

RESOLUTION NO. 473

A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN OF THE CITY OF CANBY TO INCLUDE TAX LOT 800 OF TAX MAP 4-1E-4A (CONSISTING OF APPROXIMATELY 32.57 ACRES) FOR MEDIUM DENSITY RESIDENTIAL LAND USE, LOCATED AT THE SOUTHWEST CORNER OF S. IVY AND S.W. 13TH AVENUE

WHEREAS, the Comprehensive Plan was adopted by the Canby City Council on January 25, 1984, by Resolution No. 352; and

WHEREAS, H.O.P.E. (Housing and Outreach Project for the Elderly) and R.D. Birkemeir, property owners in Canby, filed an application for a Comprehensive Plan Amendment on January 11, 1991; and

WHEREAS, the Canby Planning Commission considered the proposed amendment at a public hearing on March 11, 1991 and, after concluding the hearing and considering the required standards and criteria, voted to recommend that the City Council approve the application and amend the Comprehensive Plan; and

WHEREAS, the State Department of Land Conservation and Development was notified of the proposed amendment on January 21, 1991. and they did not respond to this notification; and

WHEREAS, the Canby City Council considered the proposed amendment at its regularly scheduled meeting on May 15, 1991; and

WHEREAS, the City Council accepted the findings and conclusions of the Planning Commission as the attached Exhibit "A".

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Comprehensive Plan of the City of Canby is amended as follows:

1. All references to Tax Lot 800 of Tax Map 4-1E-4A shall be designated Medium Density Residential.

ADOPTED by the Canby City Council at a regular meeting thereof this 15th day of May, 1991.


Shawn P. Carroll, Mayor

ATTEST:


Marilyn K. Perrett, City Recorder

**BEFORE THE PLANNING COMMISSION
OF THE
CITY OF CANBY**

A REQUEST FOR APPROVAL TO)	FINDINGS, CONCLUSIONS & ORDER
AMEND THE COMPREHENSIVE)	CPA 91-03
PLAN)	(H.O.P.E.)

NATURE OF APPLICATION

The applicant, H.O.P.E. (Housing and Outreach Project for the Elderly), is requesting approval to amend the Comprehensive Plan to propose Tax Lot 800 of Tax Map 4-1E-4A for Medium Density Residential Land Use, rather than Low Density Residential. The site is located at the southwest corner of the intersection of S. Ivy Street and S.W. 13th Avenue.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of March 11, 1991.

CRITERIA AND STANDARDS

This is a quasi-judicial land use application. It is a single parcel affecting a limited area. In judging whether a quasi-judicial plan amendment shall be approved, the Planning Commission shall consider:

- A. The remainder of the Comprehensive Plan of the City, as well as the plans and policies of the County, State or any local school or service districts which may be affected by the amendment.
- B. Whether all required public facilities and services exist, or will be provided concurrent with the anticipated development of the area.

CONCLUSION

The Planning Commission concludes that CPA 91-03 can be made to comply with all applicable criteria, by the application of certain conditions.

FINDINGS AND REASONS

The Planning Commission incorporates the March 1, 1991 staff report as support for its decision, supplemented by the following:

1. The Commission's deliberations, which included the following issues:
 - a. The Commission discussed the need for conditioning a traffic impact analysis, which should include other approved development projects in the area, but specifically showing the impact of this development on the intersection of S. Ivy Street and 13th Avenue.
 - b. The Commission discussed the open space concept and the need for recreation land, other than the pathways shown in the proposed master plan, which would be dedicated to the City and used to benefit residents of Canby. Under a PUD application, and as part of the Master Park Plan of the Comprehensive Plan, the community should gain some benefit from a portion of this acreage designated as a mini-park for, perhaps, senior residents. The Commission agreed to condition that park land be provided at the scale of two to three acres for Citywide use.

- c. The Commission discussed the sewer relief plans for Ivy/Township/Knott and its relationship to this proposal. The Commission discussed whether the sewer connection should be in place prior to the issuance of any building permits. Mr. Hoffman explained that the analysis shows that Phase I (the northeasterly corner) could be accomplished without major changes to the present system (other than the Ivy/Township/Knott connection forecast for this year) using gravity flow systems, but that the ultimate total build out would require major extensions and lift stations. The Commission agreed to a condition where the development of Phase I does not begin until that connection is complete.
 - e. The Commission discussed the proposed parking for the development.
 - f. The Commission discussed the applicable criteria.
 - g. The Commission discussed a time frame for initiating Phase I. The Commission agreed to having John Kelly, the City Attorney, word a condition recommending that the approval of this amendment to the Land Use Element of the Comprehensive Plan designating this site Medium Density Residential, rather than Low Density Residential, for the entire parcel (Tax Lot 800 of Tax Map 4-1E-4A), shall be subject to a 3 year time frame for the initiating Phase I, subject to the review of the City Attorney and City Staff.
2. Testimony by the applicant and his representatives.

ORDER

IT IS ORDERED BY THE City of Canby Planning Commission to recommend approval of CPA 91-03 to the City Council, with the following conditions:

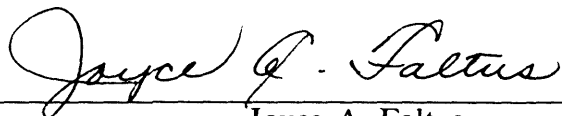
1. The applicant (as a part of the PUD conditional use process) shall submit a traffic impact analysis, which shall include other approved development projects in the area, but specifically showing the impact of this development on the intersection of S. Ivy Street and 13th Avenue.
2. The applicant (as a part of the PUD conditional use process) shall provide park land, at the scale of two to three acres, for Citywide use.
3. Development of Phase I (the northeast one-quarter of the project area) shall not begin until the Ivy/Township/Knott sewer connection has been completed.
4. The designation of Medium Density Residential shall remain on this parcel, provided construction of Phase I (i.e. northeastern quadrant of total parcel) shall commence before the expiration of three (3) years from the date of approval of the project. "Commencement of construction" shall mean that all necessary building permits must have been issued by the appropriate authorities, including City and County. Should commencement of construction not occur within three (3) years of the date of approval, this approval is null and void, and the land use designation shall revert to Low Density Residential.

I CERTIFY THAT THIS ORDER was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 8 day of April, 1991.



Kurt Schrader
Chair, Canby Planning Commission



Joyce A. Faltus
Secretary

ATTEST:

ORAL DECISION - March 11, 1991

AYES: Wiegand, Mihata, Zieg, Fenske, Schrader

NOES: None

ABSTAIN: None

ABSENT: Westcott

WRITTEN DECISION - April 8, 1991

AYES: Wiegand, Mihata, Zieg, Fenske, Schrader

NOES: None

ABSTAIN: - Westcott

ABSENT: None