

AGENDA

CANBY PLANNING COMMISSION

SPECIAL MEETING City Council Chambers

October 15, 1990 - 7:30 p.m.

I. ROLL CALL

II. MINUTES

III. COMMUNICATIONS

IV. UNFINISHED BUSINESS

V. BUSINESS FROM THE AUDIENCE

VI. PUBLIC HEARING

CUP 90-06, a request by Dave Nelson. The applicant is requesting approval to construct a 147-unit mobile home park on property identified as Tax Lot 1790 of Tax Map 4-1E-4C. The property is generally located east of the Canby Community Park and south of S. Elm Street. **Rescheduled from September 24, 1990.**

VII. FINDINGS

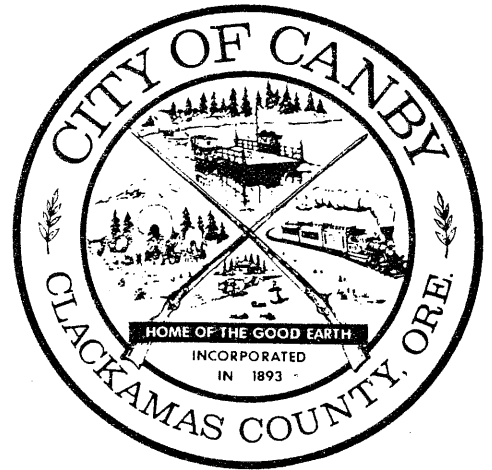
VIII . ADJOURNMENT

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

Kurt Schrader, Chair
Don Bear
Linda Mihata, Vice Chair
John Zieg

Wade Wiegand
Robert Westcott
Henry Fenske

- S T A F F R E P O R T -



APPLICANT:

David Nelson
25610 S.W. Mountain Road
West Linn, OR 97068

FILE NO.:

CUP 90-06

OWNER:

John and Sande Torgeson
26940 S. Bolland Road
Canby, OR 97013

STAFF:

Robert G. Hoffman, AICP, *RGH*
Contract Planner

LEGAL DESCRIPTION:

Tax Lot 1790 of
Tax Map 4-1E-4C

DATE OF REPORT:

October 5, 1990

LOCATION:

South of S. Elm Street and
east of the Canby Community Park

DATE OF HEARING:

October 15, 1990

COMP. PLAN DESIGNATION:

Flood Prone/Steep Slopes
(Underlying Zone R-1H)

ZONING DESIGNATION:

R-1H (Low Density Residential)
(7 units/acre permitted)
With a Hazard Overlay

I. APPLICANT'S REQUEST:

The applicant is requesting approval to construct a 148-unit mobile home park on property identified as Tax Lot 1790 of Tax Map 4-1E-4C. The complex is located immediately east of Canby Community Park.

II. APPLICABLE CRITERIA:

This is a quasi-judicial land use application. In judging whether a Conditional Use should be approved, the Planning Commission 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 that substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.
- E. The proposed park design meets the requirements of Chapter 16.44 of the Municipal Code regarding Mobile Homes and Trailers, and Chapter 16.40, Hazard Overlay Zone, which provides for flood protection and protection of fish and wildlife and tree protection. Tree cutting plan and grading plan approval is required.

APPLICABLE REGULATIONS

- A. City of Canby Comprehensive Plan
 - I Citizen Involvement - not applicable
 - II Urban Growth
 - III Land Use
 - IV Environmental Concerns
 - V Transportation
 - VI Public Facilities and Services
 - VII Economics
 - VIII Housing
 - IX Energy

B. City of Canby Municipal Code

- 15.12 Flood Hazard Protection
- 15.12.170 Manufactured Housing Units (relative to flooding)
- 15.12.180 Floodways
- 16.04.387 Manufactured Home - Manufactured Housing Unit (def)
- 16.04.400 Mobile Home Park (definition)
- 16.04.640 Urban Growth Boundary (UGB)(def)
- 16.10 Off-Street Parking and Loading
- 16.16 R-1 Low Density Residential Zone, especially 16.16.020K
- 16.40 Hazard Overlay Zone (H), especially 16.40.010, 16.40.018, 16.40.020, 16.40.030, 16.40.050
- 16.42 Signs
- 16.44 Mobile Homes and Trailers, especially 16.44.020A-E and 16.44.030A.1, C-J
- 16.46 Access Limitations, especially 16.46.010A.3, B, C
- 16.50 Conditional Uses
- 16.64 Subdivision Design (while not required, this section gives a sense of the type of standards Canby has been seeking within other large developments)
- 16.86 Street Alignments
- 16.88 General Standards and Procedures, especially A1, A2, C, 16.88.090 and 16.88.130

WAIVERS: The applicant has asked for "waivers" in a number of cases such as required fences, setbacks and access. The ordinance does not give authority to "waive" these requirements. The **variance** standards and criteria are given in Code Section 16.88.150. The applicant has **not** requested variances. The applicant could have applied as a Planned Unit Development under Division V, but he did **not**. He would have then had considerably more flexibility. Under Planned Unit Development requirements, considerable information is required of an applicant.

III. FINDINGS:

A. Background:

1. Property Identification:

- a. The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 1790 of Tax Map 4-1E-4C. The applicant is requesting conditional use approval to construct a mobile home park.
- b. The property is located southwest of S. Elm Street and east of the Canby Community Park.
- c. There is an existing residence, industry and a mobile home subdivision to the north. To the south lies the Canby Sand and Gravel Corp. and agricultural land, and to west lies Canby Community Park.

2. Site Characteristics

The site is generally flat. A steep 70 foot bank lies immediately to the north of the site. The U.S.D.A. Soil Survey for Clackamas County identifies the predominant soil on the property as Class V through VIII and Rivers. Labish muck clay and Newberg fine sandy loam with gravel lie just below the surface in most locations. Portions of the site lie in a flood plain and contain wetland areas. There are a few low spots and high spots on the site.

B. Concerns Regarding Clackamas County Responsibility

1. Since the future phases of the Mobile Home Park are outside the Urban Growth Boundary (UGB) on the Canby Land Use Map, the County will need to become involved for many reasons. A letter has been received from Doug McClain, of Clackamas County, expressing many concerns. They are as follows:
 - a. **An amendment to the Urban Growth Boundary and Annexation to the City will be necessary to allow development of Tax Lot 1701.** The enclosed map (County

Exhibit 1) shows most of Tax Lot 1701 to be outside the recognized UGB; this area is currently designated

Agricultural by the County Comprehensive Plan and is zoned GAD (General Agricultural District). The proposed development is not allowed within this GAD designation. Either the UGB amendment and annexation should occur first or the plan should be redesigned to be independent of the "future phase."

- b. **The roadway connection to Elm Street will require County review and approval.** This roadway appears to be located in the 100-year floodplain; roadway construction may constitute "development" and require approval of a floodplain development permit. As a part of any such permit, issues related to extending outside the UGB a roadway to serve exclusively an urban development will have to be addressed. Exceptions from LCDC Goals 3, 4, 12 and 14 may be necessary. (On October 4, 1990, the applicant stated to staff that he had spoken with the LCDC regional representative, Mr. James Sitzman, and the County representative, Doug McClain. Mr. Nelson said that he planned to request an "exception.")
- c. **The need for off-site improvements should be assessed.** Of specific concern to the County is the intersection of S.W. 13th Street and Ivy Street. The proposed mobile home park will generate approximately 1500 new trips, a substantial portion of which are expected to use this intersection. There is no traffic analysis addressing this issue and the potential need for signalization at this intersection. The applicant should be required to provide a traffic analysis discussing the adequacy of the existing transportation network, including the intersection of S.W. 13th Street and Ivy Street. (On October 4, 1990, the applicant stated to staff, that he had hired Keech Associates, Inc. to do this study.)
- d. **The effects of placing fill within the 100-year floodplain needs to be assessed.** It is unclear whether the City of Canby has a specific permit review process for fill and development within the 100-year floodplain. The effects of this

development on other property within the 100-year floodplain need to be evaluated.

In his letter, Mr. McClain concludes as follows:

"Until the applicant has addressed issues 1, 3 and 4, it appears the evidence will not support findings in support of the request. Issue 2 could be resolved by conditioning any City approval on County approval of the extension of Elm Street. It is important to note, however, that such approval may be difficult to secure, if it is necessary to take exceptions from Goals 3, 4, 12 and 14."

2. Resolution of the County-related concerns must be determined since, as currently designed, the portion of the development which lies in Canby does not function without the later phase. Examples of problems are as follows:
 - a. **Cairnsmoor Drive (Elm Street extension).** This is the main entrance road and is mandatory for the proposal to work. It needs to be a public street.
 - i. The sewer lift station, the new main roadway, the bridges and other utility service main lines and connections may not be economically feasible with only 148 spaces, as proposed in the first phase. Information is needed if this phase is to stand alone.
 - ii. Too many lots are served from the main public road (Cairnsmoor Drive) for the first phase (e.g. Red Deer, which could not meet access requirements). The applicant has requested a 50% increase in the number of residences allowed. Justification for the increase is given by the applicant, saying that the **future** phase will correct the situation with a loop street.
 - iii. Fence waivers have been requested on the east and south sides because of the **future** phase.
 - iv. The water area configurations are not functional without the **future** phase.
 - v. Cairnsmoor Drive, as a public road, cannot terminate as designed without the **future** phase. Modification is

necessary. This is particularly a problem for school buses, fire trucks, the general public and mail carriers.

- vi. The emergency access, as indicated, requires a **future** phase or modification.

C. Other Concerns

1. The application says that a **fill permit** will not be applied for. This is a requirement. Since the flood plain, as shown by the applicant, will have substantial fill, this is a major issue. A grading plan approval is also required by Section 16.40.040 of the Canby Municipal Code.
2. Since the City's water intake is just downriver from this location (about 3400 feet away), water quality due to construction and runoff is a major concern. The City Engineer has stated that the proposed wet wells would not have much capacity because of the high water table.
3. Since the water table is only inches below the surface, all below-ground utilities have to meet waterproof design requirements. Also, the site is adjacent to a 70 foot embankment. The utilities and new road would need to traverse this steep bank. This is not a simple design problem. **Detailed** plans for sewer lines (pump station), water lines and storm drain system have been requested. Only an unsigned and "Preliminary Topography and Utilities Plan" has been received.
4. It is admitted by the applicant that a flood plain and wetlands exist on the site. A topographical survey (by a **registered surveyor**) of the property, delineating the 100-year flood plain and wetland boundary is required. The City is also concerned about the area where the floodway is located. Only an unsigned and "Preliminary Topography and Utilities Plan" has been received. The applicant has stated an expert wetlands specialist has been retained to outline the wetlands and design the mitigation plan. Such outline and plans are not available at this time. Staff's understanding is that a request has been made for cooperation in ceasing further work on the site until a final wetland determination has been made. This was done by the Division of State Lands, in a letter dated July 25, 1990, for fill of wetlands on the site without a permit. We do not know what further action has been or will be taken. On October 4, 1990, the

applicant stated that the wetlands expert would shortly start her work.

5. Elm Street extension will descend down a 70 foot embankment to service the site. **Detailed Plans** on this extension have been requested. Only unsigned, very preliminary plans have been received. On October 4, 1990, the applicant stated that he was exploring alternative alignments.
6. The area was once heavily treed. Regrading, without a permit, has started. The site is proposed to receive substantial additional regrading. It is unknown which trees could be saved. No landscape plans has been submitted. According to visitors to our office, the area is known to be an area of wildlife habitat. A Great Blue Heron rookery is reported to be nearby (Molalla and Pudding and Molalla and Willamette River). It has not been established what significance this habitat may have. Section 16.40.040 of the Canby Code requires consideration of development impacts on fish, wildlife and open space resources. The impacts on this habitat are unknown. A mitigation plan has not been submitted. Tree cutting plans are required by Section 16.40.040. Trees have recently been cut, some exceeding 18 inches in diameter, without permits.
7. The proposal indicates that one-third of the mobile home units, nationwide, are occupied by children. The proposal is for double-wide and triple-wide units. Thus, the area will generate many children. The school population serving this area is reported to be above local school capacity at the present time. An educational service plan is not available at this time. A proposed park is located at the far edge of the site adjacent to a water area. The proposed park rules state that an adult must be present to supervise children when near water areas. A more adequate surveillance plan is needed.
8. The application states that "no home will be less than 500 feet from a fire hydrant" (emphasis added).
9. The proposed access road from the Elm Street extension goes through property which the applicant does not control. While only a small parcel, the proposal does not work without it. This must be resolved or an alternate access developed. On October 4, 1990, the applicant stated he is exploring alternate alignments.

10. Within the City phase there would be four private streets entering within less than 1,000 feet on Cairnsmoor Drive.
11. Lots fronting and siding on Cairnsmoor Drive are often only 60 to 75 feet deep, which is not sufficient for required setbacks with doublewide house development (especially with garages).
12. Many Mobile Home Park lots will have driveways directly entering the main public road.
13. The City Engineer has indicated that a 30 foot main access road with parking is not adequate for this size development. Also, the private roads will have parking on both sides and will need to be wider.

D. Facilities/Services

1. Lift Pump Sewer

A sewer with a lift pump must be extended from S. Elm Street.

2. Water

Water is available along 13th Avenue and must be extended to the subject property. Pressure relief valves will be needed.

3. Electricity

Canby Utility Board (CUB) provides service on Elm Street and can extend into the area.

4. Fire

The property is within Fire District #62 and services can be provided by the district.

5. Police

The property can be protected by the Canby Police Department.

6. Recreation

The City's Parks and Recreation Committee is beginning a process to develop a Parks and Recreation Master Plan. The Canby

Community Park is located immediately to the west of the site. The mining reclamation plan approved by the State, for the site, says that there would be "public access" provided to the newly created lagoons. This application does not mention this aspect.

7. Telephone

Main telephone services are already in place along 13th and Elm. The Canby Telephone Association has provided staff with a list of requirements that they would like to have added to the list of recommended conditions for approval on new development requests.

E. Risk from Natural Hazard

Flood hazards have been identified on the subject property. FEMA requirements must be met. All housing must be sited with the floors at least one foot above flood level and anchored. The proposal is to raise all lot grading so that all home sites will be at least one foot above the established flood level. This will require substantial fill to be above the 104 foot level in the northwest corner and above the 108 foot level in the northwestern portion of the site. Assurances must be made that no watercourse will be affected.

F. Economic Impacts

There is no evidence that the proposed mobile home park development on this property will affect land values in the area, but would provide additional needed single family housing for the community. The petitioner has provided national studies showing minimal effect on adjacent property values.

G. Comprehensive Plan Consistency Analysis

Citizen Involvement - N/A

Urban Growth Element - While the current application is within the Canby UGB, the "future" proposed phase of the Mobile Home Park is outside the UGB. The future phase is necessary to make the present phase functional. There is a request from the applicant for an interpretation of a "scrivener's error." The City has rejected the logic of this request. Thus, there is some question of compliance with UGB Policy No. 1.

Land Use - The proposal is in a Flood Hazard Area with R-1H Zoning. The extent and boundary of the wetlands affects the project layout. Until further documentation of environmental and engineering plans, Policy No. 4 and No. 6 do **not** appear to be complied with. These policies deal with natural hazards and unique site character.

Environmental Concerns - Many of staff's concerns requiring more detailed, complete planning and engineering studies regard potential environmental concerns. Based upon site visits and aerial photos, floodplains, watercourse, contours and wetlands have been changed from original determinations by FEMA and others. Thus, Policies No. 1-RA, 2-R, 3R, 6R, 8R and 9R are not fully complied with at this time. The application states that **gravel** is to be removed from the site during the construction period. This would require special care to be taken.

Hazards - The site is designated in the Comprehensive Plan as having potentially hazardous conditions. From a site visit by planning staff, it is clear that there has been substantial change to original contours, and previous floodplain and wetlands determinations are questionable. The requested planning studies and detailed engineering plans would deal with potential hazards. Thus, the application is not complete relative to Policies No. 2H and 3H, at this time.

Transportation - A detailed engineering study of traffic impacts and road and bridge design has been requested and is not available at this time. Elm Street extension is to traverse an embankment of up to 70 feet and curve while it is going down this hill, and cross a watercourse. Information is needed to establish whether engineering standards can be met. It has been reported by David Evans and Associates' staff that the draft Geotechnical Report for the Cedar Creek project, which is adjacent to this project, recommends not to use power equipment on the embankment slope because of potential slippage.) The City Engineer says a single 30 foot access road is **not** sufficient (see attached letter from Kurt McLeod, dated September 18, 1990). The proposal's cross-sections show 32 feet of pavement, including curbs, for the main road and 27 feet, including curbs, for park streets. Parking is proposed by the applicant to be permitted throughout.

Clackamas County has expressed concern about this proposed roadway because of the floodplain, UGB and a possible need for a State Goals "exception." Clackamas County has also stated that a traffic impact analysis is needed, especially relative to the Ivy Street-13th Street intersection. A traffic impact analysis by a recognized qualified expert has

been requested by staff. Only a very preliminary unsigned memo has been received, with one section headed "traffic analysis."

On October 4, 1990, the applicant stated to planning staff that he had contracted with Keech Associates, Inc., for a Traffic Impact Analysis. It is not yet available.

One owner of property **within** the proposed Elm Street extension has indicated that he has not agreed to sell his property for the extension (see attached Ellickson memo of October 5, 1990). Emergency access is needed and cannot function as shown on the Preliminary Plan unless the future phase is approved by the County, and the Cedar Creek plan, recently submitted, undergoes major changes, or other property owners in the vicinity approve.

As designed for Phase I, Cairnsmoor, the main access road, is essentially a long, road dead-ending without turnaround or emergency access. It will need to carry up to 1,500 trips per day for Phase I, and at least twice that for Phase I **plus** the future phase. This is based on the County's information and engineering-supplied data. Thus, the proposal is **not** in full compliance with Policies No. 2, 3, 4, 6 and 7. (On October 4, 1990, the applicant told Planning staff that he is exploring alternative alignments for the Elm Street extension and a turnaround for the end of Cairnsmoor.)

Public Facilities and Services - Since the groundwater level is reported to be very high, special care must be given to design of utilities. Sanitary sewers must have a lift pump with back-up system. Storm sewerage system must be specially designed because of the high water table, floodplain, wetlands and nearby Canby water intake. Regrading is necessary for the system to function. The water system will need special pressure reduction. Infiltration is a serious concern, given the high water table. The water system will need to be a full loop system. The engineering studies requested are not yet available so staff cannot determine full compliance with Policies No. 1 and 5. Since Canby's water intake is only about 3400 feet downstream from this location, special care about the water quality of runoff is needed.

Economic - The proposal appears to be consistent with the economic policies, except insofar as the future proposed expansion and fill of flood plain by the project affects agricultural, aggregate and similar businesses.

Housing - It appears that implementation of the proposal would assist Canby in meeting its Housing Goals and Policies provided that an

adequate quality of design, engineering and maintenance can be met and maintained. The application outlines numerous ways the proposal can help meet the Housing Policies.

Energy Conservation - The proposed mobile home park can assist Canby in meeting its Energy Conservation Goals and Policies as outlined in the application.

H. Zoning Consistency Analysis

The proposed use, a mobile home park, is a conditional use in the R-1H zone, which includes a Hazard Overlay Zone as defined in Code Chapter 16.40. Under the Hazard Overlay Zone regulations, a Mobile Home Park is a Conditional Use. Section 16.40.30 states that the Planning Commission shall require full compliance with the Federal Flood Insurance Programs; proof of base floor elevations at least one foot above base flood levels, and may impose special conditions to mitigate or minimize hazards to life and property (the City must also determine adequate erosion control and whether watercourses are affected). The application states that all floor elevations will be one foot above base floor elevations. As there has been substantial change of grade since original determinations, staff has requested that the elevations and flood plain be established by a registered surveyor. Staff has not received this information, except in an unsigned, preliminary form. The application does not address very much about erosion control during construction or after regrading. In conversation with the Planning staff on October 4, 190, the applicant stated that the creek along the base of the embankment flows all year round from springs and ground seepage. This flow could be affected by any fill or ground water contamination. The City Engineer has stated, and the applicant has admitted, that wetwells, as proposed, will have only minimal capacity to handle storm water.

1. Hazard Overlay Zone - Special Protection Policies (Section 16.40.040)

The proposed mobile home park application does **not** provide any specific plans for protecting wildlife, trees, fish, or other vegetation during or after construction. Only an unsigned "preliminary" grading plan is available, showing substantial fill of flood plain. The applicant says that a wetlands expert has been hired to identify the wetlands and develop a mitigation plan, if needed. A number of visitors to our office have stated that they have seen Great Blue Heron, Green Heron, beaver, and other birds and small animals on

the site. A representative of the Audubon Society, a recognized wildlife expert, Mike Houk, has indicated that the site is a "significant habitat." The City of Canby's Periodic Review Order of December 30, 1988, in its Fish and Wildlife Service section, states that the Canby Community Park and Torgeson's wetlands . . . "may be the most significant natural resource in the City, which deserves protection. It is the most impressive wetland in Canby." Staff finds that a determination of the wetlands boundary and the degree of significant wildlife habitat is necessary to determine use and site design. A minimal setback requirement from all wetlands, wildlife habitat areas, watercourses and drainage ways could have drastic affect on the amount of developable site. This should be determined **before** conditional use approval, and not as a part of the site plan review. Furthermore, the application states that gravel is to be removed from the site during the construction period. Special care needs to be taken. A "Reclamation Plan" is a requirement for a State Mining Permit. The current State permit allows mining to a depth of 70 feet in certain portions of the site. It also states that the beneficial use of the permit area would be for a "ground water resorvoir (sic) for recreational purposes adjacent to the City park.

Public access will be provided." The proposed project plan makes no mention of "public access" and is not designed for such **public** access.

2. Mobile Home and Trailer Parks Approval Criteria Consistency Analysis (Chapter 16.44)

A. 16.44.020 - Plot Plans - Evaluation

An unsigned "Preliminary Plan" and an unsigned "Preliminary Topography and Utilities Plan" have been provided by the applicant. Home sites are indicated. Streets, private drives are indicated. No specific parking areas are indicated. The text says there would be garages and driveway parking for two cars per site, and that visitors would park on the street. There are no permanent structures indicated. However, garages are to be built on-site. No exterior storage areas are indicated. Locations, with calculations of area, of each of the recreation open space or landscaped areas are indicated on a **supplementary** "Preliminary Plan." Thus, the listed items required by Section 16.44.020 are complied with in a "preliminary" way. Staff commented earlier that there are

some concerns about layout and specific design features. A revised, more detailed, site plan is necessary for adequate review.

B. 16.44.30 - Standards and Criteria - Evaluation

Maximum Density

The R-1H district permits up to 7 units per acre. With 148 units on approximately 26 acres, the proposal meets the density standard.

Setback Regulations

The text of the application states that the setback standards will be met. However, there are certain lots where this will be difficult, such as along Cairnsmoor.

Access Requirements

There are questions about certain lots fronting on Cairnsmoor Drive because of their shallow depth and the proposal's stated intent to occupy all lots with double-wide units **and** on-site garages. There are concerns about the proposal's compliance with access requirements of Section 16.46. A waiver of 50 percent increase has been requested. No details for justification have been submitted, only that a future (unapproved) phase would correct the problem. The main street access is only via Cairnsmoor, which requires County approvals and may need State Goal "exceptions." Turnarounds, for the first phase, are not provided at the end of the new public road, Cairnsmoor.

Paths/Sidewalks

Sidewalks are proposed for all roadways, but the cross-sections supplied indicate only sidewalks on one side of the main road. Since this needs to be a public road, sidewalks on both sides are required. Widths are not indicated.

Separation

The application text states that at least 15 feet of separation will be provided between individual units and permanent buildings.

Patio Area

A 150 square foot patio is proposed for each site, to be constructed **after** the unit is sited.

Playgrounds and Open Space

Two very small "park" sites are indicated on the "Preliminary Plan." No playground with suitable equipment is specified. Since the area will have substantial numbers of children, a safe and monitored playground is required by Code Section 16.44.030(H). More than the required 100 square feet per unit of "open space" is proposed by the applicant, if one counts the water areas. Since the mining reclamation plan states that the lagoons will have "public access," they need to be designed for such access. The proposed park areas are small, but meet the 2,500 square foot minimums, as required. However, it is hard to conceive of the narrow space between Lock Luwan and the Canby Community Park dike as "useable park space."

Landscaped Space

The text says that more than the required 15 percent of the total development area will be landscaped, but a landscape plan has not been submitted. The type of treatment of the open space, or park areas, is unknown. The type of vegetation and bottom treatment and maintenance of the water areas is unknown.

Boundary Fencing

The required perimeter fence is being proposed on the western edge, but a waiver is requested for other boundaries without adequate justification. The future phase is given as

the reason for not providing fencing on the southern boundary. The new application for Cedar Creek says there will be little use of the embankment. Access from the south is **not** shown in the revised Cedar Creek plan.

Other

The remaining sections, 16.44.040 to 16.44.110, are not applicable since these provisions are not being requested by the applicant.

Special Conditions

The Commission may wish to require additional conditions if approval is considered.

3. Conditional Use - Conformity to Approval Criteria - Section 16.50.010

a. Consistency with Comprehensive Plan and Other Applicable Policies

See previous discussion of Findings - Section G, and other sections of this report.

b. Site Characteristics - Suitability

Staff has previously discussed concerns about the floodplain, wetlands, watercourses, water quality, erosion control and natural habitat impacts by the proposed development. Staff has requested further information from the applicant regarding these matters, but only "preliminary" information has been supplied. We have requested that, in most cases, this information and relevant mitigation plans be prepared by the appropriate recognized and qualified experts. Only unsigned "preliminary" plans have been provided by the applicant. The applicant has responded that this information would be very costly and he does not believe it is needed to do a Conditional Use review. Staff disagrees. This Conditional Use application concerns property involving a floodplain, wetlands, access through County agriculturally

zoned land (outside the UGB) and with 148 mobile home sites in the City portion and at least that many more sites in a future phase which involves floodplain and agriculturally zoned property and is also located outside the Urban Growth Boundary. As designed, the Canby phase requires the later phase in order to be workable.

c. Public Facilities and Services Availability

We are assured by the appropriate utility company and City Engineer that public facilities and services exist nearby the site and can be extended to service the site. However, the 70 foot embankment, the high water table, the floodplain, and the wetland present considerations which require special design criteria. Staff has requested information from recognized qualified experts. Only "preliminary" information has been supplied. The City Engineer has raised a number of concerns which need to be addressed (see letter of September 18, 1990).

d. Impact on Surrounding Areas

Staff concerns previously discussed involve potential flooding, potential ground water contamination, potential erosion, wildlife and natural habitat impacts, main road access, off-site traffic impacts, school impacts and availability of emergency routes. The requested documents from relevant recognized, qualified experts could go a long way to satisfy these concerns if the appropriate mitigation plans were included. However, these documents are not available. The stated intent to mine gravel during the construction period would require special treatment to prevent adverse impacts on the surrounding properties. The State-approved reclamation plan for mining the site states that a beneficial use of the permit area will be "ground water reservoir (sic) for recreational purposes adjacent to the City park. Public access will be provided." It is not clear, in the mobile home park plan, how this "public access" is to be provided or how it relates to the City park. The reclamation plan must be initiated as soon as gravel mining ceases, according to the State representative, Mr. Schnitzer.

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Other

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3. Conditional Use - Conformity to Approval Criteria - Section 16.50.010

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See previous discussion of Findings - Section G, and other sections of this report.

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zoned land (outside the UGB) and with 148 mobile home sites in the City portion and at least that many more sites in a future phase which involves floodplain and agriculturally zoned property and is also located outside the Urban Growth Boundary. As designed, the Canby phase requires the later phase in order to be workable.

c. Public Facilities and Services Availability

We are assured by the appropriate utility company and City Engineer that public facilities and services exist nearby the site and can be extended to service the site. However, the 70 foot embankment, the high water table, the floodplain, and the wetland present considerations which require special design criteria. Staff has requested information from recognized qualified experts. Only "preliminary" information has been supplied. The City Engineer has raised a number of concerns which need to be addressed (see letter of September 18, 1990).

d. Impact on Surrounding Areas

Staff concerns previously discussed involve potential flooding, potential ground water contamination, potential erosion, wildlife and natural habitat impacts, main road access, off-site traffic impacts, school impacts and availability of emergency routes. The requested documents from relevant recognized, qualified experts could go a long way to satisfy these concerns if the appropriate mitigation plans were included. However, these documents are not available. The stated intent to mine gravel during the construction period would require special treatment to prevent adverse impacts on the surrounding properties. The State-approved reclamation plan for mining the site states that a beneficial use of the permit area will be "ground water reservoir (sic) for recreational purposes adjacent to the City park. Public access will be provided." It is not clear, in the mobile home park plan, how this "public access" is to be provided or how it relates to the City park. The reclamation plan must be initiated as soon as gravel mining ceases, according to the State representative, Mr. Schnitzer.

IV. CONCLUSION

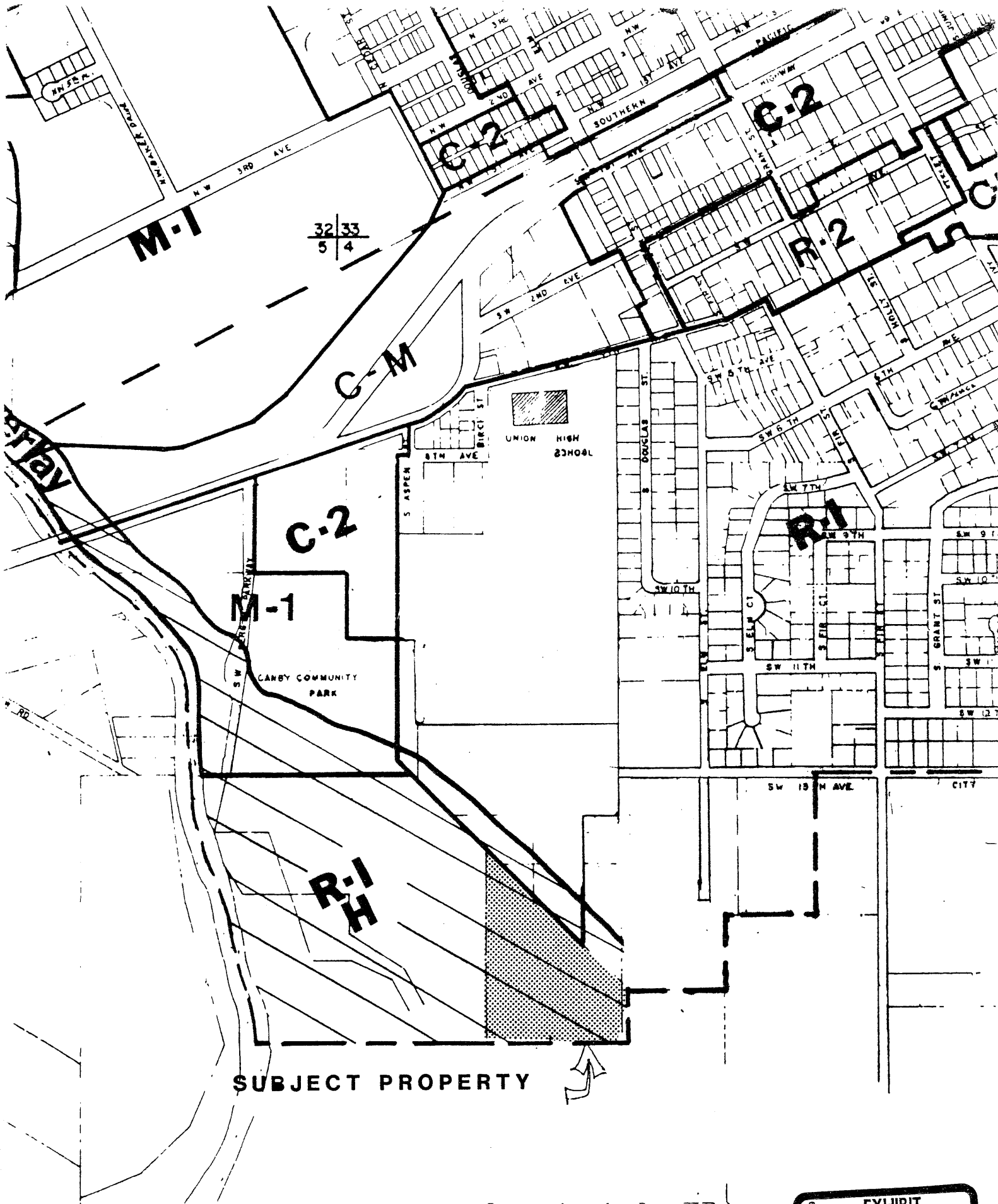
Because of inadequate information and plans available at this time, and the potential hazard and sensitive nature of the site, staff cannot make the necessary findings regarding conformity with the policies of the Comprehensive Plan, Zoning Ordinance and other applicable laws and ordinances. The burden of proof that the application meets ordinance requirements is upon the applicant. Courts have ruled that the City cannot delegate its determinations to others, including State and Federal agencies.

V. RECOMMENDATION

Based on the findings and conclusions presented in this report, staff recommends that the application, CUP 90-06, not be approved at this time.

Exhibits:

1. Vicinity Map
2. Preliminary Plan
3. Letter from Mike Houk to Stephen Lashbrook, dated June 9, 1987.
4. Information from Periodic Review Order, dated December 30, 1988.
5. Letter to David Nelson from Hank Skinner, dated August 23, 1990, requesting additional information.
6. Letter from David Nelson to Hank Skinner, dated August 31, 1990, transmitting additional information.
7. Letter from Rusty Klem to Dave Nelson, dated September 17, 1990
8. Letter from Kurt McLeod, City Engineer, dated September 18, 1990.
9. Letter from Dave Nelson to Rusty Klem, dated September 19, 1990.
10. Memo from Arthur and Katherine Ellickson to the Canby Planning Commission, dated October 5, 1990.



SUBJECT PROPERTY

Blumberg No. 5119
EXHIBIT
 1
 CUP 90-06

September 18, 1990

CURRAN-MCLEOD, INC.
CONSULTING ENGINEERS

RECEIVED
SEP 19 1990
CITY OF CANBY
150 SW HUNTER ROAD, SUITE D
PORTLAND, OREGON 97223
PHONE 503/884-3478

Mr. Robert Hoffman
City of Canby
P.O. Box 930
Canby, OR 97013

RE: VILLAGE BY THE LOCHS
PRELIMINARY PLAT SUBMITTAL

Dear Bob:

I have completed a review of the preliminary plat submittal for the Village By The Lochs development. Due to the site location and topography, this development has many impacts. Some comments I have relative to the utility services are as follows:

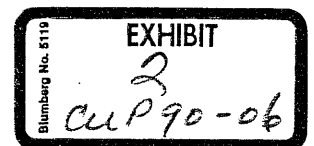
1. All development within the flood plain must comply with the requirements contained in the City's Floodway Ordinance as well as the requirements of the U. S. Army Corps of Engineers and Division of State Lands relative to fill within the floodway. If over fifty yards of excavation/fill is required then the developer will need to secure a joint Corps/DSL permit.
2. The sanitary sewer system must be protected at all points from potential flooding. As a part of this review I have not reviewed pump sizing, wet well sizing or line sizing. In general the collection system and pumping station appear feasible subject to regrading of the area.

All public sewer improvements must be built within the public rights of way or easements, free from structures or substantial landscaping.

I did not see any mention of ownership, however the sanitary sewer system should remain private up to and including the pump station. No construction should be permitted until DEQ approves the plans and specifications.

3. Storm drainage collection into drywells with interconnecting piping will function to remove runoff. Due to the high groundwater table much of the water will runoff directly to the river through the overflows. I did not correlate the soils test pit locations on site but it appears that the groundwater table is within 5-10 feet of the surface which will greatly reduce the capacity of the drywells.
4. Water system development should not pose any special problems except high pressures. Per the Uniform Plumbing Code pressure reducing valves are required when the pressures exceed 80 psi. I did not see any information on the drawings relating to water system development.

The water system should also remain private within the development similar to streets, sewer and storm drainage.



Mr. Robert Hoffman
September 18, 1990
page 2

No construction should be permitted without State Health Division approval of the plans and specifications.


5. Street development must meet city standards in all areas of public right-of-way. Also street names in the public right of way should be consistent with existing names.

For the number of homes proposed in this development, a single 30' access road with on street parking will not be adequate. Further traffic analysis should be completed and submitted for review.

If you have any questions, please call. These comments are very general and intended to guide you in your review.

Very truly yours,

CURRAN-McLEOD, INC.


Curt J. McLeod, P.E.

CJM:bjh

5132 N.W. Cornell Road
Portland, Oregon 97210
503-292-6855



AUDUBON SOCIETY

Stephan Lashbrook
City of Canby
182 N. Holly
Canby, Oregon 97013

June 9, 1987

Dear Mr. Lashbrook,

I was informed by several of our members that a Mr. Jon Torgeson has made a request for a nonconforming use in an area of significant environmental concern. I wish to have this letter entered into the written record as opposing Mr. Torgeson's request.

I have visited the site in question with a biology class from the Canby Union High School last year. I was impressed with the wetland and riparian habitat where, as I understand the issue, he wishes to undertake gravel extraction.

I have conducted wildlife habitat inventories for nine community planning areas in Washington County, Gladstone, West Linn, the City of Portland and am about to begin work in Milwaukie and Gresham. I have done this work through a grant from the Oregon Department of Fish and Wildlife. In my opinion the wetland area in question is of high value and should not be altered.

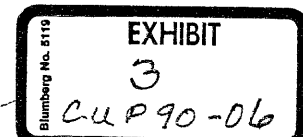
I would strongly suggest that you consult with the U. S. Army Corps of Engineers permits section before granting a conditional use permit to Mr. Torgeson, to ensure he understands that he may need a permit from them and from the Division of State Lands. You should consult the U. S. Fish and Wildlife's National Wetlands Inventory map for your area (copies can be obtained through Oregon Department of Fish and Wildlife, 506 SW Mill, Portland, 229-5551). Another resource you might want to consult is Joe Pesek, Oregon Dept. of Fish and Wildlife nongame biologist. His office is in Clackamas, so he may be in your area during the next two weeks. His address is 17330 SE Evelyn St., Clackamas, Oregon 97015. Phone: 657-2058.

I hope these comments have been useful to you in making a decision in this issue. Please give me a call if you have any additional questions. If Canby has not done an adequate Goal 5 inventory to identify wetland and riparian resources I would urge you to do so in your update.

Sincerely,
Mike Houck

cc Joe Pesek

Mike Houck



from City of Canby
Periodic Review Order
submitted 12/30/25

U.S. Fish and Wildlife Service

The inventory of wetlands was executed as a part of the goals update process. Nine significant wetlands have been inventoried within the UGB, including six in the city limits. The inventory was developed by using the Fish and Wildlife service national wetland inventory map, aerial photos for Canby, base maps of Canby and field observations. Canby's Comprehensive Plan does not identify any wetland. Every site has been assigned a number as shown on the attached map.

Site #1 - This is located in Canby Community Park and on Torgeson's property (private property) which contains a pond and excellent riparian area. A pond, which is part of the park, connects with the riparian environment on Torgeson's property. It is being used for recreational purposes and by students of biology from Canby High School for educational purposes. Water comes from springs and drains into the Molalla River through a culvert. The water is fresh and transparent. It may be the most significant natural resource in the city which deserves protection. It is the most impressive wetland in Canby. One interesting aspect of the area is the variation in vegetation structure and wetland.

Site #2, 3, and 4 - These sites are located in the Canby Utility Board's bottomland property behind the city water treatment plant. Sites 2 and 3 are small and seasonal wetlands which have not been identified on the national wetland inventory map. Site #4 is an inaccessible pond. Dense plants and trees are concentrated around them. They represent excellent wildlife habitat.

Site #5 - It is a great pond and wildlife area between Highway 99-E and First Avenue. It is really an impressive wetland with well developed upper story, under story and floor plants around it. Woodland around the pond supports several wetland species. The dense upper story and under story includes: Elderberry Red, Azolla, Holly, Cotton wood, Alder, Douglas Fir, Red Cedar, Posion Oak and numerous others. Vegetation is so dense in most of the area that it is impossible to make trails. Water is supplied from springs and a well which is used for irrigation. A dam has been built on the north side to retain water for irrigation. Surplus water drains into the Willamette River through the riparian environment. The water level is about 16 feet below the top of the bank. The water is clean with plants, such as dogwood, overhanging the surface.

Site #6 - It is situated to the northwest of site #5 and south of Highway 99-E. It is a pond with a dam to its north for water retention. Its edges have been fenced and landscaped by the owner. The pond is private property and is a great wildlife habitat. A trail around the pond has been maintained through the blackberry plants. Water supply comes from springs and drains into the Willamette River through the riparian environment. The water is fresh and transparent.

Sites #7, 8 and 9 - Three sites are ponds which are located in Willamette Valley Country Club golf course. One is in the center of the golf course and the other two are on the northern corner. They were

EXHIBIT
4
CUP90-06
Blumberg No. 5119

built as a part of golf course at the lowest levels. Sites 8 and 9 were swampy areas which were converted into ponds by pumping water from the Willamette River. The pond water is used for irrigation. Chemicals are used to keep the water clean so as a result, the water is green. Wildlife habitat does exist in the ponds. Ponds 7 and 8 have islands of vegetation which are the sources of food and nesting habitat.

Wetland Classification

Wetlands which occur in Canby are different in sizes, types, and shapes. All the wetlands have palustrine system/classification. Most of the wetlands contain fresh water which comes from springs or/and wells except 7, 8 and 9 which pump their water from the Willamette River.

The wetlands in the City of Canby are small, shallow, permanent, nontidal water bodies dominated by plants which are trees and shrubs. Six of them are located in the 100 year and/or 500 year flood plains. These wetlands contain deepwater habitats dominated by plants that grow on and/or below the water surface for most of the growing seasons. These wetlands have year-round water which helps in the growth and reproduction of the habitats. The dominant plants which float on the surface are duckweeds, water lettuce, etc. Wetland #1 (partly), 4, 7, and 8 have open water and details of their bottoms are unknown. The lower part of Wetland #1 (Torgeson's property) has been there for number of years as evident from the dominant grasslike plants.

Water regimes of all the wetlands are nontidal. Surface water is present throughout the year in all the wetlands except the seasonal wetlands (wetlands #2, 3 and the lower part of #1) where the surface water is presently only in the early part of the year or in the growing seasons. In Wetland #1 (Pond), 4, 5, 6, 7, 8 and 9 the amount and duration of flooding is also controlled by means of pumps and/or dams. Wetland #1, 4, 5 and 6 have dams/barriers to obstruct the outflow of the water.

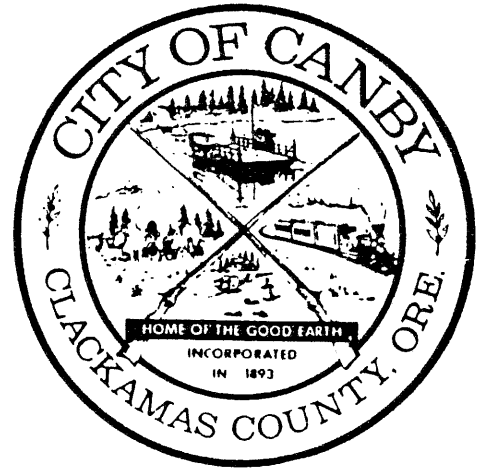
Comprehensive Plan policies and objectives and land use regulations of the City of Canby do not address wetland, waterbody and wildlife habitat resources, therefore, the City needs to frame new plan policies, objectives and regulations regarding wetlands in order to comply with applicable LCDC administrative rules.

Economic Development Department

The City is required to consider the national and state economic development trends in compliance with ORS 197-712(2). This statute requires the City of Canby to analyze its economic development patterns and relate these patterns to state and national trends.

National Trends

The US economy has declined tremendously in the last two decades. Almost every standard indicator of economic performance has declined. A transition economy started emerging as the mass economy slowed down. In fact, three significant types of economies have emerged in the US at y-



August 23, 1990

Dave Nelson
25610 SW Mountain Road
West Linn, OR 97068

RE: CUP 90-06

Dear Mr. Nelson:

Your application, which was submitted on Monday, August 20, 1990, has been found to be incomplete. In order to schedule it for public hearing, the following information must be submitted:

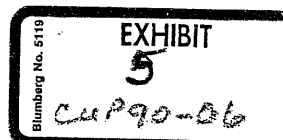
1. Topographic survey (by a registered surveyor) of the property, delineating the 100-year flood plain and wetland boundary. Should be an overlay for the proposed site plan.
2. Two additional complete application packages.
3. Traffic Impact Analysis by an independent traffic engineer, including the 13th and Elm and 13th and Ivy intersections.
4. Detailed plans on the extension of Elm Street; sewer lines (pump station), water lines and storm drain system.
5. Names and addresses of adjacent owners, typed on an 8-1/2x11 sheet of labels, just as you would address an envelope.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Hank Skinner
City Planner

HS:jaf



8021 NE Killingsworth
Portland, OR 97218
August 31, 1990

City of Canby
P. O. Box 930
Canby, OR 97013

Dear Hank:

Subject: CUP 90-06
Your Letter Dated 8/23/90

Attached is the information we discussed in our meeting of August 27, 1990.

1. Topographic map with existing contours shown as well as proposed and the existing flood plain coverage. All areas in the flood plain are removed by filling waterways.
2. Two copies of applications.
3. Traffic analysis and comment.
4. Utilities details and preliminary design.
5. Labels and notice for neighbors.

I appreciate your ongoing support. I am preparing to present my application on September 24, 1990 unless notified otherwise.

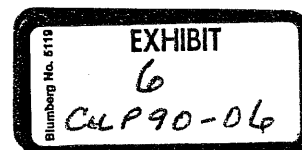
Sincerely,

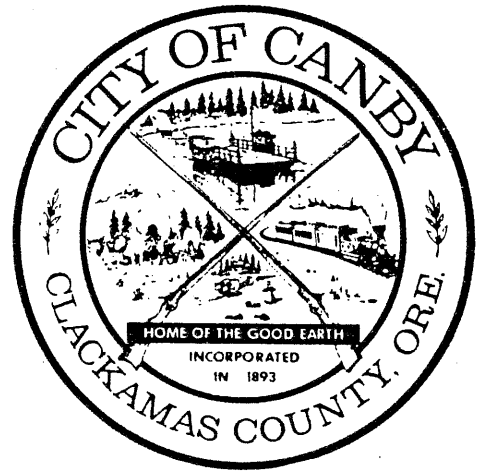


David A. Nelson

lz

Attachments





September 17, 1990

Mr. Dave Nelson
25610 SW Mountain Road
West Linn, OR 97068

RE: CUP 90-06

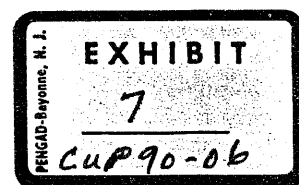
Dear Mr. Nelson:

With regard to your application for a conditional use permit to construct a mobile home park south and west of Elmwood, we have determined your application to be incomplete.

Our planner most familiar with your proposal, Hank Skinner, is no longer with the City of Canby, and it took our contract planner, Bob Hoffman, a little time to review your application. The hearing, scheduled for September 24, 1990, has been cancelled to give you a chance to fill the voids in your application.

To be deemed complete, we have determined that you must submit the following items.

1. Report by a recognized wetlands expert outlining extent of wetlands and providing any needed mitigation plan.
2. Map prepared by a registered surveyor showing topography of the site, the 100-year flood line and wetland boundary, as defined above.
3. Traffic Impact Analysis by an independent traffic engineer including 13th and Elm and 13th and Ivy intersections.
4. **Detailed** plans by the appropriate registered engineer, on the extension of Elm Street; sewer lines (including pump station), water lines and storm drainage system. Sanitary sewerage plans to be prepared by a registered Civil Engineer. (Water system will need **full loop** system.)
5. Determination, by a recognized expert such as the State's Wildlife Biologist, of the presence of wildlife habitat and extent of any potential damage and a proposed mitigation plan prepared by a recognized Wildlife Habitat expert.



6. Potential occupant analysis to determine school impacts and service plan prepared by a demographer and recognized school expert. Bus safety plan. Plan has no turnaround on the end of the public street. A postal service plan is also needed, especially for children's safety.
7. Surface and ground water Quality Impact Analysis of Site and Plan to mitigate negative impacts to be prepared by a qualified Natural Resource planner.
8. Report from Doug McClain, or an appropriate official from Clackamas County outlining required County approvals:
 - a. Whether new road will require an "exception" to State Land Use Goals.
 - b. What type of zoning amendment would be required to permit a Mobile Home Park.
 - c. Whether the County would support a request for UGB amendment for southerly site.
 - d. Flood Plain Development Permit including a Fill Permit
 - e. Modular or mobile home permits.
 - f. Determination of whether a River Conservation Permit is required.
 - g. Traffic Impact on County roads.
9. Utility Service Plans (prepared by relevant experts) including gas, water (including pressure reduction devices), electrical, telephone, cable TV, etc. (Since underground construction in a flood plain or nearby is difficult, we will need guaranteed construction and maintenance.)
10. A preliminary Landscape Plan prepared by a registered landscape architect, including maintenance plan.
11. Lighting Plan prepared and stamped by a qualified person, including public streets, open space and recreation areas and home sites.
12. Soils Analysis to determine soil capacity for development. Also, topsoil plan linked to Landscape Plan.

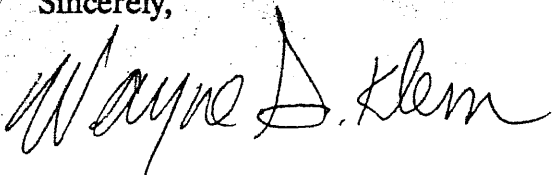
Dave Nelson
September 17, 1990
Page 3

13. Approval of Fire Service Plan by Jack Stark, Fire Marshal, for location of hydrants, emergency turnaround access and general access.
14. Storm Water Control Analysis and Plan, prepared and stamped by a qualified person, since addition of impervious surfaces and fill will affect amount and direction of runoff.
15. Stake the flood plain -- to be done by the registered surveyor noted in #2, above.
16. Home Park Management and Maintenance Plan.
17. Improved Site Plan, including Landscape Plan, Parking, Loading and Circulation Plan and Sign Plan and public utility plan.
18. Garbage and Waste Storage and Disposal Plan including method of screening containers from road and neighbors.
19. Sign-offs by registered owners.

When we have received and reviewed the above items for adequacy, we will notify you by letter, as to a hearing date.

If you should have further questions, or wish to discuss this matter, please do not hesitate to contact me.

Sincerely,



Wayne S. Klem
Director of Public Works

WRK:jaf

9-19-90

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

7460 S.W. HUNZIKER ROAD, SUITE D
PORTLAND, OREGON 97223
PHONE (503) 684-3478

September 18, 1990

Mr. Robert Hoffman
City of Canby
P.O. Box 930
Canby, OR 97013

RE: VILLAGE BY THE LOCHS
PRELIMINARY PLAT SUBMITTAL

Dear Bob:

I have completed a review of the preliminary plat submittal for the Village By The Lochs development. Due to the site location and topography, this development has many impacts. Some comments I have relative to the utility services are as follows:

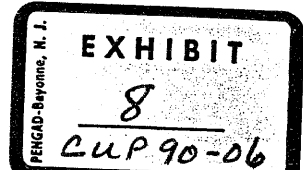
1. All development within the flood plain must comply with the requirements contained in the City's Floodway Ordinance as well as the requirements of the U. S. Army Corps of Engineers and Division of State Lands relative to fill within the floodway. If over fifty yards of excavation/fill is required then the developer will need to secure a joint Corps/DSL permit.
2. The sanitary sewer system must be protected at all points from potential flooding. As a part of this review I have not reviewed pump sizing, wet well sizing or line sizing. In general the collection system and pumping station appear feasible subject to regrading of the area.

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I did not see any mention of ownership, however the sanitary sewer system should remain private up to and including the pump station. No construction should be permitted until DEQ approves the plans and specifications.

3. Storm drainage collection into drywells with interconnecting piping will function to remove runoff. Due to the high groundwater table much of the water will runoff directly to the river through the overflows. I did not correlate the soils test pit locations on site but it appears that the groundwater table is within 5-10 feet of the surface which will greatly reduce the capacity of the drywells.
4. Water system development should not pose any special problems except high pressures. Per the Uniform Plumbing Code pressure reducing valves are required when the pressures exceed 80 psi. I did not see any information on the drawings relating to water system development.

The water system should also remain private within the development similar to streets, sewer and storm drainage.



Mr. Robert Hoffman
September 18, 1990
page 2

No construction should be permitted without State Health Division approval of the plans and specifications.

5. Street development must meet city standards in all areas of public right-of-way. Also street names in the public right of way should be consistent with existing names.

For the number of homes proposed in this development, a single 30' access road with on street parking will not be adequate. Further traffic analysis should be completed and submitted for review.

If you have any questions, please call. These comments are very general and intended to guide you in your review.

Very truly yours,

CURRAN-McLEOD, INC.



Curt J. McLeod, P.E.

CJM:bjh



25610 SW Mountain Road
West Linn, OR 97068
September 19, 1990

City of Canby
182 N. Holly
P. O., Box 930
Canby, Oregon 97013

Dear Mr. Klem:

Subject: Village on the Lochs
Letter Dated 9/17/90 CUP 90-06

I have reviewed your request of September 17, 1990 for additional information for our conditional use request. Your request came after assurances that our application was in fact complete according to Mr. Skinner, the City's Planner at that time that our application was submitted. After consulting with my legal counsel, I find the application is complete in accordance with City ordinances. At this time, there is neither any necessity nor legal requirement to furnish same.

Therefore, we will not be submitting any additional information at this time. We will, however, be glad to meet with you to explain the proposal to you. It is clear there are aspects regarding the proposal which you do not understand.

Also, please be advised the 120 day period for the City to process this application started when Mr. Skinner advised on September 4, 1990 the application was complete, the hearing of September 24, 1990 was set, and the 20 day notice was sent.

I am extremely distressed with your not notifying me first of your intentions to postpone the hearing. I did not receive notice until 3:45 p.m. on September 17, 1990 by a phone call to my office. By that time, notices of postponement had been filed by your office. Again, the application was deemed complete when it was advertised for hearing; and I have objected, and do object, to this postponement.

I was available to be at your "staff meeting" of September 11, 1990 with members of the Canby Elementary School, CUB, Fire Marshal, Clackamas County and City staff, and others to explain our proposal, but I was not invited. I had made it clear to you earlier in the week that I could meet whenever necessary. Had I received fair treatment and had the opportunity to be present, both you and Mr. Hoffman would have been able to understand that none of your requests are timely to the application stage.

I have additionally discussed the meeting with some of the attendees, and I find a lot of "misinformation" was introduced into the discussions. It was also reported that you made a statement to the effect that you would never allow my project to be built. If you made such a statement, then your bias is of a nature that you should remove yourself from this matter. If you did not or it is taken out of context, please provide me with another explanation.

We had a "staff meeting" some weeks ago that I attended where all "interested parties" were invited, but only the fire marshal attended. It was your staff's responsibility to hold a meeting such as this in a timely manner and with the proper people there. The Tuesday (September 11, 1990) prior to a Friday deadline is not "timely", nor is any deliberate omission fair treatment.

An itemized rebuttal to your "requirement list" is as follows. (This is not to be construed as additional application evidence.):

1. Certain lands have been previously defined as wetland on the property and are on the City's planning inventory maps as well as being shown on one of our application plans.

We have also defined potential areas of wetlands as noted by Joel Shake of the Division of State Lands on his visit to the site with me and Hank Skinner (see my letter to Hank Skinner regarding wetland permit application dated August 19, 1990.)

we haven't found this!
SLH
10-1-90
found!
10-1-90

I will request a permit from the Division of State Lands for mitigation of fill and excavation in the wetlands after the use has been approved, which is the appropriate time. This simply should be a recommended condition. Canby staff and the Planning Commission lack the expertise to make wetland judgments, and it is properly handled by the Division of State Lands.

2. My application included a topography map showing the 100 year flood plain and wetland boundaries as they can now best be determined. Upon application for a building permit, detailed site maps will be prepared for use in our wetlands mitigation and flood plain fill requirements. That information can also be staked in the field for your observation. Again this is a potential condition which a Planning Commission should delegate to appropriate City staff to determine compliance..
3. In response to Mr. Skinner I indicated I would give the City average daily traffic generation information which I did as part of our application. This was accepted by the City. It is not our responsibility to do traffic studies for intersections any more than we should do sewer flow studies for the treatment plant. This is a city function. Mitigation and future studies of intersections can be a condition of this use permit.
4. Detailed design plans are not required at this stage. When we request a building permit, we will include that information. Preliminary design information is included in our application and includes all items required by the City ordinance for conditional use applications, which is more than adequate for conditional use determination.
5. The requirement concerning wildlife habitat has been previously addressed in our application. Recently several applications have been considered which include areas of hazardous overlays and no state biologist report has been required by either ordinance or Planning Commission.

6. School impact is not recognized by current state and city planning requirements. I met with Milt Dennison on September 18, 1990 and assured him I will discuss his concerns at the appropriate time, which is after the use approval, concerning school bus turnarounds and stops. The postal service plan is an issue to be discussed at a preconstruction meeting, not now. Again it seems to be a condition where an acceptable plan should be submitted to the local post office department
7. The surface ground water requirement is not required by City ordinance, nor has it been required by any development in the City. The City has storm water draining into "drywells" across the City and does not concern themselves with this issue. This is a matter that D.E.Q. oversees.
8. My contact with the Clackamas County is planner Terry Curry, not Doug McClain. I have had my meetings with Terry, and I specifically suggested we meet with Terry to discuss our application (see my letter to Hank Skinner dated August 19, 1990 which should be a part of my application file. The comments you eluded to from Mr. McClain about the property in the county show a total lack of understanding of my project. I told you several times there is no development in the county except the road.
9. Don Godard, manager of CUB, assures me the detailed utility plans you requested are not required to determine the preliminary conditional feasibility of the project and are not items subject to the planning process. These items will be finalized outside of the conditional use process.
10. Landscape plans are design review matters, a separate hearing.
11. Lighting plans are an issue I addressed with CUB. Any public street has minimum code requirements, a building permit item.
12. Soil analysis will be addressed in my building permit request. I have attached soils information for background information to my application. Landscape matters are design review.
13. Your staff said they were having the fire marshal review the plans so you would be satisfied - that was not for me to do. I have scheduled a meeting with the fire marshal to insure his understanding of the plan. Details of hydrant locations and exact turning requirements are building permit requirements per code.
14. Storm water analysis is addressed in our application. The runoff will not be changed any more than would occur with any residential development and is being handled in the traditional manner adopted city wide. We have a primary and secondary "filter" system, and then water is discharged into the ground water through wetwalls or drainage ways, just like the rest of the City. Design of the capacities of these elements is a building permit requirement.
15. This is covered by item one and will be done at the time of construction.
16. The management and maintenance plan was submitted in the application as

I propose to run my park. If you have suggestions, we can discuss those at the planning commission meeting.

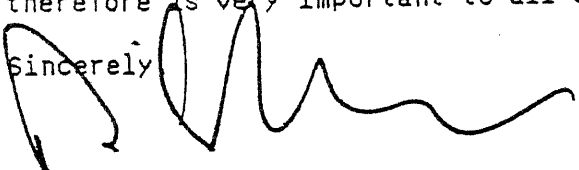
17. These items are design review matters. However, the application already addresses landscaping, residential parking, signs, and utility plans.
18. These items are design review matters. In addition the application discusses curbside garbage disposal with interim storage in the garages.
19. *NO! not in applic per 10-5-90*
The owners of the City property subject to this hearing have signed-off. These are the only parties required to sign-off in the application. Other affected property owners will attend the hearing.

We want our hearing rescheduled immediately; 10 days is the proper time period as this is a second hearing.

Your information requests represent arbitrary processing of my application where the requirements are over and above those required by the City ordinance. It is recognized that the "Planning Commission" may require additional information as it is their prerogative by the City ordinance, but I consider this application in compliance with the ordinance.

I await the reassignment of our hearing date. This is a project the City needs desperately in order to comply with LCDC Goal 10 (housing) and therefore is very important to all citizens.

Sincerely



David A. Nelson

lz

cc: Michael Jordan

Attachments: Mr. Skinner's letter of 8/23/90
Nelson's letter of 8/31/90
Nelson's letter of 8/19/90

MEMO

To: Canby City Planning Commission

From: Arthur and Katherine Ellickson
1625 S. Elm St.
Canby, OR 97013

Re: CUP 90-06 - Mobile Home Park Application

Date: October 5, 1990

This memo is to inform the planning commission of our understanding of the above application as it relates to us. As presently proposed, our driveway (deeded parcel 2 of 2 parcels) extends eastward past the extended centerline of South Elm St. However small, it is essential to the proposed application. This might be avoided if Mr. Nelson is successful in his effort to divert Elm street eastward so as to avoid our property. He informed us of this effort by a note on Sept. 21.

Mr. Nelson has met with us two times. The first was last June when he first informed us of his proposal and we were aware of the need for a portion of our driveway. The second was on Sept. 19, at which a discussion of some settlement to the property took place. But, as of this date there is no binding agreement from either Mr. Nelson or us.

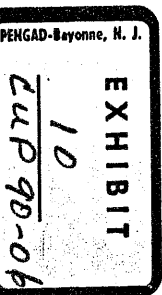
The Planning office has copies of our deed and a plat map for information.

Sincerely,

Arthur Ellickson

Arthur & Katherine Ellickson

RECEIVED
OCT 05 1990
CITY OF CANBY



Please Sign

Proponent
(with address)

Opponent
(with address)

Earl Walker 9933 S Carriageway Custer
(John W Beck - Neither opponent or for)
until goes w/ county

Jim Myron - 158 SW 1174
Neither opponent or for C Wolf - 252615 Hwy 170
until goes w/ county

Dat Ewert - 596 NW Baker Canby
- before 10⁰⁰pm -

Ginny Jones - 620 N.W. Baker
Canby
before 10 p.m. at
next meeting

Lisa Wilcox
685 NW 4th

Bob Johnson

42 W. Main St. Canby

Canby, OR 97103