

AGENDA

CANBY PLANNING COMMISSION

**REGULAR MEETING
CITY COUNCIL CHAMBERS**

JUNE 25, 1990 - 7:30 p.m.

I. ROLL CALL

II. MINUTES

June 18, 1990

III. COMMUNICATIONS

IV. UNFINISHED BUSINESS

V. BUSINESS FROM THE AUDIENCE

VI. PUBLIC HEARING

CUP 90-02, a request by [redacted] a Development (William Stevens) for approval to construct 22 additional manufactured home sites on a site adjacent to the existing Elmwood Memorial Park, on property identified as Tax Lots 700 & [redacted] of Tax Map 4-1E-4C.

MLP 90-04, a request by Miriam Larson for approval to divide a 6.41 acre parcel into two lots containing 3.00 acres and 3.41 acres on property identified as Tax Lot 1200 of Tax Map 3-1E-34C. Continued from May 14, 1990.

VII. OTHER REPORTS

VIII. ADJOURNMENT

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MLP 90-04, a request by Miriam Larson for approval to divide a 6.41 acre parcel into two lots containing 3.00 acres and 3.41 acres on property identified as Tax Lot 1200 of Tax Map 3-1E-34C. Continued from May 14, 1990.

VII. OTHER REPORTS

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- M E M O -

TO: Canby Planning Commission
FROM: Hank Skinner, City Planner ^{HCS}
RE: MLP 90-04 - Miriam Larson
DATE: June 18, 1990

It has come to the attention of the Planning staff that the division of Tax Lot 1200 (Tax Map 3-1E-34C) into two parcels north and south, would result in the creation of a southern lot with only forty feet of frontage on a public street.

Section 16.20.030(B) of the Canby Municipal Code sets the minimum standards for lot width and frontage at sixty feet for newly created interior lots.

Based on this information, staff submits the following additional finding:

COMPATIBILITY WITH ORDINANCE:

- a. Section 16.20.030(B) of the Canby Municipal Code requires that all newly created lots have a minimum lot width and frontage of sixty (60') feet. The southern parcel, as proposed in this application, will have 40.14 linear feet of frontage.

Conclusion: The application, as presented, would not be in conformance with the minimum standards for lot frontage required under Section 16.20.030(B) of the Canby Municipal Code.

- b. Section 16.64.040(I) of the Canby Municipal Code states the following:

Section 16.64.040(I) -- FLAG LOTS OF PANHANDLE-SHAPED LOTS:

The Commission may allow the creation of flag lots provided that the following standards are met:

1. Not more than one flag lot shall be created to the rear of any conventional lot and have frontage on the same street unless it is found that access will be adequate and that multiple flag lots are the only reasonable method to allow for development of the site.
2. The access strip is to be a minimum of twenty feet in width and shall be paved for its full width from its

connection with the public street to the main body of the lot. Except, however, that the width requirement may be reduced to twelve (12') feet where the total length of the access strip does not exceed one hundred (100') feet. Access strips not less than ten (10') feet in width may be permitted where two such drives abut and are provided with reciprocal easements for use.

3. For residential flat lots, a minimum building setback of five (5') feet from the access strip shall be maintained where such buildings exist prior to the creation of the flag lot.
4. Design and locations of buildings on flag lots shall be such that normal traffic will have sufficient area to turn around, rather than necessitating backing motions down the access strip. The Commission may establish special setback requirements at the time of approving the creation of flag lots.

Conclusion: Staff concludes that the minimum standards for the creation of a flag lot can be met and that it is within the Planning Commission's authority to permit the creation of a flag lot.

Discussion: The southern lot created by this partition will measure approximately 3.41 acres in area. It lies within an R-2 zone. This could permit up to 56 dwelling units to be constructed on the property and, perhaps, more if proposed as a Planned Unit Development. Staff has serious concerns about approving the creation of a 3.4 parcel with only forty feet of frontage on a street.

REVISED STAFF RECOMMENDATION:

Staff recommends that MLP 90-04, Miriam Larson, be approved subject to compliance with the following condition of approval:

Prior to the issuance of building permits, the applicant shall submit proof that street frontage equal to the minimum requirements of the Code is available to the southern parcel. A formal Site Plan Review shall be conducted prior to development of either the northern parcel or the southern parcel.

DATE: April 4, 1990
TO: Canby Planning Commission
FROM: Rusty Klem, Public Work Director
SUBJECT: Minor Land Partition

Rusty

APPLICANT

Miriam Larson
390 N.W. Second
Canby, OR 97013

PROPOSAL

1. Requested Action - The requested action is to divide a 6.41 acre parcel into two pieces, one would be 3.41 acres, the other 3.00 acres.
2. Stated Purpose for Request - The applicant proposes to divide the parcel into two separate pieces for development into two multi-family projects.
3. Criteria for Evaluation - Application for a minor partition shall be based upon the following standards and criteria:
 - A. Conformance with the text and applicable maps of the Comprehensive Plan.
 - B. Conformance with all other applicable 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 adjacent properties.
 - D. No minor partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels.

E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

FINDINGS

1. Location - The subject parcel is Tax Lot 1200, T3S-R1E, Section 34C. The parcel is located directly west of a deadend, S.E. Fifth Avenue, and right in the acute angle in the public right-of-way we now know as South Pine Road. The subject parcel is the same parcel for a proposed Windsor Park PUD in 1985. That particular project expired.
2. Site Characteristics - The parcel generally slopes to the northeast. There is about five feet of elevation difference from one corner to the other. There are no trees on the site. It has been used for agricultural purposes.
3. Land Use Designation - The parcel is designated high density residential. Everything to the east is high density residential. Everything to the north is high density residential. Everything to the west is high density residential. Everything to the south is high density residential. The only part that is different is a small portion to the northeast, and it is designated light industrial. Generally all the surrounding property is fairly undeveloped at this time, with the exception of property to the west which has been developed in duplexes.
4. Zoning - The zoning on the property is R-2, Medium Density Residential. The property to the west and the property to the northeast are both outside the present city limits. The property to the south is R-1.5, Intermediate Residential--Township Village. The property to the west is R-2, Medium Density Residential.
5. Public Facilities/Services - The following comments can be made regarding each facility/service.

A. Sewer - The City has a sewer line at the end of S.E. Fifth Avenue. The depth is about 5.8 feet. Extending that sewer line to the northeast corner, the low corner of that property, will be fairly difficult. There is also sewer available in S. Pine Street. It stops at the southern edge of the improved street. It is seven feet deep presently. We much prefer options that get sewer to the new interceptor line in 99E. Capacity is good and collection can be made much easier. At this time available capacity at the sewage treatment plant is not a limiting factor.

B. Water - Canby Utility Board operates the Canby water system. They are requiring that all water lines be looped to provide constant pressure. They will require that each building be provided with a backflow device when developing. Each parcel will be treated as a separate parcel when installing water line services.

C. Electricity - The electrical system is owned and operated by the Canby Utility Board. No information has been provided regarding load, so the exact amount of electricity that would be needed cannot be determined at this time. It is generally a serviceable piece of property with electricity.

D. Fire - The existing parcel is presently served by Fire District #62. The location, size, and type of hydrants will be determined at time of the preconstruction conference. Until then, service providers can only speak in generalities.

E. Police - The City provides police protection to the area. Police concerns usually involve access and addressing. Both of those issues can be taken care of at a later date.

F. Storm - Stormwater in Canby is traditionally handled by drywells. On that edge of town at the present time, our stormwater system is fairly limited in scope. Each parcel will have to handle on-site stormwater on the site. Any right-of-way drywells will be put in according to city specifications and standards.

G. Telephone/Television - See the attached letter from CTA and North Willamette Telecom.

6. Street/Traffic - The parent parcel has access off of S.E. Fifth Avenue, access of sorts. It is actually off of the end of a deadend street, the sort of situation that we discourage. We generally do not allow access off of a deadend street like that. The parcel also has access through the stem of a flag lot on S.E. Township Road. A third point of access would be from the public right-of-way that we call S. Pine Street. It is only 20 feet wide, and it belongs neither to the city nor to the county, but instead it is called a public right-of-way. When this was a planned retirement community, access had been figured to happen from S.E. Fifth Avenue continuing to hook up with Pine Street. Since then a more preferable route would be to have S. Pine cut out the acute angle on the public right-of-way and hook up with

Pine as it intersects at Township Road. One parcel will still have access to Township Road through the stem portion of the flag lot. The other parcel will have to do something with the routing of S. Pine and design a solution for the end to S.E. Fifth Avenue. Staff much prefers a dedicated S. Pine connection as mentioned earlier in this paragraph. That is preferable as a route for a sewer connection between the highway, the new interceptor line and S.E. Township Road.

COMPATIBILITY WITH COMPREHENSIVE PLAN

Policy No. 6 in the Buildable Land Section of the Comprehensive Plan reads: "Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with requirements of the Land Development and Planning Ordinance, in guiding the use and development of these unique areas." The unique area in this case is area of special concern O. The Comprehensive Plan goes on to say: "Development proposals, even those that appear to conform with existing zoning, will be considered to conform with the Comprehensive Plan only if they meet the requirements imposed here." On Page 67 of the Comprehensive Plan, it reads: "Area 'O' includes several ownerships which are within the City limits and partially outside. All of area 'O' is adjacent to S. Pine Street, an unimproved public road with a right-of-way of only twenty (20) feet. City sewer service is not yet available to the area. Presently zoned R-1, the area is anticipated to eventually be developed to higher residential densities. Development of area 'O' could actually be connected with either the residential properties to its west or the area planned for industrial development to the east. In either case, area 'O' will plan an important part in the eventual improvement of S. Pine Street and the related public sewer improvements." In essence, any proposed development on the parent parcel must take into consideration transportation or access improvements as well as sewer improvements. We can do that best at a preconstruction conference to follow up what you do here tonight. Policy No. 2 on page 140 of the Comprehensive Plan reads: "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." The proposed development on both parcels to be created by this application will be multi-family units which would increase the density of housing in the City of Canby. Policy No. 3 on page 141 of the Comprehensive Plan reads: "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."

COMPATIBILITY WITH ORDINANCE

Chapter 16.60.020 of Canby Municipal Code reads that the same improvements shall be installed to serve each building site of a partition as is required of a subdivision, and the same basic design standards shall apply.

1. Easements for electric lines or other public utilities are required, subject to recommendations of the utility providing agency.
2. The lot complies with all design criteria.
3. Sidewalks must be installed by the applicant.
4. Lot monumentation must be provided by the applicant.
5. Necessary utilities must be installed by the applicant.

Minimum lot area in the R-2 zone is 5,000 square feet for the first dwelling unit and 2,500 square feet for each additional unit. At this time, we do not have any design characteristics, but this point must be taken into account with any design. The maximum building height is 35 feet. The maximum lot coverage for multi-family developments is 40%.

RECOMMENDATION

Without benefit of a public hearing, the staff suggests the following minimum conclusions:

- A. The application conforms with the text and applicable maps of the Comprehensive Plan.
- B. The application conforms with all other applicable requirements of the Land Development and Planning Ordinance.
- C. The overall design and arrangement of parcels is only marginally functional and does not clearly 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.
- D. The sole means of access is not by private road, but public road instead.
- E. It has not been 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.

If the Commission chooses to approve this application, the staff recommends the following conditions:

1. The applicant shall prepare a final partition map. The final partition map shall be a survey plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition plat shall be recorded with the Clackamas County Surveyor, and copy of the recorded map shall be provided to the Planning Department. No building permits for the newly created parcel shall be given until the recorded map has been provided.

2. New deeds and legal descriptions for the two new parcels shall be prepared and recorded with the Clackamas County Recorder. Copies of the new deed shall be provided to the Planning Department prior to the issuance of building permits for the lot.

3. Utility easements 12 feet in width must be provided adjacent to all public streets and six feet in width from all other property lines.

4. All monumentation and recording fees are to be paid by the applicant.

5. All utilities must be installed according to the specifications of the service provider.

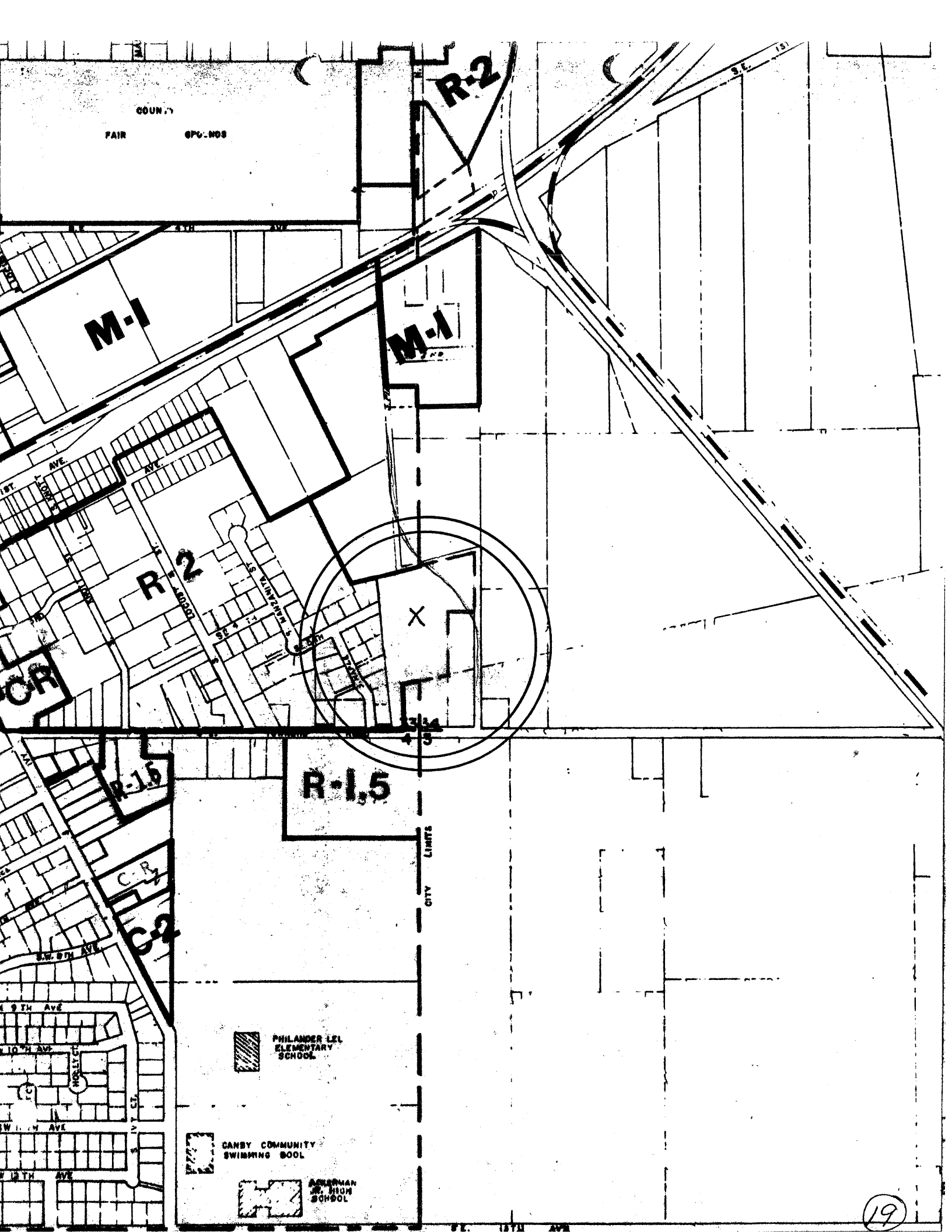
6. A waiver of remonstrance for street improvements is required. The waiver to be approved as to form by the City Attorney and the cost of recording to be borne by the applicant.

7. Any development on either of these two parcels must be preceded by design review and a preconstruction conference.

8. A right-of-way connecting both segments of S. Pine by removing the acute angles that are in the present public right-of-way will be determined by the Public Works Director and dedication of a 60 foot path, wherever that may fall, will be required prior to final recordation of the partition map with the Clackamas County Surveyor.

9. Dedicate 10 feet for right-of-way widening for S.E. Township Road.

10. Construct curb and paving from the existing pavement to the curb along Township Road.



COUNTY

FAIR

CITY NO. 8

R-2

M-1

M-1

R-2

R-1.5

R-1.6

C-3

C-2

PHILANDER LEL
ELEMENTARY
SCHOOL

CANBY COMMUNITY
SWIMMING POOL

SHERMAN
HIGH
SCHOOL

CITY
LIMITS



2



4

(27)



1



3



5



6



7

Canby Telephone Association
P.O. Box 780
Canby, OR. 97013

North Willamette Telecom
P.O. Box 850
Canby, OR. 97013

Canby Telephone Association and North Willamette Telecom will require at the subdividers expense the following items:

1. One copy of the proposed plat vicinity map showing the property, location and type of subdivision being proposed and the date the subdivider is proposing completion of project.
2. Two approved copies of the completed plat vicinity map is to be sent to Canby Telephone Association and North Willamette Telecom no later than fifteen (15) days after final plat approval.
3. Because of the possibility of delay in the use of the facilities, the Companies may require a written agreement setting forth the amount and condition for prepayment to the Companies of the cost of construction before any work begins.
4. It is the subdividers responsibility to contact Canby Telephone Association and North Willamette Telecom at least fifteen (15) days before facilities are to be placed within the subdivision.
5. 6' utility easement on all interior lot lines.
6. 12' utility easement on all exterior lot lines.
7. 2" conduits to be placed under all existing and proposed roadways, sidewalks, or any other areas covered by asphalt or cement where facilities are to be placed.
8. All trenching within the subdivision is the responsibility of the subdivider. The subdivider is to open all trenches within a minimum depth of 30" of cover on final grade. The routing of all trenches will be at the option of the Telephone and Television Companies. Trenches will be opened in such a manner that the facilities can be placed without delay.

9. The subdivider will be held responsible for any damage that occurs to the telephone and/or television facilities during the construction of other utilities within the subdivision.
10. Recommend that sewers be stubbed beyond the utility easement.
11. Any other special or unusual problems are to be covered at PRE-Conference hearing.

If you have any questions please feel free to call at your convenience.

E L Cole President CTA, NWT.....266-8211
Patti Holmes Manager NWT.....266-8236
Steve Buchanan Plant Manager CTA.....266-8214

APPLICATION FOR MINOR LAND PARTITION

City of Canby Planning Commission
City Hall
Canby, Oregon

Date of Hearing _____
Receipt No. _____ Fee _____
Present Zone _____

Name of Applicant: MIRIAM LARSON

Mailing Address: 390 NW. 2ND CANBY, OR. 97013

Who Holds Title to Property: MIRIAM LARSON

Signature: Miriam Larson Date Acquired _____

SAME
(Address) (City) (State) (Phone)

LEGAL DESCRIPTION OF PROPERTY INVOLVED IN APPLICATION

1. Location SW 1/4 SEC. 34 T3S R1E- WM.

2. Between PINE and 5TH

3. Tax Lot No. 1200 Section SEC 34, T3S, R 1E

(IF YOURS IS A METES AND BOUNDS DESCRIPTION, PLEASE ATTACH SEPARATE SHEET)

4. Total size of parcel: 6.41 AC. Lineal feet of street frontage: _____

5. Width of street: 40' TOWN - 40' 5TH Surfacing: PAVED

6. Application is to divide parcel into 2 lots.

7. Typical lot size: 3 AC. Smallest lot will be: 3 AC.

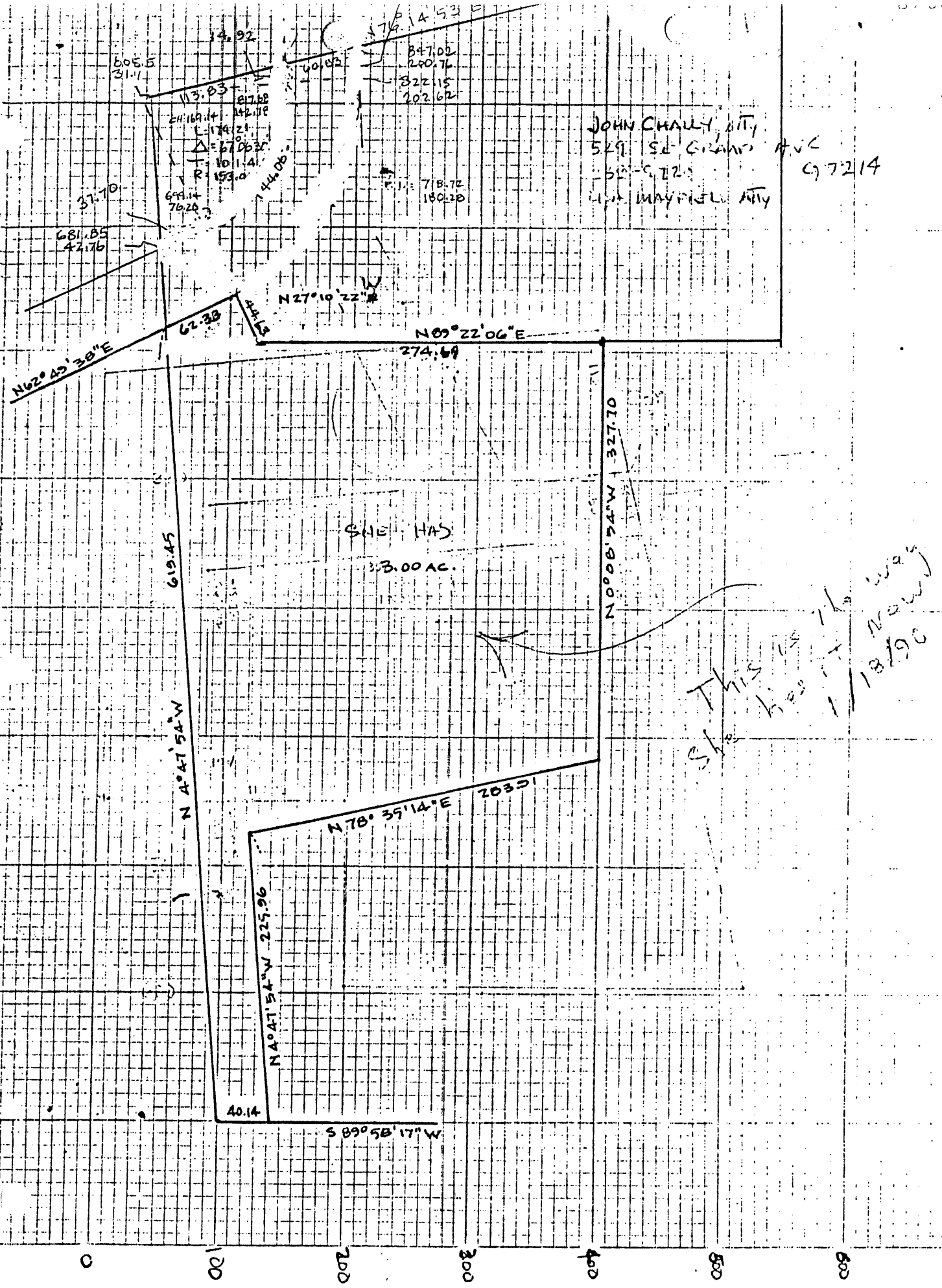
8. Surveyor will be: PACIFIC SURVEYS

141 N. GRANT ST. P.O. BOX 766 CANBY, OR 266-9979
(Address) (Phone)

9. I HEREBY CERTIFY THE STATEMENTS CONTAINED HEREIN, ALONG WITH THE EVIDENCE SUBMITTED, ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

3-13-90
DATE

Miriam Larson
APPLICANT'S SIGNATURE



JOHN CHAFFIN, ATTY
 529 S. G. GRAVES AVE
 62-C-12-1
 9-7-214
 101 MAYFIELD AVE

SHE HAS
 3.30 AC.

This line
 has been
 moved
 1/13/90

Miriam Larson
3.00 Acres
Job # 2154

A tract of land situated in Sections 33 and 34, T.3S., R.1E., of the W.M., and also being partially within the Philander Lee D.L.C. in said township and range, described as follows:

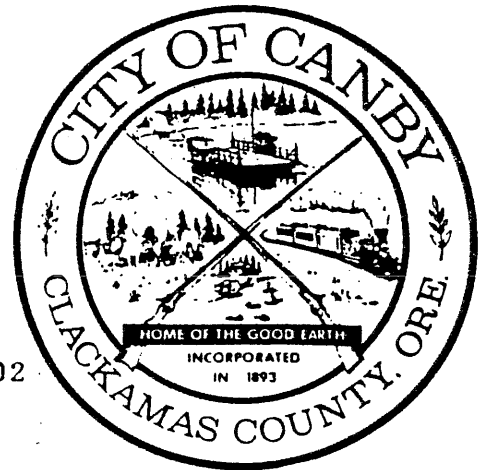
Beginning at a point on the south boundary of Section 33, 129.64 feet S89°58'17"W of the southeast corner of said Section 33; thence N4°47'54"W along the East line of SCHMEISER TRACTS, 639.52 feet to the north corner of Lot 3, Block 3, SCHMEISER TRACTS; thence N62°49'38"E on the north-easterly extension of the southerly line of S.E. 5th Ave., 62.33 feet; thence S27°10'22"W 44.63 feet; thence N89°22'06"E 274.69 feet to the northwest corner of a tract conveyed to Emma Arneson by deed recorded in book 148, page 322 deed records of Clackamas County; thence S0°08'54"E along the west line of said tract, 327.70 feet to a point on the south line of the Philander Lee D.L.C.; thence S78°35'14"W along said line, 283.91 feet; thence S4°47'54"E, parallel with and 40.0 feet easterly of the East line of SCHMEISER TRACTS, 246.03 feet to a point on the south line of Section 33; thence S89°58'17"W along said line, 40.14 feet to the point of beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Blaine A. Schmeer

OREGON
JULY 13, 1879
BLAINE A. SCHMEER
1842

-STAFF REPORT-



APPLICANT:

Deanza Development
(Elmwood Mobile Home
Park - Phase II)

FILE NO.:

CUP 90-02

LEGAL DESCRIPTION:

Tax Lots 700 & 1000
Tax Map 4-1E-4C

STAFF:

Hank Skinner,
City Planner

LOCATION:

South side of S.W. 13th Ave.

DATE OF REPORT:

June 13, 1990

COMP. PLAN DESIGNATION:

Med. Density Residential

ZONING DESIGNATION:

North: R-1 (Low Den. Res.)
South: R-1/H (Low Density
Resid. with Hazard Overlay
Zone

I. APPLICANT'S REQUEST:

The applicant is requesting approval to construct 22 additional mobile home spaces adjacent to the existing Elmwood Mobile Home Park on property identified on the Clackamas County Assessor's Map as Tax Lots 700 and 1100 of Tax Map 4-1E-4C (see Exhibits 1 and 2).

II. LOCATION AND LAND USE:

The subject property is located on the south side of S.W. 13th Avenue, on the west side of the existing Elmwood Mobile Home Park. The total area involved is approximately 4.10 acres and presently has one single-family residence, located near the south end of the lot. The area to the east is presently zoned R-1 (Low Density Residential) and has the existing 90-unit mobile home park on it; to the west is a 15 acre parcel with a single family residence on it; to the north is a new Assisted Living Facility, single family subdivision development, the LDS Church and the high school; and, to the south of the subject property lies a vacant 23 acre parcel which has been impacted by a gravel extraction operation, and the Molalla River;

III. 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 which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

IV. FINDINGS:

A. Background:

- 1. On February 13 and 27, 1989, the Canby Planning Commission reviewed and approved Conditional Use application CUP 89-02, Deanza Development, to construct 22 mobile home spaces on this same subject property as Phase II of the Elmwood Mobile Home Park. The approval was granted subject to 23 conditions.
- 2. On May 8, 1989, Mr. William Stevens and Mr. Marvin Dack submitted a request for a lot line adjustment. Rusty Klem, Public Works Director for the City of Canby, approved the adjustment, and a letter to that effect was mailed to the applicants on May 16, 1989.
- 3. On May 30, 1989, the City received a letter of appeal from Mr. John Torgeson, in which he declared that the adjustment would infringe on an easement he had to his property.
- 4. The actual transfer of deeds affecting the lot line adjustment never occurred.
- 5. On February 22, 1990, the Planning Department received a letter from Mr. William Stevens requesting extension of the 1989 approval (see Exhibit 3).

6. Planning Staff replied to Mr. Stevens on March 1, 1990, citing Section 16.88.090(A) (CMC), as the overriding rule (see Exhibit 4).

It is staff's understanding that the matter of the easement referred to in Mr. Torgeson's letter of May 30, 1989, and Mr. Stevens' letter of February 22, 1990, has not been resolved to date.

B. Compliance with Criteria for Approval:

1. The subject properties are identified on the Clackamas County Assessor's Map as Tax Lots 700 & 1100 of Tax Map 4-1E-4C.

2. Compliance with the Comprehensive Plan:

2a. Housing Policy No. 5 in the Canby Comprehensive Plan (page 144) states:

POLICY NO. 5: CANBY SHALL PROVIDE OPPORTUNITIES FOR MOBILE HOME DEVELOPMENT IN ALL RESIDENTIAL ZONES, SUBJECT TO APPROPRIATE DESIGN STANDARDS.

- 5-A. Continue to allow mobile home park developments as a permitted use in medium density areas. In low density residential areas, mobile home parks are allowed as conditional uses.
- 5-D. Continue to utilize the design standards which are directed at providing living amenities within mobile home parks and subdivisions and providing adequate buffering to surrounding uses. These design standards cover individual lot sizes, setbacks, buffering requirements, minimum acreage for park development, and allow for innovative ideas in subdivision layouts. They are not intended, and will not be interpreted to prevent the appropriate development of mobile home projects.

The subject property contains a large grove of fully matured evergreen trees, including Cedars and Firs. The applicant's plan does not appear to provide other park or recreation amenities as a part of this phase. A clubhouse and park area do exist in the first phase of the Elmwood Mobile Home Park. The area designated as open space on the proposed plan consists of a steep bluff which descends to a wetland area. The bluff and wetland are inaccessible and will be fenced off from this new phase of development.

2b. Section 16.44 of the Canby Municipal Code sets out the standards for new Mobile Home Park developments. The applicant's proposal must comply with all the Standards and Criteria as listed.

Conclusion: Staff concludes that the proposed expansion is consistent with the intent of the Canby Comprehensive Plan and can meet the standards for new mobile home parks, as outlined in the Canby Municipal Code.

3. Characteristics of the Site:

The subject property consists of approximately 4.10 acres. The terrain is generally flat over the northern 3.00 acres. The remaining acre consists of steep bluff and wetland. The only area intended for development is the northern 3.00 acres.

The subject property lies immediately west of the existing mobile home park. The applicant has proposed to extend a private drive west from the northwest corner of Elmwood Circle.

Conclusion: Staff concludes that the characteristics of the site are suitable for the proposed development based on size, location, topography and access.

4. Required Public Facilities:

All utilities are available for extension into the project from the existing mobile home park. The location of fire hydrants, dry wells and other necessary infrastructure will be as required by the Fire Marshal and the Public Works Director.

The applicant will be required to attend a preconstruction meeting prior to development of the project.

Conclusion: Staff concludes that the necessary infrastructure is available for the proposed project.

5. No Alteration of Character of Area:

The proposed project is bordered on the east by an existing mobile home park; on the north by a 25 unit Assisted Living Facility; on the south by a steep bluff and flood plain; and, on the west, by vacant land which is currently being reviewed for a proposed

residential planned development which will include both multi-family and single family housing.

Conclusion: Staff concludes that the area contains, and is planned to contain, a variety of housing types. The addition of this project into the area will not adversely affect the character of the area.

V. CONCLUSION

Based on the findings presented in this report, the applicant can meet the applicable criteria for approval by the application of certain conditions.

VI. RECOMMENDATION:

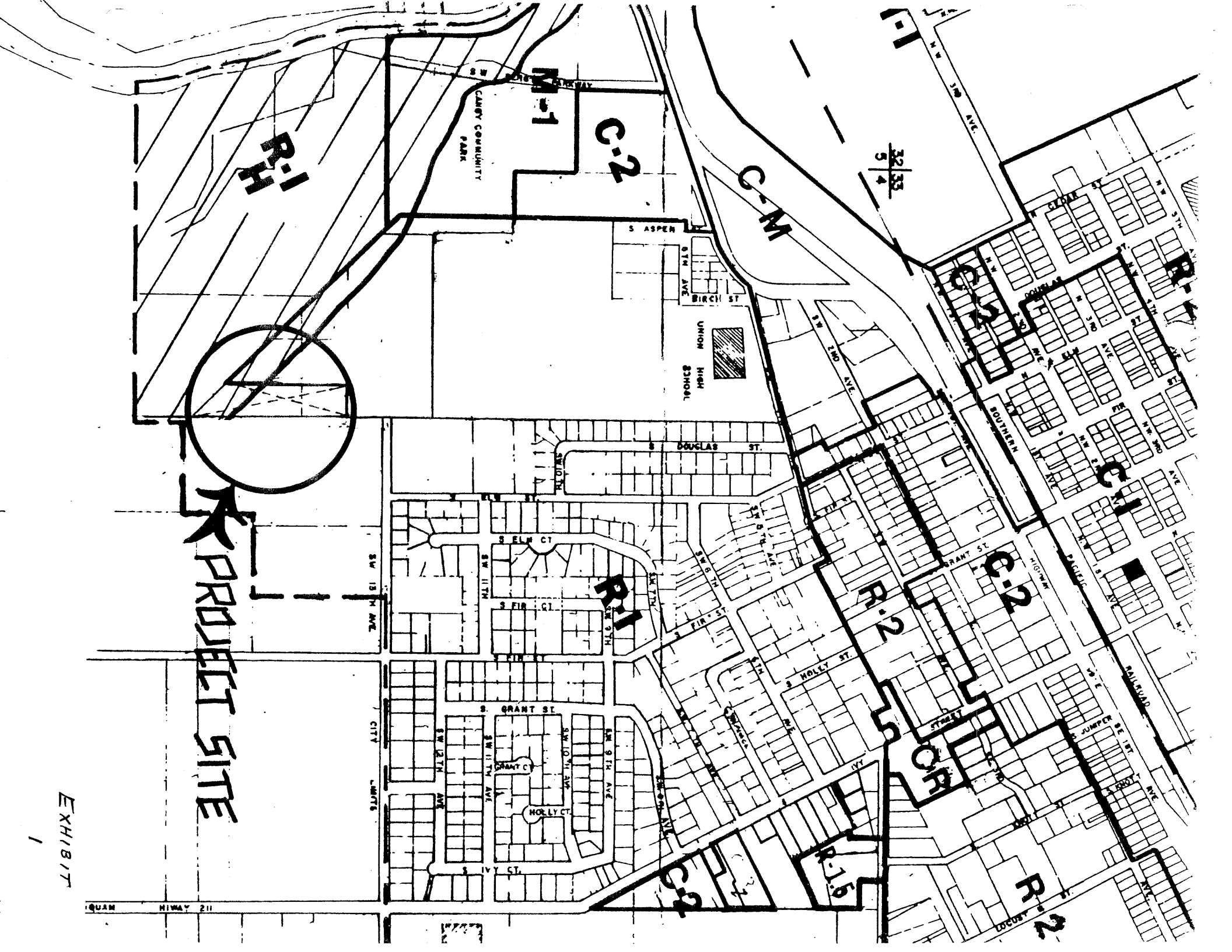
Staff recommends approval of CUP 90-02, subject to the following conditions:

1. Any recommendations and requirements from other land use decisions which pertain to this property shall be made conditions of approval of this project.
2. Tree cutting shall be limited to those necessary to provide clear siting for mobile homes.
3. A site drainage plan shall be submitted for the approval of the Public Works Director.
4. Street and traffic signs shall be installed at intersections in accordance with City standards, or a deposit made to the City of an amount equal to the cost of such installation.
5. Private Park restrictions shall be the same for the addition as for the existing park. A copy of such restrictions shall be forwarded to the City Planner prior to occupancy.
6. A six (6) foot site-obscuring fence shall be installed to match the existing fence, and placed around the perimeter of the mobile home park addition. The south fence shall include a gate to allow for the use of the slope as an open area.
7. The developer shall contact the United States Post Office in Canby in order to establish placement of Neighborhood Delivery Collection boxes.
8. Trash receptacles shall be placed so they are protected from the vision of passer-bys and from animal vandalism.

9. Prior to the issuance of Certificates of Occupancy, the mobile home park addition shall be completed.
10. All units shall have skirting attached at the time of installation.
11. All mobile home park requirements listed in the Canby Municipal Code, Section 16.44, shall be requirements of this conditional use.
12. Each mobile home shall be allowed one (1) storage building, containing no more than 168 square feet.
13. No units shall be metal nor have metal exterior sides and roof.
14. All single-wide models shall be a minimum of 800 square feet; all double-wide models shall be a minimum of 1,000 square feet.
15. Developer must post a performance bond for the mobile home park, using the format described in the Canby Municipal Code.
16. All units must meet all HUD and OSSSC requirements.
17. Guard rails shall be placed at the bluff line at the south end of the newly-created street.
18. Rollover curbs and three (3) foot sidewalks shall be required along private street frontage for each mobile home site.
19. All utility installation plans shall be approved by the service providers and installed to meet specifications.
21. Staff review of all plans at a pre-construction conference, is required

EXHIBITS

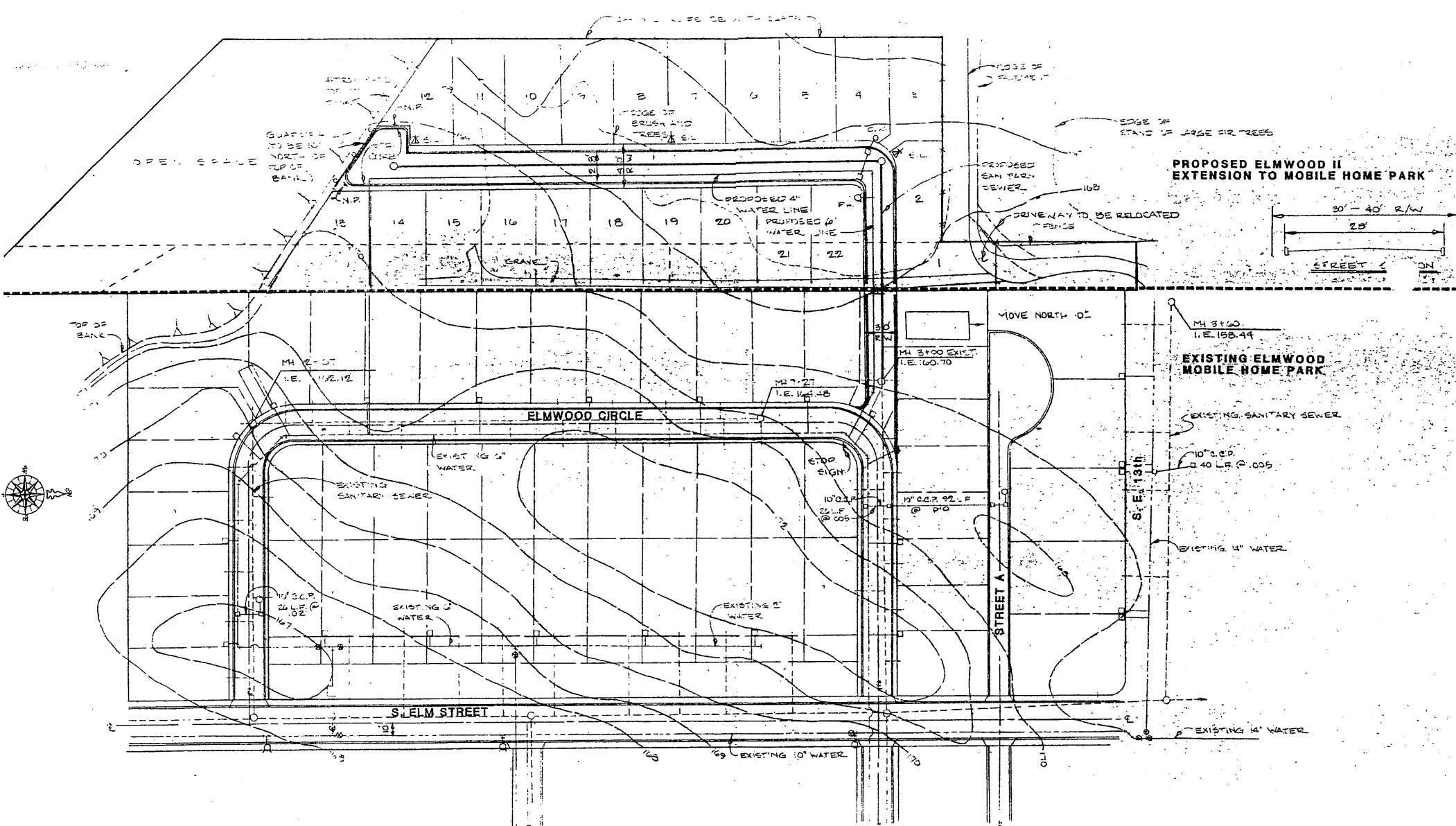
1. Vicinity Map
2. Preliminary Plan
3. Letter from William Stevens, dated February 22, 1990, requesting extension of approval period for the conditional use, CUP 89-02.
4. Response letter from Hank Skinner, City Planner, dated March 1, 1990.



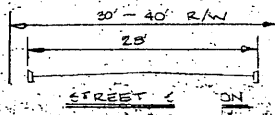
PROJECT SITE

EXHIBIT

1



**PROPOSED ELMWOOD II
EXTENSION TO MOBILE HOME PARK**



**EXISTING ELMWOOD
MOBILE HOME PARK**

DRAWN	TLM	DESIGNED	TLT	CHECKED	
SCALE	1" = 50'	DATE	JAN. 1989		
91-1729-1192					



COMPASS CORPORATION

ENGINEERING SURVEYING PLANNING
8584 S. LAKE ROAD 90732 4852

DEANZA DEVELOPMENT
9171 WILSHIRE BOULEVARD, SUITE 627
BEVERLY HILLS, CALIFORNIA 90210

(213) 550-1111

PRELIMINARY PLAN

EXHIBIT
2



RECEIVED
FEB 23 1990

February 22, 1990

Mr. Hank Skinner
182 N. Holly
Canby, Oregon 97013

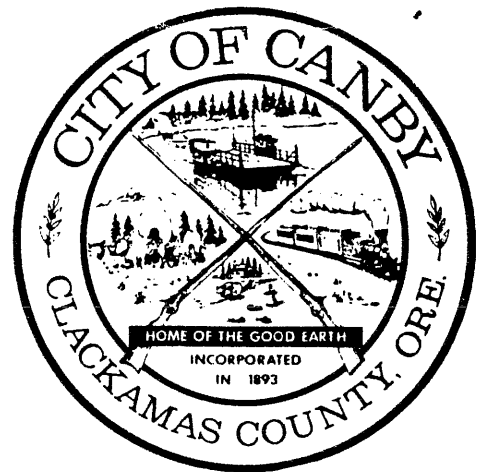
Dear Hank,

I would like to request to extend the approval period for conditional use, case #CUP-8902 Elmwood Mobile Home Park on tax lots 700,1100 T45-R1E-4C for the following reason. At the time of closing Mr. John Torgeson declared he had an easement across the property. Of course this had to be resolved and is in the process at this time. A hearing is scheduled for March 5, 1990 for a summary judgement and if this is successful, closing will be within fifteen(15) days and construction will start right away.

Thank you for your consideration.

Sincerely,

William Stevens
9801 S Heinz Rd.
Canby, Oregon 97013



March 1, 1990

Mr. William Stevens
9801 S. Heinz Road
Canby, OR 97013

Re: Request to Extend Conditional Use
Permit #CUP-89-02

Dear Mr. Stevens:

The Canby Planning Commission received and reviewed your letter of request to extend Conditional Use Application #CUP-89-02, at their February 26, 1990 special meeting.

The Commission was unable to approve the extension citing Section 16.88.090(A) of the Canby Municipal Code as the overriding rule. It states the following:

"Section 16.88.090 (A) - Revocation of Conditional Use Permits and Variances.

A. Automatic Revocation. All conditional use permits and variances shall be automatically revoked if not exercised within one year from the date of approval, or such additional time as is specified by the granting body at the time of approval. Conditional use permits and variances shall not be deemed exercised until the use of the property permitted by the conditional use permit or variance has actually commenced, or in the event that such use involves the construction of a building, that all required permits for said building have been obtained."

The Commission informed me that they would be willing to consider the request again, however a new application will have to be processed. If you would like to pursue a new

Mr. William Stevens
March 1, 1990

Page Two

conditional use application, please feel free to call me
at 266-4021, or drop by the Public Works Department at City
Hall, and I will be happy to help you in any way I can.

Respectfully,

/s/

Hank Skinner,
City Planner

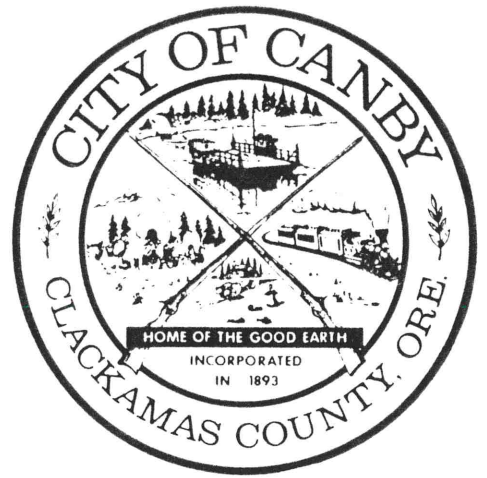
HS;nb

cc; corres.
file CUP-89-02

PLANNING COMMISSION

SIGN-IN SHEET

DATE: 6/25/90



NAME (Please Print)

ADDRESS

Miriam Larson

555 Hartke Loop NE, City

DAH LARSON

+2 390 NW, 2ND CANBY, OR 97013

David R. Wodthi

748 S Township RD CANBY, OR.

Arthur Ellickson

1625 S, Elm St, Canby

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Planning Commission of the City of Canby, Monday, June 25, 1990, in the City Council Chambers located at N.W. Second Avenue, Canby, Clackamas County, State of Oregon, beginning after 7:30 p.m.

The meeting will be for considering the following items:

Conditional Use Application (CUP-90-02) - DeAnza Development (William Stevens). The applicant has requested approval to construct 22 additional manufactured home spaces on the site of the existing Elmwood Mobile Home Park, on property identified as Tax Lots 700 and 1100, Tax Map T4S-R1E, Section 4C.

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 which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.

Anyone wishing to comment on the proposed Conditional Use may do so by submitting written or verbal testimony at the hearing.

Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals.

A copy of the application and record are available for inspection at no cost in the office of the Canby Public Works Department, 182 North Holly, Canby, Oregon, during normal working hours (8:00 a.m. to 5:00 p.m.).

A copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost.

Notice of this hearing is as provided in Section 16.88.130 of the Land Development and Planning Ordinance (#740) as adopted February 1, 1984.

DATED this 25th day of May, 1990.

Marilyn K. Perkett
City Recorder

BY: Henry C. Skinner, City Planner
Canby Planning Commission