

A G E N D A

CANBY PLANNING COMMISSION

REGULAR MEETING
City Council Chambers
April 22, 1991 - 7:30 p.m.

I. ROLL CALL

II. MINUTES

March 11, 1991
March 18, 1991
April 8, 1991

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMUNICATIONS

V. NEW BUSINESS

VI. FINDINGS

MLP 91-02 - Arthur R. and Lynn M. Olsen

VII. PUBLIC HEARINGS

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

ORDINANCE NO. 858 - Language to Require Review of Conditions of Residential Structures Proposed to be Moved

The Commission will consider possible language to require review of condition of residential structures proposed to be moved:

Chapter 16.48 Site Plan Review

Section 16.48.010 Required Prior to Plan Check

Add the following paragraph:

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

Section 16.48.050 Standards and Criteria for Site Plan Review

Add the following:

- E. For residential structures moved onto the site, including but not limited to manufactured homes, a determination shall be made by staff that a "near like-new" condition of building exterior shall exist prior to occupancy. This determination shall include an evaluation of color, materials and appearance of siding, roofing and appurtenances, as determined by evidence of recent painting, new construction, or replacement or repair of weathered, damaged or deteriorated materials or surfaces.

VIII. OLD BUSINESS

RES. No. 91-01

VIII. 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

Wade Wiegand
Robert Westcott
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 30 minutes

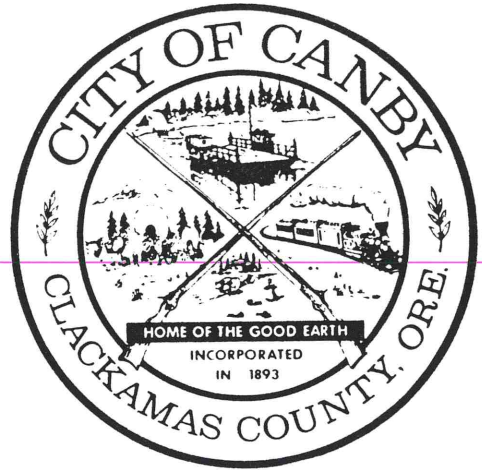
Proponents - not more than 10 minutes

Opponents - not more than 10 minutes

Rebuttal - not more than 20 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.*





- STAFF REPORT -

TITLE: AN ORDINANCE AMENDING PROVISIONS OF TITLE 16 OF THE CANBY MUNICIPAL CODE REGARDING LANGUAGE TO REQUIRE REVIEW OF CONDITIONS OF RESIDENTIAL STRUCTURES PROPOSED TO BE MOVED.

FILE NO: ORDINANCE 858

STAFF: Robert G. Hoffman, AICP
Planning Director

RGH

DATE OF REPORT: April 9, 1991

DATE OF HEARING: April 22, 1991

I. STAFF'S REQUEST:

Staff is requesting that the Commission consider recommending to Council approval of Ordinance 858 regarding language to require review of conditions of residential structures proposed to be moved.

II. APPLICABLE CRITERIA:

This is a legislative land use application. In judging whether a legislative application should be approved, the Planning Commission must consider the following standards:

1. That the amendments conform with the Comprehensive Plan of the City of Canby;

2. That there is a public need for the amendments and that such changes best serve the public need for the City of Canby;
3. That the amendments will preserve and protect the health, safety, and welfare of the residents of the City of Canby; and
4. That the amendments conform to the statewide planning goals.

III. BACKGROUND AND RELATIONSHIPS

During its review of proposed Ordinance No. 855 regarding Manufactured Homes on Individual Lots Planned and Zoned for Single Family Homes to be Permitted as an Outright Use, concerns were expressed about the possibility of an older structure of poor quality being moved onto any site. Staff was requested to explore possible approaches to deal with this potential problem. Discussions with staff at DLCD suggested that an approach which included all residential structures proposed to be moved undergo site plan review, probably would meet the requirements of HB 2863, adopted in 1989. The attached proposed Ordinance No. 858 proposes adding a Site Review of all residential structures proposed to be moved, to Title 16, Chapter 16.48 - Site Plan Review, of Canby's Municipal Code.

IV. FINDINGS

Conformance with Comprehensive Plan

Page 46, of the Comprehensive Plan, states " . . . Canby is committed to a position of supporting manufactured housing, as well as various density increases for other types of housing, as the best means of providing local housing opportunities for all segments of the population to the year 2000."

LAND USE POLICY NO. 1:

CANBY SHALL GUIDE THE COURSE OF GROWTH AND DEVELOPMENT SO AS TO SEPARATE CONFLICTING OR INCOMPATIBLE USES WHILE GROUPING COMPATIBLE USES.

IMPLEMENTATION MEASURES:

- B) Utilize the allowable "conditions of approval" for discretionary applications as a means of minimizing or mitigating conflicts between land uses.

HOUSING POLICY NO. 4:

CANBY SHALL ENCOURAGE THE DEVELOPMENT OF HOUSING FOR LOW INCOME PERSONS AND THE INTEGRATION OF THAT HOUSING INTO A VARIETY OF RESIDENTIAL AREAS WITH THE CITY.

IMPLEMENTATION MEASURES:

- B) Encourage the private sector to provide low income housing.

Policy Analysis

Permitting manufactured homes and other structures proposed to be moved on scattered lots wherever single family homes are permitted will aid in meeting these policies. Reviewing each proposed homes to be moved under the reasonable review standards to insure a "near like-new condition" will permit some review to encourage compatibility with the neighborhood within which they will be situated. Manufactured homes and moving rehabilitable structures are some of the few available techniques for reducing housing costs. The application of standards to insure "near like-new condition" of all residential structures will allow lower cost housing, while still providing for some measure of neighborhood compatibility. Thus, the Ordinance provisions will help to attain Comprehensive Plan provisions.

Public Need

With the projected population growth in Canby, there is a continuing need to expand the housing supply. Scattered individual lots are available for building, and manufactured homes and relocating rehabilitated structures can be possible resources for utilizing these "infill" sites. Furthermore, costs of construction have been escalating and pricing many families out of the market. Manufactured homes and relocating rehabilitated structures are means of reducing housing costs and serving many of these families. Thus, the proposed ordinance can help meet a major public need. Canby has long been a location where manufactured homes and some movable structures have been welcomed. Scattered sites can be used if each proposed building is reviewed to encourage compatibility with its neighbors.

Health, Safety and Welfare

The proposed ordinance is concerned with housing and neighborhood quality and helping to meet people's need for an adequate housing supply at prices people can afford. The proposed ordinance process proposed for review of each structure is one suited to meet these needs without serious disruption in the community. In adopting House Bill 2863, the State Legislature determined that provision of housing opportunities is a matter of state-wide concern and that a need exists to allow manufactured homes outside of mobile home parks under specified standards. Relocating rehabilitable residential structures can also help meet this need.

Conformance to Statewide Planning Goals

Oregon Statewide Planning Goal 10 Housing is "to provide for the housing needs of citizens of the state." "Needed" housing is specified as "to be encouraged in availability of adequate numbers at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density. The State Goal guidelines included a policy to make changes to local construction and zoning and other land use controls in order to help lower costs of housing. HB 2863 which was approved by the State Legislature in 1989 revised the definition of "Needed Housing" under this guideline to include "manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured home subdivisions." Other existing residential structures to be moved to a site and rehabilitated have the same potential for reducing housing costs. Thus, the subject ordinance responds to the State Goals and guidelines as amended by recent legislative action.

V. CONCLUSION

1. Staff concludes that the proposed ordinance conforms with the Comprehensive Plan since it assists in meeting many policies of the Housing Element and Land Use Element, as described in the above analysis.
2. Staff concludes that there is a public need for the amendments and that such changes serve the public need of the City of Canby since low cost housing and quality neighborhoods for same have been determined by the State to be "needed housing."
3. Staff concludes that the amendment will preserve and protect the health, safety, and welfare of the residents of the City of Canby since the State Legislature, in adopting HB 2863, determined that provision of housing opportunities under reasonable conditions is a matter of statewide concern.
4. Staff concludes that the amendments conform to statewide planning goals and recent legislation. (See above discussion.)

VI. RECOMMENDATION

Based upon the findings and conclusions in this report, without benefit of public hearing, and with the additional information contained in the file, staff presents Ordinance No. 858, and recommends that the Planning Commission recommend approval to the City Council.

ORDINANCE NO. 858

**AN ORDINANCE AMENDING PROVISIONS OF
TITLE 16 OF THE CANBY MUNICIPAL CODE
REGARDING SITE PLAN REVIEW AND
REQUIRING REVIEW OF CONDITION OF
RESIDENTIAL STRUCTURES PROPOSED TO
BE MOVED; AND DECLARING AN EMERGENCY**

WHEREAS, concerns have arisen about the condition of residential structures proposed to be moved including, but not limited to, manufactured housing, and

WHEREAS, the City is desirous of regulating the condition of residential structures proposed to be moved; and

WHEREAS, the Canby Planning Commission, after proper notice and public hearing held on April 22, 1991, recommended that the City Council approve Ordinance No. 858; and

WHEREAS, the City Council, after review of the record before the Planning Commission, finds:

1. that the following amendments conform with the Comprehensive Plan of the City of Canby;
2. that there is a public need for the amendments and that such changes best serve the public need for the City of Canby;
3. that the amendments will preserve and protect the health, safety and welfare of the residents of the City of Canby; and
4. that the amendments conform to the statewide planning goals.

NOW THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Section 16.48.010 is amended to read as follows:

Prior to undergoing a plan check for construction, all proposed commercial, industrial and multiple-family residential development projects (having greater than two dwelling units) shall undergo a site plan review to be conducted by staff. This review is intended to focus on Code compliance and the mitigation of potential health and safety hazards rather than on architectural or aesthetic design features. Additional to the requirements imposed as a result of a site plan review, the staff may also make certain recommendations which are not binding upon the applicant, but which are intended to improve the overall quality or appearance of the development. A site plan review shall also be conducted by staff for any residential structure including, but not limited to, manufactured homes, whether new or previously occupied, which are proposed to be moved onto a site. This review is intended to focus on Code compliance and mitigation of safety hazards as well as to insure "near like-new" condition of building exterior.

Section 2. Section 16.48.050(E) is added as follows:

E. For residential structures moved onto the site including, but not limited to, manufactured homes, a determination shall be made by staff that a "near like-new" condition of building exterior shall exist prior to occupancy. This determination shall include an evaluation of color, materials and appearance of siding, roofing and appurtenances, as determined by evidence of recent painting, new construction, or replacement or repair of weathered, damaged or deteriorated materials or surfaces.

Section 3. Emergency Clause

In order to better promote the safety, health, and welfare of the citizens of Canby and to provide immediate uniform regulations for its citizens, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its final reading and passage by the Canby City Council.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, May 1, 1991, and ordered posted as provided by the Canby City Charter and scheduled for second reading and action of the Canby City Council at a regular meeting thereof on Wednesday, May 15, 1991, commencing at the hour of 7:30 p.m., in the Council Meeting Chambers at Canby City Hall in Canby, Oregon.

Marilyn K. Perkett
City Recorder

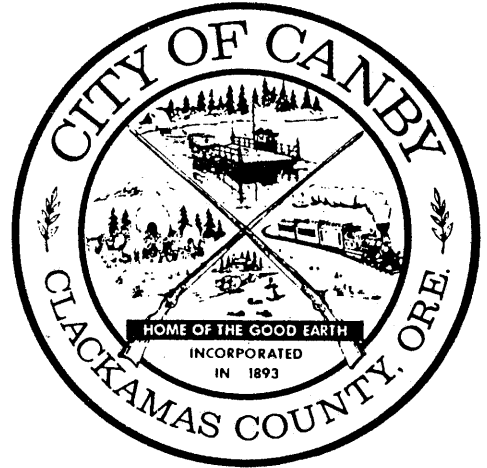
ENACTED by the Canby City Council at a regular meeting thereof on May 15, 1991, by the following vote:

YEAS _____ NAYS _____

Shawn Carroll, Mayor

ATTEST:

Marilyn K. Perkett, City Recorder



- STAFF REPORT -

APPLICANT:

John Watson

FILE NO.:

ANN 91-01

OWNER:

Harold and Yvonne Wodtli

STAFF:

Robert G. Hoffman, AICP,
Planning Director

LEGAL DESCRIPTION:

Tax Lot 700 of
Tax Map 3-1E-34C

DATE OF REPORT:

April 12, 1991

LOCATION:

East of Pine and South of 99E

DATE OF HEARING:

April 22, 1991

COMP. PLAN DESIGNATION:

High Density Residential

ZONING DESIGNATION:

County Zoning RRFF-5 (will come
into City after Annexation as
R-2 - High Density Residential

I. APPLICANT'S REQUEST:

The applicant is requesting approval to annex a 4.7 acre site, to be developed, with adjacent land, as a "manufactured housing park."

II. MAJOR APPROVAL CRITERIA:

The annexation process is a quasi-judicial land use process. The Planning Commission forms a recommendation that the City Council may consider while conducting a public hearing. The City Council then forwards their recommendation to the Portland Metropolitan Area Local Government Boundary Commission (PMALGBC), where a final hearing and decision will be made.

- A. Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Commission shall give ample consideration to the following:
1. Compatibility with the text and maps of the Comprehensive Plan, giving special consideration to those portions of policies relating to the Urban Growth Boundary.
 2. Compliance with other applicable City ordinances or policies.
 3. Capability of the City and other affected service-providing entities to amply provide the area with urban level services.
 4. Compliance of the application with the applicable section of ORS 222.
 5. Appropriateness of the annexation of the specific area proposed, when compared to other properties that may be annexed to the City.
 6. Risk of natural hazards that might be expected to occur on the subject property.
 7. Effect of the urbanization of the subject property on specially designated open space, scenic, historic, or natural resource areas.
 8. Economic impacts which are likely to result from the annexation.
- B. If the proposed annexation involves property beyond the City's Urban Growth Boundary, or if the annexation is proposed prior to the acknowledgement of compliance of the City Comprehensive Plan by the State Land Conservation and Development Commission, the proposal shall be reviewed for compliance with the statewide planning goals.

III. FINDINGS:

A. Background and Relationships:

There has been action on this part of the city of Canby in the last few months in this area. An alignment was selected for eventual widening and extension of Pine Street, from Highway 99E to 13th Avenue. This right-of-way is planned to also be the route for a major sewer interceptor to serve the southern part of Canby. A meeting to discuss the possibility of annexation of the area easterly of the subject site was recently held to determine interest. Approximately twenty property owners were invited. There were expressions of interest and no opposition was expressed.

The subject parcel is surrounded by a variety of existing uses, zoning and Comprehensive Plan land use categories. The small parcel immediately to the north of the subject site is an older single family home, zoned R-1, and proposed in the Comprehensive Plan Land Use for eventual light industrial development. The area to the north of this lot is used, zoned and designated in the Comprehensive Plan Land Use as light industrial. The area to the west is controlled by the applicant, is vacant, zoned R-1, and designated in the Comprehensive Plan Land Use as High Density Residential. A mobile home park exists just a little further to the west. The area to the east is in agricultural usage, is zoned by the County as RRFF-5 and EFU-20 GAD, and the Comprehensive Plan proposes development eventually for light industrial use. The area to the south of the subject parcel is farm land, is zoned R-2 for High Density Residential development. Highway 99E is located about 300 feet to the north of the subject parcel and access is by way of Pine Street. There have been inquiries about parcels with 99E frontage for commercial development. The Fairgrounds is located just north of 99E. Thus, the subject parcel is located as a transitional parcel between light industrial and high density residential areas, with commercial uses nearby. The ultimate alignment and width of Pine Street as a collector street, buffering and timing of availability of utility service, and timing of development, all will be issues that a specific development proposal shall need to resolve.

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement

The notification process and public hearing are a part of the compliance with the adopted policies and process pertaining to Citizen Involvement.

ii. Urban Growth

The property is entirely within the Urban Growth Boundary. It fully meets the intent of Canby's Goals and Policies regarding the Comprehensive Plan Urban Growth Chapter, provided that all necessary urban services are available. This will be discussed later in this report. The site is a Priority "A" for development, which is the first stage to be developed.

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 #4 Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.

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 special requirements, in conjunction with the requirements of the Land Development and Planning Ordinance in guiding the use and development of these unique areas.

ANALYSIS

It has been previously discussed, in this report, that the subject parcel is located in a transitional position between light industrial and residential areas. Urban development activities have been proceeding all around the site. Policy #1 can be met through the use of conditions at the time of development. A mobile home park, or multiple residential development, will need to be reviewed under the City's new Site and Design Review Ordinance or Subdivision Ordinance. This will provide for proper buffering.

Policy #2 is provided for by the R-2 (High Density Residential) zoning which will apply to the parcel after annexation. Policy #3 will be met by Canby's current service system and concurrent extension of service systems for the proposed development. Policy #4 does not apply, since there are no known natural hazards present. Policy #5 will be followed since the property will be zoned R-2 as part of the annexation process and any development will need to follow the Canby Land Development and Planning Ordinance requirements.

Policy #6 deals with unique areas and the subject property is a part of unique area "O" and adjacent to area "G" (which is located to the east of the subject property). The policies for these areas follow:

"Area "O" includes several ownerships which are partially within the City limits and partially outside. All of the 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 the 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."

"Area "G" is similar to Area "A" in many respects. Located south of Highway 99E along S. Pine Street, it too has potential for either commercial or industrial development. Commercial uses will be limited to "heavy" commercial activities which are closely related to industrial activities or larger shopping centers based around a department store of the sort which can be expected to draw from a regional market area. It is recognized that the Land Use Map contains sufficient area for commercial uses of all sorts other than larger department store complex types. By designating this area for special treatment, this problem should be resolved, while providing safe highway access and minimizing conflicts with the railroad. The extension of S. Pine Street to connect with Township Road, will be a high priority regardless of the specific nature of development in the area. Upon annexation, Area "G" could be zoned either M-1 or C-M, depending upon the nature of the development proposed."

These policies will be followed as a part of this annexation and development of the parcel. The existing situation has changed somewhat since these policies were adopted in 1984. Part is already being implemented, and portions have already been developed.

iv. ENVIRONMENTAL CONCERNS

Policy #1-R-A Canby shall direct urban growth such that viable agricultural uses within the Urban Growth Boundary can continue as long as it is economically feasible for them to do so.

Policy #1-R-B Canby shall encourage the urbanization of the least productive agricultural area within the urban growth boundary as a first priority.

- 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 #5-R Canby shall support local sand and gravel operations and will cooperate with County and State agencies in the review of aggregate removal applications.
- Policy #6-R Canby shall preserve and, where possible, encourage restoration of historic sites and buildings.
- 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.
- Policy #9-R Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.
- Policy #1-H Canby shall restrict urbanization in areas of identified steep slopes.

- Policy #2-H Canby shall continue to participate in and shall actively support the federal flood insurance program.
- Policy #3-H Canby shall seek to inform property owners and builders of the potential risks associated with construction in areas of expansive soils, high water tables and shallow topsoil.

ANALYSIS

Any agricultural use of the property will continue until development occurs, which should be timed to meet market absorption. The site is Class I type soil and has been used for farming. There are no known soil problems related to urban type development. Canby's storm and sanitary sewer procedure will provide protection for ground water and surface water.

Building, health and other Code regulations will protect against other types of pollution. Policies #5R, 6R and 7R do not apply since there are no known aggregate, historic, scenic, or aesthetic resources present. The development ordinance will review land division or conditional use, and encourage preservation of some measure of open space, where appropriate. There are no significant fish or wildlife habitat identified, to date. The area has been farmed and there is an orchard nearby. No steep slopes or flood prone land is present.

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 #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 sidewalks and pedestrian pathway system to serve all residents.
- Policy #5: Canby shall actively work toward the construction of a functional overpass or underpass to allow for traffic movement between the north and south side of town.
- 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.
- Policy #8: Canby shall work cooperatively with the State Department of Transportation and the Southern Pacific Railroad Company in order to assure the safe utilization of the rail facilities.
- Policy #9: Canby shall support efforts to improve and expand nearby air transport facilities.
- Policy #10: Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.

Policy #11: Canby shall work with private developers and public agencies in the interest of maintaining the transportation significance as well as environmental and recreational significance of the Willamette River.

Policy #12: Canby shall actively promote improvements to State highways and connecting County roads which affect access to the City.

ANALYSIS

Pine Street is proposed in the Canby Comprehensive Plan as a collector street. It will need to be widened, and sidewalks and curbs provided. The Pine Street intersection with Highway 99E is also the Highway 99E entrance to the Fairgrounds, which needs improvements.

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 #3: Canby shall adopt and periodically update a capital improvement program for major City projects.

Policy #4: Canby shall strive to keep the internal organization of City government current with changing circumstances in the community.

Policy #5: Canby shall assure that adequate sites are provided for public schools and recreation facilities.

ANALYSIS

All public utilities can be provided from Highway 99E, or the new Pine Street collector. A major new sewer interceptor is available in 99E and Pine Street. A new interceptor will eventually be available in Pine Street. A new sewer interceptor will be required concurrently with development. A 12 inch water line is available on the eastern property line of the subject parcel. We are awaiting a report from the Canby Utility Board, to indicate if any improvements are required to service this development. Some service extensions will be required. We are not aware of any unique problems to serve this area, at this time. We have asked for input regarding any concerns various service providers might have, and will report on any input we receive, at a later date with a supplemental report. The development will need to participate in the costs of all service facility extensions. The City of Canby voters have recently approved a major expansion of school facilities so that school capacity will be available. The new 'draft' Parks Plan does not propose a park to serve the general population at this location. Storm water will need to be handled on-site.

vii. ECONOMIC

GOAL: TO DIVERSITY AND IMPROVE THE ECONOMY OF THE CITY OF CANBY.

Policy #1: Canby shall promote increased industrial development at appropriate locations. *(Not applicable at this site.)*

- Policy #2: Canby shall encourage further commercial development and redevelopment at appropriate locations. *(Not applicable at this site.)*
- Policy #3: Canby shall encourage economic programs and projects which will lead to an increase in local employment opportunities.
- Policy #4: Canby shall consider agricultural operations which contribute to the local economy as part of the economic base of the community and shall seek to maintain these as viable economic operations. *(Not applicable at this location.)*

ANALYSIS

Development of this site with a multiple residential or mobile home park will provide homes for Canby business owners and employees, and also will provide a few employment opportunities.

viii. HOUSING

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

- Policy #1: Canby shall adopt and implement an Urban Growth Boundary which will adequately provide space for new housing starts to support an increase in population to a total of 20,000 persons. *(Not applicable since UGB is already adopted and this parcel is within it.)*
- 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.

Policy #4: Canby shall encourage the development of housing for low income persons and the integration of that housing into a variety of residential areas within the City.

Policy #5: Canby shall provide opportunities form mobile home developments in all residential zones, subject to appropriate design standards.

ANALYSIS

This parcel will provide an opportunity for high density housing, since it will be zoned R-2. If the applicant is successful in gaining approval of a Conditional Use as a mobile home park for his manufactured home village, the supply of lots of low and moderate cost housing will be increased.

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 #4: Canby shall attempt to reduce wasteful patterns of energy consumption in transportation systems.

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

ANALYSIS

Recently constructed multiple housing and mobile homes have increased standards for energy efficiency.

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

Development of this parcel after annexation will need to comply with all applicable provisions of the City of Canby Land Development and Planning Ordinance, Building Codes, and other County and State Codes and Regulations. We are not aware, at this time, of any provisions which cannot be met by the development of this site. The site will be zoned for High Density Residential development (R-2), which permits mobile home parks as a conditional use. The site plan must be reviewed and approved under the Site and Design Review Ordinance. The City and County have an agreed-upon procedure for handling annexations.

D. Capability of the City and Other Affected Service-Providing Entities to Amply Provide the Area With Urban Level Services

We have discussed this aspect under the Public Facilities and Services Element of the Comprehensive Plan. In summary, at this time, there are no known unique problems to providing service to this site. We will provide a supplemental report if the service providers report any unusual problems in the future. We believe all Public Facilities and Services are available, or can be made available concurrent with development of this site.

E. Compliance with the Applicable Sections of ORS 222

This application is being reviewed under the provisions of the Canby Land Development and Planning Ordinance, Chapter 16.84. Action by the City Council will be an advisory recommendation to the Boundary Commission, which has final authority. This property is contiguous with the City limits, there are no occupants on the property, and the owner has authorized the applicant to apply.

F. Appropriateness of the Annexation of the specific area proposed, when compared to other properties which might reasonably be expected to be annexed to the City

The previous discussion of the Comprehensive Plan policies regarding Urban Growth, found that the site is located within an area which has been

determined to be Priority "A", in an early or first stage for annexation and development. Thus, it is appropriate to consider it for annexation at this time.

G. Risk of Natural Hazards which might be expected to occur on the subject property

No natural hazards have been identified on the subject property. There are no steep slopes, no flood-prone areas, or any major stream corridors.

H. Effect of the urbanization of the subject property on specially designated open space, scenic, historic, or natural resource areas.

The previous discussion of the Comprehensive Plan policies (particularly the Environmental Concerns Element) concluded that there are no designated open space, scenic, historic, or natural resource areas present on the site. The development ordinance will review details of site development under the Conditional Use process and Site and Design Review process, to give protection to any detailed resources which may be identified and ensure that needed public facilities and services are available.

I. Economic impacts which are likely to result from the annexation

The previous discussion of the Economic policies of the Comprehensive Plan concluded that development of the site as it will be zoned, will provide dwellings for Canby business owners and also provide a few employment opportunities through development, management and maintenance jobs. Urban type potential development will increase land values and tax values.

III. CONCLUSION

Provided that urban level of utility and other services are extended to service the site, staff hereby concludes that the proposed annexation meets the requirements of the standards and criteria included in the Canby Land Development and Planning Ordinance, Section 16.84.040, including consideration of: 1) Comprehensive Plan consistency; 2) Compliance with other applicable Codes and Ordinances; 3) Capability to provide urban level of services; 4) Compliance with ORS 222 regarding annexations of contiguous properties; 5) Appropriateness of area for annexation compared to other properties; 6) Risk of natural hazards; 7) Effect of urbanization on designated open space, scenic, historic or natural resource area; and 8) Economic impacts.

IV. RECOMMENDATION

Based upon the findings and conclusions contained in this report (and without benefit of a public hearing), staff recommends approval of ANN 91-01 to the PMALGBC (Boundary Commission) with the following conditions:

1. All development and recording costs are to be borne by the developer when the property is developed.
2. All City and service provider regulations are to be adhered to at the time of development.
3. Any development of the property must be preceded by a conditional use permit, and Site and Design Review or PUD or Subdivision review.

Exhibits:

1. Application
2. Page 2 of Addendum to Sale Agreement
3. Tax Map
4. Vicinity Map

ANNEXATION APPLICATION

OWNER APPLICANT

Name HAROLD E. WATSON, JR. Name of APPLICANT

Address 748 SE TOWNSHIP RD., P.O. BOX 425

City Lake Oswego State OR Zip 97013

Phone: Work 721-4666 Home 635-2040

SIGNATURE Harold E. Watson

DESCRIPTION OF PROPERTY: 3 1/2 AC Tax Map 3 1E 34C Tax Lot(s) 700 Lot Size 4.7 Ac.

Legal Description: (Attach Copy) ...

PROPERTY OWNERSHIP LIST

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property...

USE Existing Manufactured Housing Park

PROJECT DESCRIPTION AN UPGRADE MANUFACTURED HOUSING PARK USING 28 FT WIDE UNITS, SEMI-PERMANENT SETTINGS, WOOD COMPOSITION SIDING OR COMPOSITION SHINGLE ROOFS WITH METAL SHEET SIDING OR METAL ROOFS (METAL NOT BE PERMITTED)

ZONING R-2 COMPREHENSIVE PLAN DESIGNATION R-2 PREVIOUS ACTION (if any) NONE

File No. ANN 91-01

Receipt No. 1911-500

Date Received 5/28/91

Completeness Date

Pre-App Meeting

Hearing Date 4-28-91 please

EXHIBIT 1 ANN 91-01

County 2-K.F.F.S

SEE ATTACHED

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

or 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 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
John F. Watson
Patricia G. Watson
Patricia G. Watson

SELLERS:

Harold R. Wodtli
Harold Wodtli
Yvonne E. Wodtli 3-14-91
Yvonne Wodtli

EXHIBIT
2
ANN 91-01

SW 1/4 SEC. 34 T.3S. R.1E. W.
 CLACKAMAS COUNTY
 1" = 200'

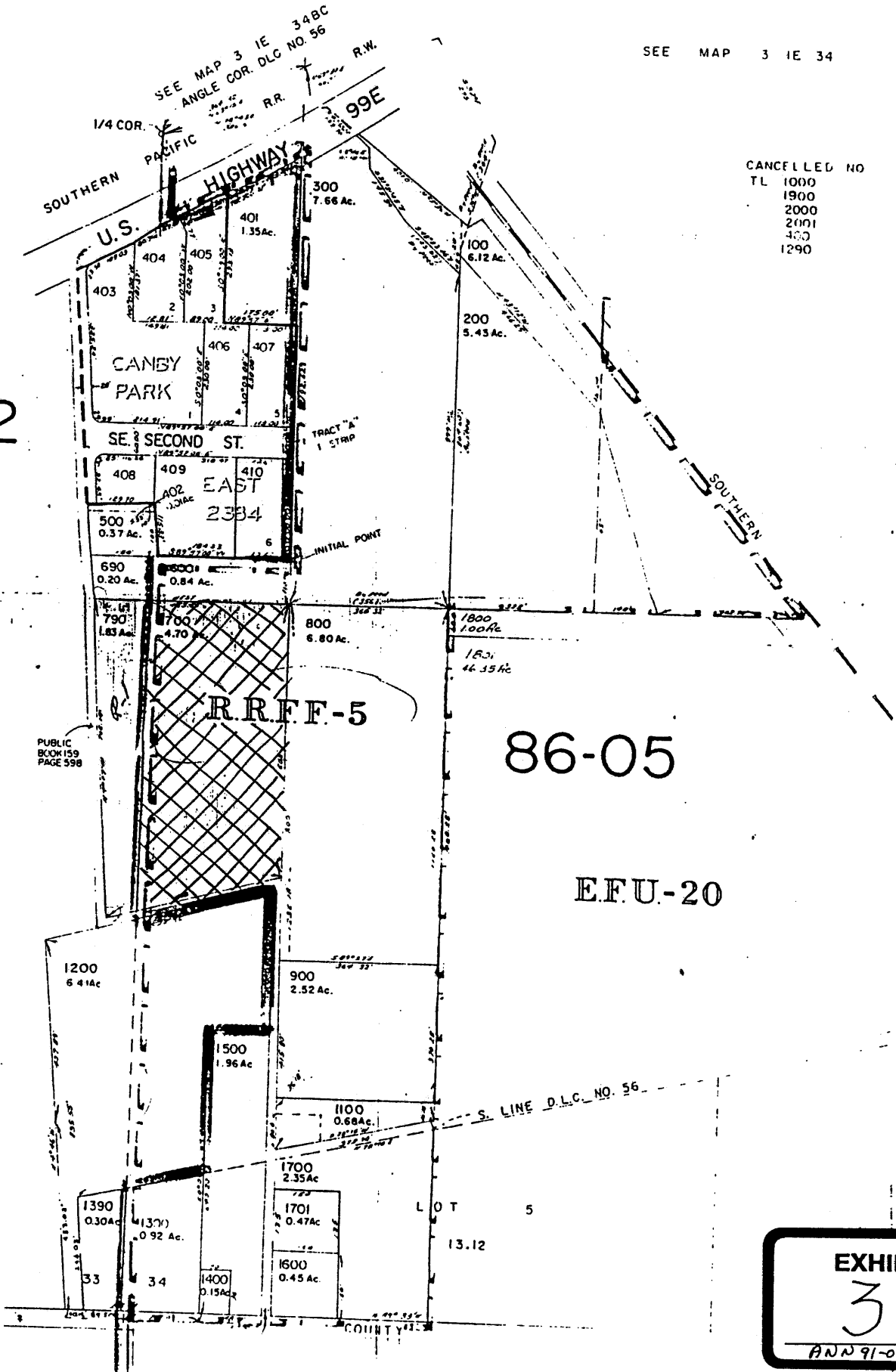
SEE MAP 3 IE 34

CANCELLED NO
 TL 1000
 1900
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 2001
 400
 1290

-02

SEE MAP 3 IE 33DA

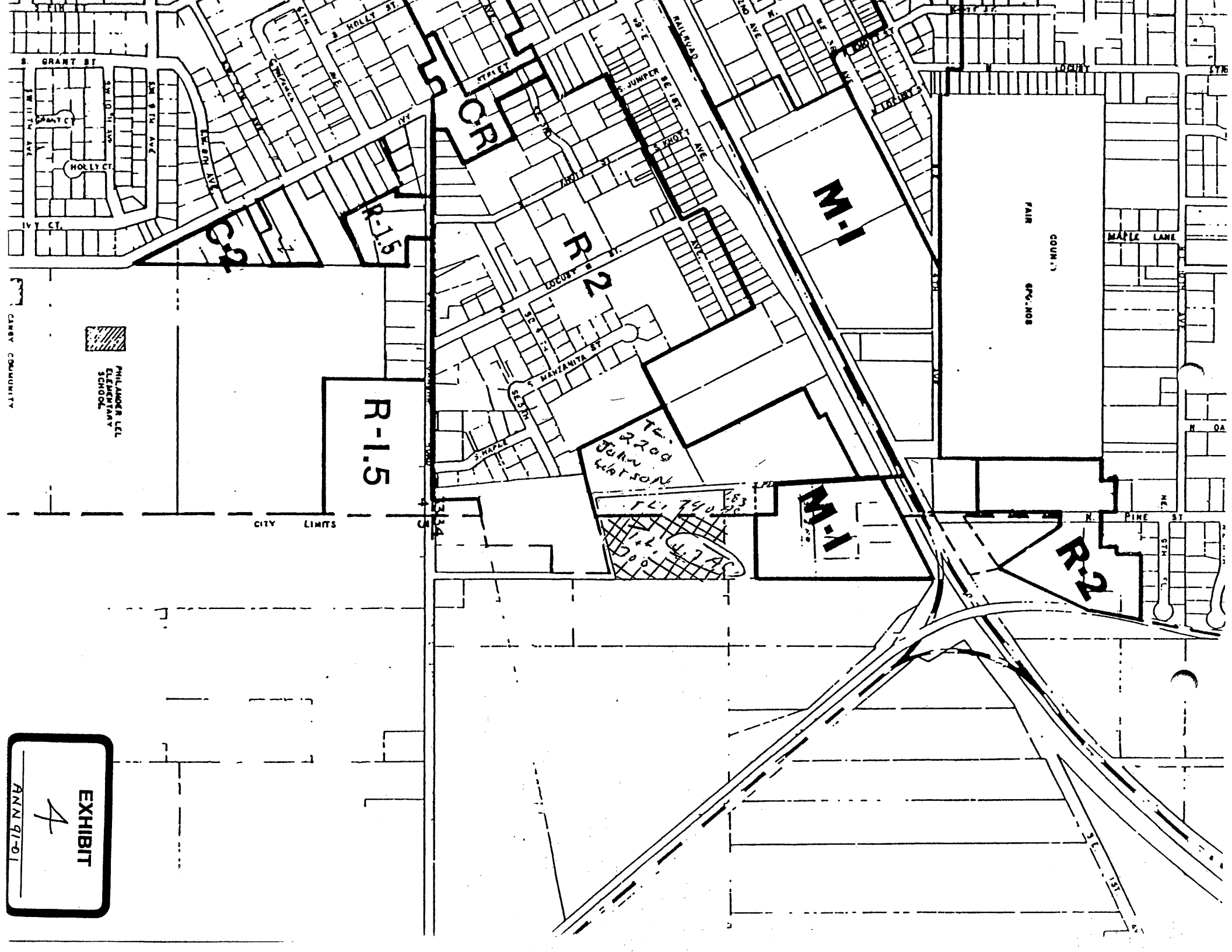
SEE MAP 3 IE 33DD



86-05

EFU-20

EXHIBIT
 3
 ANN 91-01



R-1.5

R-2

M-1

M-1

R-2

CR

T-1
2209
JOHN
WATSON

PL 740

FAIR
COUN. 1
400,000

PHILAMOR LELI
ELEMENTARY
SCHOOL

CITY LIMITS

EXHIBIT
4
ANN 91-01