

Joyce

A G E N D A
CANBY PLANNING COMMISSION
REGULAR MEETING
City Council Chambers
Monday, November 14, 1994
7:30 p.m.

I. ROLL CALL

II. MINUTES

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMUNICATIONS

V. FINDINGS

MLP 94-07 - Faist
ANN 94-02 - Faist

VI. COMMISSION DISCUSSION OF PLANNING ISSUES

VII. NEW BUSINESS

VIII. PUBLIC HEARINGS

CUP 94-05/DR 94-14/LLA 94-08, an application by Fred A. Kahut [owner/applicant] for approval to develop a portion of a 14.4 acre parcel of land, within the confines of the Logging Road Industrial Park, and operate a Solid Waste Transfer Station and Recycling Processing Center. The site is located in the southeast portion of the industrial park and is bounded on the south by Township Road; on the north by an easement for Fourth Avenue; on the east by the Logging Road; and on the west, by Redwood Street (Tax Lot 1805 [part] of Tax Map 3-1E-34C).

SUB 94-04, an application by Regan Enterprises [applicant/owner] for approval to develop a 33-lot subdivision, Phase 7 of Township Village. The lots will vary in size from 7,000 square feet to 9,500 square feet. The site is located on the north side of S.E. 13th Avenue, between Ackerman Middle School and Valley Farms Subdivision (Tax Lot 1800 of Tax Map 4-1E-3).

MLP 94-08, an application by Eldon L. Otta [owner/applicant] to partition a 114.5 x 130 lot into two lots, approximately 7100 square feet and 7,790 square feet, respectively. The applicant proposes to remove all buildings on the site if the application is approved. The site is located at 578 S. Fir Street, west of S.W. 6th Avenue (Tax Lot 8700 of Tax Map 4-1E-4AB).

IX. DIRECTOR'S REPORT

X. 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
Stan Elliot
Wade Wiegand

Linda Mihata, Vice-Chair Bob Gustafson
Dan Ewert

Tamara Maher



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

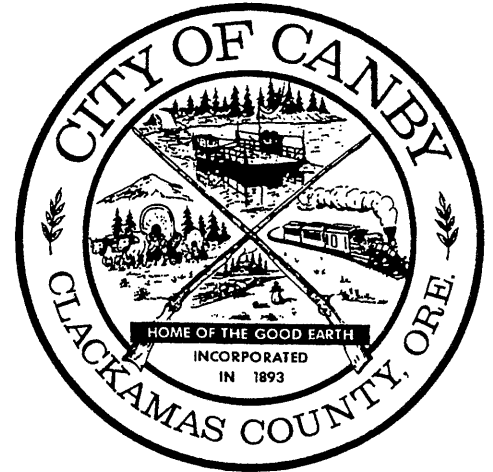
Rebuttal - not more than 10 minutes

- *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

Fred A. Kahut
P.O. Box 550
Canby, OR 97013

FILE NO.:

CUP 94-05/DR 94-14/LLA 94-08

OWNER:

Same

STAFF:

Robert G. Hoffman, AICP
Planning Director

LEGAL DESCRIPTION:

Tax Lot 1804 and 1805 of
Tax Map 3-1E-34C

DATE OF REPORT:

November 4, 1994

LOCATION:

Northeast corner of the intersection
of S. Redwood and S.E. Township

DATE OF HEARING:

November 14, 1994

COMP. PLAN DESIGNATION:

Light Industrial

ZONING DESIGNATION:

M-1 (Light Industrial)

I. APPLICANT'S REQUEST:

The applicant is requesting approval of Conditional Use, Design Review, and Lot Line Adjustment applications to develop a portion of the properties as a Solid Waste Transfer Station and Recycling Processing Center. The site is a portion of the 14.40 acre parcel.

II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

16.10	Off-Street Parking and Loading
16.32	M-1 Light Industrial Zone
16.49	Site and Design Review
16.50	Conditional Uses
15.56	General Standards (for Land Division)
16.58	Lot Line Adjustment
16.88	General Standards

- **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

III. MAJOR APPROVAL CRITERIA

16.49 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.

The Design Review Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing.

16.50.010 Authorization to Grant or Deny Conditional Uses

In judging whether or not a conditional use permit shall be approved or denied, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the location proposed and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

16.58 Lot Line Adjustments

The City Planner and City Engineer shall review the proposed lot line adjustment and shall determine whether the following criteria have been met:

- A. Each of the remaining parcels and any structures located thereon shall be in full compliance with all regulations of this title, including the setback requirements of Division III. Except, however, that lot line adjustments are permitted on non-conforming lots and lots with non-conforming structures provided that the non-conforming lots and structures will be no less in conformity as a result of the lot line adjustment.
- B. No new lots or parcels will be created as a result of the lot line adjustment without receiving approval as a partition or subdivision.
- C. If the City Planner or City Engineer deems it necessary to assure the accuracy of recorded information, a survey may be required of the applicant. Such will be at the applicant's cost.

- D. Lot Line Adjustments shall not be permitted where the result will be the creation of additional building sites in known hazardous locations or where the appropriate development or extension of public facilities will be impaired as a result.

IV. FINDINGS:

A. Background and Relationships:

The site is a 14.40 acre parcel with the applicant proposing to combine two tax lots and move the lot line between the two parcels so that the site for the Transfer/Recycling Center would be a rectangular shaped site approximately 700 x 650 feet, at the northwest corner of Redwood and Township. The second parcel would be triangular shaped, with a base of 560± and 650± height. The dimensions of the primary site are as shown on page A0.2 of the application's supporting report dated September 30, 1994. The final size of the primary parcel would be about 9.5 acres, and the other parcel would be about 5 acres, with access to 4th Avenue.

Previous applications for the use by the applicant, for another site, were reviewed by the Commission in 1988 and 1989, and the Council supported the Commission's denial in 1990. The applicant has a current contract with the City of Canby to haul solid waste. The applicant currently has a waste facility on Berg Parkway. The Planning Commission, in 1988, determined that a use such as proposed is a "conditional Use" within the Development Code regulations for M-1 (Light Industrial) zoned property. The Comprehensive Plan and Zoning for the subject parcel is Light Industrial to the east, north, and west. The Comprehensive Plan proposed land use is Single Family Residential [R-1] to the south of the property, and the zoning is EFU-20 [Farm Use] for the present, and will be R-1 once annexed. Most of the surrounding property is vacant, but the area is proposed by Canby as part of the Logging Road Industrial Project. A new industry is under construction to the west and a new school has been constructed, with the building located over 1,000 feet south of Township Road, the subject property's southern boundary.

Access to the Transfer/Recycling Center is proposed to be entirely from the new 4th Avenue, to be located along the northern edge of the site. A heavily landscaped, 6-foot high berm is proposed to be located along Redwood and Township, and partially along 4th Avenue, and part of the eastern edge of the site. All transfer and recycling and truck service are proposed to take place within the 120 x 300 new building. Truck parking and truck washing and empty bin storage are the only uses proposed for the outdoor truck yard. A 50 x 80 foot office and 24-space parking lot, and a

small public recycling drop-off are also proposed [see Site Plan A0.1 of the report]. The report also states, on page 1 of the Project Narrative, that "When the complex is completed, Canby Disposal Company will vacate its existing location on Berg Parkway." The proposed development will operate between approximately 6:00 a.m. and 6:00 p.m., 5 days per week.

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, 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.

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 (as outlined).

ANALYSIS

The proposal is to use a portion of the proposed Logging Road Industrial Project Site, M-1 zoned property, for a permitted industrial use. There are proposals to reduce any operating characteristics to a level consistent with the existing and proposed uses. Provided that the Conditional Use criteria, the Design Review criteria, and other Code and ordinance criteria are met, the use does appear to be consistent with the Comprehensive Plan Land Use Element. However, a detailed analysis will be done in this report, under the later criteria. Conditions will apply to prevent overburdening the highways, the sewer treatment plant, and other facilities. The subject parcel has not been identified as an area of risk with natural hazards. The subject area is Area "G" in the Comprehensive Plan and is desirable as appropriate for heavy commercial or industrial use which is the use proposed for the subject site by the applicant.

ANALYSIS

On-site disposal or treatment of storm water will need to be required. State and local Code requirements regarding air, water, and noise pollution will be required of the development and construction. A new noise ordinance is under consideration by City Council. State laws and local regulations will require development to meet standards to prevent air, water, land and noise pollution. The proposal will have minimal affect on the open space. There are no known hazards on the site or nearby. Landscaping will be required.

The City of Canby Contract Engineer has requested some changes of the storm water proposal to add capacity and the Sewer Plant Supervisor has requested special care because of possible on-site spills and contamination in the yard from truck washing. He has recommended a number of conditions of approval. All areas where there is parking or maneuvering of vehicles must be hard surfaced. The State DEQ will have numerous conditions for getting their approval (see attached example). Given the recent budget cutbacks on staffing for enforcement of conditions, monitoring of conditions is a concern. Special monitoring provisions such as regular inspections and nearby well monitoring may be needed to avoid possible ground water contamination. Canby has waste management contract provisions allowing careful controls of operations or canceling the contract for failure to perform. The contract may need to be strengthened. Regular task force inspection and reporting has been used with effectiveness in other jurisdictions. Similarly, special performance bonds have also been used. 'The Canby Chamber of Commerce, by letter dated June 16, 1994, has conditioned its support upon standards being ensured by use of "an irrevocable letter of credit from a sound financial institution to assure all conditions are met."

v. **TRANSPORTATION**

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

Policy #1: Canby shall provide the necessary improvements 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.

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 #1-R-A *(not applicable since the existing use is not agricultural)*

Policy #1-R-B *(not applicable since the existing use is not agricultural)*

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 *(not applicable since it is not a designated mineral site or historical site)*

Policy #6-R, *(not applicable since it is not a designated mineral site or historical site)*

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 *(not applicable since the site is not a known or appropriate fish, wildlife, or wetland resource and does not have steep slopes or flood prone areas or problem soils)*
Policy #10-R

Policy #1-H *(not applicable since the site is not a known or appropriate fish, wildlife, or wetland resource and does not have steep slopes or flood prone areas or problem soils)*
Policy #2-H
Policy #3-H

- 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 #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: *not applicable*
- Policy #12: Canby shall actively promote improvements to State highways and connecting County roads which affect access to the City.

ANALYSIS

The applicant has used a traffic engineer to help design his proposal. All transfer trucks and waste pick-up trucks are proposed to come and go to the site by way of Highway 99-E, S. Pine Street and Redwood St. The site entrance would be from the new S.E. 4th Avenue, which the applicant would fully develop to the edge of his property. Township Road, a County highway, would need to be improved and sidewalks provided along all boundary streets. Bicycle movement and storage would need to be provided for. It is proposed that the public would not be allowed to dump solid waste at the new transfer station, only recyclables. A traffic signal has been programmed to be installed by the State at S. Pine and Highway 99-E/ With that improvement, and improvements to Township, all impacts and concerns mentioned by the traffic engineer would be solved. The traffic light is needed to solve the anticipated problems. The site is a part of the Logging Road Industrial Project and the developer will pay in excess of \$25,000 toward the costs of that project.

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

The proposed changes will necessitate certain changes in the location or provision of public utilities. The school district has not expressed any concerns with the proposal as drafted. Significant changes in the traffic patterns of the proposed development's trucks were made to meet earlier concerns. The Fire Marshal has asked for two hydrants, sprinkler system, and details for suppression to be worked out before occupancy. The Public Works Supervisor, sewer plant, and Canby Utility Board have each asked for improvements and conditions of approval, as listed on their respective "Request for Comments" form (see attached). We have not received responses to our "Request for Comments" from the telephone company. Staff will make further contacts. The County has asked for certain improvements as indicated. The Logging Road and Advanced Financing project has built a number of improvements and the developer will pay in excess of \$25,000 toward those improvements.

vii. ECONOMIC

- **GOAL: TO DIVERSIFY AND IMPROVE THE ECONOMY OF THE CITY OF CANBY.**

Policy #1: Canby shall promote increased industrial development at appropriate locations.

Policy #2: Canby shall encourage further commercial development and redevelopment at appropriate locations.

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.

ANALYSIS

The proposed use will employ numerous Canby residents and provide a necessary waste collection and transfer service, which will serve all Canby businesses, institutions, and residents, as well as much of the

surrounding area. The Logging Road Industrial Project was formulated to be a place for industries which would not be appropriate for many other locations within the City. The applicant has spoken with many affected owners, businesses, and those seeking economic development. The proposal, as formulated, has attempted to meet their concerns regarding possible traffic, noise, ground water contamination, and impacts. The traffic routing, the landscaped berm, and operating limitation characteristics have been responses to these concerns.

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. (Already accomplished through area annexation.)

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. (Not applicable since the area is proposed for industrial development.)

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. (Not applicable since area is industrial.)

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. (Not applicable since the area is proposed as Industrial Land Use.)

Policy #5: Canby shall provide opportunities for mobile home developments in all residential zones, subject to appropriate design standards. (Not applicable since area is industrial.)

ANALYSIS

The proposed use will provide service to all of Canby's residents. Many have expressed concerns about potential impacts on their neighborhoods. The concerns were noise, traffic, visual blight, pollution of air, ground, and water. The proposed plan has attempted to meet the concerns with the traffic routing, the landscaped berm and numerous limitations on operating characteristics.

ix. ENERGY CONSERVATION

- **GOAL: TO CONSERVE ENERGY AND ENCOURAGE THE USE OF RENEWABLE RESOURCES IN LACE 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

The applicant will need to meet numerous energy requirements to conserve energy as part of the Building Code requirements. The waste transfer and recycling are the prime purposes of this proposal. Energy savings (as well as cost savings) is a major proposed result.

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

Based upon the above described analysis, the proposal appears to be consistent with or can, with conditions, be made consistent with the policies of the Comprehensive Plan, provided it meets the detailed approval criteria as follows, and adequate conditions are approved and enforced.

C. Evaluation Regarding Conditional Use Approval Criteria

1. Comprehensive Plan Consistency

The previous discussion determined the proposal's relation to Comprehensive Plan consistency.

2. Site Suitability

The site is generally flat, and is large enough to accommodate the proposed use and building with the appropriate setbacks. The original site is proposed to be enlarged to accommodate the large landscaped berm, which surrounds most of the site, except the area to the east, which will be developed industrially. The applicant discusses size, shape, design, location, topography, and improvements on Pages 3-4 of the analysis. Upon review, it does appear that the site is suitable for the proposed use, provided public services and environmental relationships are considered positive and available after proposed improvements are accomplished.

3. Availability of Public Services and Facilities for the Site

Utility and public facilities and services are available in adequate capacity to serve the proposed use. Site-related improvements will be needed. The service providers each have reviewed the proposal and have provided recommendations for conditions and improvements (see attached reports). The applicant discusses these aspects on Pages 4-6.

4. Compatibility with Surrounding Uses

The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of the surrounding properties for uses listed as permitted in the zone.

The proposed development is located entirely within an area designated for light industrial use. It is proposed to be almost entirely enclosed within a landscaped berm. The transfer and recycling processes are proposed to be entirely enclosed within a building. Traffic to and from the site by large trucks will enter the site on its northern edge and will come and go by way of Redwood and Highway 99-E, not Township Road. The proposed residential uses to be located across Township will be protected by a 40 foot wide berm (6 to 8 feet in height), landscaping, and a 70 foot wide right-of-way. Provided the development operates as described by the applicant, there should not be

adverse effects which would limit or preclude the industrial or residential uses as proposed in the Comprehensive Plan (see Page 6 of the applicant's CUP discussion of this aspect).

D. Evaluation Regarding Site and Design Review Approval Criteria

1. Part IV - Section 2, #2

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

(See application Page A0.3)

The landscaping requirements for an industrial property is 15% of the area being developed. The amount of landscaping required for the 9.5 acres (413,820 square feet) is approximately 62,073 square feet. The applicant is proposing in excess of approximately 157,000 square feet of landscaping (38%).

2. Parking

The parking requirements for an industrial use is 3.5 spaces per 1,000 square feet of office space, plus 1 space per 1,000 square feet of non-office space. The office space is 50 x 80, or 40,000 square feet, requiring 14 parking spaces. The Transfer Building is 120 x 00 or 36,000 square feet, requiring 36 spaces. There are $18 + 6 = 24$ spaces shown on the plan. **The applicant needs to give justification for the reduction of 26 spaces.** There is almost 5 acres of paved surface, proposed maneuvering, truck parking, and drop boxes (i.e., if additional parking for employees and visitors is required). Handicap spaces will be required, as will bicycle parking. There are numerous trees and bushes indicated on the landscape plan, far exceeding any requirements related to parking. Sidewalks from Redwood and 4th Avenue, and from the parking area to the office and shop need to be provided and clearly marked. Bicycle parking spaces need to be provided. Loading spaces are clearly indicated on the plan. The site plans are shown on Page A0.1 to A0.4. Screening is provided by the berm. Irrigation will need to be provided to all landscaped areas.

3. Architecture

The office and shop buildings are proposed with exposed concrete tilt-up concrete walls, with flat roofs. In the professional opinion of staff, the building design is appropriate for the proposed function and industrial setting. The landscape berm surrounding the site will soften the impacts of the concrete buildings. The designs are shown on Pages A1.1 and A1.2.

4. M-1 Zoning Requirements

The Commission has previously determined that a Waste Transfer and Recycling Center is a Conditional Use in an M-1 Zone. The lot area clearly exceeds the 5,000 square foot minimum, being 9.5 acres in size. The width and frontage minimums of 50 feet are exceeded. The only required setback is 10 feet across Township, from the residential future development. The 40 foot wide berm clearly meets this requirement with all buildings behind it. The 45 foot height limit is not exceeded, since the highest building is 33 feet. Vision clearance is met at all corners, but the driveway entrance needs to be designed to account for this requirement. The storage areas are screened by the berm.

E. Evaluation Regarding Lot Line Adjustment Criteria

1. Each of the remaining parcels and any structures located thereon shall be in full compliance with all regulations of this Title, including the setback requirements of Division III. Except, however, that lot line adjustments are permitted on nonconforming lots and lots with nonconforming structures provided that the nonconforming lots and structures will be no less in conformity as a result of the lot line adjustment.

ANALYSIS

The two lots, after the lot line adjustment, will meet all minimum sizes for the zone (see above analysis for M-1 Zone). No buildings exist on the site and, therefore, are not a factor.

2. No new lots or parcels will be created as a result of the lot line adjustment without receiving approval as a partition or subdivision.

ANALYSIS

The proposal is to move the line between the two tax lots by 86 feet, to create a slightly larger lot along Redwood, in order to accommodate the landscaped berm. No new lots are created. The resultant lots would be 9.5 acres and 4.9 acres, respectively, with access to Redwood, 4th Avenue and Township Road. The Township Road access is not required. (Previous subdivision approval of Tax Lot 1804 required that the access width to 4th Avenue be at least 100 feet wide. This is maintained even after the lot line adjustment.)

3. If the City Planner or City Engineer deems it necessary to assure the accuracy of recorded information, a survey may be required of the applicant. Such will be at the applicant's cost.

ANALYSIS

A survey will be provided by the applicant, and recorded.

4. Lot line adjustments shall not be permitted where the result will be the creation of additional building sites in known hazardous locations or where the appropriate development or extension of public facilities will be impaired as a result.

ANALYSIS

No hazardous locations are present or created, and all needed public facilities will be provided prior to occupancy.

V. **CONCLUSION**

Regarding Site and Design Review

The staff hereby concludes that without benefit of a public hearing and with appropriate conditions, the proposed development, as described in the application, site plan, and this report, 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. The proposed conditions are the minimum necessary to achieve the purposes of this ordinance and will not unduly increase the cost of housing.

Regarding Lot Line Adjustment:

The City Planner and City Administrator, acting as the City Engineer, find, with appropriate conditions, that the lot line adjustment request is in conformance with the applicable approval criteria since required setback and yard requirements can be met in relation to the lot line being adjusted or will be no less in conformity, no new lots are created, and the area is not a known hazardous location.

Regarding the Conditional Use

Based on the above analysis, and without benefit of a public hearing, staff concludes that, with appropriate 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 to adequately meet the needs of the existing structure and proposed use, and that no significant increase in demand for public facilities and services will result; and
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.

VI. RECOMMENDATION:

Based upon the application and drawings submitted, facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that the Planning Commission approve CUP 94-05/DR 94-14/LLA 94-08 with the following conditions:

1. Full curbs, sidewalks and paving is required for Township Road, Redwood, and new 4th Avenue. Paving of 4th Avenue shall be a full-width and for the full length of the ownership parcel. Township Road shall be repaved for a half-street width designed to City standards as determined by the Public Works Supervisor and shall also be approved by Clackamas County Transportation and Development Department.
2. Prior to occupancy, a "Spill Response Plan" for wastewater and stormwater shall be reviewed and approved by the City of Canby Pretreatment Coordinator.

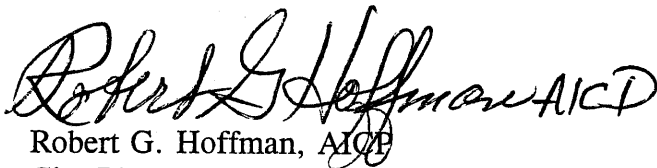
3. Prior to occupancy, a local wastewater disposal permit shall be acquired from the City's Pretreatment Coordinator, including a plan for disposal of wastewater in excess of local discharge limits.
4. The building permit and operations shall be in full compliance with 40 CFR, Parts 122 and 403 and RCRA/DEQ Solid Waste Regulations. A DEQ Solid Waste Permit shall be secured prior to occupancy and a copy of the approved permit shall be given to the Canby Planning Director.
5. In compliance with Code Section 16.88.090, significant noncompliance of conditions of approval, including local limits or conditions set forth in the Wastewater Discharge Permit, will result in revocation for noncompliance of the Conditional Use Permit. In terms of wastewater, significant noncompliance is as defined in the Wastewater Discharge Permit and 40 CFR, Part 403.
6. A 12" water line shall be installed along SE 4th Avenue for the full length of the property ownership to the railroad.
7. The proposed biofiltration swales shall be redesigned with drywell disposal. Swales used for any pretreated stormwater runoff shall be no more than 1/2" to 1" deep, and a minimum of 100 feet in length.
8. The 12" proposed sewer trunk from Redwood shall extend the full width of Lot 1805.
9. Extension of electric and water infrastructure shall be provided, designed, and installed to Canby Utility Board specifications and practices, and at the developer's expense.
10. A preconstruction meeting with City staff, the Canby Utility Board, Canby Telephone Association, and Northwest Natural Gas representatives shall be held, and all issues resolved prior to construction.
11. A detailed Fire Hydrant, Sprinkler System, and Fire Suppression Plan shall be reviewed and approved by the Fire Marshal at time of Building Permit review.
12. The applicant is to receive and continually comply with all required permits of the Oregon Department of Environmental Quality (DEQ), and any other State or federal agencies with regulatory authority over this sort of operation. Copies of such required permits shall be given to the Planning Director prior to approval of the building permit.
13. No private individual will be allowed to utilize the transfer station for unloading personal garbage.

14. As proposed by the applicant, a perimeter landscaped berm is to be provided to help minimize visual impacts. In addition, a perimeter fence, to be a minimum of eight (8) feet in height, is to be provided. Adequate vision clearance shall be provided at each driveway. If the applicant chooses to fence an area which is smaller than the entire tax lot, the fenced area can later be expanded without requiring the approval of a new use permit.
15. Wastewater from restrooms and office plumbing may be drained directly to the City's sanitary sewer system. All other wastewater from garbage handling areas is to be subject to the City's requirements for sewage pretreatment.
16. No storage or handling of garbage or recyclable material is to occur on any surface located outside the building. All parking, loading and maneuvering areas are to be paved of concrete or asphalt. All roads and driveways are to be paved of asphalt or concrete and property drained. Outdoor areas used for the storage of empty dumpsters, trucks, or empty drop boxes, are to be completely paved and adequately maintained.
17. The applicant is to establish and maintain a daily litter clean-up process on the site and along the truck route coming to the site from Highway 99-E. If it becomes necessary at any time for the City to conduct a clean-up of the public roadway, the applicant will be given a one (1) day written notice of the City's intention to conduct the clean-up, at the applicant's expense. The applicant is to post a \$1,000 bond, or other surety, to the satisfaction of the City Attorney, strictly for this purpose.
18. The site is not to handle any sewage sludge or septic tank pumpings.
19. The applicant is not to handle any electrical transformers or hazardous or toxic waste at the site.
20. No burning of any kind is to be permitted at the site.
21. Washdown locations for trucks, trailers, or other equipment are to be under cover and drained to the sanitary sewer system after testing and pretreating, if required, as approved by the City Public Works Department and the wastewater management staff.
22. Trucks and trailers hauling garbage to or from the site are to be of leakproof construction, as defined by DEQ.

23. Appropriate procedures are to be taken to eliminate any potential problems from rodents, flies, and birds. The applicant is to comply with any lawful order or requirement of the City, the County, or DEQ for the abatement of any such nuisances.
24. Loads are to be hauled to the landfill as soon as they are full. In no case is garbage to remain on the premises for longer than twenty four (24) hours. The transfer area is to be washed down nightly. On-site storage of full garbage containers is to be kept to a minimum and not exceed six (6) hours of stay on premises.
25. Normal growth of the Canby Disposal operation in terms of such things as amount hauled, number of employees, and number of trucks, will not be regarded as an expansion of this conditional use, and will not require additional public hearings.
26. Utility easements, water and electric services, and street lighting shall be provided to meet the requirements of the Canby Utility Board and other service-providers.
27. A "STOP" sign constructed to meet City Public Works standards is to be provided at the applicant's expense and installed at the corner of S.W. 4th Avenue and S. Redwood Street.
28. No dumpsters or drop boxes containing any waste shall be stored outside the enclosed building. In no case shall dumpsters or drop boxes be stacked on top of one another outside the enclosed building.
29. Other than garbage trucks engaged in their normal pick-up activities, no truck traffic is to use S. Redwood or S. Township, beyond the limit of the designated truck route.
30. All glass and scrap metals shall be kept enclosed within the building.
31. Corrugated paper and newsprint shall be handled within the covered building. Once bailed, it shall **NOT** be stacked outside.
32. Tin cans are to be entirely handled within the building and **NOT** to be stacked or piled outside the building.
33. Before handling any other materials not approved within the DEQ Permit, the applicant is to secure the approval of the Canby Planning Commission, acting on an expansion of this conditional use permit.

34. Since a sign for the property has not been reviewed under these applications [CUP or DR], any separate sign application for the property will not be approved by the City Planner or Building Official until at least six (6) months have elapsed after the issuance of the occupancy permit for the site.
35. Erosion-control during construction shall be provided by following the recommendations of the "Erosion Control Plans Technical Guidance Handbook," as used by Clackamas County, dated August 1991, and as revised.

The City Planner and City Engineer have reviewed the application and the information contained in this report and have determined that the approval criteria for the Lot Line Adjustment has been fulfilled.


Robert G. Hoffman, AICP
City Planner

Michael Jordan
for Canby City Engineer

Exhibits:

1. Lot Line Adjustment Application
2. Site and Design Review Application
3. Conditional Use Application
4. Vicinity Map
5. Comments from various service providers, County, and DEQ

LOT LINE ADJUSTMENT APPLICATION

Fee: \$100.00

OWNER

APPLICANT

Name Fred A. Kahut
Address Post Office Box 550
City Canby State OR Zip 97013
SIGNATURE Fred Kahut g/d

Name Fred A. Kahut
Address Post Office Box 550
City Canby State OR Zip 97013
Phone: (503) 266-3900

DESCRIPTION OF PROPERTY:

Tax Map 31E34C Tax Lot(s) 1804 Lot Size 6.18 acres
8.28 acres (Acres/Sq. Ft)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name Philander Lee DLC No. 56 Lot 6 Block 86-02

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 Undeveloped Land Zoned M-1
Proposed Solid waste transfer station and recycling facility

Existing Structures None

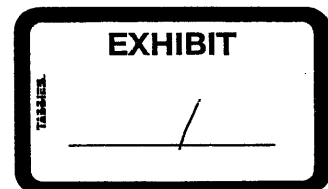
PROJECT DESCRIPTION

See Attached Application Materials

ZONING M-1 COMPREHENSIVE PLAN DESIGNATION Light Industrial

PREVIOUS ACTION (if any) None

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.

SITE AND DESIGN REVIEW APPLICATION

Fee: \$500

OWNER

APPLICANT

Name Fred A. Kahut

Name Fred A. Kahut

Address Post Office Box 550

Address Post Office Box 550

City Canby State OR Zip 97013

City Canby State OR Zip 97013

SIGNATURE Fred Kahut s/p

Phone: (503) 266-3900

DESCRIPTION OF PROPERTY:

Tax Map 31E34C Tax Lot(s) 1805 Lot Size 8.28 acres (Acres/Sq. Ft)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name Philander Lee DLC No. 56 Lot 6 Block 86-02

PROPERTY OWNERSHIP LIST

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USE

Existing Undeveloped Land Zoned M-1

Proposed Solid waste transfer station and recycling facility

Existing Structures None

Surrounding Uses

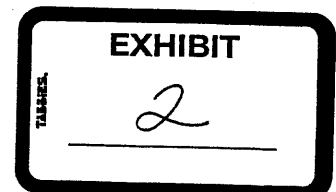
PROJECT DESCRIPTION See attached application materials

Blank lines for project description details.

ZONING M-1 COMPREHENSIVE PLAN DESIGNATION Light Industrial

PREVIOUS ACTION (if any) None

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.

CONDITIONAL USE APPLICATION

Fee: \$600.00

OWNER

APPLICANT

Name Fred A. Kahut
Address Post Office Box 550
City Canby State OR Zip 97013
SIGNATURE Fred Kahut s/d

Name Fred A. Kahut
Address Post Office Box 550
City Canby State OR Zip 97013
Phone: (503) 266-3900

DESCRIPTION OF PROPERTY:

Tax Map 31E34C Tax Lot(s) 1805 Lot Size 8.28 acres
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name Philander Lee DLC No. 56 Lot 6 Block 86-02

PROPERTY OWNERSHIP LIST

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Existing Structures None

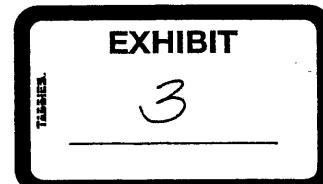
PROJECT DESCRIPTION

See Attached Application Materials

ZONING M-1 COMPREHENSIVE PLAN DESIGNATION Light Industrial

PREVIOUS ACTION (if any) None

File No.
Receipt No.
Received by
Date Received
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Pre-Ap Meeting
Hearing Date

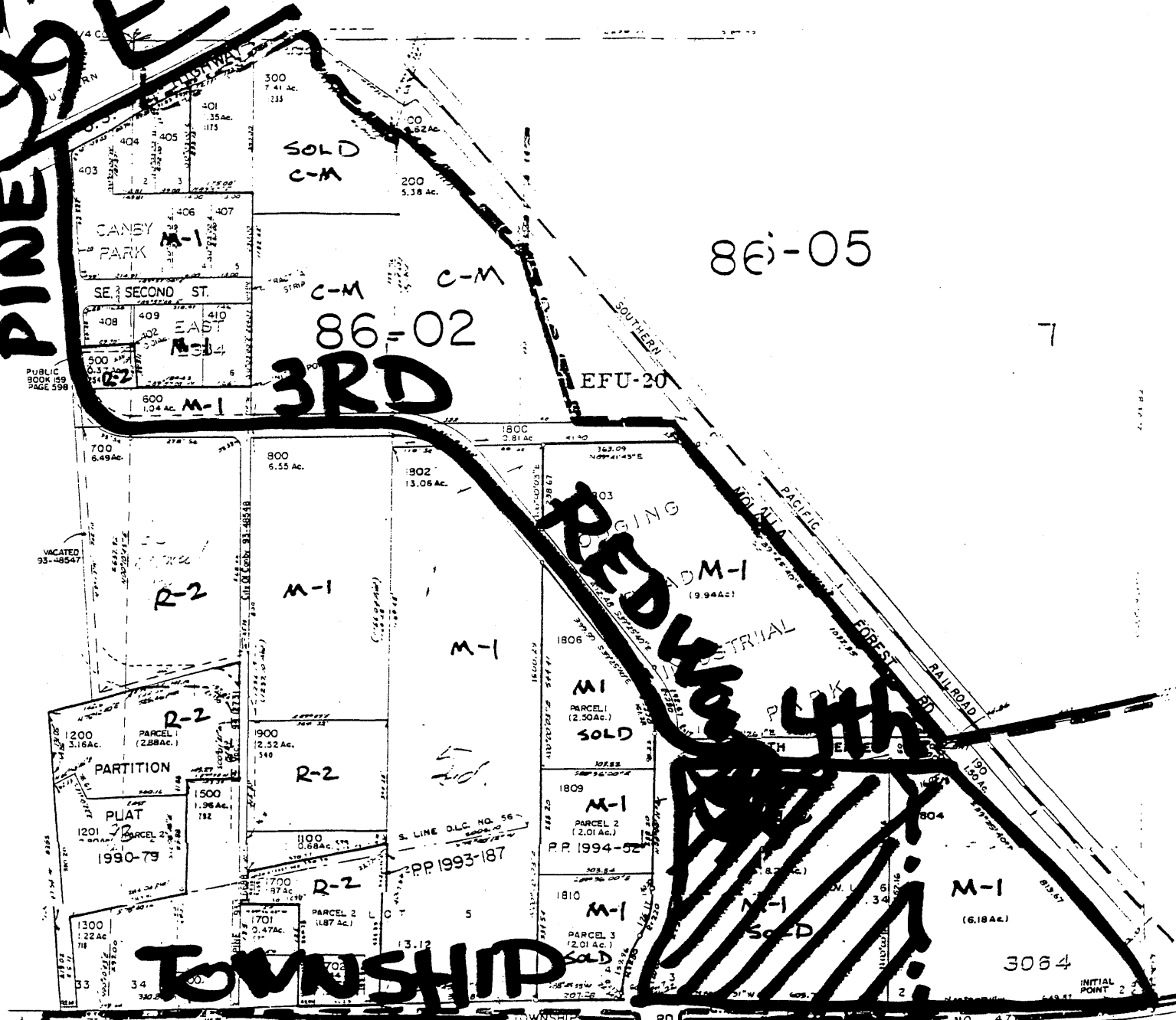


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**HWT
99E
PINE**

SEE MAP 3 1 30A

SEE MAP 1 1E 33W



EFU-20

SEE MAP 4 1E 3

R-1

EFU-20

86-05

86-02

3RD

TOWNSHIP

EXHIBIT

4

Canby Area Chamber of Commerce

June 16, 1994

Mr. Fred Kahut
PO Box 550
Canby, OR 97013

Dear Fred:

The Chamber Board voted to conditionally support Canby Transfer and Recycling's proposal to build and operate a solid waste transfer station in Canby's new Industrial Park. The conditions attached for Chamber of Commerce support are:

- 1) Canby Transfer and Recycling's transfer facility and operation meet the very high standards promised during your consultants presentation to the EDC,
- 2) The City conditions the approval of the project on those standards, and
- 3) The City requires an irrevocable letter of credit from a sound financial institution to assure all conditions are met.

The Chamber of Commerce supports your project because the new location and proposed operation and facilities will solve all the problems associated with the existing operation and it will provide a plant capable of dealing with the challenges of the future. An irrevocable letter of credit will guarantee that the plant will always meet the high standards the City will require.

Good luck as you work your way through the approval process and please call me if you wish to have a Chamber representative present our position to the planning commission.

Sincerely,

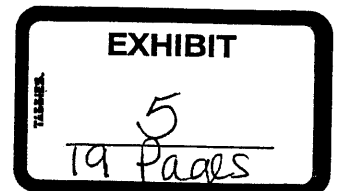


Dirk Borges
Chairman, Economic Development Committee

DB/dn

cc: Bob Hoffman, Director of Planning, City of Canby

Enc



PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: October 4, 1994

TO: FIRE, POLICE, SCHOOLS, CLACKAMAS COUNTY (BILL SPEARS), MIKE JORDAN, ROY, STEVE, NW NATURAL GAS, CUB, TELEPHONE, TELECOM, JOHN KELLEY

The City has received CUP 94-05/DR 94-14/LLA 94-08, an application by Fred A. Kahut [owner/applicant] for approval to develop a portion of a 14.4 acre parcel of land, within the confines of the Logging Road Industrial Park, and operate a Solid Waste Transfer Station and Recycling Processing Center. The site is located in the southeast portion of the industrial park and is bounded on the south by Township Road; on the north by an easement for Fourth Avenue; on the east by the Logging Road; and on the west, by Redwood Street (Tax Lot 1805 [part] of Tax Map 3-1E-34C).

We would appreciate your reviewing the enclosed application and returning your comments by October 24, 1994 PLEASE. The Planning Commission plans to consider this application on November 14, 1994. 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. Developer with extend electric and water infrastructure to CUB specifications and standard practices at the Developer expense.
2. A pre development meeting with CUB representative to discuss design, easement, developer costs, street lighting, and other requirements is strongly urged.
3. A preconstruction conference is a condition of electric and water service.

Please check one box:

- 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: Robert E. Roy

Date: 10-26-94

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: October 4, 1994

TO: FIRE, POLICE, SCHOOLS, CLACKAMAS COUNTY (BILL SPEARS), MIKE JORDAN, ROY, STEVE, NW NATURAL GAS, CUB, TELEPHONE, TELECOM, JOHN KELLEY

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Comments or Proposed Conditions:

1. Approval of ^{DRAFT} Spill Response Plan by Pretreatment Coordinator - wastewater/storm water
2. Approval of Plan for disposal of wastewater in excess of Local Discharge Limits
3. Valid wastewater Discharge Permit issued prior to occupancy permit/Business license
4. Full Compliance with 40CFR PARTS 122 & 403 and RCRA/DEQ Solid Waste Regulations
5. Revocation of conditional use permit for Significant Non-compliance of Local Limits or Conditions set forth in wastewater Discharge permit - SMC is defined in WASTEWATER Discharge Permit and 40 CFR PART 403

Please check one box:

- 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. Hansen

Date: 10/19/94

PLEASE RETURN ATTACHMENTS!!!

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[503] 266-4021

P.O. Box 930, Canby, OR 97013

DATE: October 4, 1994

TO: FIRE, POLICE, SCHOOLS, CLACKAMAS COUNTY (BILL SPEARS), MIKE JORDAN,
ROY, STEVE, NW NATURAL GAS, CUB, TELEPHONE, TELECOM, JOHN KELLEY

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Comments or Proposed Conditions:

From - Permit Application Document (Section) Compliance with
Ordinances Section - Page 4 Paragraph Existence of Improvement
S.E. 4th shall extend East + West Full Length of Lot 1805
HALF Street construction is NOT Acceptable.
Page 4 Paragraph Sanitary Sewer 12" TRUNK From S. Redwood
shall extend Full Length of Lot 1805
Page 5 Stormwater Management - Vector Control should be maintained

Please check one box:

- 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

Bill Jordan

Signature: Roy Hester

Date: Oct 21, 1994

RECEIVED OCT - 6 1994

PLEASE RETURN ATTACHMENTS!!!

10/13/94
Jsw

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: October 4, 1994

TO: FIRE, POLICE, SCHOOLS, CLACKAMAS COUNTY (BILL SPEARS), MIKE JORDAN,
ROY, STEVE, NW NATURAL GAS, CUB, TELEPHONE, TELECOM, JOHN KELLEY,
CURT McLEOD

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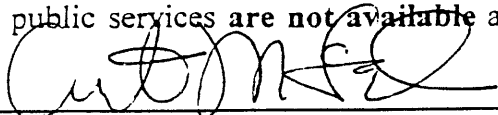
Comments or Proposed Conditions:

1) Note 12" waterline is in Redwood and required to be installed along South 4th 2) Biofiltration swales are inadequate to treat this volume of runoff, dry well disposal must be added. Swales pre treat runoff and should be no more than 1/2"-1" deep and a minimum 100' long. 3) Northwest Natural Gas has installed gas line in Redwood Street, on east side of row. 4) Street construction must include 1/2 street remainder of distance to railroad tracks on 4th Avenue.

Please check one box:

- 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: _____



Curt McLeod, P.E.

Date: 10-10-94

PLEASE RETURN ATTACHMENTS!!!

750
10/13/94

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: October 4, 1994

TO: FIRE, POLICE, SCHOOLS, CLACKAMAS COUNTY (BILL SPEARS), MIKE JORDAN, ROY, STEVE, NW NATURAL GAS, CUB, TELEPHONE, TELECOM, JOHN KELLEY

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RECEIVED
OCT 12 1994
CITY OF CANBY

Signature: Stephan Dwyer Date: 10-9-94

PLEASE RETURN ATTACHED PAGES!!!

950
11/2/14

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: October 4, 1994

TO: FIRE, POLICE, SCHOOLS, CLACKAMAS COUNTY (BILL SPEARS), MIKE JORDAN, ROY, STEVE, NW NATURAL GAS, CUB, TELEPHONE, TELECOM, JOHN KELLEY

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Comments or Proposed Conditions:

Additional fire hydrants will be required in complex once final plans for buildings and location of fire sprinkler connection has been determined.

Two hydrants
need to
be installed
near tank
1st
drive entrance
1st
park
entrance

Please check one box:

- 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: Josh Stark

Date: Oct. 12, 1994

PLEASE RETURN ATTACHMENTS!!!

7/24/94
10/11/94

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: October 4, 1994

TO: FIRE, POLICE, SCHOOLS, CLACKAMAS COUNTY (BILL SPEARS), MIKE JORDAN, ROY, STEVE, NW NATURAL GAS, CUB, TELEPHONE, TELECOM, JOHN KELLEY

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Please check one box:

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- Adequate public services **are not available** and will not become available

Signature: Gary F. Hight Date: 10/11/94



CLACKAMAS COUNTY

Department of Transportation & Development

THOMAS J. VANDERZANDEN
EXECUTIVE DIRECTOR

MEMORANDUM

TO: Canby Planning Department

FROM: Bill Spears, Clackamas County DTD *WR*

DATE: October 28, 1994

SUBJECT: CUP 94-05 / DR 94-14 / LLH 94-08
Fred Kahut Transfer & Recycling

Clackamas County requires frontage improvements on county roads commensurate with the road classification. Included will be curb, surfacing, storm sewer, and sidewalk. Surface water management and erosion control must be provided. Our right-of-way standard is 60-70 feet for minor arterials depending on the need for bike lanes and a center turn lane. Surface water detention is required. Street improvements will require engineered plans and a Street Construction and Encroachment permit. A performance guarantee and inspection fee are required. All improvements must be constructed and inspected or financially guaranteed prior to the use occurring or issuance of building permits.

c: Walt Tschudy

STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY

WESTERN REGION SOLID WASTE PROGRAMS



750 Front St NE, Suite 120
Salem, Oregon 97310
Fax No. 503-373-7944

TO: Bob Hoffman
City of Canby

OFFICE/PHONE 266 4021

DATE: 10/31/93

FROM: Chuck Donaldson
Manager, Solid Waste Programs

PHONE: 503-378-8240 Ext 266

Number of pages including this cover sheet 10

MESSAGE/COMMENTS:

Trans for Station Permit

RECENT

EXAMPLE P. 2710

Permit Number: 314
Expiration Date: 1/31/2004
Page 1 of 7 Pages

SOLID WASTE DISPOSAL PERMIT

Department of Environmental Quality
811 S.W. Sixth Avenue, Portland, OR 97204-1390
Telephone: (503) 229-5733

Issued in accordance with the provisions of ORS Chapter 459 and 459A,
and subject to the land use compatibility statement referenced below.

ISSUED TO:	FACILITY COVERED BY THIS PERMIT:
Douglas County Public Works Department Courthouse Room 219 Roseburg, OR 97470	FACILITY NAME: Elkton Transfer Station
OWNER: Douglas County	FACILITY TYPE AND LOCATION:
OPERATOR: Douglas County	Municipal Waste Transfer Station Sec. 15, T22S, R8W, W.M. Douglas County

ISSUED IN RESPONSE TO: An application received May 6, 1993 and a Land Use Compatibility Statement from Douglas County dated January 31, 1991.

The determination to issue this permit is based on findings and technical information included in the permit record.

ISSUED BY DEPARTMENT OF ENVIRONMENTAL QUALITY

Steve Greenwood, Administrator Western Region	Date
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Permitted Activities

Until such time as this permit expires or is modified or revoked, the permittee is authorized to operate and maintain a solid waste transfer station in conformance with the requirements, limitations, and conditions set forth in attached schedules as follows:

Schedule A--Authorized and Prohibited Activities	Page
Schedule B--Minimum Monitoring and Reporting Requirements	2
Schedule C--Compliance Conditions and Schedules	4
Schedule D--Special Conditions	5
General Conditions and Disclaimers	5
Recycling at Disposal Sites	Attached
	Attached

This permit does not relieve the permittee from responsibility for compliance with other applicable federal, state, or local laws, rules, or standards.

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SCHEDULE A

Authorized and Prohibited Activities

1. The permittee is authorized to accept for disposal solid wastes as defined in ORS 459.005, except that nondigested sewage sludges, septic tank pumpings and free liquids, other than the incidental quantities of free liquids associated with refuse collection vehicles, shall not be accepted unless specifically authorized by the Department.
 2. The permittee is authorized to accept and store yard debris collection for recycling in accordance with the plans submitted on February 25, 1991, and approved by the Department on February 28, 1991. Clean wood (i.e., plywood, pallets, lumber, etc.) may be accepted and stored for recycling in the same manner as, but separate from, the yard debris.
 3. The permittee is prohibited from accepting hazardous waste as defined in ORS 466.005, except as provided in the Department's Administrative Rules.
 4. The permittee is prohibited from accepting friable asbestos, large dead animals, sewage sludges, septic tank pumpings, chemical or vault toilet pumpings, whole automobile bodies, infectious wastes, chemicals, bulk quantities of liquid wastes, explosives and soils contaminated by hazardous materials. Any exceptions to this prohibition must be approved in writing by the Department prior to acceptance of the wastes by the permittee.
 5. Oregon Revised Statutes prohibit all persons from accepting for disposal:
 - (a) Discarded or abandoned vehicles.
 - (b) Discarded large home or industrial appliances.
 - (c) Used oil.
 - (d) Tires.
 - (e) Lead-acid batteries.
- The items listed may however, be accepted and properly stored for recycling in accordance with the Department's Administrative Rules.
6. Any solid wastes discovered at the disposal site which appear to be prohibited wastes, shall be isolated or removed from the disposal area immediately. Non-hazardous prohibited waste shall, within 48 hours, be transported to a disposal site authorized to accept such waste unless otherwise approved by the Department. In the event that the discovered wastes are hazardous or suspected to be hazardous, the permittee shall, within 48 hours, notify the Department and initiate the administrative and/or laboratory procedures to identify and remove the wastes. Hazardous wastes must be removed from the disposal site within 90 days, unless otherwise approved by the Department. Temporary storage and transportation shall be carried out in accordance with the rules of the Department and approved Operations Plan.
 7. If the permittee maintains a continuous contract with a waste tire carrier, up to 2,000 waste tires may be received, stored and removed in accordance with OAR 340-64-050(2), and the site

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Operations Plan. Waste tires shall be received primarily, and removed only, by waste tire carriers permitted by the Department. The permittee shall maintain a written contract for removal of waste tires. If the contract to remove waste tires becomes void, and the permittee wants to store more than 100 waste tires, the permittee shall advise the Department of such change, and shall contract with another waste tire carrier permitted by the Department or apply for a permit addendum for waste tire storage.

Waste tires shall not be accepted at the transfer station for later burial at a landfill, except in accordance with OAR 340-64-052. Unless otherwise approved by the Department, waste tires may be received for disposal in a landfill only if:

- a. The waste tires are chipped in accordance with standards established under OAR 340-64-052(2).
- b. The tires are from vehicles not normally used on highways, and the tires have been determined to be exempt from OAR 340-64-052(1) banning whole tire disposal.

8. No open burning of any material shall be allowed at the transfer station.

9. Empty rigid pesticide containers may be accepted for disposal or recovery if they have been properly decontaminated by jet or multiple rinsing or other methods in accordance with OAR 340-109-020, and altered. Alteration consists of puncturing or removing both ends and crushing the container, except that:

- a. 30-gallon or larger containers shall be punctured or have their ends removed but need not be crushed;
- b. Containers to be beneficially used or reused need not be altered if alteration would interfere with such use or reuse; and
- c. Gas cylinders shall be altered by removing the closure valve or valve stem to ensure venting.

(Comment: Extreme caution should be exercised in altering containers having held flammable pesticides or solvents.)

Empty non-rigid pesticide containers (bags) need not be decontaminated prior to acceptance and disposal.

10. Salvaging and recycling are authorized, if conducted in a controlled and orderly manner.
Salvaging of food products is prohibited.

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SCHEDULE B

Minimum Monitoring and Reporting Requirements

1. The permittee shall monitor the transfer station operation and maintain records of the following required data to be submitted to the Department of Environmental Quality:

<u>Item or Parameter</u>	<u>Minimum Monitoring Frequency</u>
a. Cubic yards of solid waste received:	
1. Loose waste	Monthly Total
2. Compacted waste	Monthly Total
<u>OR</u>	
b. Tons of solid waste received	Monthly Total

2. Operational monitoring data shall be compiled and reported on approved forms. The reporting period is the calendar year. Reports must be submitted to the Department's Waste Management and Cleanup Division, 811 SW Sixth Avenue, Portland, Oregon 97204, by the 30th day of January of each year.
3. The permittee shall report the amount of each material recovered for recycling or other beneficial purpose each year. This information shall be submitted to the appropriate county (wasteshed representative) no later than January 25th for the preceding calendar year. The information shall be submitted on forms either provided by or approved in writing by the Department, and shall contain sufficient information to allow the county (wasteshed representative) to meet the reporting requirements of OAR 340-90-100.
4. The permittee shall report to the Department any changes in ownership or the permittee's legal control of the transfer station property, or of the permittee's or operator's name or address within ten days of such change.

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SCHEDULE C

Compliance Conditions and Schedules

1. The transfer station shall be designed, constructed and operated in compliance with the conditions of this permit, and with the plans dated 1978, which were approved by the Department on October 19, 1978, and any amendments to those plans approved in writing by the Department. (See Condition A-2 regarding yard debris storage.)
2. The permittee shall pay a Solid Waste Permit Compliance Fee each year this permit is in effect. An invoice indicating the amount of the fee, set in accordance with the Department's regulations, will be mailed prior to the date due. (See OAR 340-97-110 and 340-97-120 for details.)

SCHEDULE D

Special Conditions

1. The permittee shall provide a place for receiving the source separated recyclable material identified by the Department in the attachment to this permit and any subsequent lists identified in writing by the Department. The place for receiving recyclable materials shall be located either at the disposal site or at another location more convenient to the population served by the disposal site. The recyclable material receiving point must be available to every person whose solid waste enters the disposal site.
2. The permittee shall not mix any source separated recyclable material brought to the site with any other solid waste.
3. The permittee shall not landfill or dispose of any source separated recyclable material brought to the disposal site. All source separated recyclable materials shall be reused or recycled.
4. The permittee shall provide recycling information to disposal site users. Information shall be provided on printed handbills. Information to be provided must include the following:
 - a. The location of the recycling center at the disposal site or at another location.
 - b. The hours of operation of the recycling center.
 - c. The materials accepted for recycling.
 - d. Instructions for correct preparation of accepted source separated recyclable materials.
 - e. Reasons why people should recycle.

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A sign shall be prominently displayed, indicating the availability of recycling at the site or at the "more convenient location" (see Condition D-1 above). The sign shall indicate the location, materials accepted, and hours of operation.

5. All recyclable materials, except car bodies, white goods and other bulky items, shall be stored in containers unless otherwise approved by the Department. The permittee shall maintain the recyclable material storage area in an orderly manner and keep the area free of litter. Recyclable materials shall be removed at sufficient frequency to avoid creating nuisance conditions.
6. Yard debris stored for recycling shall be placed in a clearly defined area, separate and away from municipal refuse containers. Any mixed wastes (non-yard debris) found in the yard debris shall be removed immediately from the pile. Yard debris piles shall be managed so as to not create fire hazards. Clean wood stored for recycling shall be placed and managed in the same manner as, but separate from, the yard debris.
7. The area(s) for unloading of solid waste shall be clearly defined by signs, fences, barriers, or other devices.
8. A site/attendant/shall be provided at the transfer station during all times it is open to the public.
9. No operations involving the use of open flames or blow torches shall be conducted within 25 feet of a waste tire pile.
10. The permittee shall divert surface water drainage away from waste handling and storage areas and shall maintain surface water diversion ditches or structures free of obstructions and debris at all times.
11. The permittee shall operate the disposal site in a manner which avoids to the maximum extent practicable, the production of contaminated water from waste spillage or container leakage. Contaminated water shall be collected, evaporated or otherwise treated and controlled in a manner approved by the Department, so as to prevent malodors, public health hazards, and escapement to public waters in violation of any applicable state or federal water quality rules or regulations.
12. All drainage ditches, culverts, berms, dikes, pumps, piping, and related devices and structures shall be maintained in serviceable condition. Any significant damage shall be immediately reported to the Department and repairs made as soon as possible.
13. Arrangements shall be made with the local fire control agency to immediately acquire their services when needed and adequate on-site fire control protection, as determined by the local fire control agency, shall be provided. Fires shall be immediately and thoroughly extinguished and promptly reported to the Department's Western Region Office in Salem at 378-8240.
14. The permittee shall at all times ensure that water is available in sufficient quantities to satisfy the approved fire protection plan, dust suppression plan, vegetative requirements, and all other disposal site needs.

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- 15. Public access to the transfer station shall be controlled as necessary to prevent unauthorized entry and dumping.
- 16. Blowing debris shall be controlled such that the entire transfer site is maintained reasonably free of litter at all times.
- 17. Dust, malodors, and noise shall be controlled in compliance with the Department's rules pertaining to air pollution and noise control.
- 18. The permittee shall operate and maintain the transfer station in a manner which deters to the maximum extent practicable the attraction of insects, rodents, and birds.
- 19. Equipment of adequate size and design to properly operate the transfer site shall be available at all times. In the event of equipment breakdown, alternative equipment must be provided, unless a specific exemption is granted in writing by the Department.
- 20. Roads from the transfer station property line to the active operational area shall be constructed and maintained to deter to the maximum extent practicable traffic hazards, dust and mud, and to provide reasonable all-weather access for vehicles using the site.
- 21. All vehicles and devices used for solid waste transport on public roads shall be constructed, maintained, and operated so as to prevent leaking, sifting, or spilling of solid waste while in transit.
- 22. In the event that any violation of any conditions of this permit or of the Department's rules occurs, the permittee shall:
 - a. Immediately take action to correct the unauthorized condition or operation.
 - b. Immediately notify the Department's Western Region Office at 378-8240 in Salem so that an investigation can be conducted to evaluate the magnitude of the problem, the suitability of corrective actions taken, and the need for any additional action.
- 23. Signs which clearly state the disposal area rules shall be posted to facilitate compliance with the approved Operations Plan. A clearly visible and legible sign shall be erected at the site entrance to provide the following information:

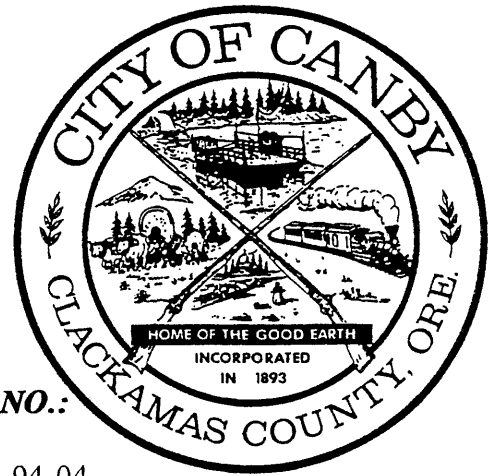
Name of facility
 Emergency telephone number
 Days and hours site is open
 Authorized or prohibited wastes
 Current Solid Waste Permit Number
 Operator's address

General Conditions and Disclaimers

- G1.** Terms in this permit apply as defined in Oregon Administrative Rule 340-93-030.
- G2.** Conditions of this permit shall be binding upon the permittee. The permittee shall be liable for all acts and omissions of the permittee's contractors and agents.
- G3.** The disposal site shall be operated in compliance with Oregon Administrative Rules, Chapter 340, Divisions 93 through 97, regarding disposal of solid waste; Division 64, regarding waste tire storage; Division 25, regarding disposal of asbestos.
- G4.** The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of federal, state, or local laws or regulations.
- G5.** The Department, its officers, agents, or employes shall not sustain any liability on account of the issuance of this permit or on account of the construction, maintenance, or operation of facilities pursuant to this permit.
- G6.** The permittee shall allow representatives of the Department access to the disposal facility at all reasonable times for the purpose of making inspections, surveys, collecting samples, obtaining data, and carrying out other necessary functions related to this permit.
- G7.** This permit may be modified, suspended, or revoked in whole or in part at any time by the Director during its term, in accordance with Oregon Revised Statutes 459.255, for reasons including but not limited to the following:
- a. Violation of any terms or conditions of this permit or any applicable statute, rule, standard, or order of the Commission;
 - b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
 - c. A significant change in the quantity or character of solid waste received or in the method of disposal site operation.
- G8.** This permit, or a photocopy thereof, shall be displayed where it can be readily referred to by operating personnel.
- G9.** This permit supersedes all previously issued permits for this disposal site.
- G10.** Violation of permit conditions shall subject the permittee to civil penalties of up to \$10,000 for each day of each violation.

PSW314C (12/93)

- STAFF REPORT -



APPLICANT:

Regan Enterprises
31233 French Prairie Rd.
Wilsonville, OR 97070

FILE NO.:

SUB 94-04
(Township Village Phase 7)

OWNER:

Regan Enterprises
31233 French Prairie Rd.
Wilsonville, OR 97070

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 1800 of
Tax Map 4-1E-3

DATE OF REPORT:

November 4, 1994

LOCATION:

North of S.E. 13th Avenue
between Ackerman Jr. High and
Valley Farms Subdivision

DATE OF HEARING:

November 14, 1994

COMP. PLAN DESIGNATION:

Low Density Residential

ZONING DESIGNATION:

R-1 (Low Density Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval for a thirty-three (33) lot subdivision. The subdivision includes one public road, the extension of S. Pine Street to S.E. 13th Avenue.

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 General Ordinances:

- 16.16 R-1 Low Density Residential Zone
- 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 is located north of S.E. 13th Avenue, between Ackerman Jr. High to the west and the Valley Farms Subdivision to the east. The approximately six (6) acres of park land that Regan Enterprises dedicated to the City is located immediately to the west of the proposed subdivision. S. Pine Street, currently ending at S.E. 10th Avenue, will be extended to S.E. 13th Avenue. The proposed 33 lots, varying in size between 7,000 square feet to 9,500 square feet, will be located on either side of the extension of S. Pine Street.

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement

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

- Policy #1: Canby shall reorganize its citizen involvement functions to formally recognize the role of the Planning Commission in meeting the six required citizen involvement components of statewide planning goal No. 1, and to re-emphasize the city's commitment to on-going citizen involvement.
- Policy #2: Canby shall strive to eliminate unnecessarily costly, confusing, and time consuming practices in the development review process.
- Policy #3: Canby shall review the contents of the comprehensive plan every two years and shall update the plan as necessary based upon that review.

ANALYSIS

1. The notification process and public hearing are a part of the compliance with adopted policies and process regarding citizen involvement. The Planning Commission seeks input of all citizens at the public hearing of all applications.
2. The Planning Commission adheres to acting upon applications within a sixty (60) day time period from the date of determination of a complete application. Any continuation of the review period is done with the approval of the applicant, or through admission of new information into the review process.
3. The review of the contents of the Comprehensive Plan is not germane to this application.

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 #1: Canby shall coordinate its growth and development plans with Clackamas County.

Policy #2: Canby shall provide the opportunity for amendments to the urban growth boundary (subject to the requirements of statewide planning goal 14) where warranted by unforeseen changes in circumstances.

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

1. The property is entirely within both the Urban Growth Boundary and the City Limits. The City has sought the County's input regarding the impact of the subdivision on the adjoining County road, S.E. 13th Avenue.
2. No changes to the Urban Growth Boundary are proposed with this application. The property is currently being used agriculturally, however, it is fully within the current Urban Growth Boundary and has been acknowledged for 'future' urbanization. The applicant is requesting that the 'future' be considered now, as the property is within the City limits.
3. All necessary urban services are, or will be available for the subdivision (see discussion under Public Services Element).

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 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.

ANALYSIS

1. The parcel is zoned R-1, Low Density Residential and is proposed to be developed with single family residential structures. The Comprehensive Plan land use designation of the subject parcel is Low Density Residential, which is consistent with the zoning and the proposed development. The current use of the property is for Christmas Tree farming. The trees on the site are expected to be harvested this fall/winter. The property is part of the Township Village master plan for residential development of the property. The proposed development is compatible with the majority of the surrounding land uses. Immediately to the west is the portion of land that has been dedicated to the City for parks, and will be used by the City in conjunction with the open space/play areas of the Philander Lee and Ackerman schools. To the north is located the previous phases of the Township Village subdivision development. To the east is a similar residential single-family residential development, Valley Farms. To the south, across S.E. 13th Avenue, is agricultural land that is within the Urban Growth Boundary. The property to the south is in the "Priority A" area for annexation and is therefore expected to be annexed and developed in the near future. Agricultural and residential uses are generally considered to be incompatible. In this situation, there is 275 feet of frontage on S.E. 13th Avenue, and the road right-of-way for S.E. 13th Avenue will be 60 feet wide. The negative impacts that the existing agricultural operation to the south might have on the proposed residential development will be negligible.

The proposed development density (5.6 lots per developable acre) is higher than that of the comprehensive plan standard calculation (4.7 lots per developable acre, p.36). However, this density is comparable to those of the surrounding subdivision developments: Township Village 5 (5.1 lots per developable acre), Township 6 (6.1 lots per developable acre), Valley Farms I (5.5 lots per developable acre), Valley Farms II (5.8 lots per developable acre), Valley Farms III (5.2 lots per developable acre). Developable acres does not include streets.

2. The density of the subdivision is higher than what the Comprehensive Plan had calculated for single-family residential development. There are many portions of the City that had previously been developed at

densities much lower than what the Comprehensive Plan has generally outlined. Additionally, the single-family residential developments that have occurred in medium- and high-density residential zones (Rebecca Estates (R-1.5), Morse Additions 1 and 2 (R-1.5), Township Village 1,2,4,5,6 (R-1.5), Township Village 3 (R-1.5/R-2)) have lowered the overall residential density of development below what the Comprehensive Plan has calculated as appropriate. Residential developments that have higher densities than the Comprehensive Plan has calculated as appropriate (Township 7, Valley Farms 1,2,3, Redwood Meadows, Country Club Estates Annex No.4) help to balance out the overall residential density of development.

3. Request for comments have been sent to all public facility and service providers (see discussion under Public Services Element).
4. No natural hazards have been identified on the subject property.
5. The zoning of the property, R-1, Low Density Residential, is consistent with the Land Use Map designation for the property (Low Density Residential). The minimum lot size for parcels in the R-1 zone is 7000 square feet, and all of the proposed lots meet the minimum lot size requirement.
6. The subject property is not identified as one of the "unique" sites or "areas of special concern".

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 #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

1-R-A. The property is a part of the Township Village Development Master Plan. The applicant started the development of their property in 1988 with a master plan for the eventual development of all of their property. The non-developed property is currently used for Christmas Tree farming. Upon harvesting of the trees, each portion of land has been planned for development.

1-R-B. With the development of the adjoining land, and the provision of all the necessary public utilities to the subject property, the property is considered to be "urbanized".

2-R. The storm water drainage of the subject property, except for the Pine Street drainage, is handled on-site. Clackamas County reviews storm water management and compliance with the Federal Clean Water Act, for each individual lot upon development of that lot. The street drainage is reviewed by the City.

3-R. The existing use has not created a known pollution problem. No residential construction. Construction activity, the development activity directly related to residential development, is required to comply with prescribed standards for air, water, and land pollution, through the building permit process. Storm water drainage is mentioned in the above 2-R.

4-R. Noise will be expected as a result of residential construction. No residential construction.

5-R. The subject property is not a sand and gravel operation, nor will the proposed partition or future use of the land hinder any sand and gravel operation. There is no sand and gravel operation within the City limits.

6-R. There are no historic buildings on or around the subject property. The subject property and surrounding properties are not historic sites.

7-R. Residential development will affect the scenic and aesthetic quality of the City. Open farm land, or in this case Christmas Tree farm land, is considered to be a positive scenic and aesthetic quality. However, urbanization of land within the Urban Growth Boundary is permitted. The review of that development takes into consideration the scenic and aesthetic quality of that development. Further, a six (6) acre portion of the overall Township Village development site, which is located immediately to the west of the subject property, has been dedicated to the City for park/open space.

8-R. The subject property is considered to be open space at this time. Preservation of the full property in perpetuity is impractical. The dedication of the six (6) acres immediately to the west of the subject property has occurred and will preserve a reasonable portion of the overall Township Village development site as open space.

9-R. No wildlife or fish habitats are known on the subject property.

1-H. The subject property has no steep slopes.

2-H. The subject property is not in a flood zone.

3-H. The subject property has Latourell loam soil, which is a deep, well-drained soil. No expansive soils, shallow topsoil, high water table, or other potential risks associated with construction on the subject property have been identified.

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

1. The City has adopted a Transportation Master Plan that specifies the City's responsibilities, and acknowledges the County's and State's responsibilities for improving existing roads due to normal travel wear. The Transportation Master Plan also recognizes that as vacant property abutting a road in need of

improvement develops, the development is responsible for the necessary improvements.

2. The extension of S. Pine Street is proposed to access the building lots for this subdivision. The construction of S. Pine Street will need to conform to the road construction standards set for a collector street, with the exception that the right-of-way will be fifty (50) feet for this development instead of the new standard of sixty (60) feet. The right-of-way width for S. Pine Street is to be at fifty (50) feet in order to continue the same pattern between S. Township Road and S.E. 13th Avenue. The proposed S. Pine Street, its location and connection to S.E. 13th Avenue are in compliance with the City's Transportation Systems Plan.

S.E. 13th Avenue will also need to be improved. Township Village is responsible for the improvement of S.E. 13th Avenue in front of the property that has been dedicated to the City for park purposes, as well as in front of this phase. The time for the improvement in front of the park dedication land should be when the remaining frontage along S.E. 13th Avenue is improved, which is with this subdivision development. The improvement will then be from Ackerman Jr. High to the Valley Farms Subdivision, along the north side of S.E. 13th Avenue.

S.E. 13th Avenue is an arterial road. Right-of-way dedication along the north side of the road, from adjoining developments, has been forty (40) feet from the existing centerline. This creates an existing sixty (60) foot right-of-way. The improvements to the road will need to conform with both the County's and the City's standards for arterial roads.

The County has submitted a response to the City's request for comments. Among the comments, the County suggest that the City require a traffic study to address a number of traffic related impacts that a connection to S.E. 13th Avenue from S. Pine Street would create. The City's recently adopted Transportation Systems Plan addresses the traffic related concerns as listed by the County. The applicant will be responsible for the needed road improvements for the frontage of the subject property along S.E. 13th Avenue, including the park dedication land. The responsibility of the applicant for the improvements includes improvements needed up to the centerline of the existing road. A County permit is required for the connection of S. Pine Street and S.E. 13th Avenue.

Street trees are required as a part of land division development. The location of the planting of the trees needs to be both compatible with the placement of the utilities for the subdivision and such that the trees have adequate room to grow. With the right-of-way width of fifty (50) feet and the paved street width of forty (40) feet, and the provision for sidewalks, there is not a lot of extra right-of-way space. In order to accommodate utilities and street trees, with the limited right-of-way space street trees are to be planted eleven (11) feet behind the curb. A tree-planting easement has not been proposed behind the right-of-

way. If one is provided, it will allow the City to plant the trees, if the developer pays for the cost at \$75 a tree. Street trees along S.E. 13th Avenue shall be planted in the right-of-way. The number of trees required will be according to the trees selected, generally one per lot. Larger trees need more space, and therefore, fewer will be planted than smaller trees. The type of trees to be planted, and spacing requirements, will be according to the Recommended Street Tree List.

3. There are two major intersections near the subject property, the intersection of S.E. 13th Avenue and S. Redwood Street (a collector street), and the intersection of S.E. 13th Avenue and S. Ivy Street (an arterial). At this time, the intersection of S.E. 13th Avenue and S. Redwood Street is not considered to be a "problem intersection". The intersection of S.E. 13th Avenue and S. Ivy Street is considered to be a "problem intersection". The City has adopted a Transportation Systems Development Charge (SDC). This subdivision development will contribute to the improvement of that intersection through the SDC at the time the individual homes are constructed within the subdivision.
4. Sidewalks will be required for both sides of S. Pine Street and for the north side of S.E. 13th Avenue. The sidewalks are proposed to be five (5) feet wide and placed alongside the curb. The sidewalks will be looped around mailboxes and other obstructions to provide a clear five (5) foot sidewalk. The location of the sidewalk along side the curb for S.E. 13th Avenue will match the existing sidewalks.

In order to provide unobstructed use of the sidewalk, and to allow for off-street vehicle parking in front of the garage, a minimum distance of nineteen (19) feet will need to be maintained between the back of the sidewalk and the face of the garage, as measured from the outward most facing of the garage. If the newspaper boxes and/or mailboxes are located adjacent to the driveway approach, such that the sidewalk is set back from the curb, the minimum distance is from the back of the sidewalk, as it meets the driveway, that is the closest to the house.

There are walkways that have been provided from the Valley Farms subdivision, phases 1 and 2, to allow for pedestrian traffic to S. Pine Street and then to the park land and the school sites. The applicant has proposed to match those walkways, however, the plans appear to have the proposed walkways approximately five (5) feet offset from the existing walkways. The walkways will need to be aligned with the existing walkways and will need to be centered on property lines. The adjustment that appears to be needed can be accommodated without the loss of any proposed lots through reduction of lot size to below 7,000 square feet. The walkway connecting S. Pine Street to the park land is proposed to be six (6) feet wide. Walkways that have been developed at this width have been found to be too narrow. A ten (10) foot wide walkway is required to provide adequate pedestrian/bike pathways. Fencing of the walkways and concrete or metal centerpost to restrict access onto the walkway is also needed for ensuring that the walkway will be used for the purposes

designated, and provide adequate privacy to the adjoining homes. The southern walkway connecting S.E. 12th Loop to S. Pine Street will need to be tapered to match up with the existing walkway. The walkway in Valley Farms 1 was built at a six (6) foot width.

5. The subject property is not involved in any possible overpass or underpass of Highway 99-E and the railroad.
6. The Traffic Safety Committee has recommended that the intersection of S.E. 10th Avenue and S. Pine Street be a four-way stop intersection. In previous versions of the Township Village Master Plan, the applicants had proposed a serious "jog" in S. Pine Street as it approached the S.E. 13th Avenue intersection. At the Planning Commission's request, that proposal has been removed. The reason for the original proposal was stated to be a concern regarding traffic speed along a straight S. Pine Street. In order to provide a "good" street design and accommodate this legitimate concern, provision of stop signs on S. Pine Street at the intersection with S.E. 10th Avenue are needed.

In order to provide appropriate traffic safety, access onto S.E. 13th Avenue will need to be restricted to S. Pine Street only. Thus, access to the homes on the corner lots at the intersection of S. Pine Street and S.E. 13th Avenue will be restricted to S. Pine Street only.

7. The widening of S.E. 13th Avenue will allow room for a bicycle lane.
8. The existing use and the proposed use of the property have no specific use for the rail facilities that exist in Canby.
9. The proposed subdivision has no bearing on efforts to improve or expand nearby air transport facilities. There have been reports produced that have indicated a desire to have S.E. 13th Avenue become part of a direct route between I-5 and the Mulino Airport. At this time, no project or proposal is active, and there are no known plans for S.E. 13th Avenue beyond being an arterial road for the City of Canby.
10. The mass transit system in operation in Canby has no direct bearing on the proposed partition. No future transit stops have been proposed. The City has undergone a Transportation Master Plan study which includes mass transit considerations.
11. The subject property is not near the Willamette River and will have no effect on the transportation potential or use of the Willamette River.
12. The subject property is on a county road which serves as an access road into the City. The improvements to S.E. 13th Avenue required as a part of development of the property will enhance this entrance into the City.

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

1. All needed public facility and service providers were sent a "Request for Comments" regarding this application. Positive responses have been received from the Canby Utility Board, the School District, Clackamas County Transportation, Northwest Natural Gas, Fire District, and Public Works Department. All have indicated that adequate facilities and/or services are available, or will be made available through the development. The Canby Telephone Association and Police Department have not responded. There has been no recent indication, unofficial or otherwise, of potential inadequacy of facilities or service from these providers.

Easements for utility construction and maintenance will be required. The Canby Utility Board does not have the information necessary to provide specific comments regarding the water and electric distribution systems within the subdivision. The water and electric utilities, including street lights, need to conform to the Canby Utility Board requirements, and other utility provision and construction will need to conform to the respective utility requirements.

Two fire hydrants will be required for this subdivision. The location of the hydrants, as determined by the Fire Marshall, are on the common property line of lots 63 and 64, and on the common property line of lots 71 and 72.

2. Needed 'public improvements' range from street widening, curbs, sidewalks, street trees, to intersection improvement at S.E. 13th Avenue and S. Ivy Street. All of these improvements have been discussed under the Transportation Element discussion.
3. The City has adopted a Transportation Systems Development Charge (SDC). The improvements that will be needed for the intersection of S.E. 13th Avenue and S. Ivy Street, as well as other needed transportation improvements, will be funded by through SDC according to the City's Transportation Systems Plan. This subdivision development will contribute to those improvements through the SDC's at the time that homes are constructed on the subdivision's individual lots.
4. The City's internal organization is not germane to this application.
5. The City has adopted a Parks Master Plan in which appropriate sites or areas for recreation facilities are identified. Park land has been dedicated immediately to the west of this development, adjacent to the Philander Lee and Ackerman Jr. High campuses. No further dedication is necessary.

vii. Economic

■ **GOAL: TO DIVERSIFY AND IMPROVE THE ECONOMY OF THE CITY OF CANBY.**

- Policy #1: Canby shall promote increased industrial development at appropriate locations.
- Policy #2: Canby shall encourage further commercial development and redevelopment at appropriate locations.
- 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.

ANALYSIS

1. The proposed development is not industrial in nature, nor does the current zoning of the subject property allow industrial development.
2. The proposed development is not commercial in nature, nor does the current zoning of the subject property allow commercial development.

3. Development of this site, with homes, will provide residences for Canby business owners and employees, and also will provide a few employment opportunities and expand the market for Canby businesses.
4. The proposed subdivision will have the effect of eliminating, as planned and acknowledged by the City, the Christmas Tree farming on the property.

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.
- 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 for mobile home developments in all residential zones, subject to appropriate design standards.

ANALYSIS

1. The location and size of the Urban Growth Boundary is not a part of the proposed application. When the Urban Growth Boundary was designated and calculations to determine the amount of land needed for residential growth, in 1984 as a part of the acknowledged 1984 Comprehensive Plan, the subject property was counted for residential development.
2. The proposed development will increase the overall housing density, as the development's density is at the high end of the potential for the property and higher than the standard that is called for in the Comprehensive Plan.
3. The proposed development does not include higher density housing.
4. The proposed development does not include housing for low income persons.

5. The proposed development is not a mobile home development.

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

1. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.
2. The orientation of the subject property in this proposal does not meet the basic solar access standards for new residential developments. The percentage of lots complying with the basic solar access standard is zero (0). The reason for the total lack of compliance is completely due to the orientation of S. Pine Street. S. Pine Street is a street that the City has planned to connect, north-south, S.E. 13th Avenue and S. Township Road. All of the lots in the proposal are required to derive their access from S. Pine Street, thus eliminating the possibility of meeting the basic solar access standard. Section 16.95.050 of the Land Development and Planning Ordinance states that the Planning Commission shall reduce the percentage of lots that must comply with the design standards provided in Section 16.95.030 to the minimum extent necessary if it finds that the existing road patterns must be continued through the site to comply with applicable road plans in a way that prevents given lots in the development from being oriented for solar access (16.95.050.A.1.c.).
3. Any building will be required, as a part of the building permit review process, to be reviewed for compliance to the Solar Ordinance.

4. The City's transportation standards, and this development, are in accordance with the City's Transportation Master Plan.
5. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.

C. Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan and Compliance with Other Applicable City Ordinances:

Review of the above analysis will show that the proposed subdivision, with the recommended conditions of approval, is consistent with the policies of the Comprehensive Plan. Development of each of the lots 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.

D. Conformance with Applicable Requirements of the Land Development and Planning Ordinance

16.64.010 Streets.

The proposed street names are in accordance with the street naming ordinance. The design of the street is in compliance with the City's standards, with the exception of the right-of-way width. The standard right-of-way width for a collector street is sixty (60) feet. S. Pine Street, south of S. Township Road has been built with a fifty (50) foot right-of-way width. The portion of S. Pine Street between S. Pine Street and S.E. 3rd Avenue has been planned for a fifty (50) foot right-of-way. Continuation of this pattern to S.E. 13th Avenue is reasonable and acceptable.

S. Pine Street will be constructed at a paved width of forty (40) feet, with a five (5) foot sidewalk provided against the curb, and utilities and street trees behind the sidewalk. S.E. 13th Avenue will be improved to match the improvements on either side, to the west and the east. S.E. 13th Avenue will be improved from the Ackerman Jr. High property to the Valley Farms subdivision property. A Street Construction and/or Encroachment Permit is required for work on S.E. 13th Avenue, including the connection of S. Pine Street to S.E. 13th Avenue.

16.64.030 Easements.

Six foot utility easements will be required to be located along all interior lot lines, with twelve foot utility easements for the rear property and street lot lines. A twelve foot tree-planting easement could also be provided along all street lot lines, which would allow the City to plant street trees at the desired location (11 feet from the curb), if the developer pays the cost of \$75 per tree.

The sidewalks will be located against the curb. The sidewalks will be "swung" around obstacles (such as mailboxes, newspaper boxes and fire hydrants) that are located against the curb. The width of the sidewalk will be five feet, including the curb when the sidewalk is

against the curb. The minimum distance between the garage and the back of the sidewalk is nineteen feet (allowing for a car to be parked in front of the garage without obstructing the sidewalk), regardless of the sidewalk's location. Locating the sidewalk in this manner will allow for the utilities and street trees to be placed with the least amount of conflict and hinderance on the "buildable" area of the lot. In addition, the sidewalk will be kept clear of obstacles to pedestrians.

16.64.040 Lots.

The lots will range in size from approximately 7,000 square feet to 9,500 square feet. All lots will meet the minimum required area of 7,000 square feet, and will be of such dimensions as not to preclude development with single-family homes for reasons of insufficient room for required setbacks. All lots are at least 60 feet in width for interior lots and at least 65 feet for corner lots. All lots are functional for residential uses. Access to the lots on the corner of S.E. 13th Avenue and S. Pine Street need to be restricted to S. Pine Street only.

16.64.050 Public Open Spaces.

Six (6) acres of land has been dedicated for park land immediately to the west of the development. The dedication was made by the applicant and the land will be used in conjunction with the school properties to the west of the dedicated land.

16.64.070 Improvements.

A bond will be required for any improvements in the subdivision that are not completed prior to the signing of the final plat. Such agreement of assurance shall be in conformance with Paragraph (O) of Section 16.64.070 of the Land Development and Planning Ordinance. A pre-construction conference with the developer, the City, and the utility providers is necessary prior to any construction of the improvements.

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

The layout and provision of services to the proposed subdivision has been described by staff in detail in the preceding sections (B & D). The design and arrangement of the lots and streets are functional.

IV. CONCLUSION

In general, the proposed subdivision is consistent with the Comprehensive Plan, all applicable requirements of the Land Development and Planning Ordinance, and the overall design and arrangement of lots is functional and will not unduly hinder use or development of adjacent properties. Conditions are proposed herein to provide the necessary changes and details required to meet the City's standards for subdivisions.

V. RECOMMENDATION

Based on the application, site plan, the facts, findings and conclusions presented in this report, and without benefit of public testimony, staff recommends that should the Planning Commission approve, with conditions, SUB 94-04, that the following conditions apply:

For the Final Plat:

1. Twelve (12) foot utility easements shall be provided along all exterior lot lines. The interior lot lines shall have six (6) foot utility easements as proposed.
2. The final plat shall reference this land use application - City of Canby, File No. SUB 94-04, 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.
3. 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.
4. The walkways connecting the Valley Farms Subdivision with S. Pine Street shall align, and the walkways shall be centered on the property line.
5. The easement for the walkway between S. Pine Street and the dedicated park land shall be ten (10) feet wide.

As a part of construction:

6. A pre-construction conference shall be held prior to construction. The pre-construction plans shall be reviewed and approved by the Canby Utility Board, the Canby Telephone Association, Clackamas County (13th Avenue) and the City prior to the pre-construction conference. The City's review and approval shall be coordinated through the Planning Office. The construction plans shall include the street design, storm water, sewer, water, electric, telephone, gas, street lights, and street trees.
7. A Street Construction and/or Encroachment Permit shall be obtained from the Clackamas County Department of Transportation and Development prior to road construction and/or work along S.E. 13th Avenue.
8. Any necessary utilities shall be constructed to the specifications of the utility provider.
9. Two fire hydrants shall be provided in this subdivision. One shall be located on the common property line of lots 63 and 64, and the other shall be located on the common property line of lots 71 and 72.

10. Street name and traffic control signs shall be provided at the developer's expense. This shall include "Stop" street signs where required by the Director of Public Works. "Stop" signs shall be placed for S. Pine Street at the intersection of S.E. 10th Avenue.
11. Erosion-control during construction shall be provided by following the recommendations of the "Erosion Control Plans Technical Guidance Handbook," as used by Clackamas County, dated August 1991, and as revised.
12. The construction of the sewer system and street storm water system for the subdivision shall be approved by the Director of Public Works.
13. S. Pine Street shall be constructed to the City specifications and standards. The widening of S.E. 13th Avenue shall be constructed to the City and the County specifications and standards. S.E. 13th Avenue shall be widened across the frontage of this property and the dedicated park land, from the Ackerman Jr. High property to the Valley Farms Subdivision property. The curb line shall match with the existing curb lines to the west and east of the required improvement. The improvements shall include the street, curbs, sidewalks, and street trees.
14. The sidewalks shall be located against the curb, and shall be five-feet wide, including the curb. Where mailboxes, newspaper boxes or other obstructions (such as fire hydrants) are located at the curb, the sidewalk shall be set away from the curb such that the sidewalk remains unobstructed for a full five-foot width.
15. The walkways shall be paved ten (10) feet wide. A solid or "good-neighbor" wood fence shall be constructed on both sides of each walkway. The fence shall be six (6) feet high, except within twenty (20) feet of the front property lines. Within twenty (20) feet of the front property lines, the fence shall be three and one-half (3-1/2) feet high. A concrete or metal post shall be placed in the center of the entrance to each walkway. The concrete sidewalks shall continue across the front of the entrances, with a handicap accessible ramp to the street.
16. The walkway continuing from S.E. 11th Loop in Valley Farms 1 to S. Pine Street shall be tapered from the existing six (6) foot width at the subdivision line to the required ten (10) foot width. The paving and the fencing shall be tapered within twenty (20) feet of the subdivision line.
17. The type of street tree to be planted along S.E. 13th Avenue shall be the same as those planted along Valley Farms' frontage of S.E. 13th Avenue. The type of street tree to be planted along S. Pine Street shall be selected from the Recommended Street Tree list, but shall not include trees of the Maple variety. The number of street trees to be planted shall be in accordance with the recommended spacing for the selected tree. The trees shall be planted eleven (11) feet from the street curb.

Prior to the signing of the Final Plat:

18. The land divider shall follow the provisions of Section 16.64.070 Improvements, in particular, but not limited to, subparagraph (O) Bonds, which requires a surety bond, personal bond, or cash bond for subdivision improvements for any improvement not completed prior to the

signing of the final plat. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.

19. The subdivision development fee, as provided in the Land Development and Planning Ordinance Section 16.68.040(G), shall be paid.

After construction:

20. "As-built" drawings shall be submitted to the City within sixty (60) days of completion.
21. Garages shall be set back a minimum of nineteen (19) feet from the back of the sidewalk. The distance shall be measured from the closest edge of the sidewalk at the driveway.
22. No access shall be permitted from S.E. 13th Avenue for any home.

Exhibits:

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

SUBDIVISION APPLICATION

Fee: \$900 +
\$30/lot

OWNER

APPLICANT

Name Regan Enterprises

Name _____

Address 31233 French Prairie Rd.

Address _____

City Wilsonville State OR Zip 97070

City _____ State _____ Zip _____

SIGNATURE [Signature]

Phone: 694-5454

DESCRIPTION OF PROPERTY:

Tax Map 4S1E 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

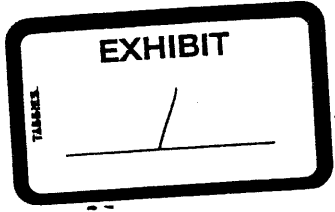
PROJECT DESCRIPTION

Owner proposes 33 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 94-04
Receipt No. 9131
Received by [Signature]
Date Received 10-4-94
Completeness Date _____
Pre-Ap Meeting _____
Hearing Date _____

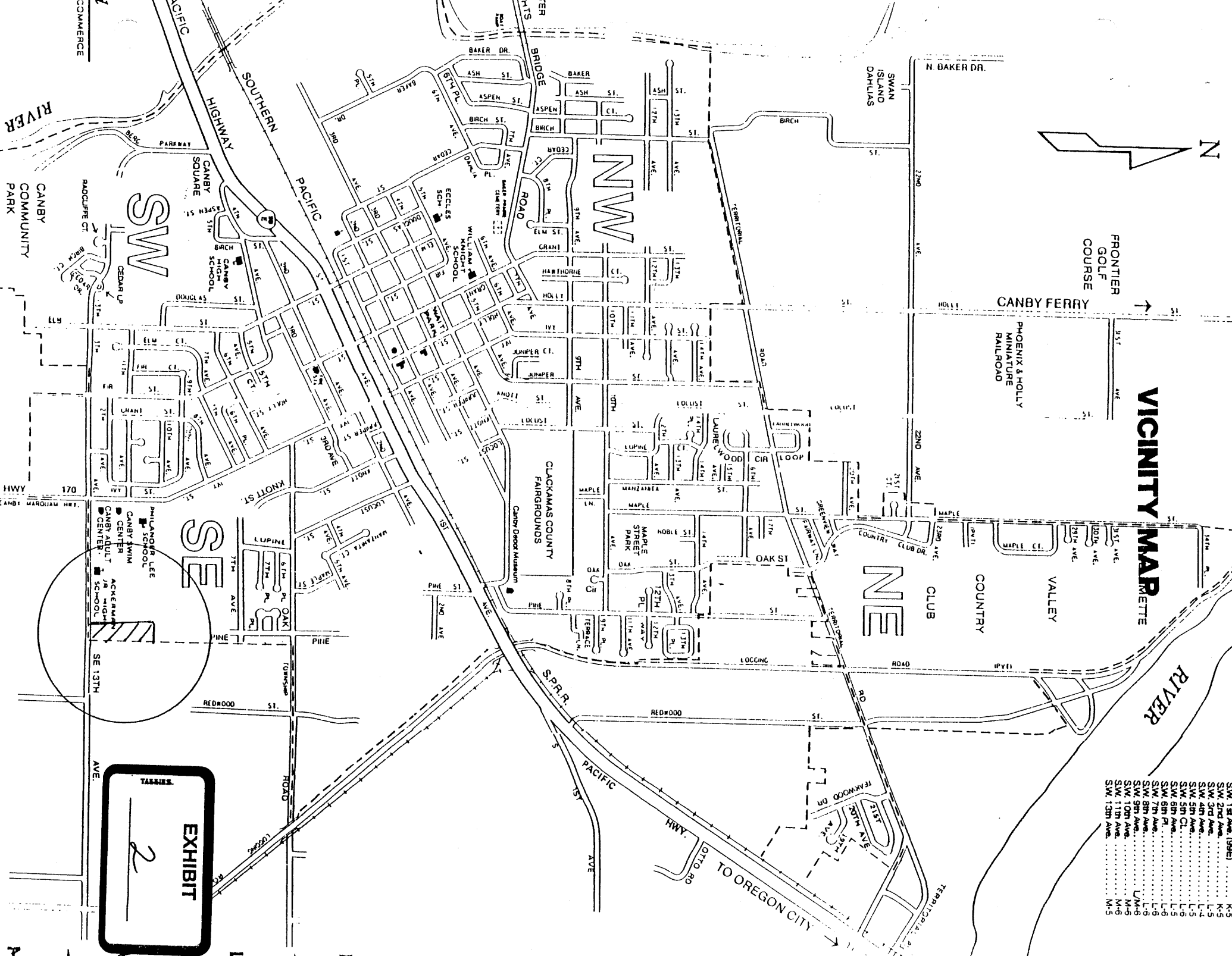


* If the applicant is not the property owner, he must attach documentary evidence of his authority to act as agent in making application.



VICINITY MAP

- SW 1st Ave. K-9
- SW 2nd Ave. K-2
- SW 3rd Ave. L-1
- SW 4th Ave. L-2
- SW 5th Ave. L-3
- SW 5th Ct. L-5
- SW 6th Ave. L-5
- SW 6th Pl. L-5
- SW 7th Ave. L-6
- SW 8th Ave. L-6
- SW 9th Ave. L-6
- SW 10th Ave. L-6
- SW 11th Ave. L-6
- SW 12th Ave. M-5
- SW 13th Ave. M-5



TABULAR
EXHIBIT
2

CANBY COMMUNITY PARK

SW

NW

SE

NE

CLACKAMAS COUNTY FAIRGROUNDS

PHOENIX & HOLLY MINIATURE RAILROAD

FRONTIER GOLF COURSE

CANBY FERRY

RIVER

TO OREGON CITY

RIVER

HWY 170

HWY 171

HWY 172

COMMERCE

PARKWAY

CANBY COMMUNITY PARK

HWY 170

HWY 170

A

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A

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-

-

-

-

PLEASE RETURN ATTACHMENTS!!!

95w
11/14/94

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: October 4, 1994

TO: FIRE, POLICE, SCHOOL, CUB, TOM PIERSON, TELECOM (SCHMIT), NW NATURAL GAS, CLACKAMAS COUNTY (BILL SPEARS), MIKE JORDAN, JOHN KELLEY, ROY, STEVE

The City has received *SUB 94-04*, an application by Regan Enterprises [applicant/owner] for approval to develop a 33-lot subdivision, Phase 7 of Township Village. The lots will vary in size from 7,000 square feet to 9,500 square feet. The site is located on the north side of S.E. 13th Avenue, between Ackerman Middle School and Valley Farms Subdivision (Tax Lot 1800 of Tax Map 4-1E-3).

We would appreciate your reviewing the enclosed application and returning your comments by October 24, 1994 PLEASE. The Planning Commission plans to consider this application on November 14, 1994. 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

S. House 10/19/94

Please check one box:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will **become available** through the development
- Conditions are needed, as indicated

EXHIBIT	
4	8 pages

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

93w
10/11/94

P.O. Box 930, Canby, OR 97013

[503] 266-4021

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TO: FIRE, POLICE, SCHOOL, CUB, TOM PIERSON, TELECOM (SCHMIT), NW NATURAL GAS, CLACKAMAS COUNTY (BILL SPEARS), MIKE JORDAN, JOHN KELLEY, ROY, STEVE

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Comments or Proposed Conditions:

Please check one box:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will **become available** through the development
- Conditions are needed, as indicated



CLACKAMAS COUNTY

Department of Transportation & Development

THOMAS J. VANDERZANDEN
EXECUTIVE DIRECTOR

MEMORANDUM

TO: Canby Planning Department

FROM: Clackamas County DTD *WPL*

DATE: November 1, 1994

SUBJECT: File Sub 94-04 / REGAN ENTERPRISES PHASE 7 OF TOWNSHIP VILLAGE

This office reviewed a similar proposal and commented on October 11, 1994 (reference MLP 94-07 and Ann 94-02 Kendall/Faist). The following Conditions of Approval should be imposed:

1. Since S.E. 13th Avenue is an arterial street, sufficient right of way must be dedicated to ultimately provide at least a 60 foot right of way.
2. The County's comprehensive plan restricts individual access on arterials and limits the number of intersections. Also, there is a vertical curve in S.E. 13th Avenue that could restrict sight distance. Development will be reviewed with traffic safety and sight distance in mind.
3. If one or more intersections are proposed on S.E. 13th Avenue this office will require a traffic study to address the following issues:
 - a. Traffic safety
 - b. Capacity
 - c. Connectivity
 - d. Emergency vehicle needs
 - e. Pedestrian/Bike alternative
 - f. Right of way availability/need

- g. Traffic control requirements
 - h. Transitioning improvements between rural/urban designations
4. The potential inconsistency of road standards across the street from each other needs to be addressed. A single road standard should be employed to the end of the UGB.
 5. There are significant surface water management and grading issues that must be addressed. It is recommended that the applicant be required to provide a master drainage plan for Clackamas County review prior to approval to insure that problems do not arise later. Our office requires surface water detention, and erosion control. We are concerned about the quantity and quality of the surface water. We use the King County method in our calculations.
 6. The county requires standard curb, surfacing, storm sewer, sidewalk, bike lane and pavement tapers. If traffic control measures are needed such as channelization etc., the applicant will be required to provide those as well. This office may require a professional evaluation of the existing condition of the pavement and road base to determine if reconstruction of a portion or all of 13th Ave is needed.
 7. The developer must be made responsible for improvements in front of the park land dedication.
 8. All work within the County right of way will require coordination with the County during all phases of construction. Engineered plans will be required as well as regular inspections and traffic control. A Street Construction and/or Encroachment Permit will be required along with a performance guarantee and proof of liability insurance. A permit must be obtained from DTD for all utility work within the right of way. DTD needs to be contacted regarding the amount of the performance guarantee and inspection fees.
 9. This office needs to be kept informed as to all pre application conferences, pre construction meetings and proposals.

Thank you for the opportunity to respond to this request. Hopefully these comments are consistent with the UGMA between Canby and Clackamas County.

PLEASE RETURN ATTACHMENTS!!!

QSW
10/12/1994

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: October 4, 1994

TO: FIRE, POLICE, SCHOOL, CUB, TOM PIERSON, TELECOM (SCHMIT), NW NATURAL GAS, CLACKAMAS COUNTY (BILL SPEARS), MIKE JORDAN, JOHN KELLEY, ROY, STEVE

The City has received *SUB 94-04*, an application by Regan Enterprises [applicant/owner] for approval to develop a 33-lot subdivision, Phase 7 of Township Village. The lots will vary in size from 7,000 square feet to 9,500 square feet. The site is located on the north side of S.E. 13th Avenue, between Ackerman Middle School and Valley Farms Subdivision (Tax Lot 1800 of Tax Map 4-1E-3).

We would appreciate your reviewing the enclosed application and returning your comments by October 24, 1994 PLEASE. The Planning Commission plans to consider this application on November 14, 1994. 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. Permanent Construction and maintenance easements will be required for utilities (water - electric - telephone etc.)
2. Extension of the water distribution system to C.U.B. specifications will be required
3. Trenching and backfilling, including vault excavations and backfill, to CUB specifications will be required for the extension of the electrical distribution system.
4. CUB now has line extension charges for the electrical distribution system and payment must be made before the electrical system will be constructed.
5. The street lighting system will be designed and installed by CUB at the cost OR the Developer

Please check one box:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated

6. a development pre construction conference is required before water and electric system construction can begin.

Robert Smith

PLEASE RETURN ATTACHMENTS!!!

7500
10/13/94

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: October 4, 1994

TO: FIRE, POLICE, SCHOOL, CUB, TOM PIERSON, TELECOM (SCHMITZ), NW NATURAL GAS, CLACKAMAS COUNTY (BILL SPEARS), MIKE JORDAN, JOHN KELLEY, ROY, STEVE

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Comments or Proposed Conditions:

Please check one box:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will **become available** through the development
- Conditions are needed, as indicated

RECEIVED

OCT 13 1994

CITY OF CANBY

Jerry F. Hyatt 10/10/94

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

9/25/94

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: October 4, 1994

TO: FIRE, POLICE, SCHOOL, CUB, TOM PIERSON, TELECOM (SCHMIT), NW NATURAL GAS, CLACKAMAS COUNTY (BILL SPEARS), MIKE JORDAN, JOHN KELLEY, ROY, STEVE

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Comments or Proposed Conditions:

Fire hydrants shall be placed at following locations.
One hydrant on property line between lots # 63 & 64
2nd hydrant placed on property lines between lots # 71 & 72

Please check one box:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated

PLEASE RETURN ATTACHMENTS!!!

JSW
10/12/94

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-4021

DATE: October 4, 1994

TO: FIRE, POLICE, SCHOOL, CUB, TOM PIERSON, TELECOM (SCHMIT), NW NATURAL GAS, CLACKAMAS COUNTY (BILL SPEARS), MIKE JORDAN, JOHN KELLEY (ROY), STEVE

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We would appreciate your reviewing the enclosed application and returning your comments by October 24, 1994 PLEASE. The Planning Commission plans to consider this application on November 14, 1994. 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 on Sub-division Application
Comments will be made on construction plans

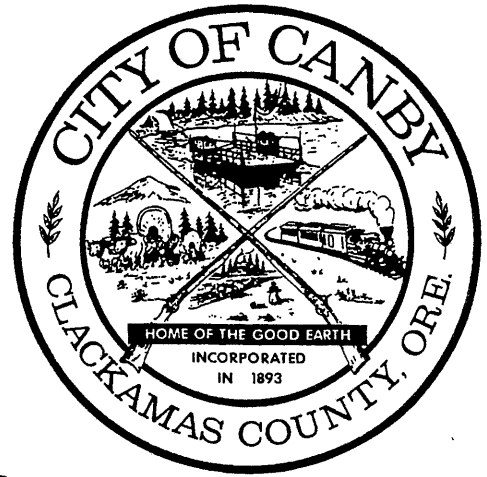
Please check one box:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated

Roy Hester

Oct. 18, 1994

- STAFF REPORT -



APPLICANT:

Eldon L. Otta
578 S. Fir Street
Canby, OR 97013

FILE NO.:

MLP 94-08

OWNER:

Eldon L. Otta
578 S. Fir Street
Canby, OR 97013

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 8700 of Tax Map 4-1E-4AB

DATE OF REPORT:

November 4, 1994

LOCATION:

578 S. Fir Street
the northeast corner of
S. Fir Street and S.W. 6th Avenue

DATE OF HEARING:

November 14, 1994

COMP. PLAN DESIGNATION:

Low Density Residential

ZONING DESIGNATION:

Low Density Residential

I. APPLICANT'S REQUEST:

The applicant is requesting approval to partition a 14,885 square foot parcel into two parcels, approximately 7786 square feet and 7099 square feet, respectively. The existing buildings are proposed to be removed prior to the filing of the partition plat.

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. 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.
- E. In no case shall the use of a private road be approved for the partitioning 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.

III. OTHER APPLICABLE CRITERIA

- A. 16.16.030 Development Standards in R-1 Areas
- B. 16.56 General Provisions (for land divisions)
- C. 16.60 Major or Minor Partitions
- D. 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 8700 of Tax Map 4-1E-4AB. It is located at 578 S. Fir Street, on the northeast corner of S.W. 6th Avenue and S. Fir Street. The property consists of approximately 14,885 square feet. There is 130 feet of frontage along S. Fir Street and 114.5 feet of frontage along S.W. 6th Avenue.

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement

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

Policy #1: Canby shall reorganize its citizen involvement functions to formally recognize the role of the Planning Commission in meeting the six required citizen involvement components of statewide planning goal No. 1, and to re-emphasize the city's commitment to on-going citizen involvement.

Policy #2: Canby shall strive to eliminate unnecessarily costly, confusing, and time consuming practices in the development review process.

Policy #3: Canby shall review the contents of the comprehensive plan every two years and shall update the plan as necessary based upon that review.

ANALYSIS

1. The notification process and public hearing are a part of the compliance with adopted policies and process regarding citizen involvement. The Planning Commission seeks input of all citizens at the public hearing of all applications.
2. The Planning Commission adheres to acting upon applications within a sixty (60) day time period from the date of determination of a complete application. Any continuation of the review period is done with the approval of the applicant, or through admission of new information into the review process.
3. The review of the contents of the Comprehensive Plan is not germane to this application.

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.

Policy #1: Canby shall coordinate its growth and development plans with Clackamas County.

- Policy #2: Canby shall provide the opportunity for amendments to the urban growth boundary (subject to the requirements of statewide planning goal 14) where warranted by unforeseen changes in circumstances.
- 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

1. The property is entirely within both the Urban Growth Boundary and the City Limits. No direct input from the County has been determined to be necessary or desirable nor was any sought.
2. No changes to the Urban Growth Boundary are proposed with this application.
3. All necessary urban services are, or will be available for the partition (see discussion under Public Services Element).

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 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.

ANALYSIS

1. The parcel is zoned R-1, Low Density Residential and is proposed to be developed with two single family residential structures. The Comprehensive Plan land use designation of the subject parcel is Low Density Residential, which is consistent with the zoning and the proposed development. The current use of the property is for one single-family residence. The proposed development is compatible with the surrounding land uses, which are all single family residences.
2. The density of the subject property is approximately 2.9 units per acre. With the partition, the density will be approximately 5.9 units per acre. There is no flexibility to configure the partition to create a density that would be in between to the two stated figures.
3. Request for comments have been sent to all public facility and service providers (see discussion under Public Services Element).
4. No natural hazards have been identified on the subject property.
5. The zoning of the property, R-1, Low Density Residential, is consistent with the Land Use Map designation for the property (Low Density Residential). The minimum lot size for parcels in the R-1 zone is 7000 square feet, and all of the proposed lots meet the minimum lot size requirement.
6. The subject property is not identified as one of the "unique" sites or "areas of special concern".

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 #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

1-R-A. The property is currently developed residentially. The proposal will not alter nor affect any farm uses.

1-R-B. The property is considered to currently be urbanized.

2-R. The storm water drainage of the subject property is handled on-site. Clackamas County reviews storm water management and compliance with the Federal Clean Water Act.

3-R. The existing use has not created a known pollution problem. Construction activity, the development activity directly related to residential development, is required to comply with prescribed standards for air, water, and land pollution, through the building permit process. Storm water drainage is mentioned in the above 2-R.

4-R. Noise will be expected as a result of residential construction. No residential construction, beyond one single-family home would be permitted without further development review.

5-R. The subject property is not a sand and gravel operation, nor will the proposed partition or future use of the land hinder any sand and gravel operation. There is no sand and gravel operation within the City limits.

6-R. The existing home, garage and green house and buildings are surrounding properties are not historic buildings. The subject property and surrounding properties are not historic sites.

7-R. The partition itself will not affect the scenic or aesthetic quality of the City. Retention of the mature fir trees along S. Fir Street, and possibly the mature pin oak trees along S.W. 6th Avenue upon construction of new homes is desirable for the aesthetic value that the trees create.

8-R. The subject property is considered to be open space.

9-R. No wildlife or fish habitats are known on the subject property.

1-H. The subject property has no steep slopes.

2-H. The subject property is not in a flood zone.

3-H. The subject property has Latourell loam soil, which is a deep, well-drained soil. No expansive soils, shallow topsoil, high water table, or other potential risks associated with construction on the subject property have been identified.

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

1. No additional dedication of land for right-of-way purposes and road improvements are needed as a part of land development. The adjacent roads are not County roads, and therefore no County input was sought or received.
2. No new streets are needed as a result of the proposed partition. The Comprehensive Plan does identify S. Fir Street as a future City capital improvement project. This is not specifically identified in the more recent Transportation System Plan, and the Public Works Department is not requesting any specific improvement to S. Fir Street along the property's frontage.

3. There are no "problem intersections" identified within the vicinity of the subject property.
4. Sidewalks will be required for the property's frontage along S.W. 6th Avenue. The sidewalk on S.W. 6th Avenue will need to be located against the curb and be five (5) feet wide, including the curb. The sidewalk will need to be "swept" around the existing telephone pedestal and power pole. A sidewalk that "sweeps" means that it is constructed at the five (5) foot width around the obstacle. A minimum distance of one (1) foot is required for the sidewalk next to both the power pole and the telephone pedestal.
5. The subject property is not involved in any possible overpass or underpass of Highway 99-E and the railroad.
6. Neither the fire district nor the police department have responded to the Request for Comments. The access for emergency vehicles for the two lots is very similar to the current access the existing property.
7. The adjacent roads are local roads which, according to the City's Transportation Systems Plan, do not require bicycle lanes.
8. The existing use and the proposed use of the property have no specific use for the rail facilities that exist in Canby.
9. The proposed partition has no bearing on efforts to improve or expand nearby air transport facilities.
10. The mass transit system in operation in Canby has no direct bearing on the proposed partition. No future transit stops have been proposed.
11. The subject property is not near the Willamette River and will have no effect on the transportation potential or use of the Willamette River.
12. The subject property is fully within the City limits and is not near any "entry point" into the City.

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

1. All needed public facility and service providers were sent a "Request for Comments" regarding this application. Positive responses were received from the Public Works Department, Waste Water Treatment Plant, NW Natural Gas, Canby Utility Board, and the School District. All have indicated that adequate facilities and/or services are available. The Canby Telephone Association, Police Department, and Fire District have not responded to the recent application. There has been no recent indication, unofficial or otherwise, of potential inadequacy of facilities or service from these providers.

The gas line currently services from S.W. 6th Avenue, and will be available for the corner lot. The sewer line currently services from S. Fir Street, and will be available for the interior lot. All services will need to be provided to each lot. Credit for the existing sewer line will be assigned to the interior lot.

2. There are no needed 'public improvements' other than the sidewalk along S.W. 6th Avenue, which is discussed under the Transportation Element discussion. There are existing fir trees in the right-of-way along S. Fir Street. These trees are to remain. There are two pin oak trees and a birch tree located within 15 feet of the property line along S.W. 6th Avenue. A new house will need to be set back a minimum of 15 feet from the property line along S.W. 6th Avenue. In order to maintain the streetscape with mature trees, these two trees, and possibly the birch tree should remain. If these trees remain, then no further street trees are needed with the partition.
3. The City has adopted a Transportation Systems Development Charge (SDC). All needed transportation improvements that are listed in the Transportation System Plan, will be funded by through SDC. This partition will contribute to those improvements mostly through the sidewalk improvements along S.W. 6th Avenue, and partially through the SDC's at the time that homes are constructed on the individual lots.
4. The City's internal organization is not germane to this application.

5. The City has adopted a Parks Master Plan in which appropriate sites or areas for recreation facilities are identified. A mini-park has been designated in the nearby area of S.W. 4th Avenue and S. Fir Street. There are lands in the vicinity of 4th and Fir that could accommodate a mini-park. There is no portion of the subject property that could be combined with neighboring properties to form a mini-park. The new homes will be required to pay the Parks System Development Charge to contribute to acquisition and development of parks within the City.

vii. ECONOMIC

■ **GOAL: TO DIVERSIFY AND IMPROVE THE ECONOMY OF THE CITY OF CANBY.**

- Policy #1: Canby shall promote increased industrial development at appropriate locations.
- Policy #2: Canby shall encourage further commercial development and redevelopment at appropriate locations.
- 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.

ANALYSIS

1. The proposed development is not industrial in nature, nor does the current zoning of the subject property allow industrial development.
2. The proposed development is not commercial in nature, nor does the current zoning of the subject property allow commercial development.
3. The proposed development is residential in nature and zoning. The project will have no adverse or directly beneficial impacts on any economic program or project which leads to an increase in local employment opportunities.
4. The proposed development is residential in nature and zoning. The project will have no direct adverse impacts on agricultural operations.

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.
- 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 for mobile home developments in all residential zones, subject to appropriate design standards.

ANALYSIS

1. The location and size of the Urban Growth Boundary is not a part of the proposed application. When the Urban Growth Boundary was designated and calculations to determine the amount of land needed for residential growth, in 1984 as a part of the acknowledged 1984 Comprehensive Plan, the subject property was counted for residential development.
2. The proposed partition will increase, approximately two-fold (from 1 home to 2 homes), the housing density of the property.
3. The proposed development does not include higher density housing. Future development of the property will not include higher density housing, as in accordance with the zoning and Comprehensive Plan land use designation of the property.
4. The proposed development does not specifically include housing for low income persons. Future development of the property could include housing for low income persons.
5. The proposed development is not a mobile home development. Future development of the property could include a manufactured home to be placed on the property.

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

1. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.
2. The orientation of the subject property in this proposal does not meet the basic solar access standards for new residential developments. The configuration and size of the property does not allow for the partition of the property in any other configuration that would meet the basic solar requirements. The shadow pattern of the existing trees (the firs and oaks are considered to be not "solar friendly") covers more than 80% of the lots. The trees are recommended to remain. If the trees remain, the lots will qualify for the exemption to the standards as found in 16.95.040.C of the City's Land Development and Planning Code.
3. Any building will be required, as a part of the building permit review process, to be reviewed for compliance to the Solar Ordinance.
4. The City has undergone a Transportation System Plan study. The proposed development complies with the Transportation System Plan.
5. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.

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

Review of the above analysis will show that the proposed partition, with the recommended conditions of approval, is consistent with the policies of the Comprehensive Plan. Development of the lots 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.

C. *Evaluation Regarding Minor Land Partition Approval Criteria*

- A. Conformance with the text and the applicable maps of the Comprehensive Plan.

See above discussion.

- B. Conformance with all other requirements of the Land Development and Planning Ordinance.

The partition, in all other respects, is in 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.

The size and orientation of the proposed parcels is such that future development of either parcel is both possible and feasible.

Access facilities are readily available. A new driveway for the corner lot will be necessary.

- D. 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.

As best as staff has been able to determine, 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. No indication of difficulties have been mentioned, officially or otherwise, with regards to these public facilities and services providing service to any development.

- E. In no case shall the use of a private road be approved for the partitioning 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.

No new private roads are proposed as a part of this application.

V. CONCLUSION

1. Staff concludes that the partition request, with appropriate conditions, is considered to be 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, with appropriate conditions, the overall design and arrangement of the proposed parcels are functional and will adequately provide building sites, utility easements, and access facilities which are necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
4. 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 application and drawings submitted, facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that should the Planning Commission approve MLP 94-08, the following conditions should apply:

1. The existing home, garage, and greenhouse shall be removed prior to the signing of the final plat.
2. 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 94-08.
3. 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.
4. 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.
5. All monumentation and recording fees shall be borne by the applicant.
6. 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 all lot lines, except;
12 feet in width along street frontages.

7. All utilities must meet the standards and criteria of the providing utility authority.
8. The land divider shall follow the provisions of Section 16.64.070 Improvements, in particular, but not limited to, subparagraph (O) Bonds, which requires a surety bond, personal bond, or cash bond for improvements, for any improvement not completed prior to the signing of the final plat. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.
9. All utility services shall be constructed to each property prior to the signing of the partition plat, or they shall be bonded as provided in condition #8.
10. A pre-construction conference shall be held prior to the construction/extension of services to the properties.
11. A sidewalk shall be constructed along S.W. 6th Avenue prior to the final inspection for a home to be constructed on the corner lot. The sidewalk shall be constructed against the curb and shall be five (5) feet wide, including the curb. Where mailboxes, newspaper boxes or other obstructions (such as fire hydrants) are located at the curb, the sidewalk shall be set away from the curb such that the sidewalk remains unobstructed for a full five-foot width. The sidewalk shall be set at least one (1) foot away from the existing power pole and telephone pedestal.
12. The fir trees located in the S. Fir Street right-of-way shall be retained. The two pin oak trees along S.W. 6th Avenue shall be retained. No pruning work and/or any construction work within the drip line of the trees shall occur without approval by the City Forester.
13. Credit for the sewer connection to the existing home shall be assigned to the home to be constructed on the interior lot. The home to be constructed on the corner lot shall pay the full sewer connection fee.

Exhibits:

1. Application
2. Vicinity Map
3. Partition Plat
4. Request for Comments Responses

MINOR LAND PARTITION APPLICATION

Fee: \$600.00

OWNER

APPLICANT

Name Eldon L. Otta
Address 578 S. FIR
City Canby State OR Zip 97013
Signature: Eldon L. Otta

Name Eldon L. Otta
Address 578 S. FIR
City Canby State OR Zip 97013
Phone: 263-6935

DESCRIPTION OF PROPERTY:

Tax Map 41E 4AB Tax Lot(s) 8700 Lot Size 114.5 X 130 (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 two (2) 8-1/2 x 11 sheets of labels, just as you would address an envelope.

USE

Existing Proposed

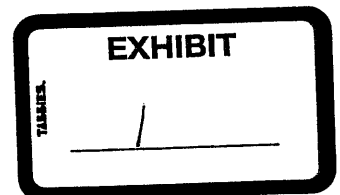
Existing Structures

PROJECT DESCRIPTION

Minor Partition
Would like to split existing lot into 2 lots. WE WILL REMOVE ALL BUILDINGS IF APPROVED.

ZONING COMPREHENSIVE PLAN DESIGNATION
PREVIOUS ACTION (if any)

File No. M.L.P. 94-08
Receipt No. 9154
Received by ASW
Date Received 10/12/94
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.

- S.W. 1st Ave. (99E) K-5
- S.W. 2nd Ave. K-5
- S.W. 3rd Ave. L-5
- S.W. 4th Ave. L-4
- S.W. 5th Ave. L-5
- S.W. 5th Cl. L-6
- S.W. 6th Ave. L-5
- S.W. 6th Pl. L-6
- S.W. 7th Ave. L-6
- S.W. 8th Ave. L-6
- S.W. 9th Ave. L/M-6
- S.W. 10th Ave. M-6
- S.W. 11th Ave. M-6
- S.W. 13th Ave. M-5



FRONTIER
GOLF
COURSE

CANBY FERRY

PHOENIX & HOLLY
MINIATURE
RAILROAD

VICINITY MAP

WILLAMETTE

VALLEY

COUNTRY

CLUB

NE

NW

CLACKAMAS COUNTY
FAIRGROUNDS

Canby Depot Museum

WILLIAM KNIGHT
SCHOOL

ECCLES
SCH

CANBY HIGH SCHOOL

SE

PHILANDER LEE
SCHOOL

CANBY SWIM
CENTER

CANBY ADULT
CENTER

ACKERMAN
JR HIGH SCHOOL

SW

CANBY SQUARE

CANBY HIGH SCHOOL

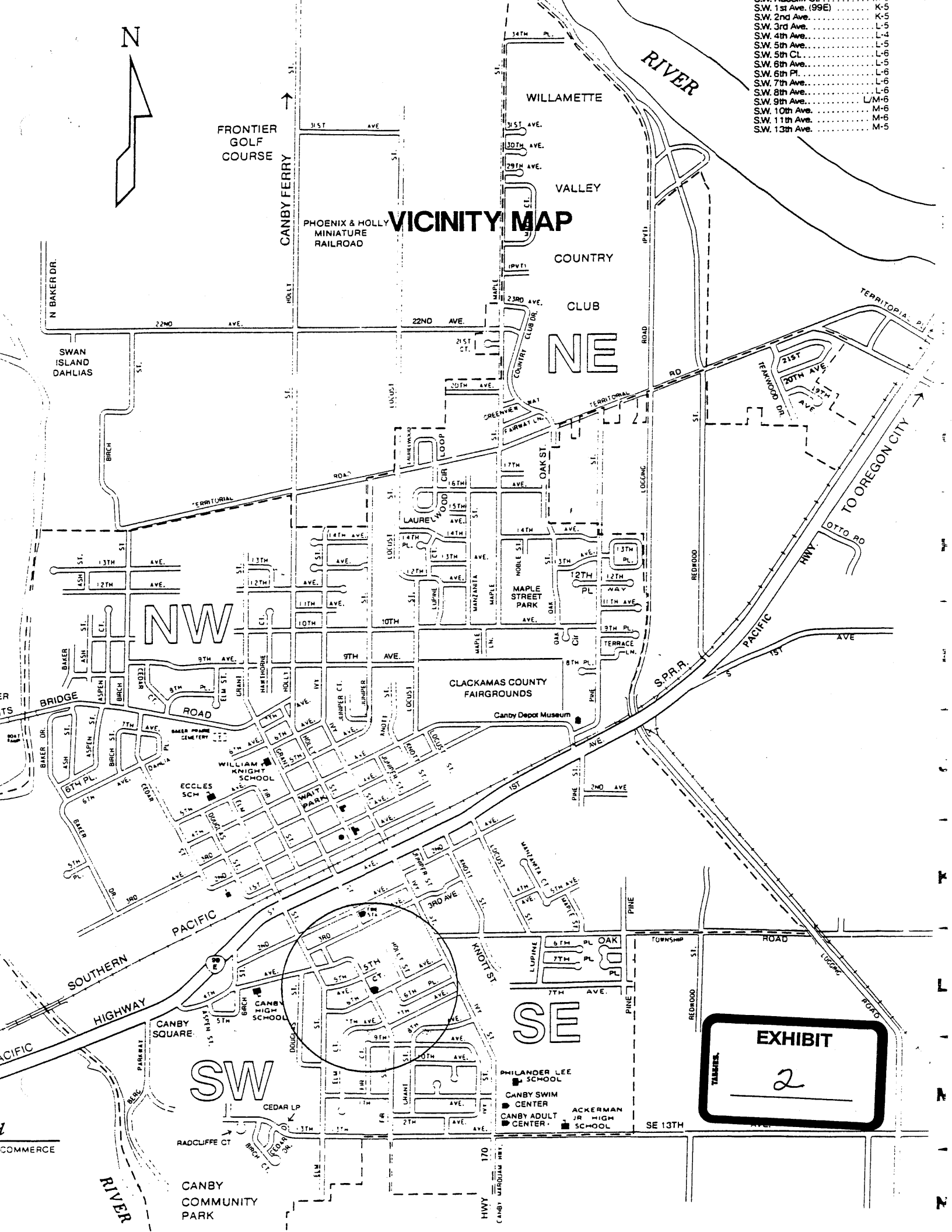
CEDAR LP

RAOCLIFFE CT

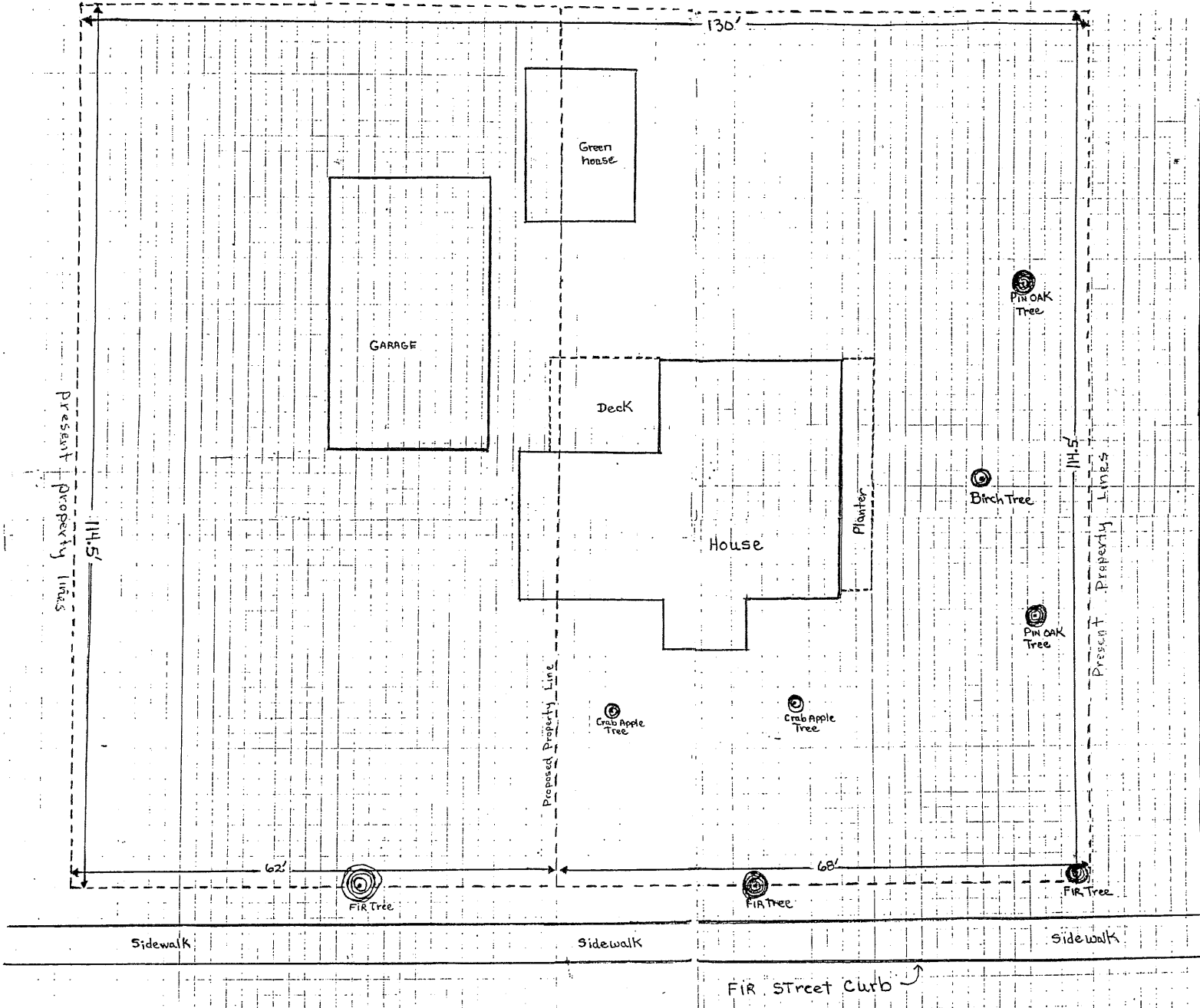
CANBY
COMMUNITY
PARK

EXHIBIT

2



Eldon Otta



KEY:
 - - - - - Present Property Line
 - - - - - CURB
 - - - - - Proposed

EXHIBIT
 3

PLEASE RETURN ATTACHMENTS!!!

950
11/1/94

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: August 18, 1994

TO: FIRE, POLICE, SCHOOL, CUB, TELEPHONE, TELECOM, NW NATURAL GAS, ROY,
STEVE

The City has received *MLP 94-08*, an application by Eldon L. Otta [owner/applicant] to partition a 114.5 x 130 lot into two lots, approximately 7100 square feet and 7,790 square feet, respectively. The applicant proposes to remove all buildings on the site if the application is approved. The site is located at 578 S. Fir Street, west of S.W. 6th Avenue (Tax Lot 8700 of Tax Map 4-1E-4AB).

We would appreciate your reviewing the enclosed application and returning your comments by October 28, 1994 **PLEASE**. The Planning Commission plans to consider this application on November 14, 1994. 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

Please check one box:

- 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	6 Pages

Signature: S. Hansen Date: 10/19/94

PLEASE RETURN ATTACHMENTS!!!

95W
11/14/94

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

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Signature: Stephen Miller Date: 10-18-94

PLEASE RETURN ATTACHMENTS!!!

294
11/11/94

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: August 18, 1994

TO: FIRE, POLICE, SCHOOL, CUB, TELEPHONE, TELECOM, NW NATURAL GAS, ROY,
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Comments or Proposed Conditions:

Construct side walk along S.W. 6th
Another sewer lateral will be needed for new
lot. Another drive way ingress - egress will be needed.
New sidewalk will need to sweep around power pole
and phone pedestal at corner of S. Fir + S.W. 6th

Please check one box:

- 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: Ray L. Wester Date: Oct. 18, 1994

PLEASE RETURN ATTACHMENTS!!!

950
11/16/94

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: August 18, 1994

TO: FIRE, POLICE, SCHOOL, CUB, TELEPHONE, TELECOM, NW NATURAL GAS, ROY, STEVE

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Comments or Proposed Conditions:

1. Permanent Construction and maintenance easements for utilities such as, but not limited to, electric, water, CATV, Telephone and natural gas, will be required. These easements should be twelve feet in width along all extension lot lines and six feet in width along both sides of the inter-lot line.

2. line extension charges for electric service as well as electric hook-up charges and water hook up fees and SOCs will paid by the developer on build-out. Trenching and backfill to CURB Specs for line extensions will be provided by the developer on build-out

Please check one box:

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

RECEIVED

OCT 31 1994

CITY OF CANBY

Signature: Robert E. Ryan

Date: 10-31-94

3. a pre-design conference with CURB is strongly recommended and a pre-construction conference is a requirement for water and electric service.

PLEASE RETURN ATTACHMENTS!!!

ASW
11/16/94

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

[503] 266-4021

P.O. Box 930, Canby, OR 97013

DATE: August 18, 1994

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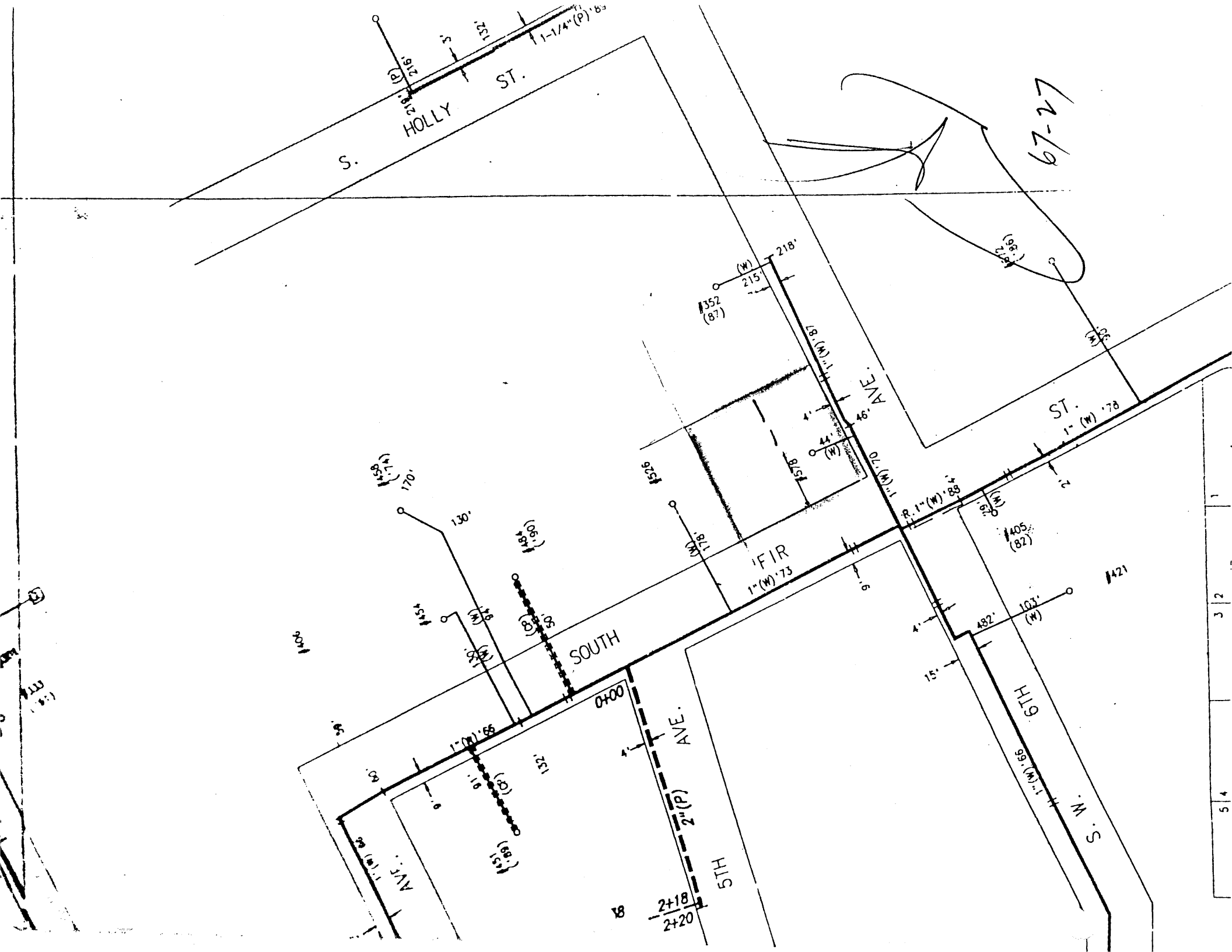
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- Conditions are needed, as indicated
- Adequate public services **are not available** and will not become available

Signature: James F. Bryant Date: 10/20/94



67-27

S. HOLLY ST.

SOUTH AVE.

5TH AVE.

FIR AVE.

S.W. 6TH ST.

ST.

1352 (87)

1372 (87)

1354 (87)

1350 (87)

1352 (87)

1351 (87)

1353 (87)

1405 (82)

1421

1526

1518

1515

0400

18 $\frac{2+18}{2+20}$

1
3 2
5 4

