s) in a prompt and timely manner.

Thank you.

Manager

Date

Telephone Number

MANUFACTURED DWELLING SPACE MONTH-TO-MONTH RENTAL AGREEMENT

AGREEMENT. This Agreement is entered into on this _____ day of _____, 199____, by and between _____ ("LANDLORD") and _____ ("TENANT"). Signed copy of this Agreement will be furnished to TENANT and the original will be kept at _____. This Agreement and the attached exhibits constitute the entire agreement between the parties and supersede all other agreements and understandings.

2. PREMISES RENTED. LANDLORD hereby rents to TENANT Space No. _____, located in this facility known as: _____ ("the Park"); address: _____

_____, Oregon, _____. The approximate size of this space is _____ square feet. Rents are to be paid at: _____. The authorized manager is _____, space no. _____, phone number _____. (The names, location and phone number may change due to change in ownership or management. New information will be provided in writing to the TENANT when there is a change.)

3. FEDERAL FAIR HOUSING CLASSIFICATION The Park is classified as a: [] Family Park; [] 55 or Over Park; or, [] 62 or Over Park. The TENANTS' ages are restricted as follows: [] no restriction; [] other (explain): _____

If the Park has chosen to qualify as a 55 or Over park or a 62 or Over park, LANDLORD will make a good faith effort to comply with the Federal Fair Housing Act requirements for this exemption status, but does not represent that the Park will always so qualify.

4. TERM OF AGREEMENT. The term of this Agreement is month-to-month, commencing on _____, 19____. 5. NOTICES. The person authorized to act for and on behalf of the LANDLORD for the purpose of service of process and receipt of notices and demands is _____, whose address is _____

_____, Oregon, _____. All notices to or from LANDLORD or TENANT shall be in writing.

6. RENT. TENANT agrees to pay rent of \$ _____ per month, payable in advance on the _____ day of each month. This rent is based upon _____ occupants, _____ pet(s) and _____ vehicles. LANDLORD reserves the right to increase the rent in accordance with Oregon law.

7. ADDITIONAL FEES AND CHARGES. In addition to rent, TENANT will be responsible for payments as follows:

Refundable Deposits: [] No security deposit is required.

[] LANDLORD acknowledges receipt from TENANT of a refundable security deposit in the amount of \$ _____, from which LANDLORD may claim an amount reasonably necessary to repair damages to the premises caused by TENANT, excluding ordinary wear and tear, and to remedy TENANT'S default under this agreement. LANDLORD shall, within 30 days of termination of tenancy, and delivery of possession, provide TENANT with

an accounting stating the basis of any claim LANDLORD has against the deposit. LANDLORD shall, within 30 days of the termination of tenancy and return of possession, return to TENANT any portion of the deposit not claimed.

- Non-Refundable Fees: [] Late Charge \$_____ per month. If rent is not paid by _____ A.M./P.M. on the _____ day following its due date [] Handling Charge for NSF checks \$_____ per NSF check [] Additional Vehicles () \$_____ per additional vehicle per month [] RV Storage Charge \$_____ per month [] Pets \$_____ per pet per month [] Other \$_____ : _____

[] If this box is checked, TENANT is required to sign an additional vehicle and/or pet agreement. (Such as MHCO Form 21 (Pet) and MHCO Form 22 (RV) agreement). Installation Charges Imposed by Owner: _____

Installation Charges Imposed by Governmental Agencies: _____

8. PERSONAL PROPERTY, SERVICES AND FACILITIES PROVIDED BY LANDLORD. LANDLORD will provide the following services to the TENANT'S manufactured dwelling space: Sewage disposal, water supply and electrical supply. LANDLORD further agrees to provide the following personal property, services and facilities: _____

LANDLORD will pay the monthly costs of the following services: _____

LANDLORD reserves the right to pass these monthly costs to the TENANT at a later date.

- B. **By Landlord.** LANDLORD may terminate the tenancy if TENANT or others occupying TENANT'S manufactured dwelling:
- (1) Violate a law or ordinance which relates to TENANT'S conduct as a manufactured dwelling park tenant or violates this Agreement or the Rules and Regulations of the Park. TENANT may avoid such termination by correcting the specified violation within 30 days. If substantially the same violation reoccurs within 6 months, LANDLORD may terminate the tenancy by giving TENANT at least 20 days written notice.
 - (2) LANDLORD may terminate the tenancy by giving 72 hours written notice of non-payment if TENANT fails to pay rent within 7 days after the rent becomes due.
 - (3) LANDLORD may terminate the tenancy after 24 hours written notice specifying the cause if:
 - (a) TENANT or someone in TENANT'S control or TENANT'S pet seriously threaten immediately to inflict personal injury, or inflict any substantial personal injury, upon LANDLORD, LANDLORD'S representative or other tenants;
 - (b) TENANT or someone in TENANT'S control intentionally inflicts any substantial damage to the premises;
 - (c) TENANT has vacated the premises and the person occupying TENANT'S manufactured dwelling is doing so without LANDLORD'S written permission; or
 - (d) TENANT or someone in TENANT'S control commits any act which is outrageous in the extreme.
 - (4) LANDLORD may terminate the tenancy, as provided by Oregon law, if LANDLORD intends to cease operation of the Park.

17. **NOTICE TO TENANT.** The 72-hour written notice of non-payment of rent, the 24-hour written notice of termination, and a notice of inspection of space pursuant to Oregon law are deemed served on the day on which the notice is both mailed by first-class mail to TENANT at the premises and attached in a secure manner to the main entrance of the premises.

18. **DISPUTE RESOLUTION**

A. **Disputes**

In the event that a dispute arises between LANDLORD and TENANT concerning the tenancy of the mobilehome space, the dispute shall be subject to mediation or arbitration on the condition that both LANDLORD and TENANT agree to proceed with mediation or arbitration. The dispute resolution procedures are set forth in the attached "Addendum."

B. **Certain Matters not Subject to Mediation or Arbitration.**

The mediation and arbitration provisions of this Agreement shall not apply to disputes relating to closure of the Park, sale of the Park or rent, including, but not limited to, amount, increase or non-payment of rent.

19. **INDEMNIFICATION BY TENANT.** TENANT shall indemnify, hold harmless and defend LANDLORD from and against any and all claims, actions, damages, liability and expense, including, but not limited to, attorney and other professional fees in connection with the loss of life, personal injury and/or damage to property arising from or out of the occupancy or use by TENANT of the premises or any part thereof, caused wholly or in part by any act or omission of the TENANT, TENANT'S family, TENANT'S visitors, or others under the control or direction of the TENANT.

20. **SEVERANCE CLAUSE.** If any provision of this Agreement or any document incorporated into this Agreement is ruled invalid or otherwise unenforceable, the remainder of the Agreement or other document shall not be affected and each other term and provision shall be valid and enforceable to the fullest extent permitted by law.

21. **WAIVER.** LANDLORD'S failure to enforce any provision of this Agreement or the Rules and Regulations shall not be deemed a waiver of LANDLORD'S right to enforce said provisions on future occasions.

22. **ATTORNEY FEES, COSTS AND DISBURSEMENTS.** In any action under this Agreement, and upon appeal to higher courts, the prevailing party shall be entitled to an award of reasonable attorney fees from the losing party, together with costs and necessary disbursements. LANDLORD shall be entitled to reasonable attorney fees and legal expenses incurred by LANDLORD in selling or otherwise disposing of personal property abandoned by TENANT.
23. **INSPECTION.** By signing this Agreement, TENANT agrees that TENANT has carefully inspected the Park and the homesite. TENANT is renting, and has found them to be in the condition represented by LANDLORD.
24. **CONDEMNATION.** LANDLORD shall be exclusively entitled to any payment or award for the taking of any portion of the Park under the power of eminent domain, except that TENANT will be entitled to any payment or award attributable solely to the loss of or damage to TENANT'S manufactured dwelling or other removable personal property.

25. **MODIFICATION OF AGREEMENT AND RULES**

A. **Modification of Rental Agreement.** This is a month-to-month agreement and your tenancy may terminate only if cause or upon park closure. However, other terms of this Agreement can change as explained elsewhere in this Agreement or as the result of new laws or court decisions.

B. **Modification of Rules and Regulations.** LANDLORD may propose changes in the Park Rules and Regulations, including changes that make a substantial modification to LANDLORD'S bargain with TENANT, and unless tenants of 51 percent of the units in the Park object in writing within 10 days of receiving the proposed change, the change shall be effective for all tenants on a date not less than 30 days after the day that the notice was served by LANDLORD on TENANT.

BY EXECUTING THIS AGREEMENT, TENANT ACKNOWLEDGES THAT TENANT HAS RECEIVED A COPY OF THIS AGREEMENT AND A COPY OF THE PARK RULES AND REGULATIONS THAT ARE INCORPORATED INTO THIS AGREEMENT, AND THAT TENANT HAS READ THEM AND UNDERSTANDS THEM TO THE BEST OF TENANT'S ABILITY AND WILLING TO ABIDE BY THIS AGREEMENT AND RULES. TENANT UNDERSTANDS THAT THIS AGREEMENT AND THE PARK RULES AND REGULATIONS ARE BINDING LEGAL DOCUMENTS DESCRIBING TENANT'S AND LANDLORD'S RIGHTS AND OBLIGATIONS. TENANT UNDERSTANDS THAT IT IS LANDLORD'S RECOMMENDATION THAT TENANT OBTAIN THE SERVICES OF AN ATTORNEY TO REVIEW THESE DOCUMENTS BEFORE THEY ARE SIGNED.

IN WITNESS WHEREOF, the parties have signed this Agreement on the date and year first written above.

TENANT _____

TENANT _____

LANDLORD: (Name of Park) _____

By: _____
(Name of Mgr), Agent for Landlord

NOTICE: OREGON LAW REQUIRES THAT YOU BE PROVIDED A COPY OF THIS AGREEMENT, INCLUDING THE APPLICABLE PARK RULES AND REGULATIONS AND ANY AGREEMENTS WHICH ARE INCORPORATED INTO THIS RENTAL AGREEMENT. BY SIGNING BELOW, YOU ACKNOWLEDGE RECEIPT OF EACH OF THESE DOCUMENTS.

TENANT _____

TENANT _____

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

9/11/92

DATE: September 3, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, CANBY ELEMENTARY AND HIGH SCHOOL DISTRICTS, TOM PIERSON, GARY HYATT, TODD SCHMIDT, CLACKAMAS COUNTY, MIKE JORDAN

The City has received DR 92-09, a Design Review application by John and Pat Watson for approval of a Site and Design Review application for a 68-unit mobile home park. Special attention will be paid to design and maintenance of landscape and irrigation areas. The site is located on the east and west sides of S. Pine Street, south of S.E. 2nd Avenue (Tax Lots 700 and 790 of Tax Map 3-1E-34C and Tax Lot 2200 of Tax Map 3-1E-33DD).

We would appreciate your reviewing the enclosed applications and submitting comments by September 10, 1992 PLEASE. The Planning Commission will consider this application on September 28, 1992. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

No Comment.

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

EXHIBIT
8

Signature: W.S. Klein

Date: 9/10/92

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

93w
9/1-1/92

DATE: September 3, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, CANBY ELEMENTARY AND HIGH SCHOOL DISTRICTS, TOM PIERSON, GARY HYATT, TODD SCHMIDT, CLACKAMAS COUNTY, MIKE JORDAN

The City has received DR 92-09, a Design Review application by John and Pat Watson for approval of a Site and Design Review application for a 68-unit mobile home park. Special attention will be paid to design and maintenance of landscape and irrigation areas. The site is located on the east and west sides of S. Pine Street, south of S.E. 2nd Avenue (Tax Lots 700 and 790 of Tax Map 3-1E-34C and Tax Lot 2200 of Tax Map 3-1E-33DD).

We would appreciate your reviewing the enclosed applications and submitting comments by September 10, 1992 PLEASE. The Planning Commission will consider this application on September 28, 1992. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

Check with Roy Hester for Collection System Capacity

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: *Stephen D. Hanson*

Date: *9/8/92*

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

CJW
9/8/92

DATE: September 3, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, CANBY ELEMENTARY AND HIGH SCHOOL DISTRICTS, TOM PIERSON, GARY HYATT, TODD SCHMIDT, CLACKAMAS COUNTY, MIKE JORDAN

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Comments or Proposed Conditions:

This office has no comments or conditions at this time.

Adequate Public Services (of your agency) are available

Adequate Public Services will become available through the development

Conditions are needed, as indicated

Adequate public services are not available and will not become available

Signature: J. Stark

Date: 9-4-92