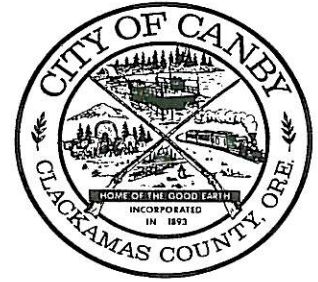


PLANNING COMMISSION AGENDA
Monday – January 22, 2007
7:00 PM - Regular Meeting

City Council Chambers - 155 NW 2nd Avenue



Chairman Jim Brown, Commissioners John Molamphy, Dan Ewert, Janet Milne, and Bruce Holte

I. CITIZEN INPUT ON NON-AGENDA ITEMS

II. PUBLIC HEARINGS

SUB 06-06/DR 06-11 – 296 and 346 S Knott Street – Proposal for a 10-lot subdivision and Site and Design Review **Page 2**

DR 06-12 – 1157 Highway 99E – Request for Site and Design Review for a restaurant (Burger King) **Page 61**

ANN 06-04 – 1401 S Fir Street – Request to annex 1.95 acres **Page 104**

ANN 06-05 – 23849 and 26325 S Mulino Road – Request to annex 32.62 acres **Page 158**

III. NEW BUSINESS

Election of Vice Chair

IV. FINDINGS Note: these are the final, written versions of previous oral decisions. No public testimony.

CUP 06-03 – 505 N Baker - Ward Baker **Page 195**

SUB 06-05 – 1592 S Ivy Street – Dinsmore Estates **Page 199**

ZC 06-04 – 1592 S Ivy Street – Dinsmore Estates **Page 208**

DR 06-13 – 1300 N Maple and 1200 SE 13th Avenue – City of Canby **Page 208**

V. MINUTES

January 8, 2007 **Page 212**

VI. DIRECTOR'S REPORT

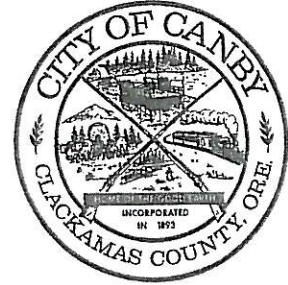
VII. ADJOURNMENT

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting to Jill Thorn at 503-266-7001.

A copy of this agenda can be found on the City's web page at www.ci.canby.or.us

City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5.

For a schedule of the playback times, please call 503-263-6287.



- STAFF REPORT -

APPLICANT:

Jason Bristol
21733 S Highway 99E
Canby, OR 97013

FILE NUMBER:

SUB 06-06/ DR 06-11
(Knott Commons)

OWNER:

Jason Bristol
21733 S Highway 99E
Canby, OR 97013

STAFF:

Kevin C. Cook
Associate Planner

LEGAL DESCRIPTION:

Tax Map 3-1E-33DC, Tax Lot 3100 & 3203

DATE OF REPORT:

January 9, 2007

LOCATION:

296 & 346 S Knott St.
East side of S Knott St.
between SE 3rd Ave. &
S Township Rd.

DATE OF HEARING:

January 22, 2007

COMPREHENSIVE PLAN DESIGNATION:

R-2 High Density Residential

ZONING DESIGNATION:

R-2 High Density Residential

I. APPLICANT'S REQUEST:

The applicant is seeking approval to subdivide one 0.58 acre parcel into ten residential lots, which would result in 10 attached town homes. Tract A would be a 20-foot wide private access drive to serve the units. The access drive would access S Knott Street and would have an east-west orientation. The proposed town homes are arranged so that there would be five attached units along the north side of the access road and five attached units along the south side. The site plan shows a 14.8 foot setback to S Knott St. for lot 6; the requirement is for a 15 foot setback – the applicant may either adjust the

building eastwards (there is a 7 foot setback and the applicant currently is showing 10 feet) or resize the building in order to meet the required setback (Condition 18). This application meets the criteria for the Comprehensive Plan designation of R-2 High Density Residential. An arborist report suggests saving the grove of cedars currently located on the site (Condition 19). An infiltration trench is also located in the vicinity of the cedars; in order to preserve the trees it appears that the trench will need to be offset and resized (Condition 20).

II. APPLICABLE APPROVAL CRITERIA:

A. SUBDIVISION - City of Canby Code Section 16.62.020

This is a quasi-judicial land use application. Applications for a subdivision shall be evaluated based upon the following standards and criteria:

1. Conformance with the text and applicable maps of the Comprehensive Plan.
2. Conformance with other applicable requirements of the land development and planning ordinance.
3. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
4. 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.

B. SITE AND DESIGN REVIEW - City of Canby Code Section 16.49.040

1. The Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:
 - A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable city ordinances insofar as the location, height and appearance of the proposed development are involved; and
 - B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
 - C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.
 - D. The Board shall, in making its determination of compliance with subsections B

and C above, use the following matrix to determine “compatibility”. An application is considered to be “compatible”, in regards to subsections B and C above, if a minimum of 65 percent of the total possible number of points (not including bonuses) are accumulated for the whole development.

- 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 development.

- 2. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this section. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.

- 3. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.

- 4. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Section 12.20.080 of the City Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.20 of the City Tree Ordinance. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review.

** Please see Site and Design Review Matrix on following page*

D. CITY OF CANBY - General Ordinances

- 16.10 Off Street Parking/Loading
- 16.20 R-2 High Density Residential Zone
- 16.21 Residential Design Standards
- 16.46 Access Limitations on Project Density
- 16.49 Site and Design Review
- 16.62 Subdivision - Applications
- 16.64 Subdivisions - Design Standards
- 16.66 Subdivisions - Planning Commission Action
- 16.68 Subdivisions - Final Procedures and Recordation
- 16.88 General Standards

16.95 Solar Access Standards

TABLE 16.21.070 (Design Review Matrix – Multifamily)

CRITERIA	POSSIBLE SCORES		
	Yes	No	
Design Menu for Street Facing Facades			
Dormers			
Gables, hip, or gambrel roof form			
Recessed entries (minimum 2-foot recess)			
Covered porch entries (minimum 48 square feet; minimum 4 feet deep)			
Bay windows			
Eaves of 20 inches or greater			
Off-set of 16 inches or greater on building face or roof			
Minimum 15% is the area of the windows and main entrance doors as a percentage of the façade, not including the roof			
Window trim (minimum 4 inch) or shutters (minimum 8 inches)			
Balconies or porch rail			
Shakes, shingles, brick, porch detailing or other decorative materials on at least 100 square feet of the street façade.			
Pass – at least five of the above elements (or similar elements) provided along all street facing facades.			
Parking			
Screening of loading facilities from public ROW: Not screened = 0; partially screened = 1; full screening = 2	0	1	2
Landscaping (breaking up of expanse of asphalt); No = 0; Yes = 1	0	1	
Parking lot lighting: No = 0; Yes = 1	0	1	
Location (behind the building is best): Front = 0; side = 1; behind = 2	0	1	2
Tree Retention			
For trees outside of the building foot-print and parking/access areas (3 or more trees): No arborist report/follows <50% of arborist recommendation = 0; follows <50% of arborist recommendation = 1; follows 50%-75% of arborist recommendation = 2; >75% of arborist recommendation = 3	0	1	2 3
Replacement of trees removed that were recommended for retention: x<50% = 0; x>50% = 1	0	1	
Orient Multi-Family Buildings to Public or Private Streets			
Primary entrances face the street: No entries face the street = 0; entrance breezeway faces the street = 1; entries face the street = 2	0	1	2
The site's frontage has buildings within 25 feet of the front lot line. Full points may be given when courtyards are adjacent to the frontage. 0-25% of site street frontage complies with standard = 0; 25%-50% of the site street frontage complies with standard = 1; 51+% of the site street frontage complies with standard = 2	0	1	2
Screening of Storage Areas and Utility Boxes			
Trash receptacles are screened from view by a solid wood fence, masonry wall, or by slight-obscuring landscape: No = 0; Yes = 1	0	1	

Trash receptacles are located away from adjacent property lines: 0' – 10' = 0; 10' – 25' = 1; >25' = 2	0	1	2
Exterior transformers, utility pads, cable and telephone boxes are located to minimize visual impact and/or screened: not screened = 0; partially screened = 1; completely screened = 2	0	1	2

Prevention of Monotonous and Incompatible Design			
Horizontal length of all buildings is a maximum of 120 feet: 101 – 120 feet = 0; 81 – 100 feet = 1; 0 – 80 feet = 2	0	1	2
Roofs have a gable, hip or gambrel form, minimum pitch of 3 to 12 with at least a 6 inch overhang: No = 0; Yes = 1	0	1	
A minimum of 15% of the street façade area contains windows or doors. All windows provide trim, recess, or other method of providing shadowing: No = 0 and Yes = 1	0	1	
Garages are located to minimize their visual impact: Front = 0; side = 1; back = 2	0	1	2
Exterior design features incorporate offsets, balconies, projections, window reveals, or similar elements to break up large expanses or uninterrupted building expanse: no design features within every 30 feet of longest façade = 0; 1 design features within every 30 feet of longest façade = 1; 2 or more design features within every 30 feet of longest façade = 2	0	1	2

Private Open Space and Landscaping			
Private open space in addition to the base percentage requirement of common open space for the zone: no additional open space = 0; patios or balconies (minimum 48 sq ft provided for at least 50% of units = 1; patios or balconies (minimum 48 sq ft provided for more than 50% of units, or, a sport court, tot lot, pool, or community room is provided, or, common open space is increased at least 48 sq ft = 2	0	1	2
Automatic irrigation provided for all landscaping: No = 0; Yes = 3	0		3
# of non-required trees: x<1 per 500 sq ft of landscaping = 0; 1 or more per 500 sq ft of landscaping = 1	0	1	

Street and Block Framework			
Multi-family developments 8 acres or larger are developed as a series of complete blocks bounded by a network of public or private streets with sidewalks and street trees: no block or network of streets proposed = 0; up to 50% of units are along public or private streets that have sidewalks, street trees and parallel or angled parking on-street parking = 1; 50+% of the units are along public or private streets that have sidewalks, street trees and parallel or angled parking on-street parking = 2	0	1	2

Bonus Points			
2 or more trees at least 3" in caliper: No = 0; yes = 1	0	1	
Park/open space retention for public use: No = 0; yes = 3	0		3

III. FINDINGS:

1. Location and Background

The subject parcels are addressed as 296 and 346 S Knott Street. The parcel is a rectangular piece of property located on the east side of S Knott Street, south of SE 3rd Avenue and North of S Township Road. The parcels contain one single family residence each. The existing residences and associated out-buildings will be removed prior to any new development.

Access to the parcel is proposed by means of a single ingress/egress from S Knott Street. Drawings submitted by the applicant show a 20 foot wide access drive extending approximately 120 feet from S Knott Street. The drive is proposed to serve all 10 parcels. Pedestrian access is proposed by way of a sidewalk along the north side of the access drive. A five foot sidewalk is required along S Knott Street (Condition 10).

With the exception of Locust Street Park to the east, all neighboring properties are zoned for R-2 High Density Residential development consistent with the Comprehensive Plan designation for the area. Several nearby properties are currently developed to R-2 standards.

Locust Street Park is adjacent to the site to the east. The proposed sidewalk along the private access drive ends a few feet from the boundary between the subject parcel and the park. No pedestrian connection is proposed between the proposed development and the park. The Parks Department indicates that they would prefer not to have such a connection at this time, due to ongoing problems with criminal activity in the park. The Parks Department requests that a fence be placed along the boundary (Condition 21).

2. Comprehensive Plan Consistency Analysis

LAND USE ELEMENT

GOAL: TO GUIDE THE DEVELOPMENT AND USES OF LAND SO THAT THEY ARE ORDERLY, EFFICIENT, AESTHETICALLY PLEASING AND SUITABLY RELATED TO ONE ANOTHER.

Applicable Policies:

Policy #1: Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.

Analysis: The proposed development of residential housing on the subject parcel is an approved use of the property

according to the Comprehensive Plan designation of R-2 High Density Residential. Proposed new residences will be required to comply with Infill Home Standards through the building permit process (Condition 15).

Policy #2: Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.

Analysis: This application would permit a higher density of residential development on the subject parcels and would help to maximize the efficient use of the property. The density standards for R-2 development require a minimum of 14 units per acre; the proposed construction of ten residential units exceeds the minimum requirement of eight units for the 0.58 acre site. The applicant includes a development proposal for newly created parcels which depicts attached town homes.

Policy #3: Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.

Analysis: A "Request for Comments" has been sent to all public facility and service providers (please see discussion under Public Services Element).

ENVIRONMENTAL CONCERNS ELEMENT

GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.

TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION.

TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

The subject property is surrounded by urbanized parcels and has no known steep slopes, historic resources, expansive soils, or wetlands, and is not located in a flood plain.

Policy #3-R: Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.

Analysis: Subsequent development of the proposed

partition must meet stormwater management approval from DEQ, the City Engineer and Canby Public Works prior to the issuance of building permits.

TRANSPORTATION ELEMENT

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

Applicable Policies:

Policy #1: Canby shall provide the necessary improvements to city streets...in an effort to keep pace with growth.

Analysis: *Existing street and utility improvements are sufficient to support development of the proposed subdivision. An approved curb cut, apron, and sidewalks are required to provide drive access and pedestrian access to proposed parcels (Condition 10). Street trees are also required along the frontage of the parent parcel (Condition 14).*

Policy #4: Canby shall work to provide an adequate sidewalk and pedestrian pathway system to serve all residents.

Analysis: *Sidewalks are not currently installed along the street frontage of the parent parcel. Condition 10 requires the applicant to construct sidewalks along the full street frontage of the parent parcel.*

Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.

Analysis: *The Canby Police Department and Canby Fire District received notice of the proposed partition. The Police Department indicates that they can serve the site. Per a telephone conversation with Todd Gary, Deputy Fire Marshall for Canby Fire District #62, the proposed access drive meets the District's requirements provided that no parking signs are clearly visible along both sides of the drive (Condition 13). Further, the District requires the*

*installation of a fire hydrant at the front of the parcel
(Condition 16).*

PUBLIC FACILITIES AND SERVICES ELEMENT

GOAL: TO ASSURE THE PROVISION OF A FULL RANGE OF PUBLIC FACILITIES AND SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.

Applicable Policies:

Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.

Analysis: *All public facility and service providers were sent a "Request for Comments form. The Police Department, Fire Department, Canby Utility-Water and Electric, Waste Water Treatment, City Engineer and Canby Telephone Association responded positively, indicating that services will become available through development.*

Neighborhood Comments:

The applicant held a neighborhood meeting on November 9, 2006 – 7 citizens attended. See neighborhood meeting summary submitted with applicant's packet.

As of the date of this report, staff has received one neighbor comment in favor of the development. No testimony in opposition has been received to date.

CONCLUSION REGARDING CONSISTENCY WITH THE POLICIES OF THE CANBY COMPREHENSIVE PLAN:

Review of the goals, policies, and implementation measures of the Comprehensive Plan indicates that the proposed Subdivision and Site and Design Review, with recommended conditions of approval, is consistent with Canby's Comprehensive Plan. Development of the parcels shall comply with applicable provisions of the City of Canby Land Development and Planning Ordinance, Building Codes, and other County and State regulations.

3. Evaluation Regarding Subdivision Approval Criteria

A. Conformance with the text and with the applicable maps of the

Comprehensive Plan.
See discussion in part III.2, above.

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

With recommended conditions, the proposed Subdivision will comply with the requirements of the Land Development and Planning Ordinance, including land use, densities, lot sizes, frontage, access, and coverage requirements.

- 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.

With recommended conditions, the proposed Subdivision will be functional and will provide building sites, necessary utility easement and access facilities. Proposed parcels meet density and coverage requirements of the R-2 zone. Surrounding properties are all single story, single family residences.

- D. No 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.

No private roads will be created by this partition. Parking shall be prohibited in the private access drive. The drive shall be maintained for continuous, unhindered access for emergency vehicles (see Condition 13).

- 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.

Public services and facilities are available to adequately meet the needs of this land division. See discussion in part III.2, above.

4. Evaluation Regarding Site and Design Review Approval Criteria

1. Parking Lot Landscaping Standards

The site essentially has no existing landscape. The proposed site plan includes a landscape plan with lawn area and several trees and small shrubs. An existing grove of Cedars will be preserved in the rear of lots 19.

2. Parking

The applicant shows two spaces per lot (one garage and one off-set stall) for all the lots except for lots 1 and 6 which would have one guest stall on each lot in an easement. The two guest parking stalls are required for a multifamily development of 10 units.

The applicant proposes a garage for each unit and an additional over-sized space in front of each garage. A third stall would be provided on all of the lots except for lots 1 and 6 which would each have one guest parking stall located in an easement (Condition 6). The requirement is for two spaces minimum per lot and 2 guest spaces for a 10 unit multifamily development. All parking stalls must meet the dimensional requirements for parking stalls (8.5' wide by 18' deep); see Condition 22.

3. Access

Vehicle and pedestrian access is proposed by means of the 20' access drive from S Knott. Pedestrian access is proposed by means of interior sidewalk along the north side of the access drive. Vehicle and pedestrian access is adequate to serve the parcel.

4. Architecture and Signs

No signs are proposed on the subject parcel.

5. Availability of Adequate Public Facilities and Services

All utility providers were sent a Request for Comments. With recommended conditions, adequate public facilities are available or will become available through the development.

6. Compatibility

The proposed development offers an appropriate design for the surrounding residential neighborhood. In order to be considered "compatible", an application must meet at least 65% of the total number of points possible.

** See Design Review Matrix above and scoring below.*

CRITERIA	PTS/POSS	NOTES
Design Menu for Street Facing Facades		
Dormers		No
Gables, hip or gambrel roof form		Yes
Recessed entries (minimum 2' recess)		Yes
Covered porch entries (minimum 48 SF)		No
Bay windows		No
Eaves of 20" or greater		No
Off-set of 16" or greater on building face		No
Minimum 15% of the façade is windows/doors		Yes

Window trim 4" or greater or shutters	Yes
Balconies or porch rail	No
Shakes, shingles, brick or similar decorative façade	Yes

* *Must meet a minimum of 5 of the above in order to pass* = *PASS*

CRITERIA	PTS/POSS	NOTES
Parking		N/A
Screening of loading facilities from public ROW		
Landscaping (breaking up of asphalt)	0/1	Site is dominated by paving.
Parking lot lighting	1/1	
Location (front/side/behind)	1/2	Away from Street
Tree Retention		
For trees outside the building footprint and parking/access areas	3/3	Arborvitae along north line
Replacement of trees removed	N/A	N/A
Orient Multi-Family Buildings to the Public or Private Streets		
Primary entrances face the street	0/2	No entrance onto Knott St.
The site's frontage has buildings within 25' of the front lot line	1/2	
Prevention of Monotonous and Incompatible Design		
Horizontal length of all buildings is a maximum of 120 feet	1/2	Length = 100'
Roofs have a gable, hip or gambrel form	1/1	Gable
A minimum of 15% of the street façade area is dedicated to windows and doors	1/1	> 15% in windows and doors
Garages are located to minimize their visual impact	1/2	Not facing public street
Exterior design features incorporate off-sets, balconies, projections, window reveals or similar elements	1/2	
Screening of Storage Areas and Utility Boxes		
Trash Receptacle Screening	1/1	
Trash receptacles are located away from adjacent property lines	2/2	
Exterior transformers, utility pads, cable and phone boxes are located to minimize visual impact and/or screened	1/2	
Private Open Space and Landscaping		
Private open space in addition to the base percentage requirement of common open space for the zone	2/2	48 sq. ft. patios for all units
Automatic irrigation	3/3	
# of non-required trees	0/1	
Street and Block Framework	N/A	
Bonus Points		

2 or more trees at least 3" in caliper	0/0
Park/open space retention for public use	0/0

Proposed Score with Bonus Points: 20/30 = 66.67% = Compatible

7. Development Standards

The R-2 zone allows zero lot line residential development. The proposed development meets height and setback requirements in the R-2 zone.

IV. CONCLUSION

Subdivision:

1. Staff concludes that the subdivision, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan;
2. Staff concludes that the subdivision, with appropriate conditions, is considered to be in conformance with other applicable requirements of the Land Development and Planning Ordinance;
3. Staff concludes that, with the recommended conditions, the overall design and arrangement of the proposed subdivision will be functional and will adequately provide building sites, utility easements, and access facilities which are necessary for the development of the subject property without unduly hindering the use or development of adjacent properties; and
4. Staff concludes that, with the exception of schools, all necessary public services will become available through the development of the property, to adequately meet the needs of the proposed subdivision.

Design Review:

Staff concludes that, with conditions, the application will meet the requirements for site and design review approval. In direct response to the criteria for site and design review, staff has concluded the following:

- 1A. The proposed development of the site is consistent with the applicable standards and requirements of the Canby Municipal Code and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
- 1B. The proposed design of the development is compatible with the design of other development in the vicinity; and
- 1C. The location, design, size, color, and materials of the exteriors of structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity; and
- 1D. The proposal is deemed compatible given that staff allocated a percentage of 66.67% on the design review matrix when 65% is considered compatible; and
- 1E. All required public facilities and services exist or can be made available to adequately

- meet the needs of the proposed development.
2. Public utility and service providers have indicated that the existing proposal can be made to comply with applicable standards.
 3. The proposed development will not increase the cost of housing in Canby.
 4. The property owner is not applying to remove street trees.

V. RECOMMENDATION

Based on the application and drawings submitted and based on the facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that the Planning Commission approve *SUB 06-06/ DR 06-11* with the following conditions:

1. A final partition plat modified to illustrate the conditions of approval shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application:

City of Canby File Number SUB 06-06/ DR 06-11
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. The partition map shall be recorded with the Clackamas County Surveyor and with the Clackamas County Clerk. An approved landscape plan and a final copy of the signed, recorded map shall be provided to the Canby Planning Department prior to issuance of building permits.
3. A new deed and legal description for the proposed parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department with the final plat.
4. All monumentation and recording fees shall be borne by the applicant.
5. Twelve (12) foot utility easements shall be provided along street lot lines. Other public utility and/or sewer easements shall be provided as required by the Public Works Department and Canby Utility.
6. An access easement benefiting all lots shall be provided for the private access drive and associated sidewalk. A public easement shall be provided over the guest parking stalls on lots 1 and 6.
7. The final plat must be recorded with the Clackamas County Surveyor within one (1) year of the preliminary plat approval in accordance with Canby Ordinance 16.60.060. Mylar copies of the final plat must be signed by the City Planning Director prior to recording the plat with Clackamas County.
8. House numbers shall be visible from the street but numbers painted on the curb shall

- not be the primary method of meeting this requirement.
9. Prior to the issuance of a building permit, an acceptable stormwater system plan shall be approved by the State of Oregon – DEQ, the City Engineer and Canby Public Works Department.

During Construction:

10. Developer shall provide financial guarantee to provide installation of a five (5) foot sidewalk inclusive of curb for the full frontage of the parent parcel along S Knott Street. Upon installation, where mailboxes, fire hydrants and other obstructions interfere, sidewalks shall swing away from the curb such that the walkway remains unobstructed for a full five-foot width. New curb cuts and drive approaches shall conform to City of Canby standards for vehicle and pedestrian access and shall be inspected by Canby Public Works prior to installation.
11. The applicant is responsible for all costs associated with the relocation of utilities.
12. A new sewer main and/or new laterals shall be installed by the applicant at the time of development. Location and construction of the sewer main and/or laterals shall be approved by the Public Works Supervisor *prior to excavation*.
13. Parking shall be prohibited in the access drive in order to provide continuous, unhindered emergency vehicle access. *“Private Drive: No Parking”* shall be posted by the developer in compliance with City standards for parking signage.
14. The applicant shall plant a minimum of ten street trees along the frontage of the parent parcel. Additional trees shall be planted throughout the development in accordance with Canby’s Site and Design Review landscape standards. Street trees shall be placed behind the back of sidewalk and 10 feet from any sewer lateral or as otherwise allowed by the Public Works Department.

15. The construction of homes on newly partitioned lots shall comply with Infill Home Standards as defined in CMC 16.21.050.
16. The applicant shall maintain one fire hydrant at the entrance to the development to the satisfaction of Canby Fire District #62.
17. The access drive and sidewalks shall be constructed to the satisfaction of the Canby Fire District #62 in order to provide sufficient access for emergency vehicles.
18. The unit on lot six shall meet the required 15 foot setback towards S Knott St.
19. The Grove of Cedars currently located on the site shall be preserved. All construction activity in the vicinity of the Cedars, including, but not limited to trenching, soil addition or removal, and soil compaction shall not disturb an soil near the drip line for the trees.
20. Proposed infiltration trench shall be located in such a way that it will not cause harm to the existing grove of Cedar trees. The location of the trench shall be reviewed and approved by a professional arborist.
21. A fence shall be constructed between the subject parcel and Locust Street Park. The design of the fence shall be reviewed and approved by the Parks Department.
22. All parking stalls shall meet the minimum parking dimensions required by CMC Section 16.10.070.

Exhibits:

1. Applicant's Submittal Packet
2. Neighborhood Meeting Minutes
3. Arborist Report
4. Responses to Request for Comments
5. Citizen Comments

**CITY OF CANBY
SUBDIVISION APPLICATION**

Fee: *See Fee Schedule

OWNERS

Name Jason Bristol
Address 21733 S. Highway 99E
City Canby State OR Zip 97013
Phone (503) 803-2920 Fax _____
E-mail jbristol@web-ster.com

APPLICANT**

Name Jason Bristol
Address 21733 S. Highway 99E
City Canby State OR Zip 97013
Phone (503) 803-2920 Fax _____
E-mail jbristol@web-ster.com

Please indicate who is to receive correspondence (i.e. staff reports etc) and what format they are to be sent

Owner Email US Postal Fax
 Applicant Email US Postal Fax

OWNER'S SIGNATURE Jason Bristol

DESCRIPTION OF PROPERTY

Address 296 & 346 S. Knott Street, Canby
Tax Map 3 1E 33DC Tax Lot(s) 3100 & 3203 Lot Size 0.58 Ac
(Acres/Sq.Ft.)

USE OF PROPERTY

Existing Use Two single family homes
Proposed Use 10 attached single family residences
Existing Structures Two homes, one detached garage and a shed
Zoning R-2 Comprehensive Plan Designation HDR
Previous Land Use Action (If any) _____

*SEE ATTACHED FOR
FEE SCHEDULE

FOR CITY USE ONLY

File # SUB 06-06-DR 06-11
Date Received 11/8/06 By JT
Completeness _____
Pre-App Meeting _____
Hearing Date _____

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

EXHIBIT

tabbles # 1 18

SITE AND DESIGN REVIEW APPLICATION

FEE *See Fee Schedule Below
Process Type III

OWNERS

APPLICANT**

Name Jason Bristol

Name Jason Bristol

Address 21733 S. Highway 99E

Address 21733 S. Highway 99E

City Canby State OR Zip 97013

City Canby State OR Zip 97013

Phone (503) 803-2920 Fax _____

Phone (503) 803-2920 Fax _____

E-mail jbristol@web-ster.com

E-mail jbristol@web-ster.com

Please indicate who is to receive correspondence (i.e. staff reports etc) and what format they are to be sent

- | | | | | | | | |
|-------------------------------------|-----------|-------------------------------------|-------|-------------------------------------|-----------|--------------------------|-----|
| <input checked="" type="checkbox"/> | Owner | <input checked="" type="checkbox"/> | Email | <input checked="" type="checkbox"/> | US Postal | <input type="checkbox"/> | Fax |
| <input type="checkbox"/> | Applicant | <input type="checkbox"/> | Email | <input type="checkbox"/> | US Postal | <input type="checkbox"/> | Fax |

OWNER'S SIGNATURE Jason Bristol

DESCRIPTION OF PROPERTY

Address 296 & 346 S. Knott Street, Canby

Tax Map 3 1E 33DC

Tax Lot(s) 3100 & 3203

Lot Size 0.58 Ac.
(Acres/Sq.Ft.)

Existing Use Two single family residences

Proposed Use Ten attached single family residences

Existing Structures Two homes, one detached garage, one shed

Zoning R-2

Comprehensive Plan Designation HDR

Previous Land Use Action (If any) _____

Total Fee = Size Component (based on acreage) Public Improvement Component	
Size Component	
\$1,500 first 0.5 acres	$\begin{array}{r} 1500 \\ 100 \\ \hline 1600 \end{array}$
\$100 for each additional 0.1 acres from 0.5 acres up to 2.5 acres	
\$100 for each additional 0.5 acres from 2.5 acres up to 8.0 acres	
\$100 for each additional 1.0 acres from 8.0 acres up to 13 acres	
\$5,000 Maximum for 13 acres and above	
Public Improvements Component	
0.3% of total estimated public improvement cost (to be submitted with design review application). No Cap on cost	

FOR CITY USE ONLY

File # DR 06-11 - Sub 06-06

Date Received 11/8/06 By JT

Completeness _____

Pre-App Meeting _____

Hearing Date _____

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

Application for Subdivision and Site and Design Review

Applicant	Jason Bristol 21733 S. Highway 99E Canby, OR 97013 (503) 803-2920
Representative	Sisul Engineering 375 Portland Avenue Gladstone, OR 97207 (503) 657-0188 Contact: Pat Sisul
Location	296 & 346 South Knott Street South of SE 1 st Avenue (Highway 99E), north of SE Township, and east of South Ivy Street
Legal Description	Tax Lots 3100 & 3203, Sec. 33, T3S R1E WM (Assessor Map 3 1E 33DC)
Comprehensive Plan Designation	High Density Residential
Zone	R-2 High Density
Site Size	0.58 Acre (25,053 square feet)
Proposal	Subdivision to create 10 lots for single family attached residences and Site & Design Review.

SITE & PROPOSAL DESCRIPTION

This application requests approval for a subdivision to create ten lots for attached single-family dwellings, with Site and Design Review (“SDR”) for the attached dwelling structures.

The site is zoned R-2 and is located south of SE 1st Avenue (Highway 99E), east of South Ivy Street, and north of SE Township. The site has frontage on South Knott Street; the interior driveway will connect to South Knott Street south of SE 3rd Avenue.

The site is west of Locust Street Park, in an area of older single-family residences and multi-family residences.

The site is presently occupied by two older residences and outbuildings. The site is very nearly flat, with no identified natural resources or physical hazards. A few trees are scattered around the site.

The proposed residential development will create ten individual residences on small lots. All lots will have frontage on the new interior driveway that will provide a single point of access to South Knott Street.

The following table lists adjacent uses:

Uses Adjacent to the Site

North	Multi family housing
East	Multi family housing and Locust Street Park
West	S. Knott St.; across Knott St. single family and multi family housing
South	Single family housing

The following table identifies the existing public facilities and utilities:

Existing Public Facilities

Facility/Service	Existing Status	Comment
Streets: South Knott	Sufficient right of way; no sidewalk	Improvements will include a 5 ft. wide sidewalk to match existing
Sanitary sewer	10” line in South Knott	Extend public main into site to provide for on-site connections
Domestic water	Line in South Knott	Extend service for new dwellings through two manifold systems adjacent to the street. Install new fire hydrant adjacent to entrance.
Storm water	Catch basins and drywells are located in S. Knott Street. No public system available to serve site.	Provide catch basin/dry well for the shared driveway; provide infiltration chambers in rear yards for roof drains.

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Applicable Criteria and Standards

Identification of Applicable Criteria and Standards

The following sections of the City of Canby Comprehensive Plan and Land Development and Planning Ordinance (“LDPO”) apply to this application:

1. Comprehensive Plan

Urban Growth Element

Land Use Element

Housing Element

2. Land Development and Planning Ordinance:

Division I General Provisions

Division III Zoning

16.10 Off-Street Parking and Loading

16.20 R-2 High Density Residential Zone

16.21 Residential Design Standards

16.46 Access Limitations on Project Density

16.49 Site & Design Review

Division IV Land Division Regulations (sections pertinent to subdivisions)

16.56 General Provisions

16.62 Subdivisions – Applications

16.64 Subdivisions – Design Standards

16.66 Subdivisions – Planning Commission Action

16.68 Subdivisions – Final Procedures and Recordation

Division VII Street Alignments

16.86 Regulations

Division IX Solar Access Requirements

16.95 Solar Access Standards for New Development

Discussion of Criteria and Standards

COMPREHENSIVE PLAN GOALS AND POLICIES

Urban Growth Element

Goal 1) To preserve and maintain designated agricultural and forest lands by protecting them from urbanization.

Goal 2) To provide adequate urbanizable area for the growth of the city, within the framework of an efficient system for the transition from rural to urban land use.

Policy No. 3: Canby shall discourage the urban development of properties until they have been annexed to the city as provided with all necessary urban services.

Response: The subject site is within the City's Urban Growth Boundary and is part of the land intended to accommodate the City's projected population. The proposal supports the Urbanization Element of the Comprehensive Plan.

Wise use of land within an urban growth boundary reduces the need for expanding the boundary, and impacting farmland. Higher densities, where appropriate, further this goal.

Public facilities and services are generally available to the site.

Public sewer and water are available in South Knott Street. The applicant has been advised that the City has adequate capacity to serve the site. Storm water will be managed on the site through infiltration, as with surrounding developments.

Public schools are required by law to provide for students within the district. The School District has advised that with the opening of Baker Prairie Middle School in September, 2006, school capacity should be available for the next five to ten years. New boundaries were adopted by the school district on February 16, 2006, to redistribute students to schools more closely aligned with their neighborhoods and spread the student population more evenly throughout the system.

The following schools would serve the site: Lee Elementary, Ackerman Middle School, and Canby High School. The May 2004 bond was designed to relieve overcrowding by building an additional middle school, adding capacity at Canby High School, and reopening Lee Elementary as a K-5. According to the School District website, they have accomplished the goal to relieve overcrowding in grades K-8. Baker Prairie and Ackerman now have approximately 450 students in them with room for growth. Lee opened with 402 students, and each of the "in town" elementaries has reduced enrollments due to the changes in boundaries. There are now smaller schools in Canby, with the high school overcrowding the next problem to be addressed. Additional classroom space will added at CHS with construction scheduled to begin in 2007.

The subject site is reasonably close to commercial areas (downtown and Highway 99E) and connects to major streets (Highway 99E).

The proposal supports the City's Urban Growth Goals and Policies.

Land Use Element

Goal: To guide the development and uses of land so that they are orderly, efficient, aesthetically pleasing, and suitably related to one another.

Policy No. 1: Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses while grouping compatible uses.

Policy No. 2: Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.

Policy No. 3: Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.

Policy No. 4: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.

Policy No. 6: Canby shall recognize the unique character of certain areas and will utilize the following special requirements in conjunction with the requirements of the Land Development and Planning Ordinance, in guiding the use and development of these unique areas.

Response: The City's Comprehensive Plan designation for the site calls for higher density residential development. The proposal is an opportunity for a different housing opportunity within the context of the residential areas of the community.

Public facilities are available to the site. Sanitary sewer is provided by the City and is available from a line in South Knott Street, which has sufficient capacity for this development. Public water is provided by Canby Utility and is available South Knott Street. Storm water is not provided as a public facility, but will be managed through on site collection, treatment, and infiltration, as necessary to comply with City and Department of Environmental Quality standards. Public schools generally have capacity throughout Canby. Other public facilities and services, such as police, fire, telephone, electricity, etc., are generally available to be extended onto the site.

There are no natural hazards associated with the site, and no wetland or other environmental concern.

The site is not designated as an "Area of Special Concern" in Policy No. 6.

Based on this review of relevant policies, the proposal has been shown to support the Land Use Element of the Comprehensive Plan.

Transportation Element

Goal: To develop and maintain a transportation system which is safe, convenient and economical.

Policy 1. Canby shall provide the necessary improvement of City streets, and will encourage the County to make the same commitment to local County roads, in an effort to keep pace with growth.

Policy 2. Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the City's growth needs.

Response: South Knott Street is constructed to a 39 foot wide curb to curb width in front of the site and has 40 feet of right of way. The right of way for South Knott Street between SE 2nd Avenue and SE Township Road is required to become or remain forty feet in width (CMC 16.86.030.J). A new driveway approach will be constructed to serve the development and the existing driveway approaches will be removed; in addition, a 5 foot wide sidewalk is proposed to be constructed along the property frontage to match the existing sidewalk to the south.

Policy 6. Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.

Response: The internal street for the proposed development is approximately 120 feet in length. The internal street cannot accommodate a multi-directional access for adjacent properties due to the nature of existing development. However, the driveway is relatively short and therefore will facilitate access for emergency vehicles.

Housing Element

Goal: To provide for the housing needs of the citizens of Canby.

Policy No. 2: Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing.

Policy No. 3: Canby shall coordinate the location of higher density housing with the ability of the city to provide utilities, public facilities, and a functional transportation network.

Response: The site has been designated as appropriate for higher density development and the proposal is consistent with that designation.

The site is well located for higher density development, reasonably close to major streets, with connections to the established area of Canby, including downtown and the shopping area along Highway 99E.

Based on this review of relevant policies, the proposal has been shown to support the Housing Element of the Comprehensive Plan.

LAND USE AND DEVELOPMENT ORDINANCE

Division III Zoning

Chapter 16.10 Off-Street Parking and Loading

The parking requirement for single family dwellings is two spaces per dwelling unit (Table 16.10.050). This requirement can be satisfied by a single car garage for each dwelling, and an additional space available in the driveway area in front of the garage so long as the clear vision area is maintained. Bicycle parking for each unit can be provided within the enclosed garage (16.10.100 and Table 16.10.100).

Lots 2-5 and 7-10 will have a third parking space provided, outside of the garage, in front of the unit. One guest parking space will be provided on Lots 1 and 6 to accommodate guests. On street parking is also available along South Knott Street.

Chapter 16.20 R-2 High Density Residential Zone

The proposal for subdivision will create ten new lots for attached single-family dwellings, arranged as two five-unit buildings. The proposed residential use is allowed outright in the zone (Sec. 16.20.010.B).

New lots in the R-2 Zone are required to meet the development standards specified in Sec. 16.20.030.

Development standards for structures can be verified when plans for building permits are submitted.

The following table lists requirements and how the application proposes to satisfy each standard.

Section 16.20.030 R-2 Zone Dimensional Standards

Requirement	Proposed
16.20.030.A Minimum Residential Density: 14 dwellings per acre	Total Site Area = 25,053 sq. ft. (0.58 acre) Net Developable Area (less dedications, open space) = 25,053 sq. ft. (0.58 acre) Minimum Density (R-2) = 14 units per acre Minimum number of units required = 8 Lots proposed = 10
16.20.030.B Minimum width and frontage: 20 feet	All lots have a minimum width and frontage of at least 20 feet.
16.20.030.C Minimum yard requirements: Street yard, 20 feet for the side with driveway Other street yards, 10 feet Rear yard, 20 feet for two story building Interior yard: seven feet, or zero lot line Buffer area, 15 feet required adjacent to R-1 or R-1.5 zoned property	20 ft. + from the interior shared driveway. 14.8 ft. (minimum) from South Knott Street (10 feet from back of public sidewalk) 21 feet for two story buildings. 10 feet for non-zero lot line sides None required for this site, adjacent properties are all R-2.
16.20.030.D Maximum building height: 35 feet	Buildings will be two stories in height, or approximately 26 feet in height.
16.20.030.E Maximum lot coverage: 70% for single family residences	The minimum lot area is proposed to be 1,730 sq. ft. with an average lot area of 2,173 sq. ft. "Typical" building dimensions are 20 feet by 43.5 feet, or 870 sq. ft. for a maximum lot coverage of 50.3% and an average lot coverage of 40.0% (varies somewhat with lot area). For the entire site, the lot coverage is 40.0% of the lots.
16.20.030.F.4 Minimum recreation area/open space: 150 sq. ft. per unit with 1,500 sq. ft. minimum	Recreation space is required for developments with more than 10 units; this project is not required to provide open space.

Chapter 16.21 Residential Design Standards

A Design Menu is provided for multi-family dwellings (16.21.070). This project satisfies the standards with a combination of design elements for the façade facing the internal street and South Knott Street. These elements include: dormers, recessed entries, covered porch, shake siding, brick columns, and window trim.

A design review application for multi-family dwellings shall be considered to be compatible if it (1) the Design Menu standard is met, (2) a minimum of 65 percent of the total possible points are accumulated for the development, and (3) the application has received a minimum of one point in each applicable category

Design Menu for Street Facades	Yes	No
Dormers		X
Gables, hips, gambrel roof form	X	
Recessed entries	X	
Covered porch entries	X	
Bay windows		X
Eaves of 20 inches or greater		X
Off-set of 16" or greater on building face or roof		X
Minimum 15% of front façade windows & doors	X	
Window trim	X	
Balconies or porch rail		X
Shakes, shingles, brick, other decorative material	X	
Total	6	5

Parking	Points available	Points rewarded	Reasoning
Screening loading facilities	NA	NA	No loading facilities
Landscaping	1	1	Extra front landscaping
Parking lot lighting	1	1	Lighting provided
Location	2	1	Away from Knott
Total	4	3	

Tree Retention	Points available	Points rewarded	Reasoning
Trees outside building footprint	3	3	Arborvitae along north line
Replacement of trees	NA	NA	
Total	3	3	

Orient Buildings to Public/Private Streets	Points available	Points rewarded
Primary entrance face street	2	1
Frontage has buildings within 25'	2	1
Total	4	2

Design	Points available	Points rewarded	Reasoning
Horizontal length	2	1	100'
Roofs	1	1	
Windows/doors on street façade	1	1	Interior front
Garages	2	1	Away from Knott
Exterior design	2	1	Front façade does
Total	8	5	

Screening of Storage Areas	Points available	Points rewarded
Trash receptacles are screened	1	1
Trash receptacles are located away from pl's	2	2
Transformers, pads & boxes are screened	2	1
Total	5	4

Private Open Space	Points available	Points rewarded
Private open space in addition to base reqrment	2	2
Automatic irrigation provided	3	3
# of non-required trees	1	0
Total	6	5

Street & Block Framework	Points available	Points rewarded
Total	0	0

Bonus Points	Points available	Points rewarded
2 or more trees at least 3" caliper	0	0
Park open space retention for public use	0	0
Total	0	0

Total	30	22
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The proposed application meets the Design Menu standard, has over 65 percent of the total possible points and has received a minimum of one point in each applicable category. Therefore the standards of Chapter 16.21 are met.

These measures demonstrate compliance with the residential design standards.

Chapter 16.46 Access Limitations on Project Density

The development proposes to create single family residences on individual lots, with structures that are most similar to a multi-family or townhouse type structures. Therefore Sec. 16.46.010B is the applicable standard.

A 20-foot wide driveway will connect to South Knott Street. The driveway will enter South Knott Street with a clear width of 20 feet across the site frontage. Each dwelling

will have its own frontage and driveway connecting to the interior shared driveway. Two guest parking spaces are provided for joint use. A private tract, owned in common will be created over the shared driveway. This is sufficient to satisfy the requirements in Sec. 16.46.010.B for width of access and number of dwelling units.

Chapter 16.49 Site & Design Review

Site and Design Review is required for all new development, except for single family dwellings and duplexes (16.49.030). This project is considered “multi-family,” since there are more than three dwellings on the property.

The proposed subdivision requires approval of the Board, according to the criteria found in Sec. 16.49.040.1 and the design review matrix:

A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and

B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and

C. The location, design, size, color, and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.

E. The “Design Review Matrix” shall be used to determine compatibility for purposes of B and C.

The proposed development will create ten lots suitable for new attached single-family residences in two five-dwelling buildings, as shown on the site plan. The intention is to create smaller, and therefore more affordable, lots while maintaining a feeling of community through the similarity of building design, landscaping, and other elements of the site development.

Parking is provided for each dwelling, with one space in a garage, and at least one space in front of the garage. Lots 2-5 and 7-10 will have two parking spaces outside of the garage. Two guest parking spaces will be provide, one each one Lots 1 and 6.

The proposed point of access for the new private access driveway to South Knott Street complies with the intersection spacing distance required in the Code. The new private access drive entering the site is proposed to have a width of 20 feet, satisfying the width required for access (16.10.070.B.8 and 16.46.010.B). Pedestrian/bicycle access is provided from the new public sidewalk that will be constructed across the site’s frontage on South Knott Street and by way of the new private access drive.

A row of cedars is located along the northern property line and will be retained. New trees, shrubbery and other plants will be installed as part of an overall landscaping plan. All plantings and lawns will be provided with automatic irrigation.

A sign is not part of the application.

Buildings will be two stories in height and constructed of wood, with siding and trim materials in subtle "earth tone" colors. Structures will have horizontal bevel siding, with decorative shake siding on gable ends. Each unit will have a recessed entryway with a covered porch. Columns will have brick veneer. Window trim will be 4-inch on all sides. The application includes architectural plans showing typical building façades.

Landscaping will include shrubs between the parking spaces and the front façade, and in the openings between driveways. Landscaping will also be provided in rear yards by as each dwelling is occupied. Landscaping for the S. Knott Street frontage will include two street trees (one each one Lots 1 and 6) and shrubbery. All plantings and lawns will be provided with automatic irrigation.

For a development in a residential zone, the required landscaped area is 30% of the total developed land area (Sec. 16.49.080.2.C). A total of 8,667 square feet or 34.6% of the site is available for landscaping.

The applicant expects to comply with reasonable conditions placed on the approval of this project, as provided in Sec. 16.49.050.

Pedestrian and bicycle facilities have been provided within the project, to the extent possible on the small site (Sec. 16.49.065).

Landscaping will comply with City requirements (Sections 16.49.070ff). As previously discussed. Please refer to the landscaping plan provided with this application.

The purposes of Site and Design Review include encouraging development that adds to the appeal of the community by providing a pleasant living environment. The applicant believes that the goals of Chapter 16.49 are accomplished by creating buildings that are compatible with adjacent developments and direct and convenient connections for pedestrians both on and off of the site, as demonstrated by this discussion of requirements and the attached design review matrix. For these reasons, the applicant believes that the requirements of this chapter are satisfied.

Division IV Land Division Regulation

Chapter 16.62 Subdivisions-Applications

An application that satisfies the filing procedures and information required in Sec. 16.62.010 has been submitted.

Standards and criteria for approval of a subdivision are set forth in Sec. 16.62.020, as follows:

- A. Conformance with the text and applicable maps of the Comprehensive Plan;*
- B. Conformance with other applicable requirements of the Land Development and Planning Ordinance;*
- C. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;*
- D. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.*

Goals and policies of the Comprehensive Plan are discussed in other sections of this narrative, demonstrating that the proposed uses conform to applicable criteria.

Standards and criteria of the LUDO are also shown to be satisfied in other sections of this narrative and on the maps included with the application.

The overall design and layout of the site is functional and provides adequate building sites, as demonstrated by the dwelling footprints shown for each proposed lot. Access for each lot is provided by a private access drive, with a connection to South Knott Street. Development of adjacent properties will not be affected, as adjacent properties are already developed and have frontage on a public street.

All necessary public facilities and services are available to the site, as discussed in other sections of this narrative and as shown on the plans and maps included with the application.

Based on this discussion of approval standards and criteria, the proposed subdivision has been shown to comply with all relevant requirements.

Chapter 16.64 Subdivisions Design Standards

Section 16.64.010 Streets

The access driveway is proposed to be private, owned and maintained by the homeowners. The interior access driveway connects to South Knott Street, and does not propose connections to adjacent properties, which are already developed.

Proposed pavement width is 20 feet, allowing for two travel lanes with no on-street parking. A minimum pavement width of 20 feet is allowed for residential developments (Sec. 16.10.070.B.8 and 16.45.010.B).

A sidewalk/pathway is provided along the private access drive, connecting to South Knott Street.

Section 16.64.015 Access

The site does not propose access to a state highway; this section does not apply.

Section 16.64.020 Blocks

The City requires subdivisions to be designed to accommodate blocks that provide lots of suitable size and access in multiple directions. This project does not include blocks because of the small size and discrete nature of the development. In addition, the project involves the redevelopment of a small lot with surrounding properties that are already developed so that a street could not reasonably be extended. A typical block arrangement is not feasible for this project for these reasons.

Section 16.64.030 Easements

Easements will be provided as necessary to satisfy requirements of the City and to provide for necessary and appropriate access for each lot within the development.

Section 16.64.060 Grading of Building Sites

Minor grading will be accomplished on the site according to create suitable building sites and the interior driveway.

Section 16.64.070 Improvements

Improvements for the subdivision will be accomplished as required by this section. Plans have been submitted as part of this application to show the arrangement of streets and sidewalks/pathways, public utilities, and other improvements necessary to provide for the convenience, health, and safety of future residents of this community and of the City. Please refer to specific plans for details; more detailed construction plans will be filed with the City following approval of the preliminary plan.

*Division VII Street Alignments
Chapter 16.86 Regulations*

This section provides a special right of way width for South Knott Street. The existing right of way is 40 feet wide and the curb to curb distance is roughly 39 feet. A 5 foot wide sidewalk is proposed to match the existing sidewalk and it will be located in an easement along the site frontage.

Division IX. Solar Access Requirements
Chapter 16.95 Solar Access Standards for New Development

The proposed development cannot comply with any of the design standards specified in Section 16.95.030 because the site is not oriented in a manner to accommodate a street designed for solar access (i.e. the interior street must be oriented in a north/south direction). Proposed lots are oriented in a northwest/southeast direction and are small to accommodate the required density, making any of the protected building line and performance options impossible to accomplish. Therefore, complete exemption from solar requirements is requested.

Shade from new structures will not affect potential solar use on adjacent sites, owing to the positioning of new buildings and the numerous mature trees in the neighborhood that provide shade.

CONCLUSION

The foregoing narrative and accompanying plans and documents, together demonstrate that the proposed subdivision and residential development generally complies with applicable criteria and standards identified and that site design review for the proposed structures complies with purposes and requirements of the City's code.

Therefore, the applicant requests that the Planning Commission, also acting in its capacity as Design Review Board, approve the proposal.

This map was prepared for
assessment purpose only.

D.L.C.
PHILANDER LEE NO. 56

- CANCELLED
- 9600 701
 - 6400 8500
 - 4800 2700
 - 4800 4601
 - 4800 4602
 - 4401 4801
 - 6800 5401
 - 6500 5801
 - 7000 5901
 - 2501 5001
 - 3001 4101
 - 2601 2801
 - 4300 4300
 - 6006 6800
 - 3701 3201
 - 5300 5300
 - 6202 6202
 - 6700 6700
 - 7400 7400
 - 2300 2300

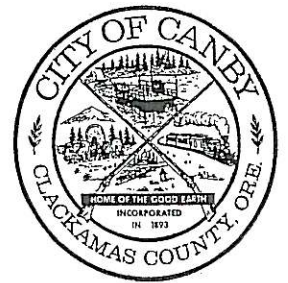
SEE MAP 3 IE 33DB

SEE MAP 3 IE 33DB

86-42
UR

86-02





Pre-Application Meeting

346 S Knott Subdivision

August 8, 2006

10:30 am

Attended by:

Michael Mance, Willamette Broadband, 503-981-1891x1127
Pat Thurston, CU, Water Distribution Dept, 503-263-4309
Dan Mickelsen, Public Works Department, 503-266-4021

Dinh Vu, Canby Telcom, 503-266-8201
Roy Hester, Public Works Department, 503-266-4021
Pat Sisul, Sisul Engineering, 503-657-0188

This document is for preliminary use only and is not a contractual document.

SISUL ENGINEERING, Pat Sisul

- Jason Bristol will be tearing down existing structures at the site and placing 10 attached Townhomes, two-groups of five and a private drive in the middle. He will build sidewalks out front and there will be a public sewer main with private laterals on site. We'll try to get the drywells approved and Pat asked if anyone was knowledgeable about any wells in the vicinity and Roy said no, not in that area. We have some conflicts in the street with telephone and risers and a power pole and Pat asked if the sidewalks can go around them and Roy told Pat that the sidewalk would have to loop around the utilities and to maintain a clear width of 4'.
- Pat will contact Todd Gary, Canby Fire Department on the fire hydrant versus the sprinkler systems.

CITY OF CANBY, PUBLIC WORKS DEPARTMENT, Roy Hester

- Roy asked Pat if he had applied for a sewer main extension and Pat said no. Roy suggested that they apply for them soon.
- There are some existing driveway cuts that will need to be removed.
- The existing curb will have to be removed and put back.
- There are no road improvements, just build the new sidewalks and place a new driveway ramp and sewer main.
- The sewer main will be public and the sewer laterals private.
- The sewer main in the street (S Knott) is 8" concrete pipe.

CITY OF CANBY, PUBLIC WORKS DEPARTMENT, EROSION CONTROL, Dan Mickelsen

- Make sure you have a good fall on your 4" sewer laterals.
- On the Erosion Control make sure you place a silt fence around the entire property.

WILLAMETTE BROADBAND, Michael Mance

- Michael asked who would be the builder and Pat told him that the possibility would Nick Netter Construction.
- Do you know when you will break ground and Pat said early 2007.
- We request a copy of the plat design electronically. Michael said autocad format would be fine.
- Michael also asked for the site plan from the power.

CANBY TELCOM, Dinh Vu

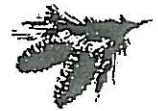
- We can move the pad if you provide the trench. We can serve you from either the north or south of the property.
- We will follow the power in the trench and if we need anymore additional trenching we ask you to provide it.

CANBY UTILITY, WATER DISTRIBUTION DEPARTMENT, Pat Thurston

- My supervisor and I came up with a possible solution for the loop feed which at the time looking over your plans thought it was a private drive and we did want our water lines in a private driveway. Should anything happen to the water lines there would not be very much room to work on the line. The solution was placing a manifold at the north and south end of the project behind the sidewalk and feed the respective lots from those manifolds. We discussed that it could be 4" or 6" manifolds which would utilize the existing water services from the houses. Apparently there is going to be an irrigation meter to the site? Pat Sisul stated yes. You also could use one of the existing water lines for the irrigation. Keep in consideration that for the irrigation you will need a 1" meter and the SDC's are slightly more.
- We designed the manifolds on the north end to go between the back of the houses and the roof drain filtration chambers. The same thing would apply to the south end of the project.
- The meters will be behind the sidewalks. We are going in the direction with just meter boxes instead of vaults.
- Pat Sisul asked Pat if a fire hydrant is required could it be located at the front of the site. Pat said it would be better suited in the front because there is no room for a hammer head turn around.
- I would say use a valve and a hot tap on the water main. The pipe is 8" ductile iron in S Knott Street.

BUDGET TREE SERVICE

Professional Tree, Shrub and Turf Care Programs since 1975



220

Jason Bristol
21733 S Hwy 99E
Canby, OR 97013

Wk Tel 263-6867
Hm Tel 803-2920
Invoice Date 1/1/2006

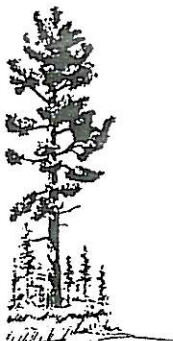
Job # 220

CONSULT WITH CLIENT, ADVISE AND RECOMMEND POSSIBLE SOLUTIONS.
Cedars located on the north side of property line at 296 S. Knott St. in Canby, Oregon.

All Cedars appear to be healthy, with no visible signs of stress, trauma or disease. Recommendations for any construction adjacent to existing Cedars is to remain clear of any soil disturbance around drip lines, such as trenching, soil addition or removal, and soil compaction.

Thank you for your business.

DAVID L. BENAVIDEZ
COMMERCIAL ARBORIST



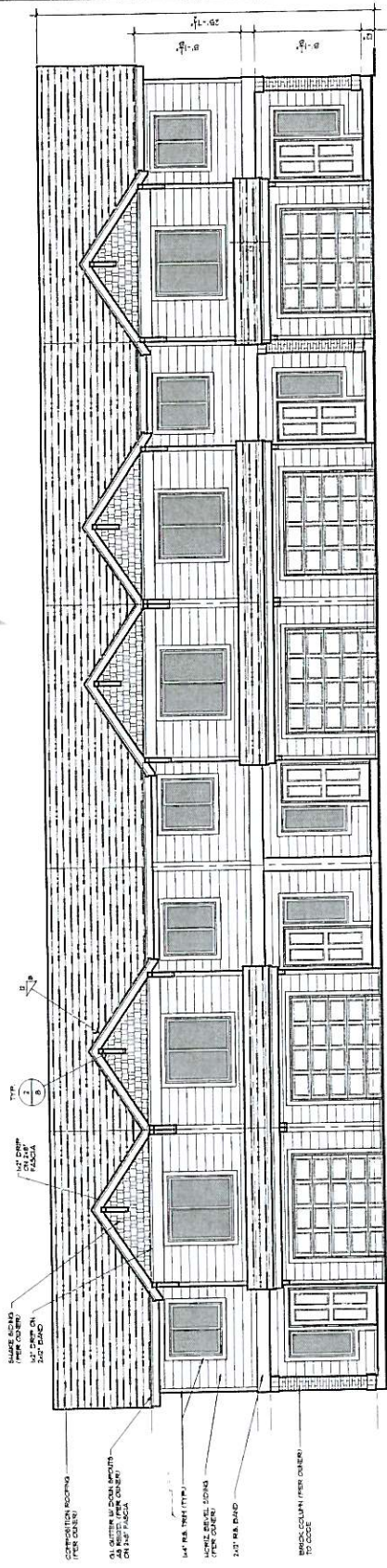
Specializing in the preservation of trees for a more liveable environment

PO BOX 1086 • CANBY, OREGON • 97013

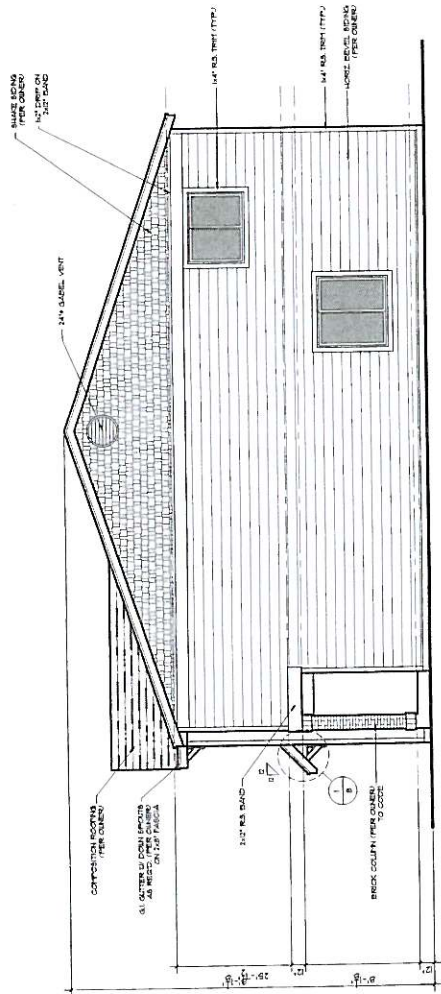
(503) 263-8722 • CELL 367-8722 • FAX (503) 234-5206

38

FRONT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



DATE: 10/18/06	1
SHEET: 1	4

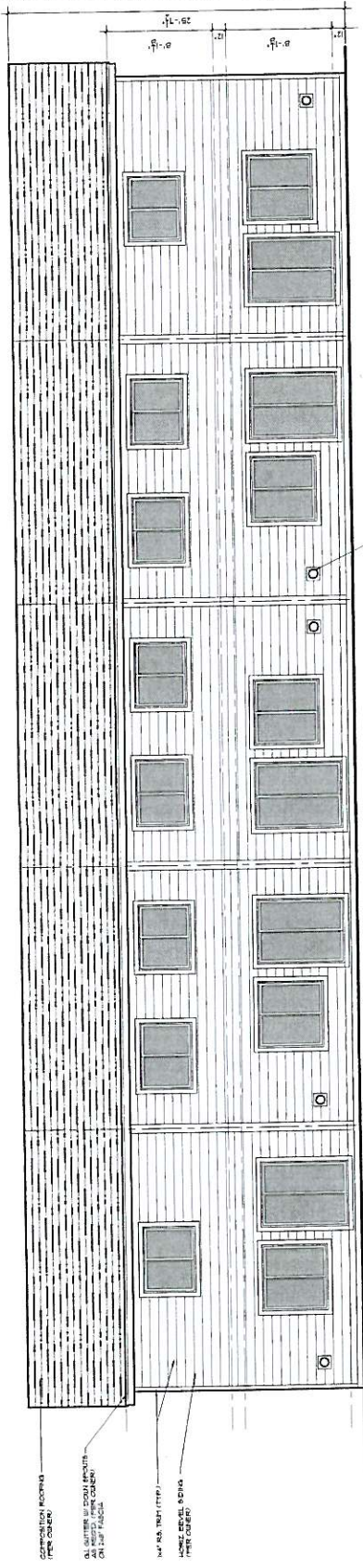
BRUNIER & ASSOCIATES, INC.
DESIGNERS
ARCHITECTS
PLANNERS
2445 W. 15th St.
Tulsa, Oklahoma 74107
PHONE: 918-438-2022

THIS DRAWING IS THE PROPERTY OF BRUNIER & ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BRUNIER & ASSOCIATES, INC. THE USER OF THIS DRAWING IS TO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES. THE USER OF THIS DRAWING IS TO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES. THE USER OF THIS DRAWING IS TO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.

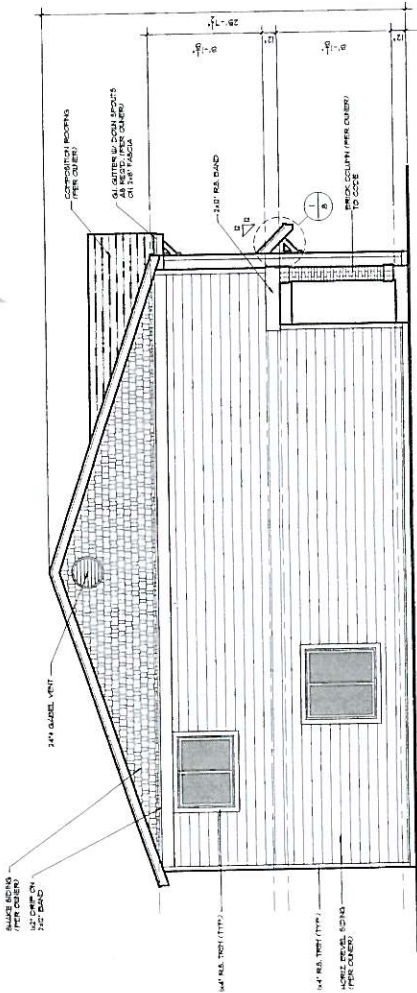
NOTES:
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 2. FINISHES AND MATERIALS TO BE DETERMINED BY THE ARCHITECT.
 3. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
 4. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
 5. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.


Brunner & Associates, Inc.
 ARCHITECTS
 1000 WEST 10TH AVENUE
 DENVER, CO 80202
 PHONE: 303-733-2000

DATE:	10/18/2006
BY:	NICK NETTER
PROJECT:	1000 WEST 10TH AVENUE
SHEET:	2
OF:	4



REAR ELEVATION
 SCALE: 1/4"=1'-0"

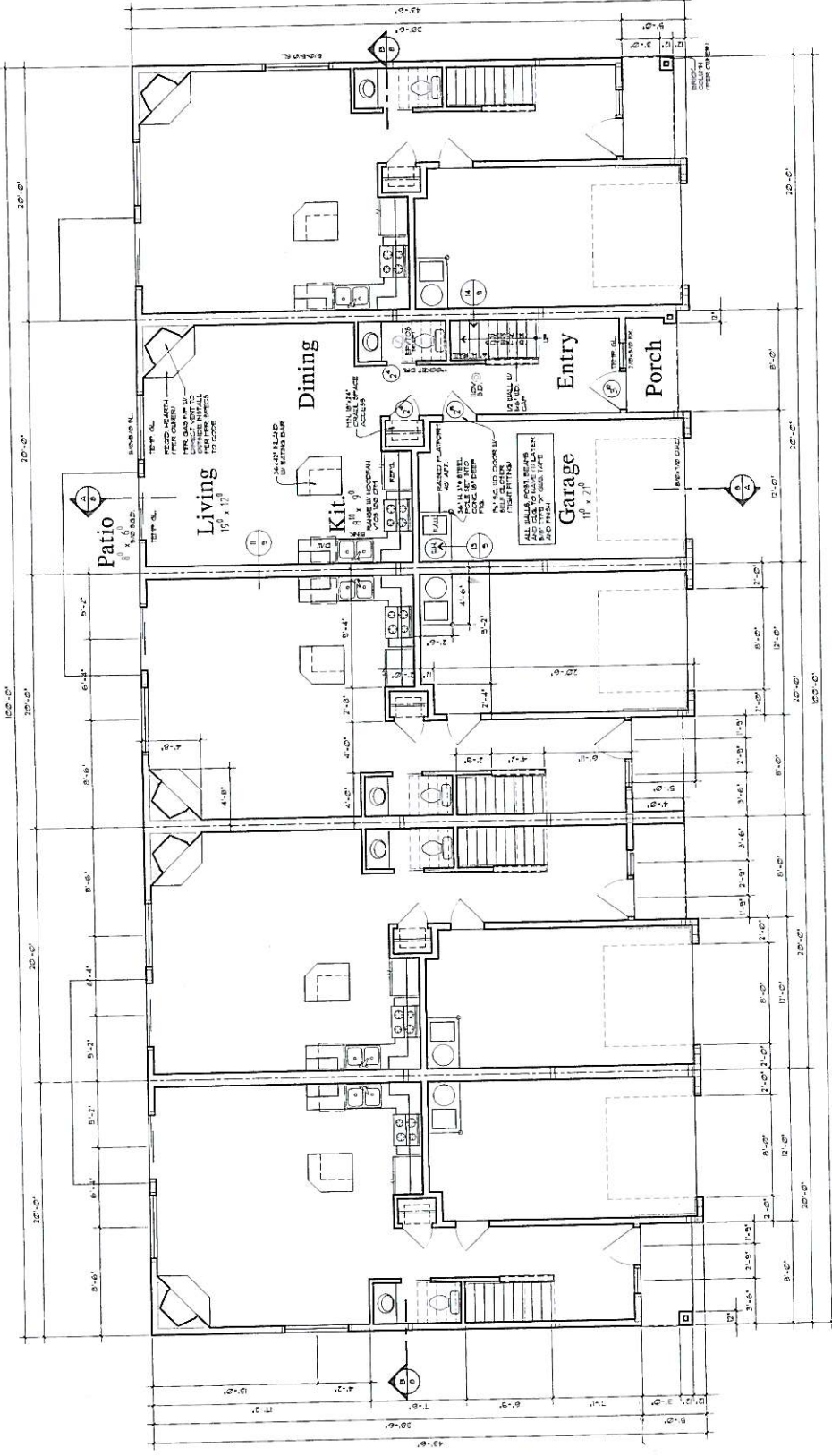


LEFT SIDE ELEVATION
 SCALE: 1/4"=1'-0"

04

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Brunner & Associates, Inc.
 ARCHITECTS & DESIGNERS
 1000 N. 10TH ST., SUITE 100
 DENVER, CO 80202
 TEL: 303.733.1111
 FAX: 303.733.1112



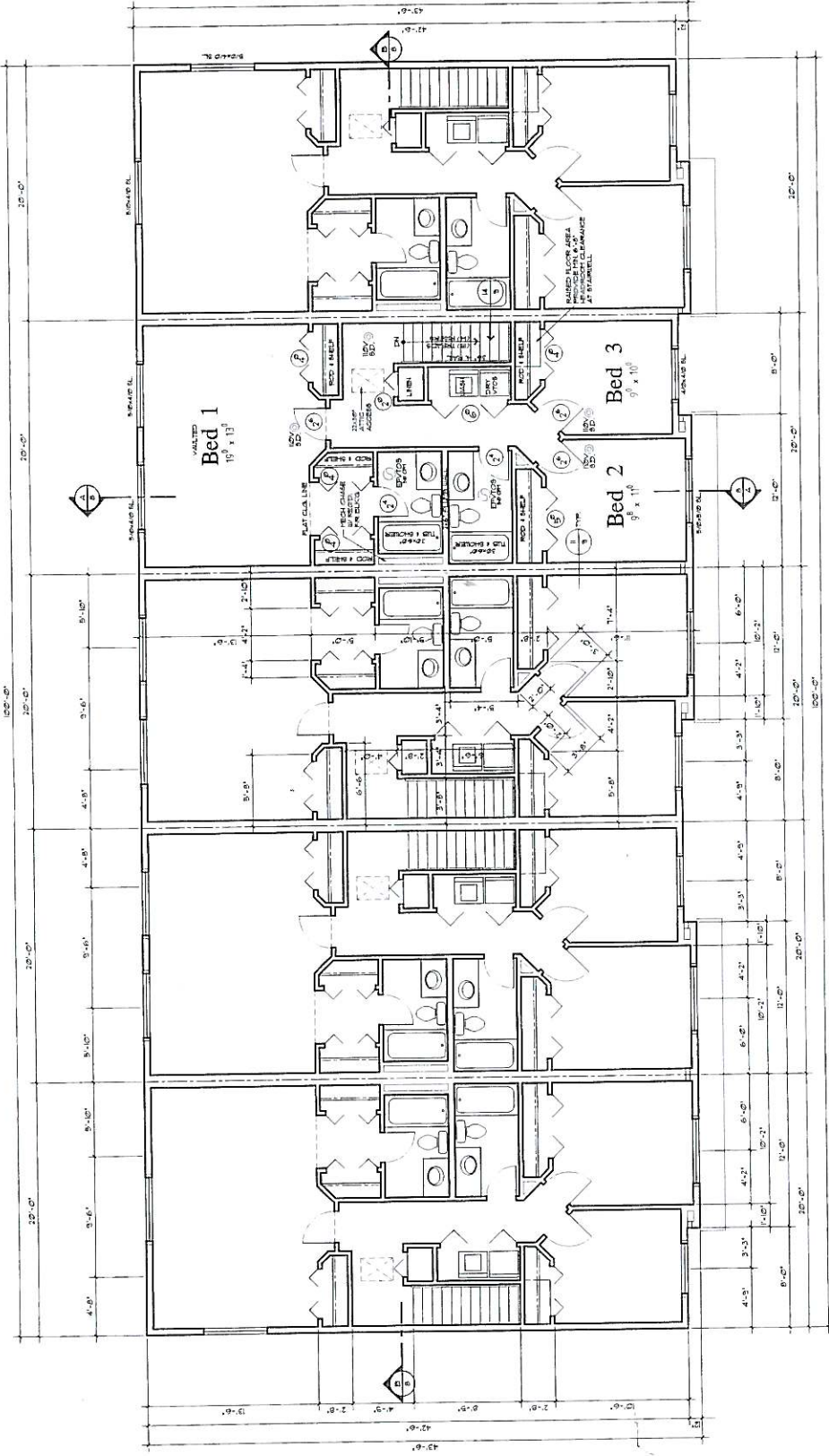
SQUARE FOOTAGE

MAIN	593 SQ. FT.
UPPER	831 SQ. FT.
TOTAL	1424 SQ. FT.
GARAGE	241 SQ. FT.

MAIN FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 USED: ALL DIMENSIONS AS SHOWN

DATE: 10/18/06
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SHEET 3 OF 4
 PROJECT NUMBER: [Number]

27



UPPER FLOOR PLAN
SCALE: 1/4" = 1'-0"

INDEX ALL NOTES AND DIMENSIONS
THROUGHOUT

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Brunner & Associates, Inc.
1200 N. 17th St.
Ft. Worth, TX 76108
Phone: 246-2022

NAME: []
DATE: []
DRAWN BY: []
CHECKED BY: []
SCALE: []
SHEET: 4 of 4
PROJECT: []

REVISIONS	BY

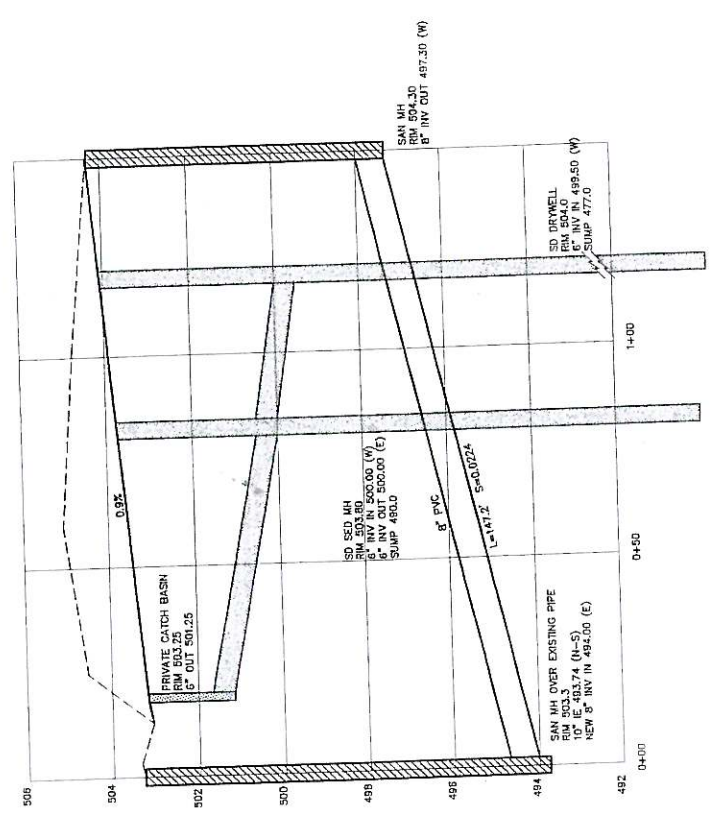
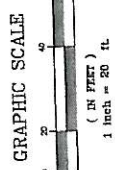
KNOTT COMMONS
JASON BRISTOL

PROFILE

SISUL ENGINEERING
376 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 867-0188
DRAWING: 06-046-FACE & PROFILE.dwg

DATE NOV. 2006
SCALE H: 1"=20'
V: 1"=2'
DRAWN JCF
JOB SCL 06-046
SHEET 6
OF 6 SHEETS

TENTATIVE PLAN
FOR
KNOTT COMMONS



48

MEMORANDUM

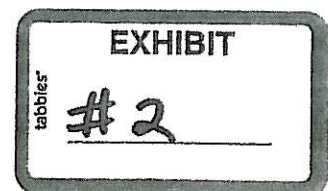
TO: *Kevin Cook, Associate Planner*
FROM: *Jason Bristol*
DATE: *November 28, 2006*
RE: *Notes from neighborhood meeting – 296/346 S. Knott Subdivision*

Yesterday I held the neighborhood meeting to discuss my plans in developing 296 - 346 S. Knott St. (See invitation). I sent out numerous invitations and 7 people participated in the meeting and 2 telephoned.

The general consensus was that the development was very positive and there was excitement for change. Attendees noted that the additional home owners living in the neighborhood should help thwart the recent gang activity.

One attendee was concerned about the added traffic / congestion to S. Knott St. I pointed out that the road width will accommodate the traffic and occasional overflow parking. We also reviewed the off-street parking and garage layout and she was satisfied.

The same attendee was concerned about re-vegetation after the project was completed. We reviewed the landscape plan and she was satisfied.



BUDGET TREE SERVICE

Professional Tree, Shrub and Turf Care Programs since 1975



220

Jason Bristol
21733 S Hwy 99E
Canby, OR 97013

Wk Tel 263-6867
Hm Tel 803-2920
Invoice Date 1/1/2006

Job # 220

CONSULT WITH CLIENT, ADVISE AND RECOMMEND POSSIBLE SOLUTIONS.
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Thank you for your business.

DAVID L. BENAVIDEZ
COMMERCIAL ARBORIST



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PO BOX 1086 • CANBY, OREGON • 97013
TEL (503) 263-8733 • FAX (503) 263-8733 • FAX (503) 263-8733



CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: November 14, 2006

- TO:
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input type="checkbox"/> PUBLIC WORKS | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| <input type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input type="checkbox"/> CANBY WATER | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input type="checkbox"/> Darwin Tramel - WTPP | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> Jeff Crowther - WTPP | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> CTA | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input checked="" type="checkbox"/> BUILDING OFFICIAL |
| <input type="checkbox"/> PGE | <input type="checkbox"/> OTHER _____ |

The City has received SUB 06-06/DR 06-11, an application from Jason Bristol requesting a subdivision for a 10 lot single family attached subdivision, and a site and design. The property is located at 296 and 346 S Knott Street.

Please review the enclosed application and return comments to Kevin Cook by Wednesday, Nov. 22, 2006. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

SEE ATTACHED INFO

Please check one box and sign below:

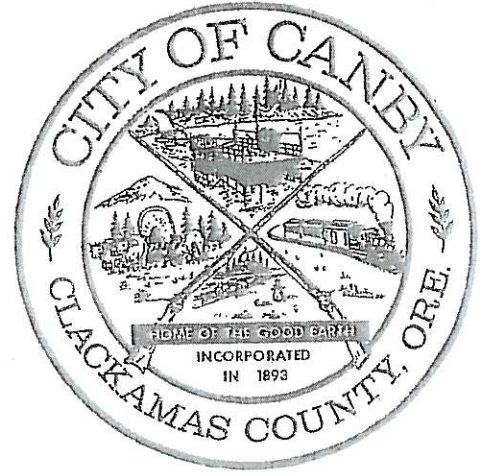
- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: RG Date: 11.22.06

Title: Building Official Agency: _____

EXHIBIT
4
51

CITY OF CANBY
182 N. Holly Street
Canby, OR 97013
(503)266-9404
FAX (503)266-4021



Subdivision Submittal Requirements to the Building Department

At the final completion of the grading work please submit the following reports and plans:

1. As-built grading plan showing original ground surface elevations, structural fill elevations, as-graded surface elevations, building lot drainage patterns, locations and elevations of surface drainage facilities and of the outlets of subsurface drains.
Civil engineer's accompanying statement that the work was done in accordance with the above plan.
2. Soils engineer and geologist shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the geotechnical reports and Chapter 33 of the UBC.
3. The grading contractor shall submit a statement of conformance that the site work conforms to the as-built plan and specifications.
4. If rain and footing drains are not allowed by the design capacity of the subdivision street drywells to discharge to the street, provide a soils report and design for onsite disposal of storm water. (i.e. drywells or soakage trenches)

This information is required prior to the issuance of any building permits.

Robert L. Godon, C.B.O.
Building Official

11/08/00

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: November 14, 2006

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - Darwin Tramel - WTTP
 - Jeff Crowther - WTTP
 - CITY ENGINEER
 - CTA
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 - PARKS AND RECREATION
 - CITY TRANSPORTATION ENGINEER
 - BUILDING OFFICIAL
 - OTHER _____

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Please review the enclosed application and return comments to Kevin Cook by Wednesday, Nov. 22, 2006. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

No traffic concerns at this time.

Please check one box and sign below:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: Margaret Elmoe Date: 11-21-06

Title: Chairman Agency: Traffic Safety Comm

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

(503) 266-7001

FAX 266-1574

F.O. Box 930, Canby, OR 97013

DATE: November 14, 2006

TO:

- FIRE
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Comments or Proposed Conditions:

a detailed site plan will be required to develop
A plan to serve the property, and establish the
required easements.

Please check one box and sign below:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: Gary Stockwell Date: 11-20-06

Title: Line Foreman Agency: Canby Electric City Shops Gary Kordena Gary Stockwell

54

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: November 14, 2006

- TO:
- FIRE
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- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature:  Date: 11/20/06

Title: Water Distribution Foreman Agency: Canby Water CUB

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: November 14, 2006

- TO:**
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
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- Conditions are needed, as indicated
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Signature: _____

Date: _____

11/25/06

Title: _____

Agency: _____

Lt. Jorge Tro
Canby Police Dept

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: November 14, 2006

- TO:
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PLEASE SEE ATTACHMENT

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- Adequate Public Services will become available through the development
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- Adequate public services are not available and will not become available

Signature:  Date: 11.22.06

Title: ASSOCIATE ENGR Agency: CANBY TELCOM



Comments from Canby Telcom for Subdivision at 346 S Knott St :

- The Developer/Owner is required to provide all trenches for placing underground telephone facilities, within the subdivision, up to the existing telephone connection point.
- CT will follow the power design as much as possible to minimize trenching; however, additional trenches may be required for communication services.
- There is a development fee; and relocation cost if any existing telephone facilities must be moved, please see "Development/Construction Fees" for information.

Dave Hill
Engineering Manager
503 266 8204

Dinh Vu
Associate Engineer
503 266-8201



faster higher farther

DEVELOPMENT/CONSTRUCTION FEES

On January 1, 2001 Canby Telephone implemented development fees. Development fees are charged on a per address basis and are to be paid by the developer prior to the commencement of work. Single family homes and duplexes are charged at \$120.00 per address and multiple dwelling units are billed at \$60.00 per address.

Payment of development fees can be made at our office at 190 S.E. 2nd Street, Canby or mailed to P.O. Box 880, Canby, Or 97013.

Fees for relocating existing facilities are billed at our hourly rate of \$65.00 per hour for labor, plus the cost of materials. The requestor is required to complete and sign a Request to Relocate Facilities form.

For temporary service (job shack), contact our Customer Care Center to place an order.

Contact Information

To avoid delays, it is important to contact Canby Telephone as soon as possible.

Inquiries or questions should be referred to:

Engineering Manager	Dave Hill	503 266-8204
Associate Engineer	Dinh Vu	503 266-8201
Construction Inspector	Ron Stenger	503 266-8290
Customer Care Center		503 266-8111

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From: Charmae Wiest <charmae_wiest@yahoo.com>
To: <cookk@ci.canby.or.us>
Date: 1/8/07 11:54PM
Subject: Development on Knott Street

Dear Sir,

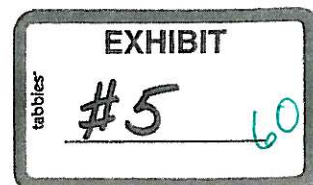
As a duplex owner in the neighborhood of Knott Street, I am ecstatic that someone wants to build new dwellings in this neighborhood. Especially in the area where there has been much drug and gang activity. I believe this will do nothing but enhance all of the property in this area and maybe we will get lucky and the gangs will leave.

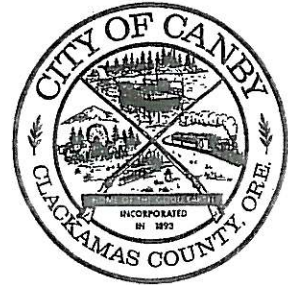
My vote is a very strong..... YES!

I appreciate the notice that you sent me. Thanks so much.

Charmae Wiest (owner of 240 & 242 SE 3rd)

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>





- STAFF REPORT -

APPLICANT:

Kaizen Restaurants, Inc.
16500 NW Bethany Ct., Suite 150
Beaverton, OR 97006

FILE NO.:

DR 06-12
(Burger King)

OWNER:

Sterling Development Corp.
3252 Holiday Ct., Suite 224
LaJolla, CA 92037

STAFF:

Kevin C. Cook
Associate Planner

LEGAL DESCRIPTION:

Tax Lot 602
03-1E-05A

DATE OF REPORT:

January 12, 2007

LOCATION:

Pad B of the Canby Place retail center
At the southwest corner of
Highway 99E & Berg Parkway

DATE OF HEARING:

January 22, 2007

COMP. PLAN DESIGNATION:

Heavy Commercial/Manufacturing (C-M)

ZONING DESIGNATION:

Heavy Commercial/Manufacturing (CM)

I. APPLICANT'S REQUEST:

The City has received DR 06-12, an application by Kaizen Restaurants to construct a 2,565 sq. ft. Burger King drive-through restaurant. The site is located on Pad B of the Canby Place retail center that was previously approved by the Planning Commission in 2005 (file DR 05-05). Most aspects of the site have already been determined through the original Design Review; which had assumed that the site would be utilized as a drive-through

restaurant. Access to the site will be from within the existing development which has a access from Highway 99E and Berg Parkway.

II. APPLICABLE REGULATIONS

City of Canby General Ordinances:

- 16.10 Off-Street Parking and Loading
- 16.30 C-M Heavy Commercial/Manufacturing
- 16.42 Signs
- 16.49 Site and Design Review

III. MAJOR APPROVAL CRITERIA

16.49.040 Site and Design Review Criteria and standards.

1. The Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:

- A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
- B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
- C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.
- D. The Board shall, in making its determination of compliance with subsections B and C above, use the following matrix to determine "compatibility." An application is considered to be "compatible," in regards to subsections B and C above, if a minimum of 65% of the total possible number of points (not including bonuses) are accumulated for the whole development.
- 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 development.

2. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this section. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.

3. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of

such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.

4. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Section 12.20.080 of the City Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.20 of the City Tree Ordinance. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review.

DESIGN REVIEW MATRIX

Parking			
Screening of loading facilities from public ROW [not screened /partially screened / full screening]	0	1	2
Landscaping (breaking up of expanse of asphalt)	0	1	2
Parking lot lighting [no / yes]	0	1	2
Location (behind the building is best)[front / side / behind]	0	1	2
Number of parking spaces (% of min.) [x>120% / 100%-120% / x=100%]	0	1	2

Signs			
Dimensional size of sign (% of maximum permitted) [x>75% / 50% - 75% / x<50%]	0	1	2
Similarity of sign color to building color [no / some / yes]	0	1	2
Pole sign [yes / no]	0	1	2
Location of sign [x>25' from driveway entrance / within 25' of entrance]	0	1	2

Traffic			
Distance of access to intersection [x<70' / 70'-100' / x>100']	0	1	2
Access drive width (% of minimum) [x<120% or x>150% / 120%-150%]	0	1	2
Pedestrian access from public sidewalk to bldg. [1 entrance connected / all entrances connected]	0	1	2
Pedestrian access from parking lot to building [No walkways / Walkway next to bldg / No more than one undesignated crossing of access drive and no need to traverse length of access drive]	0	1	2

Building Appearance			
Style (architecture) [not similar - similar to surrounding]	0	1	2
Color (subdued and similar is better) [neither/similar or subdued/similar & subdued]	0	1	2
Material [concrete or wood or brick is better]	0	1	2
Size (smaller is better) [over 20,000 s.f. / under 20,000 s.f.]	0	1	2

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Tree Retention				
For trees outside of the building footprint and parking/access areas (3 or more trees) [No arborist report / follows <50% of arborist recommendation / follows 50%-75% of arborist rec. / follows 75% of arborist rec.]	0	1	2	3
Replacement of trees removed that were recommended for retention [x<50% / x>50%]	0	1		

Types of Landscaping			
# of non-required trees [x<1 per 500 sf of landscaping / 1 or more per 500 sf of landscaping]	0	1	
Amount of Grass [<25% / 25% - 50% / x>50%]	0	1	2
Location of shrubs [foreground / background]	0	1	
Automatic Irrigation) [no / yes]	0		4

Bonus Points		
2 or more trees at least 3" in caliper	1	2
Park/open space retention for public use	1	2
Trash receptacle screening	1	

IV. FINDINGS:

A. Background and Relationships:

The property is part of the previously approved Canby Place complex. The entire complex is zoned CM (Heavy Commercial / Manufacturing). The site is currently being developed with an 11,570 sq. ft. multi-tenant retail building (Bldg. C). Pad A is intended to be an A&W/KFC drive-through restaurant; this site will be required to be reviewed through the Design Review Process. Pad B is the subject of the current application.

B. Evaluation Regarding Site and Design Review Approval Criteria

Design Review Matrix Analysis

1. Parking

Parking was previously reviewed and approved through DR 05-05; that review assumed that Pad B would be developed as a 3,070 drive-through restaurant. The proposal is for a 2,575 drive-through restaurant. The site will require the installation of bicycle parking capable of accommodating at least 3 bicycles (Condition X).

2. Traffic/Access

The traffic study originally conducted for the site assumed that up to 3,280 sq. ft. drive-through restaurant would be placed on the site; thus, the previous study covers

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the current proposal. When Pad A is proposed, an updated traffic study will be required in order to analyze the additional trips that will result from that site.

3. Signs

Canby Place is allowed a total of 764 sq. ft. of signage. The previous approval included 316 sq. ft. of signage. The current proposal requests 149.5 sq. ft. Thus, a balance of 298.5 sq. ft. of possible signage remains for future tenants.

4. Lot Landscaping standards and Tree Retention

Exhibit 1 shows the landscaping for this site. All required landscaping standards are met.

5. Building Appearance

The building will use brick and stucco, which will compliment nearby commercial development. Materials and colors are shown on the elevations.

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Compatibility Matrix

The Industrial Area Overlay Zone has its own design review matrix, which requires a minimum of 65% of the total number of points available to be considered compatible. The proposed application receives, in staff's determination, a total of 23 points out of a total possible of 25 points, or 92% percent. The applicant achieves a score of 96% when the earned bonus point is included in the calculation. The minimum percentage required to be considered "compatible" is 65 percent, so this proposal is considered to be compatible. The following represents the total number of points staff has assigned to the project:

<u>CRITERIA</u>	<u>PTS/ POSS</u>	<u>NOTES</u>
Parking		
Screening of loading facilities	2/2	
Parking lot landscaping	N/A	Previously reviewed
Parking lot lighting	1/1	Additional provided.
Location of parking	2/2	None on Hwy 99E side.
Number of parking spaces	N/A	Previously reviewed
Traffic		
Distance of access to intersection	2/2	Greater than 100 ft. to intersection.
Access drive width	1/1	Accesses width exceeds the minimum required.
Pedestrian access from public sidewalk	2/2	Entrances are connected.
Pedestrian access from parking lot to building	2/2	No need to traverse access drive.
Signs		
	N/A	Previously reviewed
Tree Retention		
	N/A	Previously reviewed
Building Appearance		
Style	2/2	Similar to nearby development.
Color	0/1	The colors are similar, but includes the addition of a bright red stripe across the top of the building and bright blue awnings are also proposed.
Material	1/1	Stucco and Stone.
Size	1/1	Buildings are all under 20,000 square feet.
Types of Landscaping		
# of non-required trees	0/1	No additional proposed.
Amount of grass	2/2	61% of landscaped area.
Location of Shrubs	1/1	Shrubs mostly in background.
Automatic Irrigation	4/4	Automatic irrigation provided
Bonus Points		
2 or more trees 3" or more	0/2	None
Trash Receptacle Screening	1/1	The trash receptacle is screened.
Park/Open Space	0/2	No open space provided.

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6. Availability of Adequate Public Facilities and Services

Service provider comments are shown in exhibit 2. Service providers indicate that services are available.

7. Development Standards

There is no lot size minimum, minimum width, or frontage requirements in the C-M zone. The 20 foot setback on Highway 99E has been met, and is the only setback requirement on this lot. Maximum lot coverage, building height, and vision clearance requirements have been met.

V. CONCLUSION

Staff concludes that, with conditions, the application will meet the requirements for site and design review approval. In direct response to the criteria for site and design review, staff has concluded the following:

- 1A. The proposed development of the site is consistent with the applicable standards and requirements of the Canby Municipal Code and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
 - 1B. The proposed design of the development is compatible with the design of other development in the vicinity; and
 - 1C. The location, design, size, color, and materials of the exteriors of structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity; and
 - 1D. The proposal is deemed compatible given that the minimum number of points in the design review matrix has been received. The project is considered compatible; and
 - 1E. All required public facilities and services exist or can be made available to adequately meet the needs of the proposed development.
2. Public utility and service providers have indicated that the existing proposal can be made to comply with applicable standards.
 3. The proposed development will not increase the cost of housing in Canby.
 4. The property owner is not applying to remove street trees.

VI. RECOMMENDATION:

Based upon the application, elevations, the site plan received by the City, the facts, findings and conclusions of this report, and without the benefit of a public hearing, staff recommends that the Planning Commission approve DR 06-12 with the following conditions:

Prior to the issuance of a Building Permit:

1. The design, location, and planned installation of all utilities, including but not limited to water, electric, sanitary sewer, natural gas, telephone, and cable television shall be approved by the appropriate utility provider.
2. A pre-construction conference shall be held prior to construction and issuance of any building permit. Twelve copies of the pre-construction plans shall be given to the City for review and approval by Canby Utility, Canby Telephone, Willamette Broadband, the City, and other required utility providers prior to the pre-construction conference. The construction plans shall include, as appropriate, the plans for street design, storm water, sewer, water, fire hydrants, electric, cable, telephone, natural gas, street lights, and mail boxes.
3. A revised set of **all** full size development plans (including site plan, landscape plan, elevation, etc.) shall be submitted which depicts each of the written conditions to the satisfaction of the City Planning Department.

For the Building Permit Application:

4. A detailed landscape construction plan shall be submitted with the building permit application. The detailed landscape plan shall show: the number of plants, plant spacing/location of planting, the type of plants, the size of plants, the schedule of planting, and irrigation plans. The landscape plan shall reflect the approved landscape plan submitted with the Design Review application.
5. The landscaping shall be planted at such a density so as to provide a minimum of 95% coverage of the landscape areas with vegetation, within a 3-year time period. Bark mulch and similar material shall consist of not more than 5% of the total landscape area after the 3-year period. Trees are to be a minimum of 2" caliper.
6. All interior sidewalks and access-ways shall be a minimum of five (5) feet in width.
7. Wheel stops shall not be required in areas where sidewalks are at least 8 feet in width and in areas where landscaping within 2 feet of the curb is limited to ground cover and will not be damaged by vehicle overhangs. Wheel stops shall be provided for all parking spaces located adjacent to landscaping or walkways that do not meet the above criteria. The wheel stops shall be placed 2 feet in front of the end space.
8. The required accessible parking spaces shall be designed to the standards and specifications of the ADA in terms of size, striping, location, and associated access-way.
9. Details of sign dimensions and mounting techniques shall be shown on the building permit submittal or on a subsequent sign permit application.

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During Construction

10. An erosion control permit is required. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code.
11. All grading and fill conducted on the site shall comply with City and County regulations.
12. Any relocation of existing utilities required due to construction of the development shall be done at the expense of the applicant.
13. All storm water shall be disposed of on-site. The design of storm water facilities shall be approved by the City Engineer and Public Works Supervisor. The applicant is responsible for obtaining approval from DEQ, if necessary, for private drywells.
14. ADA Ramps shall be provided as required by the Public Works Supervisor.
15. Site lighting shall be "hooded" to project light downward.
16. A minimum of three "Staple" type bicycle racks shall be provided as shown on the submitted site plan as provided per the requirements of CMC 16.10.100.
17. If required by the Wastewater Treatment Plant Supervisor, the applicant will obtain an Industrial Wastewater Discharge Permit prior to any discharge to the City of Canby wastewater system. A grease interceptor shall be installed to Clackamas County standards.
18. All conditions of approval from DR 05-05 (Canby Place) apply to this approval.

Exhibits:

1. Applicant's packet
2. Responses to request for comments
3. Pre-Application Meeting
4. Site Development portion of original Traffic Study (DR 05-05)

SITE AND DESIGN REVIEW APPLICATION

FEE *See Fee Schedule Below
 Process Type III

OWNER

Name Sterling Development Corporation
 Address 3252 Holiday Court, Suite 224
 City La Jolla State CA Zip 92037
 Phone (858) 546-8841 Fax _____
 E-mail _____

APPLICANT**

Name Santosh Abraham, Kaizen Restaurants, Inc.
 Address 16500 NW Bethany Court, Suite 150
 City Beaverton State OR Zip 97006
 Phone (503) 906-1290 Fax _____
 E-mail sabraham@kaizenusa.com

Please indicate who is to receive correspondence (i.e. staff reports, etc) and what format they are to be sent

- Owner Email US Postal Fax
 Applicant Email US Postal Fax

OWNER'S SIGNATURE

Santosh Abraham, President & CEO 12/05/06

DESCRIPTION OF PROPERTY

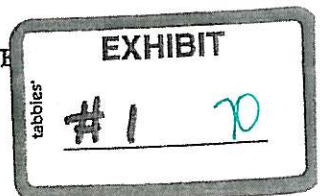
Address 1157 South Highway 99E
 Tax Map 04 IE 5A Tax Lot(s) 602 Lot Size 0.281 AC / 12,265 SF
 (Acres/Sq.Ft.)
 Existing Use Vacant
 Proposed Use Restaurant (16.32.010.M)
 Existing Structures N/A
 Zoning Light Industrial - M1 Comprehensive Plan Designation Light Industrial - M1
 Previous Land Use Action (if any) Approval of Canby Place development (# DR05-05) on January 23, 2006.

Total Fee = Size Component (based on acreage) Public Improvement Component
Size Component
 \$1,500 first 0.5 acres
 \$100 for each additional 0.1 acres from 0.5 acres up to 2.5 acres
 \$100 for each additional 0.5 acres from 2.5 acres up to 8.0 acres
 \$100 for each additional 1.0 acres from 8.0 acres up to 13 acres
 \$6,000 Maximum for 13 acres and above
Public Improvements Component
 0.3% of total estimated public improvement cost (to be submitted with design review application). No Cap on cost

FOR CITY USE ONLY

File # DR 06-12
 Date Received 12/5/06 By JT
 Completeness _____
 Pre-App Meeting _____
 Hearing Date _____

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



Narrative

Submitted in support of a
Site and Design Review Application
for

Burger King Restaurant
Canby Place
1157 South Highway 99E
Canby, Oregon

This document supports and explains the information included on the official application forms. The document addresses:

- a. Statement of Project Scope
- b. Prior Approval of Canby Place (City of Canby #DR05-05)
- c. Comprehensive Plan
- d. Municipal Code
- e. Signage Information
- f. Design Review Matrix

Project Scope

The project includes the construction of a 2,565 square foot restaurant building on a 0.281-acre (12,265 square feet) site in the Canby Place development at 1157 South Highway 99E, Canby, Oregon. In addition, the project will include improvement of the pad site to include landscaping, garbage receptacle enclosure, drive-through service lanes, signage, and supporting features. The project does not include the design or construction of parking areas, access to surrounding roads, or installation of utilities. Parking, overall site landscaping, roadway access, drainage, and utility stubs were designed and approved as part of the Canby Place development (City of Canby #: DR05-05) on January 23, 2006. Sterling Development Corporation is developing the site.

Prior Approval of Canby Place

This application covers pad site B in the Canby Place development. The master plan for Canby Place (#DR05-05) was approved by the City of Canby on January 23, 2006. The site addressed by this application only includes a building pad between the backside of curb containing previously approved parking areas and the property line on the north side of the site. (See project boundary on the site plan.) Because of these limitations, the following conditions affect this application.

- a. Completed Landscape Calculations. The landscape calculations have been completed for the 0.281 acre pad site. The landscaping for the remainder of the site was designed and approved as the Canby Place Development.

- b. Parking Layout. The site plan indicates the location, number, and layout of the site parking. This information is provided to support the application. Parking is not part of this application. The parking layout was approved as part of the Canby Place development.

The following issues included on the Site and Design Review Application do not apply to this application. In each case, the issue was completed and approved as part of the Canby Place development master plan:

- a. Traffic impact analysis. Group Mackenzie Engineering completed a traffic impact analysis for the Canby Place development. Per the City of Canby Planning Department, this application does not change the existing traffic impact (Pre-Application Meeting, October 31, 2006).
- b. Neighborhood Meeting: This requirement has been waived by staff.
- c. Hazard Overlay Zone: The project site is not in a Hazard Overlay Zone.
- d. Location and Direction of Watercourses. The site does not include any identified watercourse.
- e. Natural Features. The site does not include identified natural features.
- f. Wetlands, etc. Plan. The site is not located in a wetland, natural drainage area, or a 500-year flood plain.
- g. Location of Existing Structures. The site plan indicates the locations of proposed and approved structures on the site. No structures currently exist.

Comprehensive Plan

The site is located in a Light Industrial zone (M-1) under current zoning and the 2006 comprehensive plan. The proposed use (restaurant) is allowed under Chapter 16.32.010.M of the Canby Code of Ordinances. The proposed use of the site was previously approved with the Canby Place development plan.

Municipal Code

Chapter 16.32 of the Canby Code of Ordinances lists zoning requirements for projects in M-1 Light Industrial zones. The proposed project complies with these requirements as outlined below:

- a. The lot area for the project is 12,265 square feet. The minimum allowed lot area is 5,000 square feet (16.32.030.A).
- b. The lot is approximately 153 feet by 103 feet. The longer side fronts Highway 99E. The minimum width and frontage required by code is 50 feet (16.32.030.B).
- c. The project includes a 30'-6" setback from Highway 99E. The minimum yard setback is 20'-0" along Highway 99E. The building is setback 54'-4" from the western property line and 74'-7" from the south property line. As the project site does not abut a residential zone, no minimum setbacks are required. (16.32.030.C)
- d. The proposed building has a parapet height of 17'-7" and a maximum tower height of 20'-7". The allowable maximum building height is 45'-0" (16.32.030.D).

- e. The proposed building covers approximately 21% of the site. No maximum lot coverage is required in this zone (16.32.030.E).
- f. The vision clearance distances exceed fifteen feet from driveways exiting the site (16.32.030.F.1). This issue was included in the Canby Place development approval. The project does not alter the previously approved plan.
- g. The garbage receptacle for the building is screened from public view by an opaque wall, topographic separation, and landscape elements. The site is not adjacent to a residential zone. (16.32.030.F.2)

Signage Information

Canby Place has previously received approval for 764 square feet of sign area.

The information below references the attached site plan.

<i>Sign Area Subject to Planning Review</i>					
SIGN	DIMENSIONS	TYPE	CONSTRUCTION	ILLUMINATION	NOTES
Building NE face of tower	28.27 sf (6'-0" circle)	One- sided; permanent	Wall; Aluminum frame with poly- carbonate face	Internally illuminated	
Building NW face of tower	28.27 sf (6'-0" circle)	One- sided; permanent	Wall; Aluminum frame with poly- carbonate face	Internally illuminated	
Pylon Intersection of Highway 99E & Berg Parkway	60 sf (3'-0" x 10'-0", 30 sf per face)	Two- sided; permanent	Wall; Aluminum frame with poly- carbonate face on masonry base	Internally illuminated	Previously approved as part of Canby Place pylon sign
Monument South of vehicle entrance from Highway 99E	33 sf (2'-9" x 6'-0", 16.5 sf per face)	Two- sided; permanent	Wall; Aluminum frame with poly- carbonate face on masonry base	Internally illuminated	
	149.54 sf	Total Sign Area Visible from Public Right-of-Way			

<i>Exempt Sign Area for which Permit is Required</i>				
SIGN	DIMENSIONS	TYPE	CONSTRUCTION	NOTES
Direction and traffic control One sign is located at pad entrance drive. One sign is located at the entrance to the drive-through lane. Two signs are located at the exit of the drive-through lane.	(4) 6 sf each, (3 sf per face)	Two-sided; permanent	Self-supporting post	
Building display cases Two are located on northwest building façade adjacent to drive-through service window. Two are located on the southwest façade.	(4) 10.45 sf (2'-11" x 3'-7")	One-sided; permanent	Wall-mounted	
	65.80 sf	Total Internal Site Sign Area Requiring Permit		

<i>Exempt Sign Area for which No Permit is Required</i>				
SIGN	DIMENSIONS	TYPE	CONSTRUCTION	NOTES
Drive-through preview board Between SE corner of building and drive-through lane	18.61 sf (4'-3- ⁷ / ₁₆ " x 4'-1- ¹ / ₈ ")	One-sided; permanent	Self-supporting post	
Drive-through menu board Between NE façade of building and drive-through lane	31.23 sf (7'-4- ⁷ / ₁₆ " x 4'-1- ¹ / ₈ ")	One-sided; permanent	Self-supporting post	
	49.84 sf	Total Internal Site Sign Area Not Requiring Permit		

Drawings of the drive-through preview and menu boards are included with the packet. The drawing of the round building sign represents the layout and graphic of the proposed sign. The elevation of the pylon sign for Canby Place is provided for information. This sign is not part of this application and was previously approved as part of Canby Place. Information on the on-site directional signage is not available at this time.

Design Review Matrix

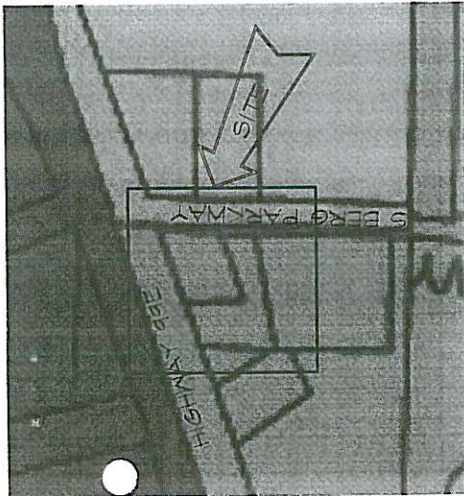
Please see the attached Design Review Matrix for a numeric summary of the issues discussed below.

Topic	Points Awarded
<i>Parking</i>	
Screening of loading facilities from public ROW	2 – The loading facilities are screened from the public right-of-way by proposed project and development buildings, site topography, and included landscape.
Landscaping (breaking up of expanse of asphalt)	N/A – The project site does not include parking areas. The site plan shows the location of the building surrounded by landscape and hardscape and the drive-through lanes.
Parking lot lighting	1 – Additional parking lot lighting is provided as part of this project.
Location of parking	2 – Parking is located on three sides of the proposed building. No parking is located on the side of the building facing public right-of-way along Highway 99E. All parking is internal to the site. The location of parking was previously approved as part of the Canby Place development.
Number of parking spaces	2 – The development provides 100% of the minimum required parking. The quantity of parking was previously approved as part of the Canby Place development.
<i>Signs</i>	
Dimensional size of sign	0 – The proposed signage is greater than 75% of the maximum area permitted.
Similarity of sign color to building color	0 – The signage follows corporate branding standards for type, color, and placement. The signs will contrast with the building color.
Pole sign	1 – The project does not include a pole sign.
Location of sign	1 – The monument sign is located within 25'-0" of the driveway entrance from Highway 99E. Other signage is either mounted to the building or placed in previously approved group sign displays.

<i>Traffic</i>	
Distance of access to intersection	2 – The access points to the development are greater than 100 feet from the intersection of Highway 99E and Berg Parkway.
Access drive width	1 – The total access drive width for the site is 34'-0". This total is 142% of the minimum required (24'-0").
Pedestrian access from public sidewalk to building	2 – The public and employee entrances to the building (3) are connected to the public sidewalk by a series of sidewalks and raised driveway crossings.
Pedestrian access from parking lot to building	2 – Pedestrians are not required to traverse the length of the access drive. Raised driveway crossings are provided across the access drive and the drive-through lane.
<i>Building Appearance</i>	
Style (architecture)	2 – The building reflects the proposed site buildings in material, color, scale, proportion, and stylistic elements. The building displays subtle variations in form to provide neighborhood distinction and building identity.
Color	1 – The color of building finishes and materials is subdued and similar to proposed site buildings. The building signage and awnings will be less subdued than the main building finishes.
Material	1 – The building elevation includes a significant percentage of cultured stone. The building materials are identical to the proposed site buildings in manufacturer, color palette, and composition.
Size	1 – The building area is less than 20,000 sf. The built area of the site (2565 sf) covers 21% of the site area.
<i>Tree Retention</i>	
For trees outside of the building footprint	N/A – No trees exist in the site pad.
Replacement of trees removed that were recommended for retention	N/A

<i>Type of Landscape</i>	
Number of non-required trees	0
Amount of grass	2 – The site includes approximately 2158 sf of grass (61% of landscaped area).
Location of shrubs	1 – Shrubs are located in the background of proposed landscaping.
Automatic irrigation	4 – The included landscape area will be irrigated using an automatic system.
<i>Bonus Points</i>	
2 or more trees at least 3" in caliper	N/A
Park/open space retention for public use	N/A
Trash receptacle screening	1 – The garbage receptacles are screened from public view by buildings, opaque wall, topography, and landscaping.
<i>Totals</i>	
Total possible points	39
Total points not applicable to this application	5
Total points awarded	28
Percentage of applicable points awarded	82.4%

BURGER KING - CANBY PLACE



PROJECT DIRECTORY

OWNER:
 RESTAURANTS, INC.
 3255 HOLIDAY COURT, SUITE 150
 BEAVERTON, OREGON 97006
 NE (503) 906-1240
 A: (503) 906-1241

GENERAL CONTRACTOR:
 CANBY DEVELOPMENT CORP
 3255 HOLIDAY COURT, SUITE #224
 LA JOLLA, CALIFORNIA 92031
 PHONE: (956) 546-2841
 FAX: (858) 546-8807

ARCHITECT:
 CARLSON VEIT ARCHITECTS PC
 3045 RIVER ROAD N
 SALEM, OREGON 97303
 PHONE: (503) 340-0261
 FAX: (503) 340-2454

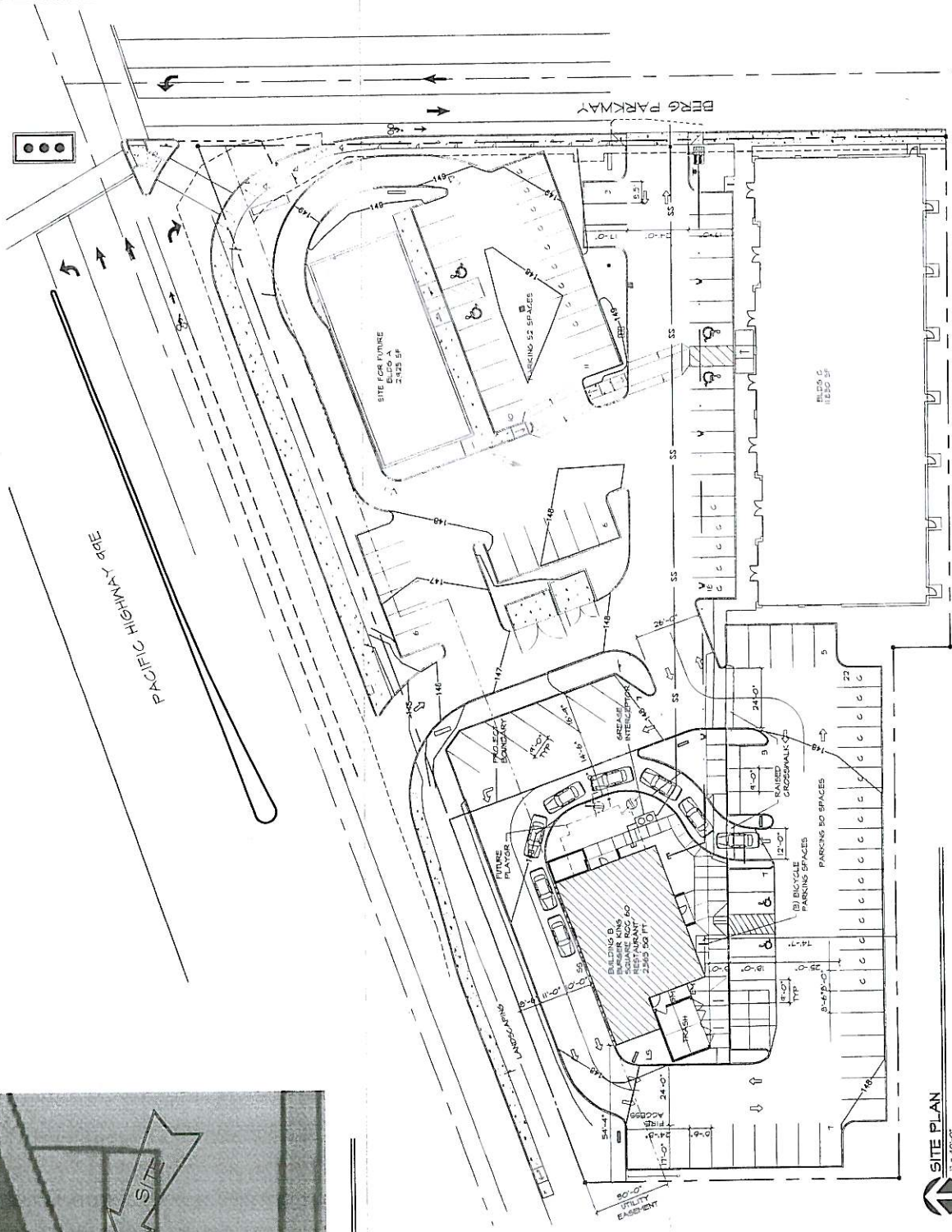
CIVIL ENGINEERS:
 GROUP HACKENZIE ENGINEERS
 640 SW BANGROFT STREET
 PORTLAND, OREGON 97201
 PHONE: (503) 325-1860
 FAX: (503) 228-1265

MECHANICAL AND ELECTRICAL ENGINEERS:
 INTERFACE ENGINEERING, INC.
 1000 SW 10TH AVENUE, SUITE B-120
 SALEM, OREGON 97301
 PHONE: (503) 364-5354
 FAX: (503) 364-5453

LANDSCAPE ARCHITECT:
 LANDSCAPE ARCHITECTURAL DESIGN LLC
 615 SW ALDER STREET, MEZZANINE B
 PORTLAND, OREGON 97205
 PHONE: (503) 222-1634
 FAX: (503) 222-1653

WORKING ANALYSIS

*WORKS REQUIRED: 103 SPACES
 PARKING PROVIDED: 14
 COMPACT SPACES: 30
 ACCESSIBLE SPACES: 6
 TOTAL: 103 SPACES



CARLSON VEIT ARCHITECTS PC
 ARCHITECTURE • INTERIOR DESIGN
 3095 RIVER ROAD NORTH, SALEM, OREGON 97303
 503-366-0281 • FAX 503-366-2459 • WWW.CARLSONVEIT.COM
 MEMBER AMERICAN INSTITUTE OF ARCHITECTS

PRELIMINARY
 NOT FOR CONSTRUCTION

PRELIMINARY DATE:
 12-01-06

SITE AND DESIGN REVIEW APPLICATION SET

BURGER KING
 CANBY PLACE
 1517 SOUTH HIGHWAY 99E
 SALEM, OREGON 97301

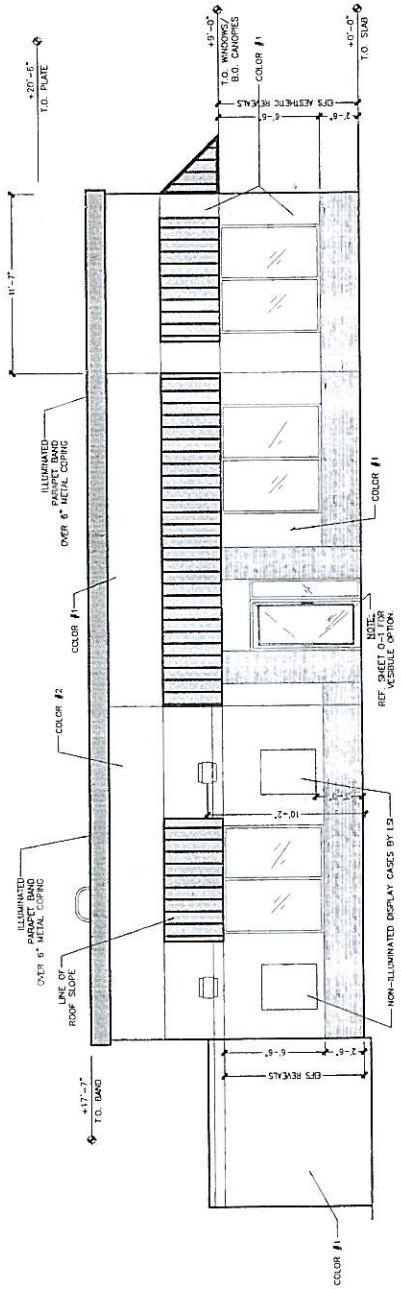
CONSULTANTS:
 GROUP HACKENZIE ENGINEERS
 MECHANICAL AND ELECTRICAL ENGINEERS
 INTERFACE ENGINEERING, INC.
 LANDSCAPE ARCHITECTURAL DESIGN LLC

DATE: 04/30/06
 PROJECT: 043006
 DRAWING: A-SPR22-043006
 DRAWN BY: BDO
 CHECKED BY: GDC
 COPYRIGHT © 2006
 Carlson Veit Architects P.C.

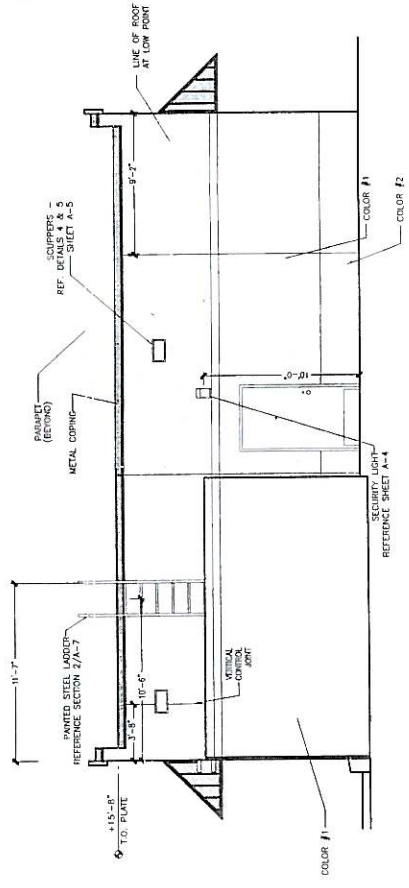
SITE PLAN

sheet: **A-101**

82

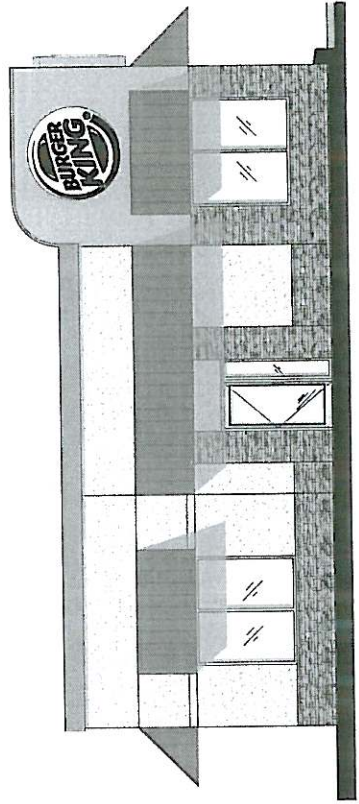


1
 MAIN ENTRANCE ELEVATION
 SCALE: 1/4" = 1'-0"

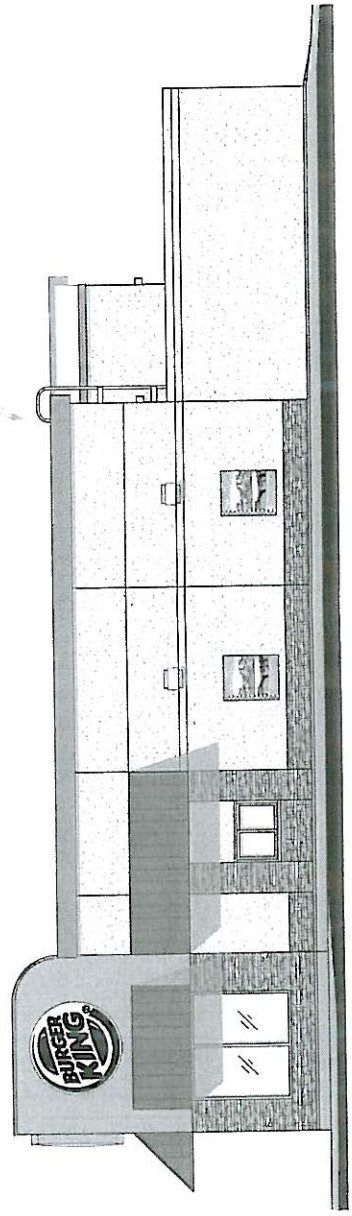


2
 REAR ELEVATION
 SCALE: 1/4" = 1'-0"

- NOTES**
1. ALL STONE TO BE (C) MASTER PALETTE #00755001
 2. ALL STONE TO BE (C) MASTER PALETTE #00755004
 3. ALL PAINTS TO BE (C) IMPERIAL BLUE
 4. ILLUMINATED PARAPET BAND COLOR TO BE (C) PAINTS
 5. ALL STONE VENER TO BE (C) CALURED STONE PROFIT ALPHE LEGGESTONE CHARCONNAT (C30V+2013)



3
 FRONT ELEVATION
 SCALE: 1/4" = 1'-0"



4
 DRIVE-THRU ELEVATION
 SCALE: 1/4" = 1'-0"

8

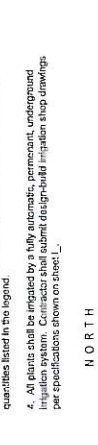
LEGEND

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- Carpinus betulus - European Hornbeam
- 7" cal. B&B, Well branched, Healed at 6"
- Acer glabrum - Vine Maple
- 1 1/2" B&B, Full trees, 3" stem min. all bare
- Ulmus (Ulm) - Texas Elm - Japanese Elm
- 3 gal. cont., Full plants, Space as shown
- Kalmia latifolia - Olympic Fir - Mountain Laurel
- 3 gal. cont., Full plants, Space as shown
- Rhododendron "Taurus" - Rhododendron
- 2 1/2" B&B, Full plants, Space as shown
- Nandina domestica "Firepower" - Firepower Heavenly Bamboo
- 3 gal. cont., Full plants, Space as shown
- Cornus sericea "Kelsey" - Dwarf Redtwig Dogwood
- 1 gal. cont., Full plants, Space as shown
- Miscanthus sinensis "Purpurascens" - Maiden Grass
- 1 gal. cont., Full plants, Space as shown
- Spirea Douglasii - Douglas' Spirea
- 3 gal. cont., Full plants, Space as shown
- Philadelphus lewisii - Mockorange
- 3 gal. cont., Full plants, Space as shown
- Juncus palmetto - Spreading Rush
- 1 gal. cont., Full plants, 24" o.c.
- Hemerocallis Stella d'Oro - Daylily
- 1 gal. cont., Full plants, 18" o.c.
- Fragaria chiloensis - Wild Strawberry
- 4" pots, Full plants, 18" o.c.
- Euphorbia polychroma - Cushion Spurge
- 4" pots, Full plants, 12" o.c.
- Lawn

NOTES:

1. Contractor shall provide topsoil, soil amendments, and erosion control as specified.
2. All plants shall be installed in accordance with details and specifications as provided as part of the construction document package. See sheet L-1 and L-2.
3. Quantities are listed for the contractor's convenience only. All counts must be verified by the contractor. Discrepancies between the legend and plan plants indicated on the plan shall supersede quantities listed in the legend.
4. All plants shall be irrigated by a fully automatic, permanent, underground system. Plants design should include irrigation map drawings per specifications shown on sheet L-3.



PLANTING PLAN

PROJECT: BURGER KING SQUARE ROC 60 RESTAURANT

DATE: 10-12-06

DESIGNED BY: CARLSON VEIT ARCHITECTS P.C.

DRAWN BY: CARLSON VEIT ARCHITECTS P.C.

CHECKED BY: CARLSON VEIT ARCHITECTS P.C.

SCALE: AS SHOWN

SHEET: L-101

CARLSON VEIT ARCHITECTS P.C.

503-266-0291 • FAX 503-260-4500 • WWW.CARLSONVEIT.COM

5035 RIVER ROAD NORTH, SALEM, OREGON 97303

MEMBER AMERICAN INSTITUTE OF ARCHITECTS

PRELIMINARY

NOT FOR CONSTRUCTION

PRELIMINARY DATE:

10-12-06

SITE DESIGN REVIEW

CONTRACTOR:

1000 SOUTH HIGHWAY 90E

CLATSOP PLACE

CLATSOP, OREGON 97130

REVISIONS:

NO. DATE DESCRIPTION

1. 10/12/06

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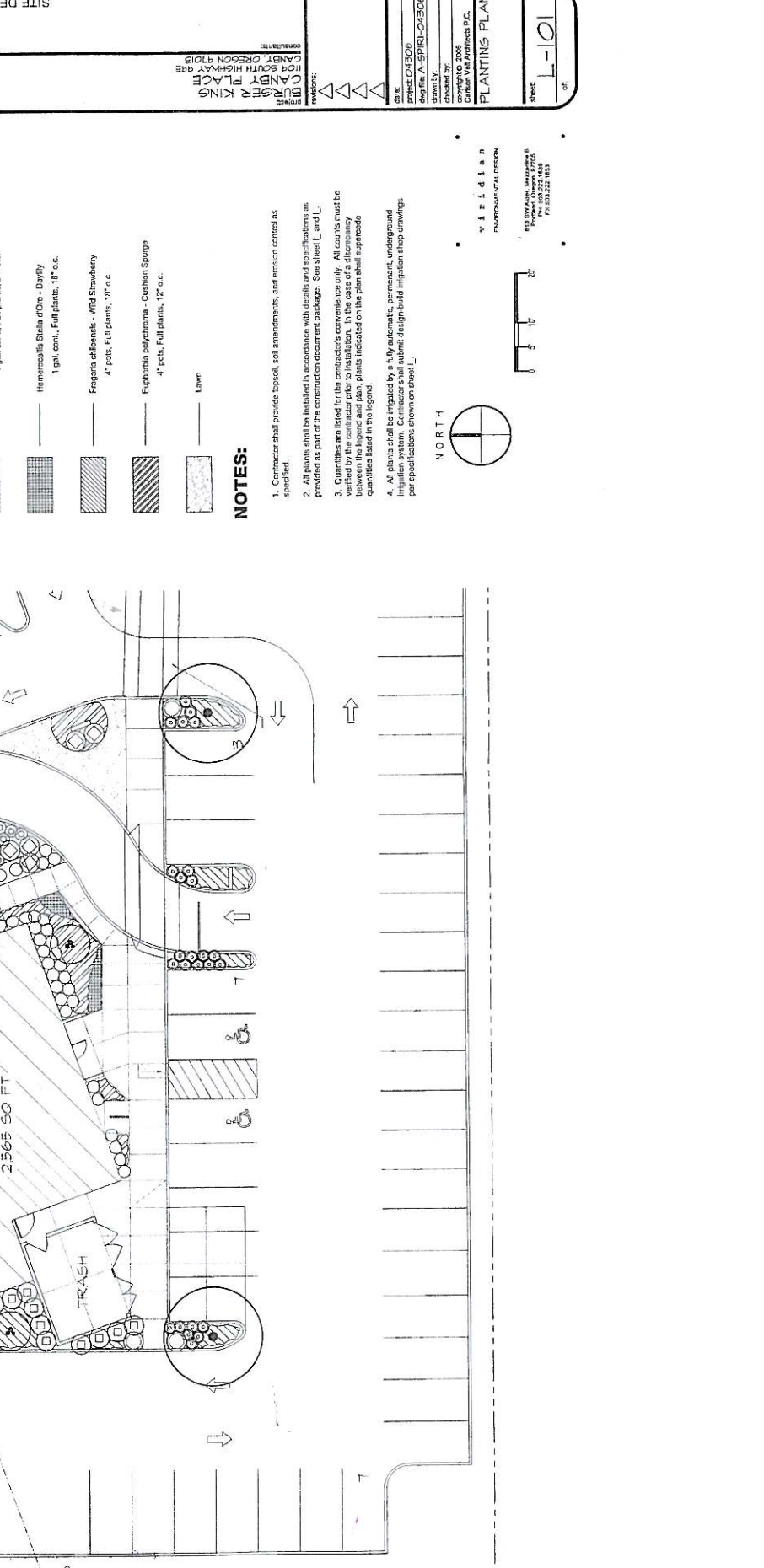
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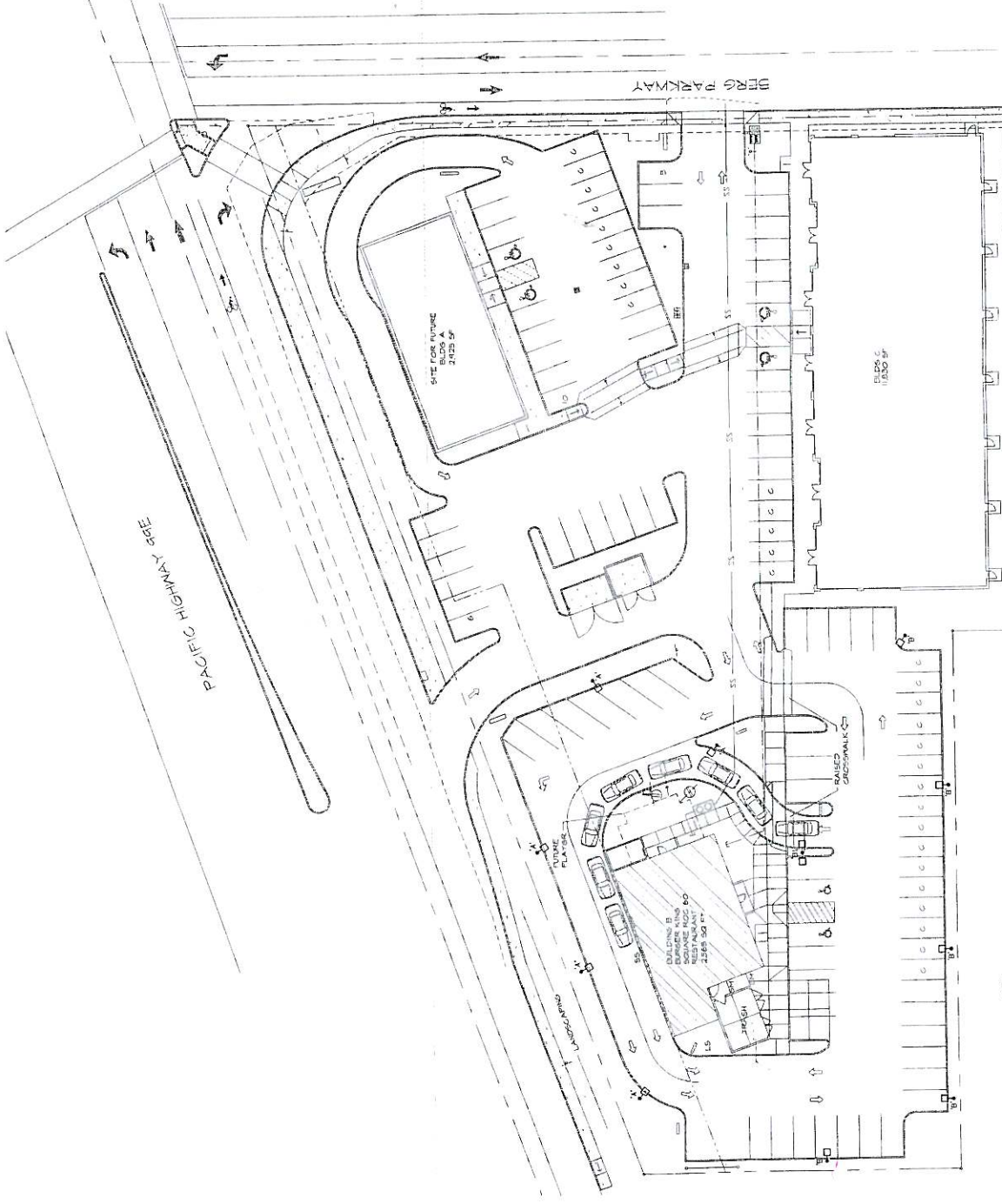
99. 10/12/06

100. 10/12/06



LUMINAIRE SCHEDULE

TYPE A: ROAD STEEL LUMINAIRE, 1000 WATT METAL HALIDE
 1200 WATT METAL HALIDE
 UPRONKA AKW3-RISC
 UPRONKA AKW3-RISC
 TYPE B: ROAD STEEL LUMINAIRE,
 400 WATT METAL HALIDE LAMP,
 700 WATT METAL HALIDE LAMP
 UPRONKA AKW2
 TYPE B1: SAME AS TYPE 'B' EXCEPT WITH 2 HEADS



1 SITE PLAN
 0 20' 40'
 SCALE: 1"=20'-0"

FILE: S:\DWG - LAYOUT\1\DWG 12/1/2006 1:37 PM BY AHONG\1\PLT 12/1/2006 1:41 PM BY ARROW SINDAU

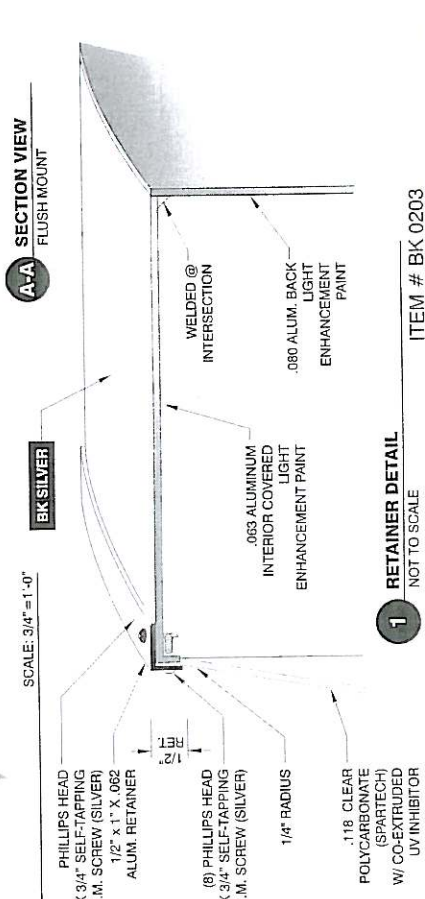
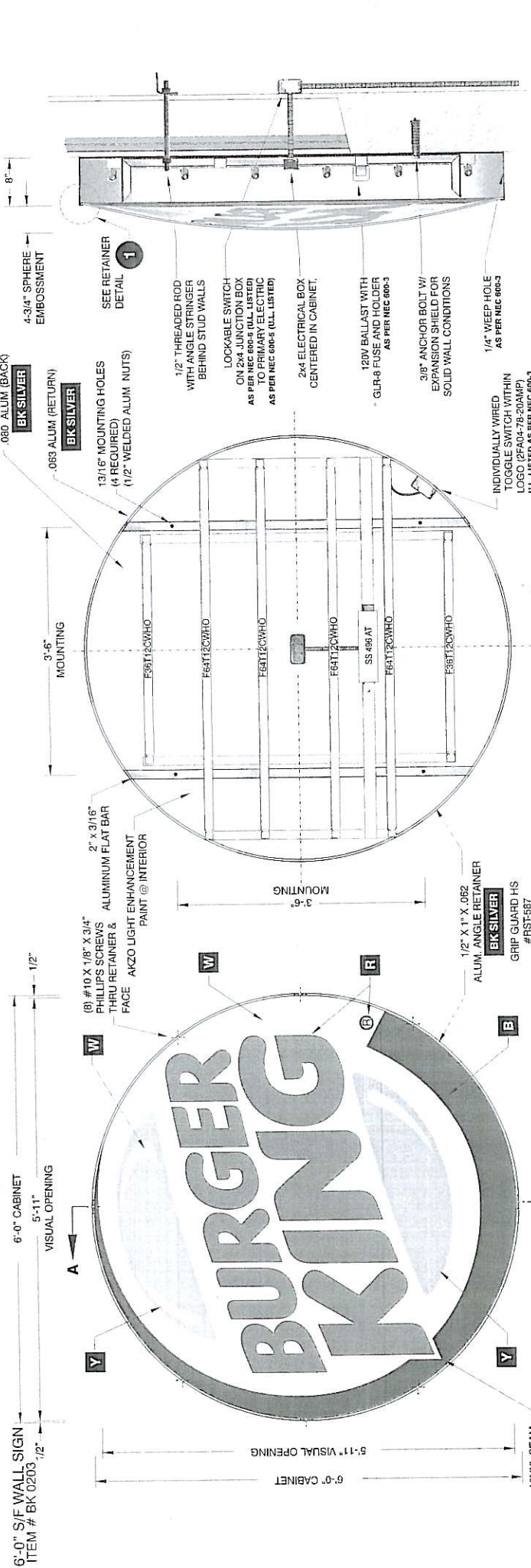
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 2095 RIVER ROAD NORTH, SALEM, OREGON 97303
 MEMBER AMERICAN INSTITUTE OF ARCHITECTS

INTERIORS
 1800 UNIVERSITY ST. SEASIDE, OREGON 97138
 PHONE 503-734-8888 FAX 503-734-8888
 PROJECT: OREGON
 SHEET: OREGON
 DRAWN BY: ADS
 CHECKED BY: DD
 DATE: 12/1/06
 CARLSON VEIT ARCHITECTS P.C.

SITE PLAN
 SHEET: E-1
 OF

SITE AND DESIGN REVIEW APPLICATION SET

28



STRUCTURAL VIEW
6" SINGLE FACE WALL SIGN
SCALE: 3/4" = 1'-0"

FRONT ELEVATION
6" SINGLE FACE WALL SIGN
SCALE: 3/4" = 1'-0"

ELECTRICAL SPECIFICATIONS

- (2) F36T12CWHO LAMPS
- (4) F64T12CWHO LAMPS
- (1) SS 496 AT BALLAST
- (1) GLR-8 FUSE AND HOLDER
- (1) 20 AMP TOGGLE SWITCH

TOTAL AMPS - 2.5
CIRCUITS REQ'D - (1) 120V/20A

THIS SIGN IS TO MEET OR EXCEED N.E.C. STANDARDS FOR GROUNDING AND BONDING. AS PER NEC 250-91 & NEC 600-7

GENERAL NOTES

RETAINERS & OR JEWELITE TO BE FASTENED TO EXTRUSION WITH A MINIMUM OF #10 PHILLIPS 1/8" X 3/4" SCREWS 1" FROM JOINT @ MAXIMUM SPACING OF 16" ON CENTER. FACE FORMING BEGINS AT EDGE OF VISIBLE OPENING. FACE TO BE REMOVED FOR SIGN SERVICE BY UNSCREWING FACE & RETAINER FROM FILLER.

FACE COLOR SPECIFICATIONS

- W - WHITE 3M VINYL 3635-30 2nd SURFACE
- Y - YELLOW 3630-125 VINYL 2nd SURFACE
- B - BLUE 3630-8703 VINYL 2nd SURFACE
- R - RED 3630-33 VINYL 2nd SURFACE

REVISIONS

DATE: 4-29-2005
BY: [Signature]

This original drawing is provided as part of a planned project and is not to be abstracted, copied or reproduced without the written permission of Federal Health Sign Company, LLC or its

Project Location: **BURGER KING # STANDARD**

Account Rep: **Fiona Paul**

Project Manager: **Cindy Chapman**

Drawn By: **Dennis Radtke**

Job Number: **4-29-2005**

Date: **4-29-2005**

Sheet Number: **1** Of **1**

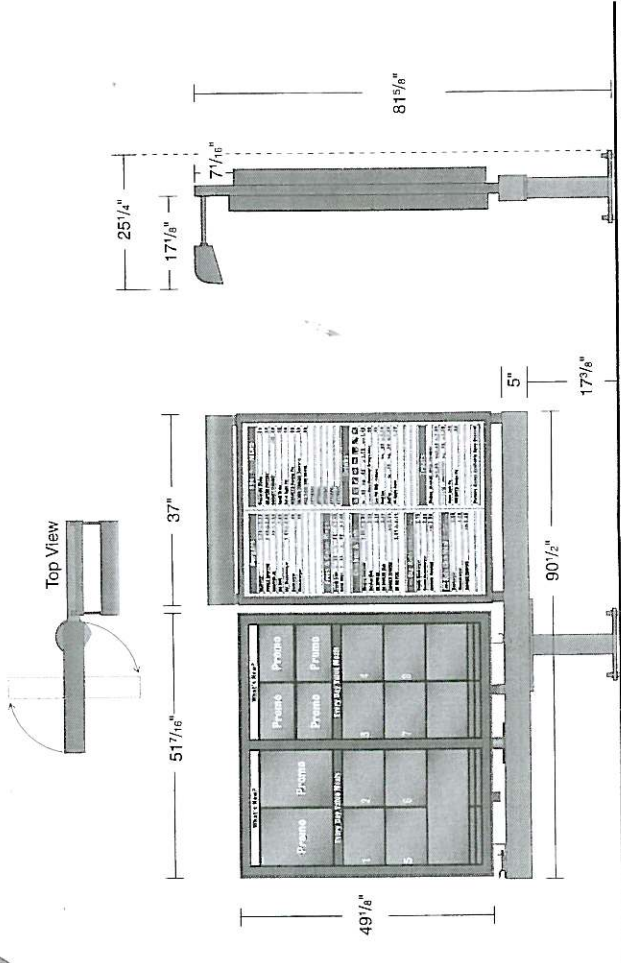
ITEM # **BK 0203**

TWE129E

FEDERAL HEALTH SIGN COMPANY
www.FederalHealth.com
3905 Teneba Road, Orlando, FL 32817



Burger King Drive Thru Menu Board



Drive Thru Menu Board Item # DTMB-1

WEIGHT: 225 LBS.
VOLTS: 3.6 Amps. @ 120 VAC 60Hz
BALLAST: ADVANCE #RC-4S60-TP

LAMPS (48"): F48T11 2CWH.O. (QTY 4)
LAMPS (36"): F36T11 2CWH.O. (QTY 1)

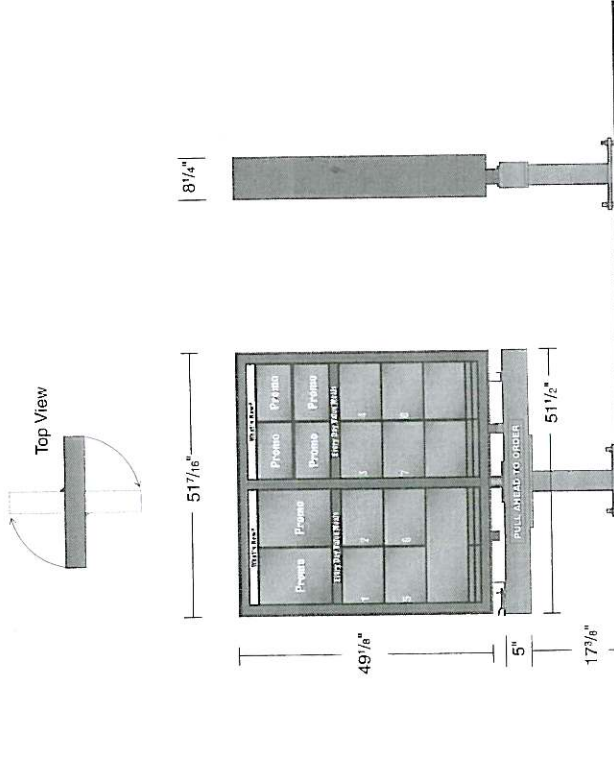


Int'l S.S.

3071 Turkeyfoot Road ♦ Erlanger, Ky. 41018 ♦ (800) 546-1513 ♦ FAX (859) 342-2275 ♦ www.lsamages.com



Burger King Pre Sell Menu Board

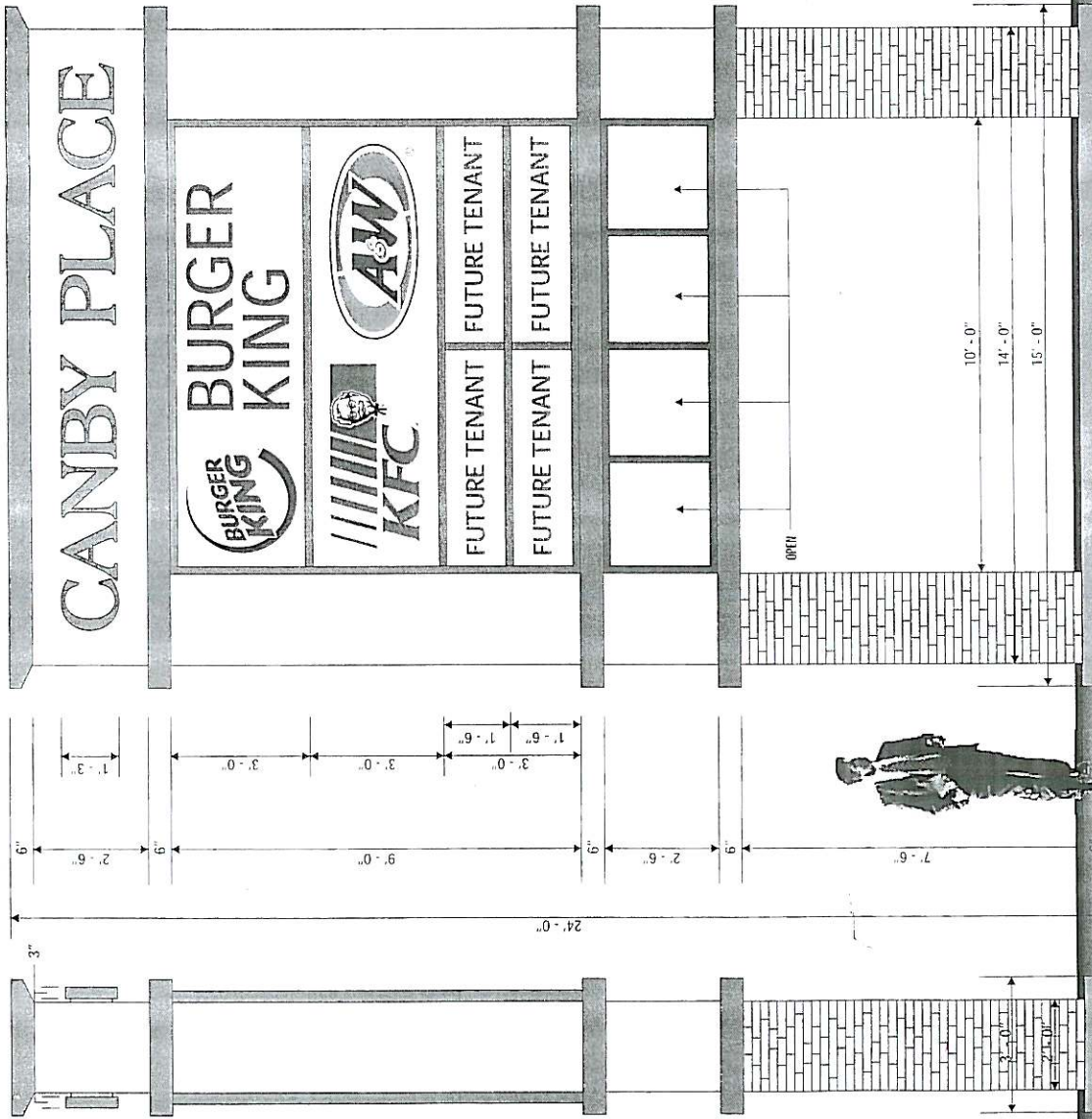


Pre Sell Menu Board Item # PSMB-1

WEIGHT: 150 LBS.
VOLTS: 2.4 Amps. @ 120 VAC 60Hz
BALLAST: ADVANCE #RC-4S60-TP

Image 8.5

3871 Turkeyfoot Road ♦ Elanger, KY 41018 ♦ (800) 546-1513 ♦ FAX (859) 342-2275 ♦ www.bsmimages.com



SCALE: 3/8" = 1'-0"

MANUFACTURE AND INSTALL (1) NEW DOUBLE FACED ILLUMINATED PYLON DISPLAY

ROOF AND REVEALS
ALUMINUM CONSTRUCTION
PAINT TO MATCH BUILDING GREEN (VERIFY COLOR)

ID CABINET AND FACE(S)
ALUMINUM CONSTRUCTION
PAINT BUILDING COLOR (VERIFY COLOR)

ID TEXT
REVERSE PAN CHANNEL LETTERS
ALUMINUM CONSTRUCTION
3" LETTER RETURNS
ILLUMINATE WITH AMBER LED LAMPS
BLIND PIN MOUNT 1" OFF FACE(S)
POWER SUPPLY ENCLOSED IN CABINET

TENANT CABINET, RETAINERS AND DIVIDER BARS
ALUMINUM EXTRUSION
PAINT TO MATCH BUILDING GREEN (VERIFY COLOR)

TENANT FACE(S)
WHITE LEXAN

TENANT TEXT
VINYL APPLIED FIRST SURFACE
COLOR AND TEXT TO BE DETERMINED

ILLUMINATION
INTERNALLY ILLUMINATE WITH FLUORESCENT LAMPS AS REQUIRED
WITH ENERGY EFFICIENT ELECTRONIC BALLASTS

POLE CLADDING
ALUMINUM CONSTRUCTION
PAINT TO MATCH BUILDING TRIM COLOR (VERIFY COLOR)

GRID
2" ALUMINUM SQUARE TUBE CONSTRUCTION
PAINT TO MATCH DARK BUILDING TRIM COLOR (VERIFY COLOR)

BASE
STONE BASE BY OTHERS

SUPPORTS
STEEL PIPE BY RAMSAY
MASSON TO BUILD BASE AROUND PIPE AFTER INSTALLATION
RAMSAY TO COORDINATE BASE CONSTRUCTION

Ramsay Signs
9163 SE 14th Avenue Portland, Oregon 97205
(503) 777-4555 (800) 634-6355 (503) 777-0220

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Revisions	Approvals
Date: 9.5.05, Add awnings and elevation	Client: _____ Date: _____
11.12.05 Revision	Landlord: _____ Date: _____

Account Executive: Raymond Dreyton
Drawn: Ross Hildner

Date: 8.16.05
Client: Canby Place / Sterling Development
Berg Parkway @ Highways 99
Canby, Oregon

ESTABLISHED 1911

RAMSAY SIGNS

SCALE: 1" = 1'-0"

MANUFACTURE AND INSTALL (1) NEW DOUBLE FACED ILLUMINATED MONUMENT DISPLAY

ROOF AND REVEALS
ALUMINUM CONSTRUCTION
PAINT TO MATCH BUILDING GREEN (VERIFY COLOR)

ID CABINET AND FACE(S)
ALUMINUM CONSTRUCTION
PAINT BUILDING COLOR (VERIFY COLOR)

ID TEXT
ROUTE OUT OF FACE(S)
PUSH THRU 1" THICK CLEAR ACRYLIC
FROSTED RETURNS
APPLY TRANSLUCENT VINYL FIRST SURFACE (VERIFY COLOR)
BACK UP WITH WHITE ACRYLIC
INTERNALLY ILLUMINATE WITH FLUORESCENT LAMPS AS REQUIRED WITH ENERGY EFFICIENT ELECTRONIC BALLASTS

TENANT CABINET, RETAINERS AND DIVIDER BARS
ALUMINUM EXTRUSION
PAINT TO MATCH BUILDING GREEN (VERIFY COLOR)

TENANT FACE(S)
WHITE LEXAN

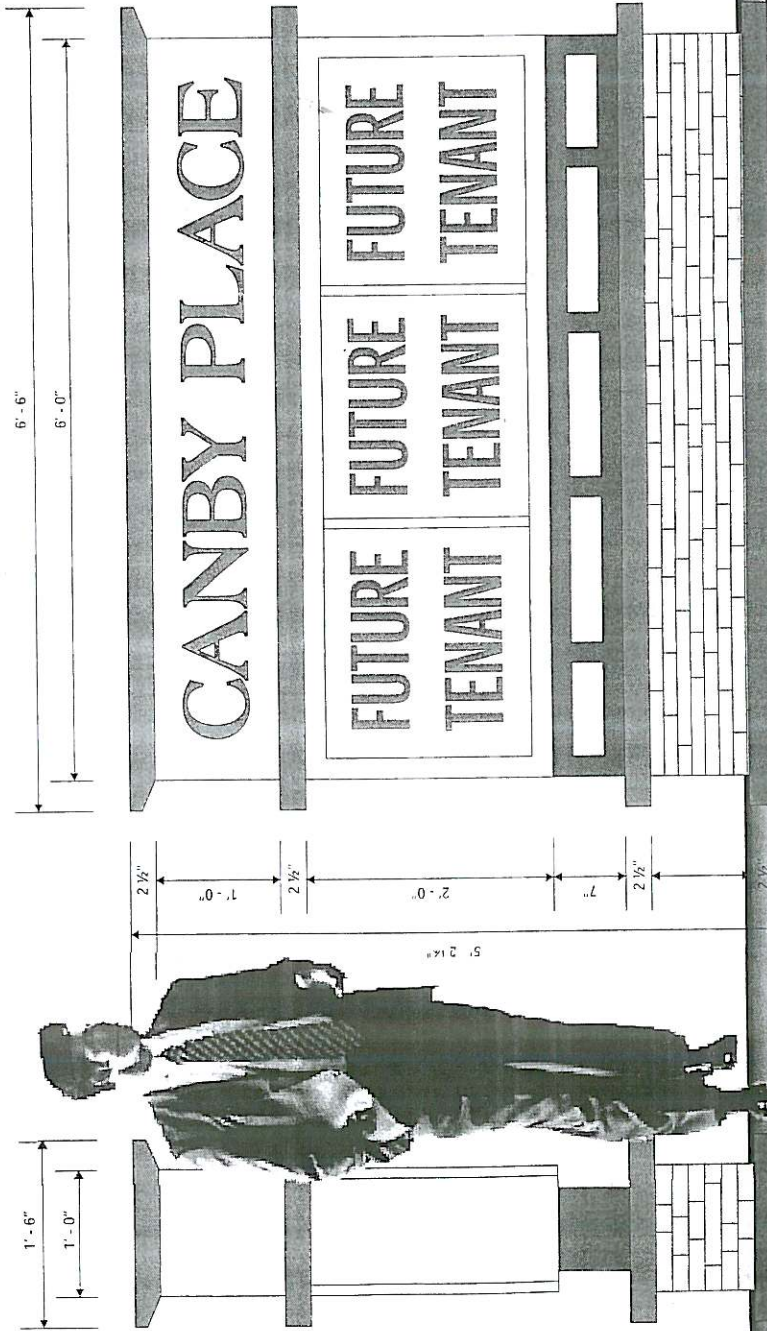
TENANT TEXT
VINYL APPLIED FIRST SURFACE
COLOR AND TEXT TO BE DETERMINED

ILLUMINATION
INTERNALLY ILLUMINATE WITH FLUORESCENT LAMPS AS REQUIRED WITH ENERGY EFFICIENT ELECTRONIC BALLASTS

GRID
2" ALUMINUM SQUARE TUBE CONSTRUCTION
PAINT TO MATCH DARK BUILDING TRIM COLOR (VERIFY COLOR)

BASE
STONE BASE BY OTHERS
RAMSAY TO COORDINATE BASE CONSTRUCTION AND INSTALLATION DETAILS

MONUMENT PAD C



20FG

Ramsay Signs
 9160 SE 74th Avenue, Portland, Oregon 97206
 (503) 777-4555 (800) 614-4555 (503) 777-3220

0 5 4 6 4

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 Ramsay Signs, Inc. is a registered manufacturer of signs and other related products.

Revisions	Date
9.5.05 Add zoning and elevation	11.2.05
Revision	

Approvals	Date
Client	
Landlord	

Account Executive
 Payment Dayton

Designer
 Ross Hilborn

Date
 8.16.05

Client
 Canby Place / Sterling Development
 Ben Parkway @ Highway 99
 Canby, Oregon



87

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 936, Canby, OR 97013

DATE: December 22, 2006

(503) 266-7001

FAX 266-1574

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - Darwin Tramel - WTP
 - Jeff Crowther - WTP
 - CITY ENGINEER
 - CTA
 - NW NATURAL
 - WILLAMETTE BROADBAND
 - CANBY DISPOSAL
 - CITY ATTORNEY
 - BIKE AND PEDESTRIAN COMM
 - PGE
 - CANBY POST OFFICE
 - CLACKAMAS COUNTY ASSESSOR
 - CLACKAMAS COUNTY 911
 - CLACKAMAS COUNTY TRANSPORTATION
 - TRAFFIC SAFETY COMMITTEE
 - CLACKAMAS COUNTY
 - CANBY SCHOOL DISTRICT
 - OREGON DEPT. TRANSPORTATION
 - ODOT/REGION 1/DIST 2B
 - STATE OF OREGON/REVENUE
 - CANBY BUSINESS REVITALIZATION
 - PARKS AND RECREATION
 - CITY TRANSPORTATION ENGINEER
 - BUILDING OFFICIAL
 - OTHER _____

The City has received DR 06-12 (Burger King), an application from Kaizen Restaurants, Inc. requesting a site and design review application to construct a 2565 square foot restaurant. The property is zoned M1 (Light Industrial). The property is located at 1157 Highway 99E.

Please review the enclosed application and return comments to Kevin Cook by Monday, January 8, 2007. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

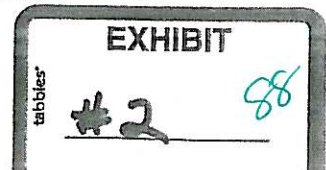
Water Svc. & S.P.C.'s to be determined.

Please check one box and sign below:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: [Signature] Date: 1/2/06

Title: Water Distribution Foreman Agency: Canby Utility



CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: December 22, 2006

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - Darwin Tramel - WTPP
 - Jeff Crowther - WTPP
 - CITY ENGINEER
 - CTA
 - NW NATURAL
 - WILLAMETTE BROADBAND
 - CANBY DISPOSAL
 - CITY ATTORNEY
 - BIKE AND PEDESTRIAN COMM
 - PGE
 - CANBY POST OFFICE
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 - CLACKAMAS COUNTY TRANSPORTATION
 - TRAFFIC SAFETY COMMITTEE
 - CLACKAMAS COUNTY
 - CANBY SCHOOL DISTRICT
 - OREGON DEPT. TRANSPORTATION
 - ODOT/REGION 1/DIST 2B
 - STATE OF OREGON/REVENUE
 - CANBY BUSINESS REVITALIZATION
 - PARKS AND RECREATION
 - CITY TRANSPORTATION ENGINEER
 - BUILDING OFFICIAL
 - OTHER _____

The City has received DR 06-12 (Burger King), an application from Kaizen Restaurants, Inc. requesting a site and design review application to construct a 2565 square foot restaurant. The property is zoned M1 (Light Industrial). The property is located at 1157 Highway 99E.

Please review the enclosed application and return comments to Kevin Cook by Monday, January 8, 2007. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Kaizen should supply detailed drawings of floor drains, storm water connections, and grease interceptor to sanitary.

Please check one box and sign below:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: Darwin Tramel Date: 1/02/06

Title: Wastewater Supervisor Agency: WWT P

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: December 22, 2006

- TO:
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input type="checkbox"/> PUBLIC WORKS | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| <input type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input type="checkbox"/> CANBY WATER | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input type="checkbox"/> Darwin Tramel - WTPP | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> Jeff Crowther - WTPP | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input checked="" type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
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| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
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Please review the enclosed application and return comments to Kevin Cook by Monday, January 8, 2007. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

SEE ATTACHED LETTER

Please check one box and sign below:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: _____

Date: December 29, 2006

Title: Project Engineer


Agency: Curran McLeod, Inc

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6655 S.W. HAMPTON STREET, SUITE 210
PORTLAND, OREGON 97223

December 29, 2006

MEMORANDUM

TO: Mr. Kevin Cook
FROM: Hassan Ibrahim, PE 
RE: **CITY OF CANBY**
BURGER KING (DR 06-12)

We have reviewed the submitted application pertaining to the above mentioned project and have the following comments:

1. All the improvements related to this development must comply with the master plan for Canby Place as approved by the City. The improvements include but not limited to the right of way dedication at the NE corner of Canby Place parcel, signal modifications, concrete curbs and sidewalks within ODOT right of way and curb return at the Berg Parkway.
2. All on-site drainage must comply with UIC requirements, Class V as stated in DEQ guidelines. A copy of the approved DEQ letter must be submitted to the City.

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: December 22, 2006

- TO:**
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
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| <input type="checkbox"/> Darvin Tramel - WTTP | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> Jeff Crowther - WTTP | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
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| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> PARKS AND RECREATION |
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Please review the enclosed application and return comments to **Kevin Cook** by **Monday, January 8, 2007**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Please check one box and sign below:

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- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: _____ **Date:** 1/5/07

Title: LT **Agency:** Police

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: December 22, 2006

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - Darwin Tramel - WTPP
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 - OTHER _____

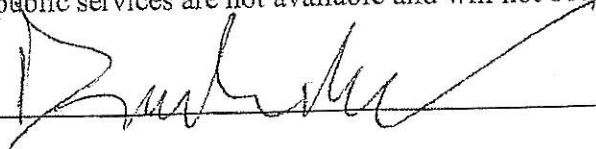
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- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature:  Date: 1-5-07

Title: ASSOCIATE ENG. Agency: CANBY TELCOM



Oregon

Theodore R. Kulongoski, Governor

Oregon Department of Transportation

ODOT Region 1
123 NW Flanders St
Portland, OR 97209 - 4037
Telephone (503) 731-8200
FAX (503) 731-8259

Date: 1/11/2007

ODOT Response to Local Land Use Notification

Project Name: Burger King at Canby Place	Applicant: Kaizen Restaurants, Inc
Jurisdiction: City of Canby	Case #: DR06-12
Site Address: 1157 Hwy 99E Canby OR 97013	Legal Description: Tax Lot(s)
State Highway: OR 99E	Mileposts: 20.62

The site is adjacent to the referenced state highway. ODOT has permitting authority for the state highway and an interest in ensuring that the proposed land use is compatible with its safe and efficient operation. **Please direct the applicant to the District Contact indicated below to determine permit requirements and obtain application information.**

Site access to the state highway is regulated by OAR 734.51. The proposed Burger King restaurant is not a change of use of the approach to OR 99E developed for Canby Place, and is covered under the ODOT permit.

An ODOT Miscellaneous Permit must be obtained for all work in the highway right of way.

An ODOT Drainage Permit is required for connection to state highway drainage facilities. Connection will only be considered if the site's drainage naturally enters ODOT right of way. The applicant must provide ODOT District with a preliminary drainage plan showing impacts to the highway right of way.

A drainage study prepared by an Oregon Registered Professional Engineer is usually required by ODOT if:

1. Total peak runoff entering the highway right of way is greater than 1.77 cubic feet per second; or
2. The improvements create an increase of the impervious surface area greater than 10,758 square feet.

ADDITIONAL COMMENTS:

Please send a copy of the Notice of Decision including conditions of approval to:

ODOT Region 1 Planning
Development Review
123 NW Flanders St
Portland, OR 97213

Development Review Planner Sonya Kazen	Phone:
Traffic Contact: Jason Grassman PE	Phone: (503) 731-8221
District 2B Contact: Loretta Kieffer	Phone: (971) 673-6228

From: "KAZEN Sonya B" <Sonya.B.KAZEN@odot.state.or.us>
To: "Kevin Cook" <CookK@ci.canby.or.us>
Date: 1/11/07 2:07PM
Subject: RE: Burger King/A&W-KFC and Canby Place

Hi Kevin - Thanks for looking this up, it is consistent with our review of Canby Place. Since ODOT only allowed a right in driveway from OR 99E and Canby Place constructed an eastbound right turn lane, I don't think ODOT would require a traffic study as the future KFC wouldn't be a "change of use" of the permit. However, City might want to have them provide a revised study for KFC is there are any questions about the operation of the approaches on Berg Parkway.

(Did A&W and KFC merge or something? I guess I'm not up on fast food corporate goin's on.)

Regards,

Sonya Kazen, Senior Planner
 ODOT Region 1
 123 NW Flanders Street
 Portland, Oregon 97209
 503.731.8282
 503.731.8259 (fax)

-----Original Message-----

From: Kevin Cook [mailto:CookK@ci.canby.or.us]
Sent: Thursday, January 11, 2007 1:25 PM
To: KAZEN Sonya B
Subject: Burger King

Hi Sonya,

Here's the scoop on Canby Place / Burger King. Canby Place will consist of 3 buildings. Building C is approved as a 11,570 sq. ft. multi-tenant retail building and construction is underway.

Buildings A and B have approvals for their building pads only and need to go through the City's Design Review process prior to any permits.

Burger King has applied for Design Review approval for Building B. The original traffic study assumed up to a 3280 sq. ft. drive up restaurant. BK is proposing under 3000 sq. ft.

Building A has not yet applied for Design Review approval. Building A is intended to be an A&W/KFC drive-through restaurant and the pad can accommodate building with a building footprint slightly over 3000 sq. ft.

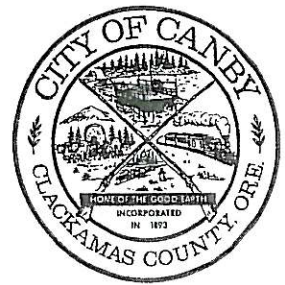
Based on our conversation yesterday, it seems reasonable to not require a study for BK since a fast-food drive-through was covered in the original study. But you would like to see a study for the A&W/KFC when they apply for their Design Review. Please confirm.

I have also attached a portion of the traffic study that was completed by Group Mackenzie for the original Canby Place application in case you don't have easy access to ODOT's copy...

Take care.

Kevin Cook, Associate Planner
City of Canby, Community Development
170 NW 2nd Ave
PO Box 930
Canby, OR 97013
Phone: 503-266-9404
Fax: 503-266-1574
www.ci.canby.or.us

CC: "GRASSMAN Jason M" <Jason.M.GRASSMAN@odot.state.or.us>, "JENSVOLD Martin R" <Martin.R.JENSVOLD@odot.state.or.us>



Pre-Application Meeting

Burger King
October 31, 2006
10:30 am

Attended by:

Pat Thurston, CU Water Distribution Dept, 503-263-4309
Bryan Orthel, Carlson Veit Architects, 503-390-0281
Roy Hester, Public Works, 503-266-4021
Terry Smith, NW Natural Gas, 503-931-0422
Kevin Cook, Planning Department, 503-266-7001

Craig Carlson, Carlson Veit Architects, 503-390-0281
Ralph Henderson, Group MacKenzie, 503-224-9560
Gary Stockwell, CU Electric Dept, 503-263-4307
Dan Mickelsen, Public Works, 503-266-4021
Dinh Vu, Canby Telecom, 503-266-8201

This document is for preliminary use only and is not a contractual document.

CARLSON VIET ARCHITECTS, Craig Carlson

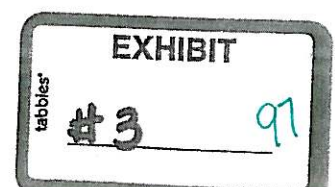
- We are planning on building a Burger King restaurant, a little less than 2,600 sq ft and will seat about 60 people. This will be a new Burger King design, which will be one of the new type designs for this area. It will be a typical Burger King layout with a drive through, which conducts about 60% of their business with 40% walk-ins. We have provided a drive through lane and a bypass lane for complete circulation around the entire building. The trash enclosure is outside the back door accessible from the main driveway. Handicapped spaces out front and we have shown on the plans for a possible future playground that would be an enclosed if it is built. We are showing a 1,000 gallon grease interceptor that will be connect to the kitchen waste and the restroom waste will be bypassing that and catching it down stream.
- Has there been a traffic analysis completed? Kevin stated yes by Group MacKenzie.
- Craig asked about the System Development Charges and what applies. Kevin said he would need to talk to Carla Ahl at the Planning Department; she has a spread sheet which will explain it all.
- Our Electrical Engineers are Interface Engineering and we will pass your (Gary Stockwell) contact information onto them.

CITY OF CANBY, PUBLIC WORKS DEPARTMENT, Roy Hester

- Connect the lines to the restroom past the grease interceptor, not like the plans show that everything goes through the grease trap interceptor, we do not want that.
- The storm and sewer are okay and as far as Public Works goes you are ready to go.
- Any of your contractors or sub-contractors who come and work at your site will need to have Canby Business license.

CITY OF CANBY, PUBLIC WORKS DEPARTMENT, Dan Mickelsen

- On the sanitary I don't see where the nearest clean out is? Ralph told Dan they were putting them in per plumbing code and it is being completed by York & Curtis and I don't know specifically where there located.
- The entire project has an erosion control permit, but Burger King itself does not have an erosion control permit. My concern is with blowing garbage, concrete washout, etc. You



will need to make sure all your contractors and sub-contractor are aware of these rules and regulations.

- On the erosion control application if you can give me a ball park time of when you plan on starting your project, so I can get your application reviewed, completed and back to you in a timely manner.

CANBY UTILITY, ELECTRIC DEPARTMENT, Gary Stockwell

- The basic infrastructure through the Canby Place project is provided. There will be two conduits stubbed to your building lot for power; however it will be Burger King's responsibility to extend the conduits and pay the fees for the service conductor and the meter, etc. There will be some additional fees and I will not be able to figure them out until I get from you a load summary and if you can go to one of your newer designed buildings and contact the serving power company and ask them to give me a demand history. This will help me properly size the service conductors for you. Your electrician can contact me on the actual service requirements from an architectural point of view anything under 800 amp we require an external CT can and meter.
- The conduits stubbed to your site are secondary. The transformer has already been sized to accommodate the three buildings on the site.
- You located your power in the worst possible case, the opposite side of the building where it is coming in. We do not allow the conduit to go under the building, so they will have to bypass the building. When your site contractor begins his work he will need to contact me so we are on the same page.

NW NATURAL GAS, Terry Smith

- In conjunction with the whole project we are going to run a 2" gas main between the future buildings through the street in the utility easement across the entire frontage of 99E. We will come off that 2" with a 1" service to your building and I see it will be going near your trash enclosure near your building and I take it this will not be a covered enclosed area. Craig told Terry it will not be an enclosed covered area. We will come around the easement to the point of service.
- Do you have a physical address for the building as of yet? On the plans it shows 1109 S Berg Parkway, but Kevin stated he thought they were being addressed by building and for Craig to verify this with Carla at the Planning Department. Terry said there is a representative of NW Natural in Salem that needs to know the address, what type of gas equipment and what the load will be, this help us draw our utility plans.
- I don't see any problems at this time serving your site.

CANBY TELCOM, Dinh Vu

- I will follow the power in the trench. I will await the power plans from Gary and if there is need for additional trenching we ask you to provide it. There are no fees.

CANBY UTILITY, WATER DISTRIBUTION DEPARTMENT, Pat Thurston

- We have water available for you at Berg Parkway and from your plans I don't foresee any problems at this time. I would say at this time I have two services I need to disconnect when you are doing your work at this corner of 99E and Berg Parkway and the other is at the construction entrance, I will need to coordinate those removals, with you and York & Curtis.

- Craig said Burger King would like a 2" water line with a 1-1/2" meter. Pat told them the SDC's for the water meters are: 1" = \$6,328.00; 1-1/2" = \$10,731.00 and a 2" = \$25,865.00. Let me know what you decide on the meter size, so I can work up a fee structure. If we put in the water service in for a 1-1/2", main to meter, \$985.00.
- Make sure you use Stortz adapters for the fire hydrants.

CITY OF CANBY, PLANNING DEPARTMENT, Kevin Cook

- We have done the design review for the entire site, what the Planning Commission will be primary looking at is the building's design, colors and materials. Craig said received all the information from Group MacKenzie on the design and colors and we will incorporate these colors in the Burger King designs.
- For the application we would like a color board and some samples or photographs to give to the Planning Commissioners.
- Our design review criterion is in Chapter 16.49.040 and when you submit the application we would like you to score yourself with the matrix. You will need to have a minimum score of 65%.
- It looks like you have the stacking for your drive through is in compliance with our code. Our code assumes a 20' long vehicle for stacking purposes and your plans show you have a 1 to 20 here and our code specifies 2 to 8 depending on the size of your operation.
- You asked about the pylon signage and I do not have my paper work with me, but I will get you the information.
- You will need to compare notes with what was already approved for the overall project, I think the landscaping was already assumed for this building and I don't think you will need to do any, but you will need to compare notes. Our codes states that 15% of the site will be landscaped. Make sure no trees will be planted on tight curbs.

GROUP MACKENZIE, Ralph Henderson

- The storm system is a full infiltration system. The whole site will go through filtrations; drywells and infiltration trenches.
- Ralph told Craig that there are two fire hydrants for the site. Pat told them that both of the fire hydrants are private and Ralph concurred. Pat also stated that if there was anything wrong with the hydrants they would have to hire someone to fix them.
- Ralph stated that the entire project will have mountable curbs and that Burger King will need to also place curbing for their site.

EMAIL SENT BY KEVIN COOK ON SIGNAGE, DATED 11-1-06:

I looked up the sign area calculation for the Canby Place Retail Center. The overall site is allowed 764 sq ft of signage. The latest information I have is that Sterling intends to use 316 sq ft for their pylon and monument signs. So, there would be a balance of 448 sq ft available to be split between buildings A (Burger King) and B (KFC/A&W).

Sterling Development will need to decide how this gets divvied up. You will need to show the height and the location of any proposed signs as part of your Design Review submittal. We have a separate application for signs, so if the sign area is not known at the time of Design Review it can be reviewed later. Any questions or concerns please contact me. 503-266-9404.

From Original Traffic Study
Submitted w/ Canby Place
(DR-05-05)

GROUP
MACKENZIE
8-1-2005

V. SITE DEVELOPMENT

TRIP GENERATION

Trip generation calculations were prepared utilizing the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, Seventh Edition. For the shopping center, the fitted curve equation was used for calculating trip generation because it is a more accurate representation of trips generated than the average ITE rate. The table below presents the trip generation characteristics for the 3,280 SF fast food restaurant with drive-through and 14,050 SF Shopping Center.

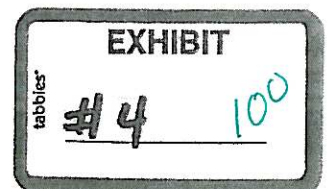
Land Use/ Trip Reduction	Square Feet/ (% Reduction)	ADT	AM Enter	AM Exit	PM Enter	PM Exit
Fast Food w/ Drive Through	3,280	1627	89	85	59	55
Shared Trips	20%	488	4	6	12	11
Pass-by	49%/50%	569	41	40	24	22
Net New Trips		569	43	40	24	22
Shopping Center	14,050	2173	33	21	95	102
Shared Trips	20%	488	6	4	11	12
Pass-By	67%	943	13	12	51	51
Net New Trips		465	8	5	23	25
Total New Trips		1034	51	45	47	47

Total Trips

The total trips are simply the number of vehicle trips to each development use during the time period. This is the information provided by the rates published in ITE's *Trip Generation Manual* and is composed of shared, pass-by trips and new trips.

Shared Trip Reduction

A development such as Canby Place has a variety of services that many customers will take advantage of in a single trip. The total trips and number of customers to each store do not change, but the site driveway counts are lower. A reduction in the total trips was assumed to be 20%, based on the ITE *Trip Generation Handbook* Second Edition guidelines, meaning 20% of the trips to Canby Place will visit both the fast food restaurant and the retail use. For the AM peak hour, no data for shared trips is available in the ITE *Trip Generation Handbook*. For consistency, the PM peak hour rate of 20% was used. This number of trips is low, however, because the retail AM peak hour trip generation rate is small. Shared trip worksheets are in the appendix. According to the ITE *Trip Generation Handbook*, the percentage for average daily shared trips between retail uses is 30%.



While no additional reduction of trips was assumed in this analysis, it is expected that there will be shared trips to this development from Canby Square via the aligned driveways on Berg Parkway.

Pass-by Trips

Pass-by trips are those trips to the site that are already driving by on the adjacent roadways. These trips do not increase the total traffic volumes on the roadways, but do add to turning movement volumes at the site accesses. Generally, pass-by trips enter and exit the site from the same driveway in the direction they were traveling before turning into the site.

Pass-by percentages for shopping centers and fast food restaurants with drive-throughs were obtained from information published in the *ITE Trip Generation Handbook – Second Edition*. A shopping center of this size is projected to have 67% pass-by trips in the AM peak and PM peak hours. For the fast food restaurant with drive-through, the pass-by rates assumed were 49% in the AM peak hour and 50% in the PM peak hour.

New Trips

New trips are the remaining trips after shared and pass-by trip reductions are taken. These trips are reported in the Table 2 above.

For purposes of this analysis, all trips generated by this development are assumed to be automobile trips. Low transit use is anticipated due to the distance to the nearest bus stop.

TRIP DISTRIBUTION AND ASSIGNMENT

Trip distribution is based upon evaluation of existing traffic patterns at the study area intersections. Approximately 40% of existing traffic travels to/from the west in the direction of Barlow. 60% of traffic travels to/from the east towards downtown Canby and Oregon City. Figure 8 illustrates the trip distribution for the AM peak and PM peak hours as well as the corresponding trip assignments.

Because site build-out will occur prior to the completion of construction of the Berg Parkway extension, no modification of distribution and assignment was made. As a result, this analysis will provide a 'worst-case' impact scenario of the site development on the Highway 99E/Berg Parkway intersection since all site trips will pass through the intersection.

TOTAL TRAFFIC

Total traffic is base traffic volumes plus site traffic. Figure 9 illustrates 2004 total traffic volumes.

ACCESS ANALYSIS

One driveway will access Berg Parkway. It will align with the existing Canby Square shopping center. The other access proposed is the existing right-in/right-out driveway to Highway 99E. This access requires an approach permit granted by ODOT. Based on the traffic distribution on the adjacent roadways, it is estimated that 70% and 30% will use the Berg and 99E driveways, respectively. Analysis has been done for both scenarios with and without the Highway 99E access.

SPACING STANDARDS

ODOT access management requirements for the state highway identify a minimum spacing standard of 990 feet between access points. The proposed retention of the right-in/right-out driveway requires a deviation from these standards. Presently, the distance between the driveway and Berg Parkway, measured from inside distance between intersections, is 190 feet. Due to the extreme grade change between property and highway right-of-way, the driveway location cannot be shifted further away from the Berg Parkway intersection. A concurrent application to ODOT for this access permit is in process.

The proposed right-in/right-out driveway to Highway 99E meets the approval criteria of ODOT for the approach permit. While the existing location does not meet the ODOT specified spacing standard of 990 feet, adherence to the spacing standard would create a safety problem if the driveway were relocated. Moving the driveway further west is not feasible because, as the road extends west of the Berg Parkway intersection, the highway grade falls toward the Molalla River bridge while the site remains relatively flat. The grade difference makes a relocated driveway to the west unsafe and impractical. To relocate the driveway to the east would decrease the distance to the existing signalized intersection and is unfavorable to traffic operations.

The approach onto the highway is also needed for site circulation. The proposed commercial development lot dimensions preclude the ability for truck turn-around movements. Access and circulation patterns for deliveries were evaluated using AutoTurn software. A 40-foot tractor-trailer was assumed and laid out on the site plan. Turning movement simulations are shown in Figures 10 and 11. From the figures it is clear that the right-in/right-out movements are necessary for the safe and efficient circulation of delivery trucks. It is also noted that the need for the access is not a result of a self-created hardship. No alternate layout of commercial buildings on-site could provide enough area to eliminate the need for the right-in/right-out approach on Highway 99E.

More traffic will utilize Berg Parkway when it extends to 12th Street. This will result in more delay for left turns into the Canby Square shopping center as drivers wait for gaps in oncoming traffic. As a result, left turns out of the site will also experience delay. Maintaining the right turn only driveway on Highway 99E will minimize the impacts of the Berg extension, lessen delays leaving the site, and reduce potential back-to-back left-turn queuing conflicts.

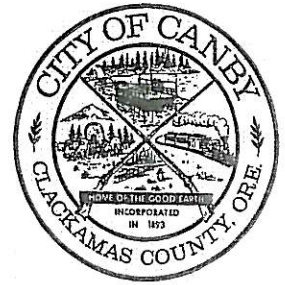
SIGHT DISTANCE ANALYSIS

ODOT's *Highway Design Manual (Section 5.2.3 Intersection Sight Distance)* requires that the sight distance provided at intersections conform to the 2001 AASHTO "A Policy on Geometric Design of Highways and Streets-2001". Sight distance standards presented in that edition were evaluated. The recommended sight distances for minor street left and right turns are based on the vehicular speed as described in AASHTO Exhibits 9-55 and 9-58, respectively. The sight distance recommendations provide sufficient time for the minor-road vehicle to accelerate from a stop and complete a turn without unduly interfering with major-road traffic operations. Vehicular speeds were assumed to be the posted speeds. A speed study was not conducted in this area.

The following table summarizes the sight distance availability and AASHTO recommendations.

Vehicle Turning	Speed, Lanes	Direction	Recommended		Existing Available
			ODOT	AASHTO 2001	
From Site Access To Hwy. 99E	45 mph, 5 lanes	To east	N/A	N/A	N/A
		To west	430 feet	430 feet	>2,000 feet
From Site Access To Berg Parkway	25 mph, 2 lanes	To north	240 feet	240 feet	300 feet
		To south	280 feet	280 feet	>400 feet

Sight distances at the study area intersections were measured in accordance with AASHTO standards to be in excess of the recommended distances in both directions.



- STAFF REPORT -

APPLICANTS:

Nick & Jamie Netter
2147 NE Territorial Rd
Canby, OR 97013

FILE NO.:

ANN 06-04

OWNERS:

Todd & Theresa Snelson
1401 S Fir St.
Canby, OR 97013

STAFF:

Kevin C. Cook
Associate Planner

LEGAL DESCRIPTION:

Tax Map 4-1E-4CA
Tax Lot 1301 (1.95 acres)

DATE OF REPORT:

January 12, 2007

LOCATION:

1401 S Fir St.

DATE OF PC HEARING:

January 22, 2007

COMPREHENSIVE PLAN DESIGNATION:

R-1.5 Medium Density Residential

ZONING DESIGNATION:

Exclusive Farm Use
(Clackamas County EFU)

I. APPLICANT'S REQUEST:

The applicant is seeking to annex a single 1.95 acre tax lot into the City of Canby. If annexed, the applicant proposes to construct 12 new single family homes with vehicle access from S Fir St. The parcel currently contains one single-family residence and three outbuildings. The applicant's conceptual plan is very similar to the Sequoia Place subdivision immediately to the north of the subject parcel. The parcel was previously reviewed and approved by the Planning Commission and the City Council in December 2005/January 2006 but was ultimately rejected by the voters in the May 2006 election.

II. MAJOR APPROVAL CRITERIA:

The Planning Commission forms a recommendation that the City Council may consider while conducting a public hearing. If the City Council recommends approval of the application, the annexation is placed before the voters at the next general election.

Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Commission shall give ample consideration to the following:

1. Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the Comprehensive Plan).
2. Analysis of the "need" for additional property within the city limits shall be provided.
3. Smaller non-farm land shall be considered a priority for annexation over larger farm land;
4. Access shall be adequate to the site;
5. Adequate public facilities and services shall be available to service the potential (or proposed) development;
6. Compliance with other applicable city ordinances or policies;
7. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (In other words, a triple majority type application must contain proof that a triple majority does, in fact, exist, etc.);
8. Risk of natural hazards which might be expected to occur on the subject property shall be identified;
9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas;
10. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole. The full text of the annexation criteria can be found in Section 16.84.040 of the Land Development and Planning Ordinance.

III. FINDINGS:

A. Background and Relationships:

The subject parcel is currently zoned EFU (Exclusive Farm Use) by Clackamas County. Canby's Comprehensive Plan designation of the subject parcel is R-1.5 Medium Density Residential. If annexation is approved, City zoning for the parcel would automatically be amended to reflect the R-1.5 zoning in conformance with the Comprehensive Plan.

The parcel currently contains one single family residence and three out buildings. The subject parcel is essentially flat. Soil on the site is suitable for residential development and is not used in agricultural production. The parcel contains no steep slopes, no apparent waterways and no natural hazards that would prevent development of the site.

The property to the north (Sequoia Place) is within the City limits and is zoned R-1.5 Medium Density Residential. The property to the east (Hope Village) is within the City limits and is zoned R-1.5 Medium Density Residential. The property to the west is within the City limits and is zoned R-1 Low Density Residential. The property to the south is not within the City limits and has a Comprehensive Plan designation of Medium Density Residential.

The subject parcel is bounded on three sides by lands within the City limits. The property is surrounded by residential lands of varied density.

Traffic analyses and utility information included in this application are based on anticipated residential use. In considering the application, however, applicable criteria should be applied to the annexation only and not to any conceptual plan.

The parcel was previously reviewed and approved by the Planning Commission and the City Council in December 2005/January 2006 but was ultimately rejected by the voters in the May 2006 election.

B. Comprehensive Plan Consistency Analysis

ii. Urban Growth

GOAL: 1) TO PRESERVE AND MAINTAIN DESIGNATED AGRICULTURAL AND FOREST LANDS BY PROTECTING THEM FROM URBANIZATION.

2) TO PROVIDE ADEQUATE URBANIZABLE AREA FOR THE GROWTH OF THE CITY, WITHIN THE FRAMEWORK OF AN EFFICIENT SYSTEM FOR THE TRANSITION FROM RURAL TO URBAN LAND USE.

Policy #3: Canby shall discourage the urban development of properties until they have been annexed to the City and provided with all necessary urban services.

Analysis: Annexation of the subject property is the first step toward urban development and provision of urban services. According to the Comprehensive Plan this property is designated priority "A" for annexation.

Implementation Measure A of this policy states:

"Urban facilities and services must be adequate in condition and capacity to accommodate the additional level of growth, as allowed by the City Comprehensive Plan prior to, or concurrent with, the land use changes".

Existing utilities are sufficient to serve the subject parcel with urban level services. The subject parcel is a small property essentially surrounded by urban level services at or near the site. Utility issues are discussed further in the Public Facilities and Services section below.

Implementation Measure D of this policy states:

"The adopted maps showing growth phasing shall be used as a **general guideline** for the City's outward expansions. Areas designated as Type "A" urbanization lands shall generally be annexed prior to those areas shown as Type "B", etc..."

The parcel meets criteria for both phasing of growth and nature of size and use. The parcel is small part of an island of county land that is not engaged in agricultural production. The parcel is also designated as priority "A" for annexation, indicating that it should be considered before other lands designated priority "B" and "C".

iii. Land Use Element

GOAL: TO GUIDE THE DEVELOPMENT AND USES OF LAND SO THAT THEY ARE ORDERLY, EFFICIENT, AESTHETICALLY PLEASING AND SUITABLY RELATED TO ONE ANOTHER.

Policy #2 Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.

Analysis: Implementation Measure B of this element states, "Carefully analyze the need for additional property within the City limits or in light of underutilized incorporated property, prior to the annexation of additional land." Annexation of this parcel would permit future development according to the Comprehensive Plan. The proposal would bring 1.95 acres of land into the City under R-1.5 Medium Density Residential zoning. See the attached Buildable Lands Analysis.

Policy #3 Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.

Analysis: Request for comments have been sent to all public facility and service providers (see discussion under Public Services Element).

iv. **Environmental Concerns Element**

GOAL: 1) TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.

2) TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION. TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

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

Analysis: Surrounding parcels are used in residential development. The subject parcel is also committed to residential development and is not used for agricultural production.

Policy #1-R-B: Canby shall encourage the urbanization of the least productive agricultural area within the urban

growth boundary as a first priority.

Analysis: *Implementation Measure B of this element states, "Carefully analyze the need for additional property within the City limits or in light of underutilized incorporated property, prior to the annexation of additional land."*

Goal #2 addresses the need for buildable land in Canby. Canby generally considers a 3 year supply of buildable lands (for each residential zoning district) to be sufficient; The City Council has determined that only platted lots and/or approved units should be included in the calculations; annexed land that has not been subdivided will not be included in the analysis. The Council has also determined that annexations that will significantly exceed the 3-year supply would not meet the annexation criteria for need.

Based on the number of vacant platted lots in the R-1.5 zoning district, the total supply of buildable lands available for medium density residential development is essentially zero. The proposed annexation along with development of property to the west would potentially add 12 new lots at the time of final subdivision plat approval. The new lots would bring the buildable lands supply total to 4.29 years when added to today's availability. However, the 4.29 year figure is skewed and should not necessarily be taken at face value; the reason being, the land supply is normally based upon a five year average of building permits issued, yet the past five years have seen a severe deficit in the supply of medium density lands.

For this policy, implementation measures C and D also apply to annexations. Measure C gives direction to "encourage growth into areas where land is fragmented into small parcels which are not conducive to productive agricultural use." Measure D gives direction to "review annexation proposals in light of the growth phasing strategies of the Urban Growth Element."

The subject parcel is not involved in agricultural production and is surrounded by residential uses. The property is also designated priority "A" for annexation, giving it precedence over larger agricultural uses.

Policy #2-R: Canby shall maintain and protect surface

water and groundwater resources.

Analysis: Public facilities and service providers did not express any storm-water concerns with this proposal. New development will be required to comply with local, State, and Federal laws concerning surface water and ground water resources.

Policy #6-R, 9-R, 10-R, 1-H, 2-H, 3-H: Policies relating to historic sites, fish and wildlife habitat, wetlands, steep slopes, flood prone areas, and poor soils

Analysis: The subject property does not fall within a hazard zone as identified by the Comprehensive Plan. There are no steep slopes and no identified flood prone areas. There are no wetlands and there are no historic sites on the property. Existing trees may be considered significant wildlife habitat in the areas anticipated for development.

v. **Transportation Element**

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

Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.

Analysis: Canby Police and Fire districts were sent a Request for Comments. Neither agency expressed concerns with access to the site.

v. **Public Facilities and Services Element**

GOAL: TO ASSURE THE PROVISION OF A FULL RANGE OF PUBLIC FACILITIES AND SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.

Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.

Analysis: All public facility and service providers were sent a "Request for Comments" regarding this application. Responses were received from the City Engineer, Wastewater Treatment Plant, Canby Electric, Canby Water, and Police.

All Service Providers indicate that services are available to serve the proposed annexation and subsequent development.

Traffic Analysis: A traffic study was conducted by Lancaster Engineering in . The study did not predict any excessive impacts onto local streets and intersections.

vii. Economic Element

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

Policy #4: Canby shall consider agricultural operations which contribute to the local economy as part of the economic base of the community and shall seek to maintain these as viable economic operations.

Analysis: While the County's zoning designation for the parcel is Exclusive Farm Use, the subject property is dedicated to residential use, is not currently used for agricultural production and is not likely to be used for any type of agricultural production. The subject parcel is designated Priority "A" for annexation and can be served by urban level services upon development.

viii. Housing Element

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

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Policy #1: Canby shall adopt and implement an urban growth boundary which will adequately provide space for new housing starts to support an increase in population to a total of 20,000 persons.

Analysis: This property is within the City's Urban Growth Boundary and, as such, is intended to be available for development at some point within the next 20 years. The parcel also provides an opportunity to provide affordable housing while infilling vacant land inside the city limits.

Conclusion Regarding Consistency with policies of Canby's Comprehensive Plan:
This application is consistent with the Comprehensive Plan policies for annexation.

C. Evaluation Regarding Annexation Consideration Criteria

1. Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the Comprehensive Plan). Areas designated as Type "A" urbanization lands shall be annexed prior to those areas shown as Type "B", etc.

Analysis: The subject parcel is designated priority "A" for annexation.

2. Analysis of the "need" for additional property within the city limits shall be provided.

Analysis: The City of Canby monitors residential land supplies in order to determine the City's general need for buildable land. The "need" for developable land is a function of total supply and actual lands platted for development (see Buildable Lands Analysis for current land supplies).

3. Smaller, non-farm land shall be considered a priority for annexation over larger farm land.

Analysis: The property is not used for agriculture and is designated priority "A" for annexation, and is thereby reserved for urban development before other properties considered priority "B" and "C".

4. Access shall be adequate to the site.

Analysis: Access to the site will require street improvements at the time of development. Current access at S Fir Street is sufficient to

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serve the needs of annexation and development on the site.

5. Adequate public facilities and services shall be available to service the potential (or proposed) development.

Analysis: Public facility and service providers indicate that services are currently available at the site or will become available through development to serve the needs of the subject parcel.

6. Compliance with other applicable city ordinances or policies.

Analysis: The purpose for this criterion is to ensure that the annexation application is in compliance with City policies that are not specifically addressed in the rest of the criteria. Staff believes the application meets other applicable city ordinances and policies, as discussed in the analysis above with relation to Comprehensive Plan policies.

7. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (In other words, a triple majority type application must contain proof that a triple majority does, in fact, exist, etc.).

Analysis: The application complies with the applicable sections of Oregon Revised Statutes Chapter 222.

8. Risk of natural hazards which might be expected to occur on the subject property shall be identified.

Analysis: No natural hazards have been identified on the subject property.

9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas.

Analysis: There are no "specially designated" open spaces, scenic or historic areas identified on the subject property.

10. Economic impacts which are likely to result from the annexation shall be evaluated in the light of social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community as a whole.

Analysis: The annexation of this property would not have a significant adverse affect on the short term economic, social and physical environment of the community. Annexation and development of the

parcel would provide temporary employment during construction and would provide approximately twelve long-term residences.

IV. CONCLUSION

Staff hereby concludes that the proposed annexation meets the requirements of the standards and criteria included in the Canby Land Development and Planning Ordinance, Section 16.84.040.

V. RECOMMENDATION

Based upon the findings and conclusions contained in this report and without benefit of a public hearing, staff recommends that the Planning Commission recommend approval of ANN 06-04 to the City Council, with the addition of the following understandings.

1. The zoning classification for the property will be R-1.5 Medium Density Residential.
2. All service connections, recording costs and future development costs are to be borne by the applicant and/or the property owners.
3. All City and service provider regulations shall be adhered to at the time of connection to services and/or upon future development.
4. Public utility easements are normally conditioned as a part of new development. As no new development is proposed, sidewalks and utility easements will be required upon any future land use application including subdivision approval, Site and Design Review approval and/or issuance of a building permit or other application for development.
5. Any costs associated with the annexation election **not already** covered by an initial deposit shall be the responsibility of the applicant and/or property owner. Elections costs shall be payable upon receipt of an itemized billing from the City of Canby.

Exhibits:

1. Applicant's Packet
2. Responses to Requests for Comments
3. Buildable Lands Analysis
4. 2006 Traffic Study

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**CITY OF CANBY
ANNEXATION APPLICATION**

Fee: *See Reverse

Election Costs Deposit: \$2,500.00 – General Election - \$4,500.00 Special Election
Process Type IV

OWNERS

APPLICANT**

Name Todd & Theresa Snelson

Name Nick & Jamie Netter

Address 1401 S. Fir Street

Address 2045 N Walnut Street

City Canby State OR Zip 97013

City Canby State OR Zip 97013

Phone 503-263-6350 Fax _____

Phone (503) 708-9979 Fax 266-8486

E-mail _____

E-mail nnconst@canby.com

Please indicate who is to receive correspondence (i.e. staff reports etc) and what format they are to be sent

<input type="checkbox"/>	Owner	<input type="checkbox"/>	Email	<input type="checkbox"/>	US Postal	<input type="checkbox"/>	Fax
<input checked="" type="checkbox"/>	Applicant	<input checked="" type="checkbox"/>	Email	<input checked="" type="checkbox"/>	US Postal	<input type="checkbox"/>	Fax

OWNER'S SIGNATURE _____



DESCRIPTION OF PROPERTY

Address 1401 S. Fir Street

Tax Map 4 1E 4CA

Tax Lot(s) 1301

Lot Size 1.95
(Acres/Sq.Ft.)

Existing Use One single family home and 3 outbuildings

Proposed Use Annexation for future R-1.5 medium density residential development

Existing Structures One single family home, 3 outbuildings

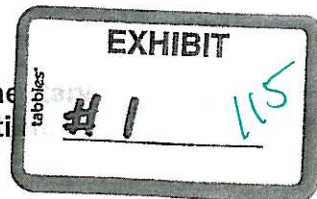
Zoning EFU, Proposed R-1.5

Comprehensive Plan Designation MDR

Previous Land Use Action (If any) ANN 05-07 annexation request (denied by voters)

FOR CITY USE ONLY
File # <u>ANN 06-04</u>
Date Received <u>10/31/06</u> By <u>KCC</u>
Completeness _____
Pre-App Meeting _____
Hearing Date _____

**If the applicant is not the property owner, they must attach documented evidence of their authority to act as agent in making this application



ANNEXATION: INSTRUCTIONS TO APPLICANTS

All materials must be submitted in .pdf format on CD

1. The applicant may request, or the City Planner may determine, that a pre-application conference is necessary after the application has been discussed, or upon receipt of the application by the City. If a pre-application conference is necessary, the applicant completes and returns a completed pre-application form to the City and a conference is scheduled.
2. The applicant will be required to hold a neighborhood meeting with adjacent property owners and neighborhood representatives prior to submitting their application, unless this requirement is waived by the City.
3. Determinations of Annexation Type. The Planning Director shall determine whether an application is for a Major or Minor Annexation as follows:
 - A. Major Annexation. An annexation shall be considered major if one or more of the following exists:
 1. More than one property is involved;
 2. City services do not abut the site;
 3. The land is vacant and the request involves more than one district designation; or,
 4. The land is developed with more than one type of existing land use and more than one district designation is needed or requested.
 - B. Minor Annexation. Any annexation not meeting the description provided above for major annexation is considered a minor annexation. In general, an annexation is considered minor if measurement of the physical, environmental and related social effects is easier than with a major annexation.
4. Application Filing Deadlines. Annexation Elections are scheduled for May and November. Special elections may be scheduled outside of May or November if paid for by the applicant (any special election will be scheduled by the City Council following the required City Council hearing on the application). Application deadlines are established to permit public hearings by both the Planning Commission and the City Council in time to meet State requirements for submitting ballot information for these election dates. Application deadlines for major and minor annexations are as follows:
 - A. A major annexation must be filed with the Community Services Department before 5:00 P.M. on the last working day in September for a ballot election in May and the last working day in March for a ballot election in November.
 - B. A minor annexation must be filed with the Community Services Department before 5:00 P.M. on the last working day in October for a ballot election in May and the last working day in April for a ballot election in November.
5. Any application for an annexation shall be filed with the City Planner, typed or printed and accompanied by the following:

ANNEXATION: INSTRUCTIONS TO APPLICANTS (cont.)

All materials must be submitted in .pdf format on CD

Applicant City
Check Check
 ⇒

One copy of pages 1, 3, and 4 of this application, available at www.ci.canby.or.us. The checklist on pages 3 and 4 should be included in the application with all relevant items checked by the applicant in the "applicant" column. If any items are considered to be not applicable, the omissions should be explained in the narrative. The City may request further information at any time before deeming the application complete.

⇒ Payment of appropriate fee **and** a \$2,500.00 deposit to cover general election costs or \$4,500.00 deposit to cover special elections costs. Cash or checks only. Checks should be made out to the City of Canby. All election costs shall be paid by the applicant. The City will record all of its costs related to the annexation election and will refund any unspent amount from the deposit to the applicant after the election takes place. If election costs exceed the deposit additional payment to cover remainder will be required. If no election takes place, the entire deposit will be refunded.

⇒ A list of property owners within 500 feet of the subject property, on mailing labels (1" x 2-5/8") and in electronic form. **If the address of a property owner is different from the address of a site, a label for each unit on the site must also be prepared and addressed to "occupant."** A list of property owners may be obtained from a title insurance company or from the County Assessor. If applicable, labels must be prepared for any property owners and sites that will be "islanded" by the proposed annexation.

⇒ One (1) copy in written format and .pdf format of the minutes of the neighborhood meeting as required by Municipal Code 16.89.020 and 16.89.070. The minutes to include the date of the meeting and a list of attendees.

⇒ One (1) copy in written format and .pdf format of the minutes of the pre-application meeting.

⇒ One (1) copy in written format and .pdf format of the full quarter-section tax assessor's map, with the subject property outlined.

⇒ One (1) copy in written format and .pdf format of the legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor.

⇒ Twenty (20) copies of a site plan, drawn to scale (not greater than 1"=50') on paper no less than 8.5" x 11" and no larger than 18" x 24" and .pdf format. The map shall include the following information:

⇒ A. Vicinity map of the property;

⇒ B. The date, north point, scale, and sufficient description to define the location, size, and boundaries of the tract to be annexed;

⇒ C. Outline, location, and description of all existing buildings (if any);

⇒ D. For land adjacent to and within the tract to be annexed, the location, names, and existing right-of-way and pavement widths of streets, location, width, and purpose of any existing easements; and location and size of all utilities, including sewer, water, electric, telephone, and natural gas lines and power poles;

⇒ E. Location and direction of all watercourses on and abutting the tract, approximate location or areas subject to inundation, storm water overflow or standing water, and base flood data showing elevations of all property subject to inundation in the event of a one-hundred-year flood;

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- ⇒ F. Natural features, such as rock outcrops, marshes or wetlands (as delineated by the Division of State Lands), wooded areas, or isolated preservable trees (trees with trunks over six inches in diameter as measured four feet above the ground); and
- ⇒ G. General land use plan indicating the types and intensities of the proposed, or potential, development (not required if all property to be annexed is located within an approved Master Planned area.).
- ⇒ Twenty (20) copies of a written statement, on 8-1/2" x 11" paper and electronically in MS Word format, explaining the conditions surrounding the proposal and addressing the required criteria of Section 16.84.040 (see page 6), including:
 - ⇒ A. Statement of availability, capacity, and status of existing water, sewer, drainage, transportation, park, and school facilities;
 - ⇒ B. Statement of increased demand for such facilities to be generated by the proposed development, if any at this time;
 - ⇒ C. Statement of additional facilities required to meet the increased demand and phasing of such facilities in accordance with projected demand;
 - ⇒ D. Statement outlining method and source of financing required to provide additional facilities;
 - ⇒ E. Statement of overall development concept and methods by which physical and related social environment of the site, surrounding area, and community will be enhanced;
 - ⇒ F. Statement of potential positive and negative physical, aesthetic, and related social effects of the proposed, or potential, development on the community as a whole and on the smaller subcommunity or neighborhood of which it will become a part; and proposed action to mitigate such negative effects (if any);
 - ⇒ G. Narrative demonstrating the need for urban development proposed for the annexation area; need should be demonstrated based upon a factual analysis of the following factors:
 - ⇒ 1. Availability within the City of undeveloped land designated for proposed urban development;
 - ⇒ 2. Analysis of immediate, short-term (1 to 5 years) demand for proposed urban development;
 - ⇒ 3. Probable phasing of proposed urban development consistent with projected demand for period in which the annexation area is expected to be developed.
 - ⇒ H. A statement indicating the type and nature of any Comprehensive Plan test or Map amendments or Land Development and Planning Ordinance or Zoning Map amendments that may be required to complete the planned development.
- ⇒ Twenty (20) copies printed of a traffic impact analysis and a copy in .pdf or MS Word format, conducted or reviewed by a traffic engineer that is contracted by the City and paid for by the applicant (payment must be received by the City before the application is considered complete), including an accident report for the adjacent roads and nearby intersections, for any project that results in any one of the following:
 - A. More than one access onto any collector or arterial street (such streets being designated by the City of Canby Transportation System Plan);
 - B. More than six (6) residential units that enter onto any collector or arterial street;
 - C. Any multiple family dwellings (apartments, condominiums, townhouses, etc.) with more than six (6) units; or
 - D. Industrial or commercial enterprises which generate more than one hundred (100) vehicles per day.

Note: A traffic impact analysis is not required if all property to be annexed is located within an approved Master Planned area and a comprehensive traffic impact analysis is completed for the Master Planned area.

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ANNEXATION: PROCESS AFTER APPLICATION

6. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are routed to various City/State/County departments, as applicable, for their comments. Along with the comments received from others, the application is reviewed for completeness. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.
7. Staff investigates the request, writes a staff report, places a public notice in the newspaper, notifies surrounding property owners, and makes all facts relating to the request available to the Planning Commission and all interested parties.
8. Prior to the public hearing, the City will prepare notice materials for posting on the subject property. This material must be posted by the applicant at least ten (10) days before the public hearing.
9. The staff report will be available seven (7) days prior to the hearing.
10. The Planning Commission holds a public hearing after the determination of a complete application. At the hearing the staff report is presented. Testimony is presented by the applicant, proponents and opponents, followed by a rebuttal by the applicant.
11. The Planning Commission then issues findings of fact which support approval, modification or denial of the application and passes its recommendation on to the City Council for final action within forty (40) days after close of the hearing.
12. The City Council may hold a public hearing, after placing a public notice in the newspaper and notifying adjacent property owners.
13. The City Council then issues findings of fact which support approval, modification or denial of the application. If the City Council has recommended approval of the application, the annexation is scheduled for a vote by the citizens of Canby.
14. If the annexation is approved by the voters, the City Council certifies the election results and the City files a statement with the Secretary of State that the annexation has been approved. The date of this filing is the official date that the property is in the City of Canby.

ANNEXATION: STANDARDS AND CRITERIA

A. When reviewing a proposed annexation of territory, the Commission shall give ample consideration to the following standards and criteria.

1. Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the adopted Comprehensive Plan). Areas designated as Type “A” urbanization lands shall be annexed prior to those areas shown as Type “B”, etc. Annexation which is not in keeping with the phased growth concept shall only be permitted when the following findings are made:
 - a. Appropriateness of the annexation in terms of timing for City growth and development
 - b. There will be some special benefit to the City overall as a result of the annexation which would not occur if the phased growth pattern was followed:
 - c. The annexation will result in no adverse impacts on the City’s planned provision of public facilities and services.

The burden of proving the appropriateness of the annexation is greatest for those proposals which are least in keeping with the phased growth concept:

2. Analysis of the “need” for additional property within the City limits shall be provided. The analysis shall include the amount of developable land (within the same class of zoning-low density residential, light industrial, etc.) Currently within the City limits; the approximate rate of development of those lands; and how the proposed annexation will affect the supply of developable land within the City limits. A supply of developable residential land to provide for the anticipated population growth over the three years is considered to be sufficient;
 3. Smaller non-farm land shall be considered a priority for annexation over larger farm land;
 4. Access shall be adequate to the site;
 5. Adequate public facilities and services shall be available to service the potential (or proposed) development;
 6. Compliance with other applicable City ordinances or policies;
 7. Compliance of the application with the applicable sections of the Oregon Revised Statutes Chapter 222. (In other works, a “triple majority” type application must contain proof that a triple majority does, in fact, exist, etc.);
 8. Risk of natural hazards which might be expected to occur on the subject property shall identified;
 9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic, or natural resource areas;
 10. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.
- B. If the proposed annexation involves property beyond the city’s Urban Growth Boundary, or if the annexation is proposed prior to the acknowledgment of compliance of the city Comprehensive Plan by the state Land Conservation and Development Commission (LCDC), the proposal shall be reviewed for compliance with the Statewide Planning Goals.

CITY OF CANBY ANNEXATION APPLICATION FEES

(Does not include election deposit)

Size (acres)	Fee	Size (acres)	Fee
1	\$1,800	26	\$3,625
2	\$1,905	27	\$3,680
3	\$2,010	28	\$3,735
4	\$2,115	29	\$3,790
5	\$2,220	30	\$3,845
6	\$2,325	31	\$3,900
7	\$2,430	32	\$3,955
8	\$2,535	33	\$4,010
9	\$2,640	34	\$4,065
10	\$2,745	35	\$4,120
11	\$2,800	36	\$4,175
12	\$2,855	37	\$4,230
13	\$2,910	38	\$4,285
14	\$2,965	39	\$4,340
15	\$3,020	40	\$4,395
16	\$3,075	41	\$4,450
17	\$3,130	42	\$4,505
18	\$3,185	43	\$4,560
19	\$3,240	44	\$4,615
20	\$3,295	45	\$4,670
21	\$3,350	46	\$47,258
22	\$3,405	47	\$2,780
23	\$3,460	48	\$4,835
24	\$3,515	49	\$4,890
25	\$3,570	50	\$4,945
			\$5,000 + \$10 for each acre over 50
		50+	

Note: These fees are based on the following formula:

Base Fee	\$1,800 (less than one (1) acre)
1 to 10 acres	\$1,800 + \$105 per acre over one (1) acre
11 to 50 acres	\$2,745 + \$55 per acres over 10 acres
50+ acres	\$5,000 + 10 per acre over 50 acres

NARRATIVE

Application for Annexation

Applicant	Nick & Jamie Netter 2147 NE Territorial Road Canby, OR 97013 (503) 263-6961
Representative	Sisul Engineering, Inc. 375 Portland Avenue Gladstone, OR 97027 (503) 657-0188 Contact: Pat Sisul
Location	South of SW 13 th Avenue, west of S. Fir Street
Legal Description	Tax Lot 1301, Sec. 4, T4S R1E WM (Assessor Map 4DA)
Zone	County: EFU Proposed City: R-1.5
Site Size	1.95 Acres
Proposal	Annexation of 1.95 acres.

PROPOSAL

The applicant proposes annexation of 1.95 Acres, with a zoning designation of R1.5 "Medium Density Residential" Zone. Annexation will allow the development of approximately 12 new lots suitable for single-family residences.

SITE DESCRIPTION

The site is south of SW 13th Avenue, and is bounded on the north, east, and west by the City of Canby.

The site has frontage on South Fir Street. The site is presently occupied by a residence and several outbuildings.

The site is very nearly flat, with no identified natural resources or physical hazards.

Public sewer and water are available to the site in S. Fir Street. No public storm drainage system is available.

Applicable Criteria and Standards

The requirements for a proposal for annexation are listed here and discussed in the following narrative:

Canby Comprehensive Plan

Canby Municipal Code Section 16.84.040

- 1. Annexation shall be in keeping with prioritization categories as designated on the adopted maps showing growth phasing....*
- 2. Analysis of the "need" for additional property within the city limits shall be provided.*
- 3. Smaller non-farm land shall be considered a priority for annexation over larger farm land....*
- 4. Access shall be adequate to the site....*
- 5. Adequate public facilities and services shall be available....*
- 6. Compliance with other applicable city ordinances or policies....*
- 7. Compliance with applicable sections of ORS 222....*
- 8. Risk of natural hazards....*
- 9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas....*
- 10. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts....*

CANBY COMPREHENSIVE PLAN

Urban Growth Element

Goal 1. To preserve and maintain designated agricultural and forest lands by protecting them from urbanization.

Response: The site is designated "EFU" by Clackamas County, an agricultural zone. The site is being used for agricultural purposes. The soil type identified for the site is "Latourell Loam," which is suitable for agriculture or for development. Since the

property is within the City's Urban Growth Boundary, the policy has been established by the City and County that the site ultimately will be developed for urban uses.

Goal 2. To provide adequate urbanizable area for the growth of the City, within the framework of an efficient system for the transition from rural to urban land use.

Response: The site is in priority area "A" as identified on maps in the City's Comprehensive Plan. It is immediately south, west, and east of land within the City limits. This is an area that is in the process of converting to urban uses, where public utilities are available. However, the current pattern of development, with County land nearly surrounded by land within the City limits, potentially makes provision of some services (e.g. fire and police) less efficient.

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

Response: The Comprehensive Plan is the adopted policy for city and county.

Policy 3. Canby shall discourage the urban development of properties until they have been annexed to the City and provided with all necessary urban services.

Response: Public facilities and services are generally available to the site.

Public sewer and water are available in S. Fir Street. The applicant has been advised that the City has adequate capacity to serve the site. Storm water is anticipated to be managed through infiltration into the soil, as with surrounding developments.

Public schools are required by law to provide for students within the district. The School District has advised that with the opening of Baker Prairie Middle School in September, 2006, school capacity should be available for the next five to ten years. New boundaries were adopted by the school district on February 16, 2006, to redistribute students to schools more closely aligned with their neighborhoods and spread the student population more evenly throughout the system. The high school has a capacity of 1,660 and a current enrollment of 1,747. Enrollment figures are from the Oregon Department of Education Report for 2004-2005, the most recent data available at the Oregon Department of Education website.

With the complex approval processes required for annexations and land development, it is likely that lots will not become available until late 2007 or early 2008. New homes will likely not be constructed before early 2008, so new students from this property would not attend area schools until at spring of 2008 and more likely, fall of 2008.

Other public services: Police, fire, telephone, electricity, natural gas, and cable are available or can be made available to the site.

Land Use Element

Goal: To guide the development and uses of land so that they are orderly, efficient, aesthetically pleasing, and suitably related to one another.

Policy 2. Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.

Response:

The annexation proposed by this application would add about 12 lots to the buildable land supply. The City's Buildable Lands Inventory shows that currently the City has no or virtually no available R1.5 buildable land and that the R1.5 "need" is 2.8 units per year, based on a recent five-year average. However, since there has historically been a shortage of available lots in the R-1.5 buildable lands inventory, the actual "need" could well be much greater since there is no available supply to meet the potential demand.

The current supply of "Buildable land" does not translate immediately into lots available for development. The process of development through platting, construction of improvements, etc. can take a year or more, with the timing dependent on the weather and other factors.

The proposed annexation would add 1.95 Acres, potentially 12 lots or about a 16 or 17 month's supply of buildable land, based on the analysis in this application. However, the annexation would not be finalized until a public vote occurred in May, 2007. An application for subdivision, construction plans, and final plat would likely not be approved until late 2007 or 2008. Construction might begin in the fall of 2007. It is likely that new dwellings in the proposed annexation site would not become available until early 2008 — roughly two years from now.

The length and complexity of the approval process, even without an annexation, makes it difficult to predict the rate at which lots are developed and used. Further, this applicant intends to retain the site for the land supply for their construction business. Their intention is to build homes in the subdivision in phases, to allow construction of new homes over a period of about two years.

If annexed, this property would add 16 or 17 months to the buildable land supply and, when subdivided, an equivalent time period to the platted land supply. The new lots would become available in late 2007 or 2008.

The site is located in an area that is currently developing and where public facilities are available. A traffic signal at SW 13th and South Ivy facilitates vehicular movements in the area and provides connections for destinations around the community. Annexation of the site would facilitate the orderly provision of public services by filling in the gap between portions of the city in this area.

Policy 3. Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.

Response: The applicant has contacted the City and other service providers. No problem has been identified with the provision of any public facility or service, other than schools, which have posed a chronic problem for the community. However, construction of the new middle school will alleviate most current problems.

Environmental Concerns Element

Goal 1. To protect identified natural and historical resources.

Goal 2. To prevent air, water, land, and noise pollution. To protect lives and property from natural hazards.

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

Response: The site is not a viable farm tract as an isolated parcel owing to the proximity of urban uses. As other properties around the site develop with urban uses, the parcel becomes less viable for agricultural uses because it will be separated from adjacent, farmed properties and will be subject to greater impacts from adjacent, residential uses. The site is bounded on the east, west, and north by city land and its ultimate destiny was settled with establishment of the Urban Growth Boundary and annexation priority system.

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

Response: The proximity of non-agricultural uses makes agricultural use impractical for the property, owing to the possible impacts on adjacent residences of noise, smell, dust, agricultural chemicals, etc. Therefore, the site is not desirable for farming but is well suited for residential development similar to adjacent subdivisions, with public sewer and water available in the adjacent streets.

Policy 2-R. Canby shall maintain and protect surface water and groundwater resources.

Response: There are no surface water features on the site or in the vicinity. The applicant expects to manage storm water from a subdivision project on the site through filtration and infiltration as is currently permitted by the City and the Department of Environmental Quality.

Policy 6-R, 9-R, 10-R, 1-H, 2-H, 3-H: Policies relating to historic sites, fish and wildlife habitat, wetlands, steep slopes, flood prone areas, and poor soils.

Response: None of the referenced conditions affect the site.

Transportation Element

Goal: To develop and maintain a transportation system which is safe, convenient and economical.

Policy 1. Canby shall provide the necessary improvement of City streets, and will encourage the County to make the same commitment to local County roads, in an effort to keep pace with growth.

Policy 2. Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the City's growth needs.

Response: SW 13th Avenue is classified as an arterial by the Transportation System Plan. A signal is located at the intersection of SW 13th and Ivy, facilitating vehicular movements in the area. S. Fir Street has been improved to a ¾ street width in front of the site by the Hope Village development. The applicant would expect to construct the street frontage to "urban" standards to accommodate anticipated traffic at the time of any future development. In addition, all internal streets would be constructed to satisfy City standards.

Policy 6. Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.

Response: The layout for any future development can be designed to provide access for all lots and facilitate access for emergency vehicles. This will be demonstrated in the context of a subdivision application. However, a conceptual preliminary plan is included with the application, demonstrating that the site can be developed in a manner similar to Sequoia Place, immediately to the north.

Public Facilities and Services Element

Goal: To assure the provision of a full range of public facilities and services to meet the needs of the residents and property owners of Canby.

Response: To the best of the applicant's knowledge, all public facilities and services are available, or can be made available, to the site for the development proposed.

Housing Element

Goal: To provide for the housing needs of the citizens of Canby.

Response: The site is part of the land supply within the Urban Growth Boundary of the City of Canby that is planned to provide the housing needs of future citizens.

Conclusion: The proposed annexation supports applicable policies of the Canby Comprehensive Plan, based on the foregoing discussion of goals and policies.

ANNEXATION CRITERIA

(Canby Municipal Code Section 16.84.040)

1. Annexation shall be in keeping with prioritization categories as designated on the adopted maps showing growth phasing....

Response: The site is in Priority Area A, and the proposal is therefore consistent with the City's growth phasing plan.

2. Analysis of the "need" for additional property within the city limits shall be provided.

Response:

"Need" was discussed with relation to the "Land Use Element" of the Comprehensive Plan. The annexation would add 1.95 acres to the City's supply of available, buildable land, approximately a 16 to 17 months' supply. As noted, this application suggests that since the number of available lots in the R-1.5 zone has been historically been limited, the five year rolling average used by the City understates the actual need and demand for R1.5 land.

The development process, from land acquisition to annexation to subdivision application to completion of public facilities improvements, can take well over a year. The estimated supply of land may vary, depending on rate of growth and difficulties involved in the development process, such as devising a suitable design for lot layout, obtaining financing, designing and constructing public improvements, and so on. The proposed annexation would add approximately 16 to 17 months' supply of R1.5 lots that would become part of the available land supply within the City limits for use in 2007 through 2008, given the time involved in converting raw land to suitable lots ready for building permits and the applicant's business plans.

3. Smaller non-farm land shall be considered a priority for annexation over larger farm land....

Response: The land is currently not in farm use. It consists of one tax lot, approximately 1.95 Acres in area. The site, by itself, would probably not constitute a viable farm, given the constraints posed by adjacent residential land uses.

4. Access shall be adequate to the site....

Response: The site fronts S. Fir Street. A new internal street system would be constructed to provide public street frontage for every new lot.

5. Adequate public facilities and services shall be available....

Response: Public facilities and services are generally available or can be made available, as previously discussed.

6. Compliance with other applicable city ordinances or policies....

Response: The application complies with other city ordinances or policies, or can be made to comply through the development process.

7. Compliance with applicable sections of ORS 222....

Response: The applicant expects to comply with these provisions of state law.

8. Risk of natural hazards....

Response: The land is flat, or nearly so for practical purposes. No natural hazards have been identified on the site or in the vicinity.

9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas....

Response: No designated open space, scenic, historic or natural resource areas are on the site.

10. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts....

Response: The addition 1.95 Acres to the City of Canby will have a minimal economic impact on the overall community.

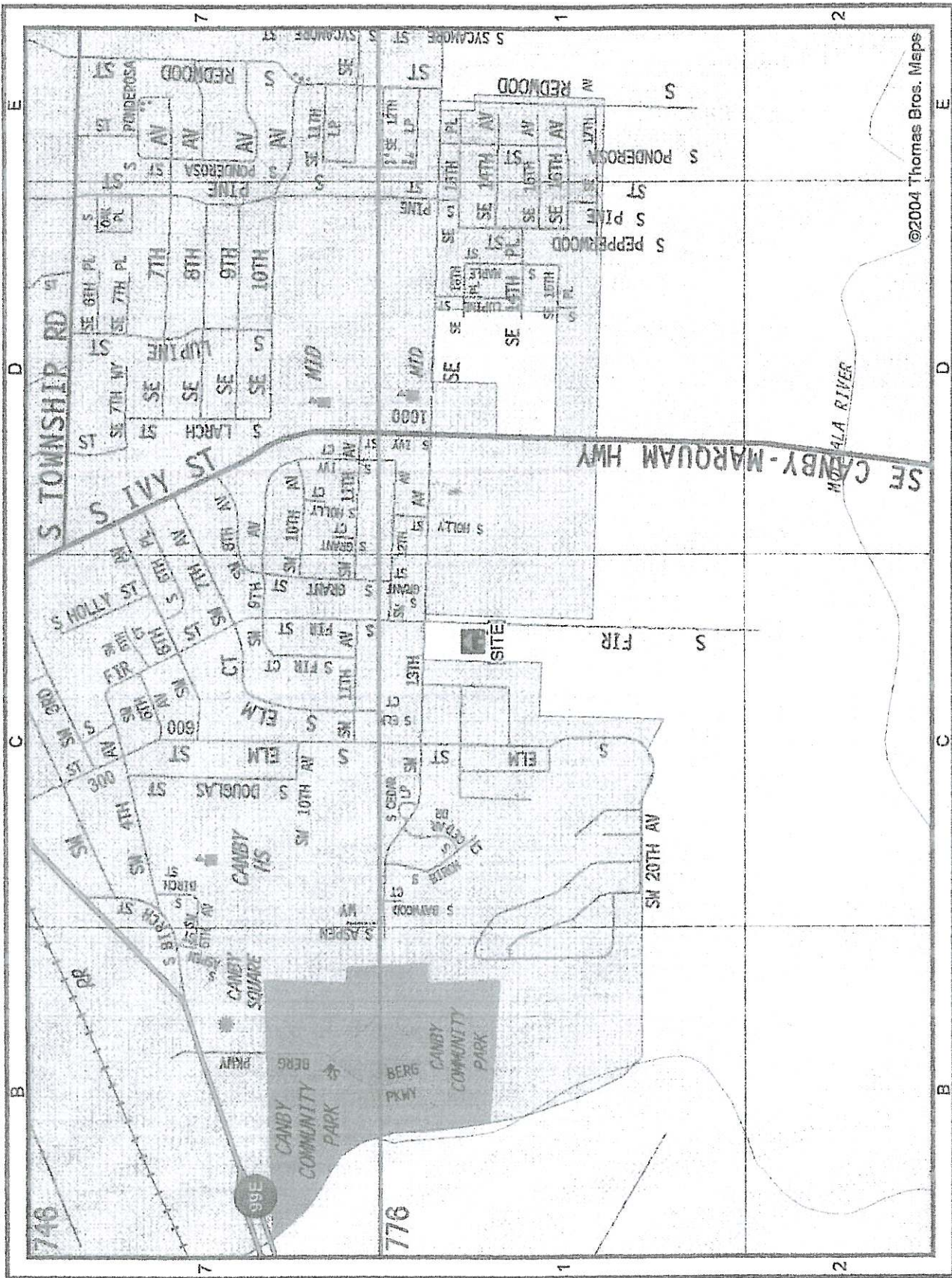
Any annexation has an impact on the provision of services but also increases the tax base. Generally, increased revenues balance impacts. In addition, new residences provide opportunities for new citizens in Canby and create opportunities to support local businesses and civic affairs.

Conclusion: The criteria of Section 16.84.040 are satisfied, as demonstrated by the foregoing narrative.

Conclusion

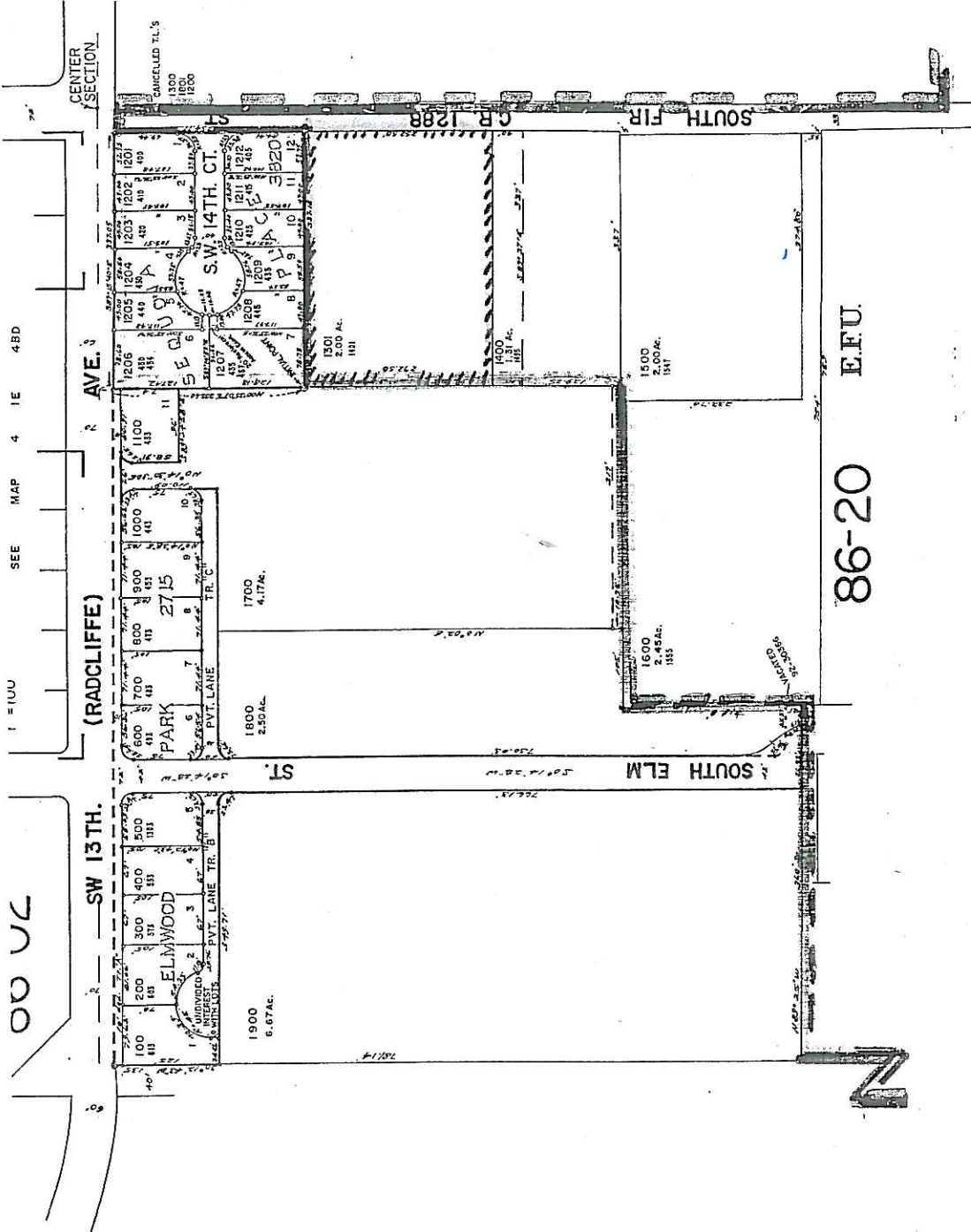
The foregoing narrative describes a proposal for annexation of 1.95 Acres. The annexation supports the City's goals and policies and satisfies applicable criteria identified in the City's Comprehensive Plan and Land Development and Planning Code. Therefore, the proposed annexation should be approved.

**VICINITY,
ASSESSOR &
COMPREHENSIVE
PLAN MAPS**



📍 SITE: 776C1

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4 IE 4CA
CANBY
BOOK 35

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LEGAL DESCRIPTION

October 17, 2005

NETTER ANNEXATION LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR A PROPOSED ANNEXATION TO THE CITY OF CANBY IN THE NORTHEAST ONE QUARTER OF THE SOUTHWEST ONE QUARTER OF SECTION 4, T4S, R1E, W.M., CITY OF CANBY, CLACKAMAS COUNTY, OREGON. THE BOUNDARY OF THE SAID ANNEXATION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "GAYLORD LAND SURVEYING, INC" AT THE INTIAL POINT OF THE PLAT OF SEQUOIA PLACE, A DULY RECORDED PLAT IN CLACKAMAS COUNTY; THENCE SOUTH 89°24'07" EAST ALONG THE SOUTH LINE OF THE SAID PLAT 337.18 FEET TO AN IRON ROD WITH YELLOW PLASTIC CAP MARKED "GAYLORD LAND SURVEYING, INC" AT THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 00°23'26" WEST ALONG THE WEST RIGHT OF WAY LINE OF SOUTH FIR STREET 252.90 FEET TO A 1/2" IRON PIPE AT THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED BY DEED RECORDED AS FEE NO. 2000-036713, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE NORTH LINE OF THE SAID DEED NORTH 89°13'55" WEST 337.13 FEET TO A 1/2" IRON PIPE AT THE NORTHWEST CORNER THEREOF; THENCE NORTH 00°22'44" EAST 251.90 FEET TO THE POINT OF BEGINNING. CONTAINING 1.95 ACRES MORE OR LESS.

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**TOPOGRAPHIC &
BOUNDARY
SURVEY**

SW 13th AVENUE

ANNEXATION BOUNDARY FOR NICK NETTER
IN THE NE 1/4 OF THE SW 1/4, SECTION 4, T4S, R1E, W1M.
CLATSOP COUNTY, OREGON

SCALE 1" = 60' OCTOBER 14, 2005

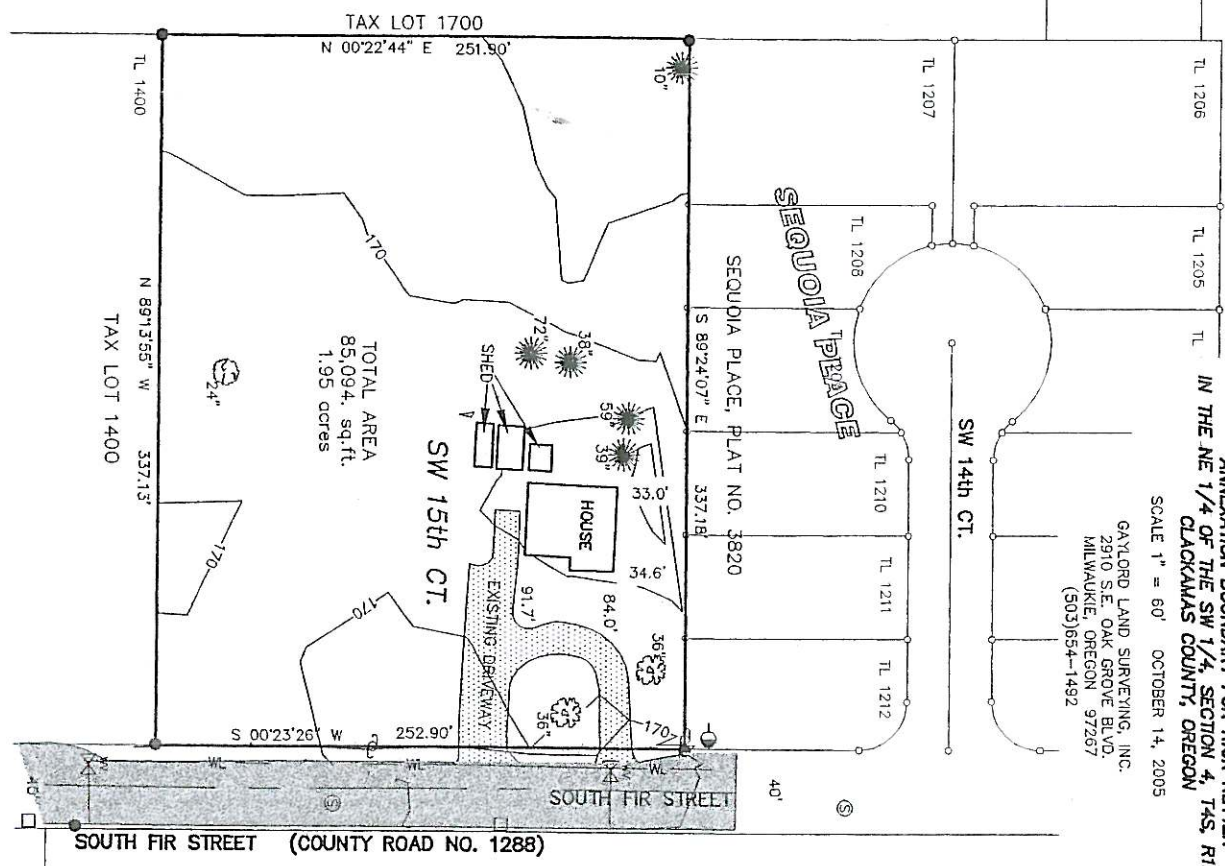
GAYLORD LAND SURVEYING, INC.
2910 S.E. OAK GROVE BLVD.
MILWAUKIE, OREGON 97267
(503) 654-1492

REGISTERED PROFESSIONAL LAND SURVEYOR
GAYLORD
PATRICK M. GAYLORD
4417 SE 11th
2767
REVISED THRU 06/20/07

SITE ADDRESS: 1401 S. FIR STREET
CANBY, OR 97013
APPLICANT: NICK & JAMIE NETTER
2147 NE TERRITORIAL ROAD
CANBY, OR 97013
OWNER: TODD & THERESA SNELSON
LEGAL: T4S, R1E, SECT 4C4
TAX LOT 1301
SITE SIZE: 1.95 ACRES

NOTES & LEGEND

- WV = WATER VALVE
 - WL = WATER LINE
 - WM = WATER METER
 - CB = CATCH BASIN
 - UP = UTILITY POLE
 - UA = UTILITY POLE GUY ANCHOR
 - EC = EXISTING EDGE OF ASPHALTIC CONCRETE
 - TC = TOP FACE OF CURB
 - DCH = DITCH LINE
 - SC = SANITARY SEWER CLEANOUT/MANHOLE
 - FT = FIR TREE
 - WT = WALNUT TREE
 - BT = BAY TREE
 - MC = MONUMENT FOUND
- NO MONUMENTS WERE SET DURING THIS SURVEY



HOPE VILLAGE



SCALE 1" = 40'
PROJECT NO. 05121

REVISIONS	BY

PROPOSED ANNEXATION
1401 S. FIR STREET
NICK & JAMIE NETTER

Survey

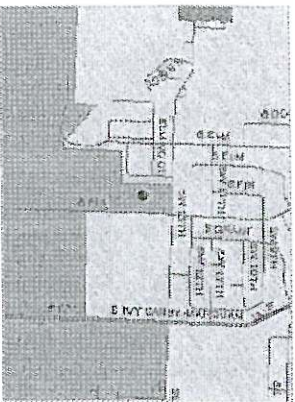
SISUL ENGINEERING
376 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 857-0188

DATE: OCT. 2005
SCALE: 1"=40'
DRAWN: RW
JOB: SOL 05-113

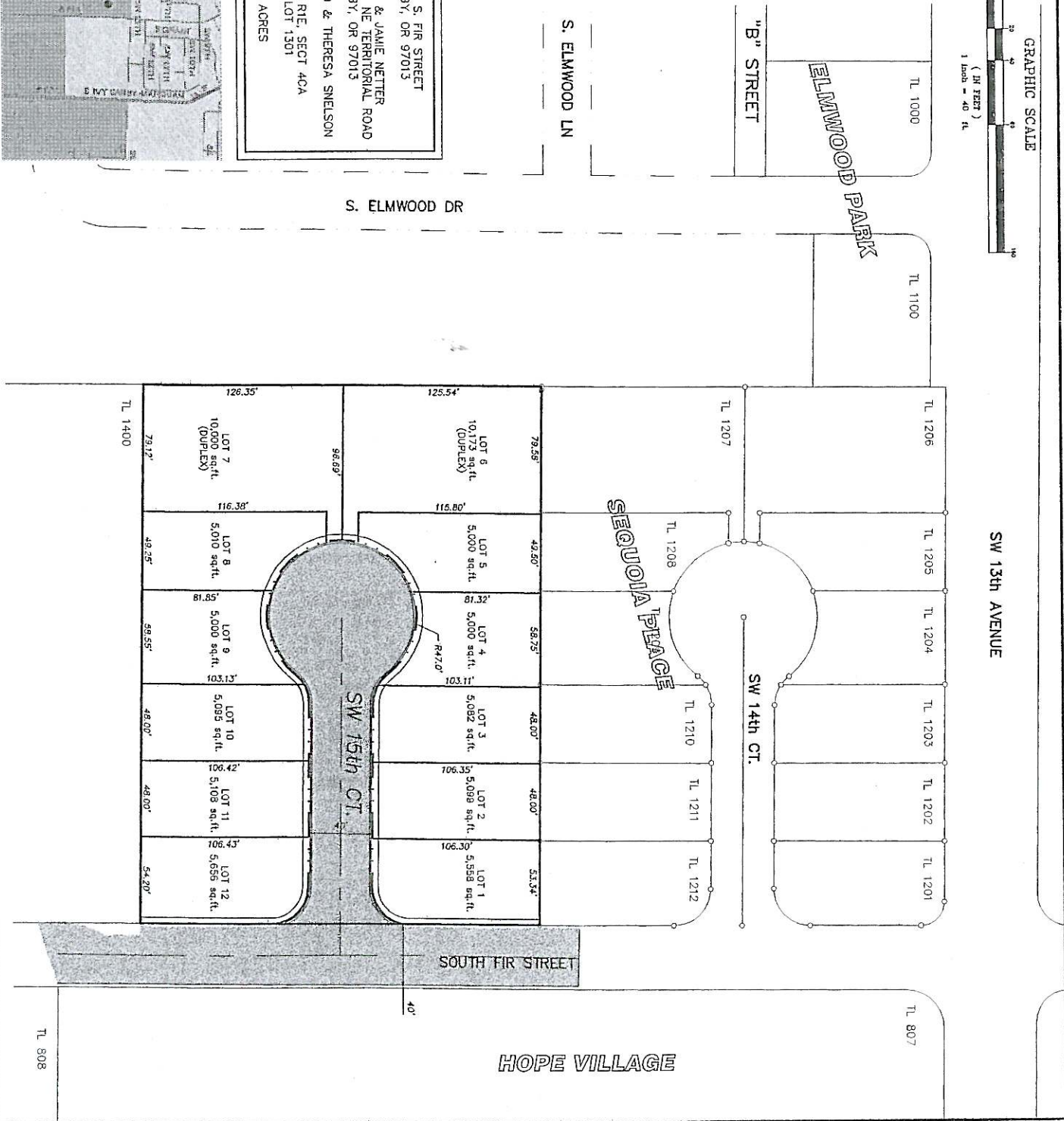
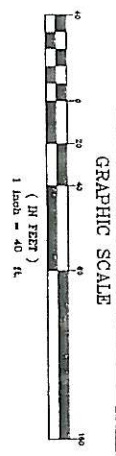
SHEET **2**
OF 2 SHEETS

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GENERAL LAND USE PLAN



SITE ADDRESS: 1401 S. FIR STREET
 CANBY, OR 97013
 APPLICANT: NICK & JAMIE NETTER
 2147 NE TERRITORIAL ROAD
 CANBY, OR 97013
 OWNER: TODD & THERESA SNELSON
 LEGAL: T4S, R1E, SECT 4CA
 TAX LOT 1301
 SITE SIZE: 1.95 ACRES



REVISIONS	BY

DATE: OCT. 2005
 SCALE: 1"=40'
 DRAWN: RW
 JOB: SGL 05-113
 SHEET: 1
 OF 2 SHEETS

SISUL ENGINEERING
 376 PORTLAND AVENUE
 GLADSTONE, OREGON 97027
 (503) 657-0188

General Land Use Plan
PROPOSED ANNEXATION
1401 S. FIR STREET
 NICK & JAMIE NETTER

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CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: November 14, 2006

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - WWTP - Darvin Trammel
 - WWTP - Jeff Crowther
 - CITY ENGINEER
 - CTA
 - NW NATURAL
 - WILLAMETTE BROADBAND
 - CANBY DISPOSAL
 - CITY ATTORNEY
 - BIKE AND PEDESTRIAN COMM
 - PGE
 - CANBY POST OFFICE
 - CLACKAMAS COUNTY ASSESSOR
 - CLACKAMAS COUNTY 911
 - CLACKAMAS COUNTY TRANSPORTATION
 - TRAFFIC SAFETY COMMITTEE
 - CLACKAMAS COUNTY
 - CANBY SCHOOL DISTRICT
 - OREGON DEPT. TRANSPORTATION
 - ODOT/REGION 1/DIST 2B
 - STATE OF OREGON/REVENUE
 - CANBY BUSINESS REVITALIZATION
 - PARKS AND RECREATION
 - CITY TRANSPORTATION ENGINEER
 - BUILDING OFFICIAL
 - OTHER _____

The City has received ANN 06-04 (1401 S Fir Street), an application by Nick and Jamie Netter, requesting to annex 1.95 acres into the City of Canby. The property is located at 1401 S Fir Street. If annexed the parcel would be zoned R-1.5 (Medium Density Residential) in conformance with Canby's Comprehensive Plan. If approved, the applicant proposes to develop 12 new single family residences.

Please review the enclosed application and return comments to Kevin Cook by Wednesday, November 22, 2006. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

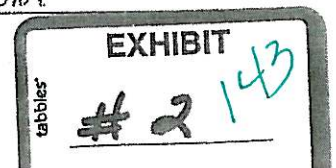
PLEASE SEE ATTACHMENT

Please check one box and sign below:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: [Handwritten Signature] Date: 11-22-06

Title: ASSISTANT ELKF. Agency: CANBY TELCOM





Comments from Canby Telcom for Subdivision at 1401 S Fir St :

- The Developer/Owner is required to provide all trenches for placing underground telephone facilities, within the subdivision, up to the existing telephone connection point.
- CT will follow the power design as much as possible to minimize trenching; however, additional trenches may be required for communication services.
- There is a development fee; and relocation cost if any existing telephone facilities must be moved, please see "Development/Construction Fees" for information.

Dave Hill
Engineering Manager
503 266 8204

Dinh Vu
Associate Engineer
503 266-8201

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faster higher farther

DEVELOPMENT/CONSTRUCTION FEES

On January 1, 2001 Canby Telephone implemented development fees. Development fees are charged on a per address basis and are to be paid by the developer prior to the commencement of work. Single family homes and duplexes are charged at \$120.00 per address and multiple dwelling units are billed at \$60.00 per address.

Payment of development fees can be made at our office at 190 S.E. 2nd Street, Canby or mailed to P.O. Box 880, Canby, Or 97013.

Fees for relocating existing facilities are billed at our hourly rate of \$65.00 per hour for labor, plus the cost of materials. The requestor is required to complete and sign a Request to Relocate Facilities form.

For temporary service (job shack), contact our Customer Care Center to place an order.

Contact Information

To avoid delays, it is important to contact Canby Telephone as soon as possible.

Inquiries or questions should be referred to:

Engineering Manager	Dave Hill	503 266-8204
Associate Engineer	Dinh Vu	503 266-8201
Construction Inspector	Ron Stenger	503 266-8290
Customer Care Center		503 266-8111

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CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

1503] 266-7001

FAX 266-1574

DATE: November 14, 2006

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - WWTP - Darvin Trammel
 - WWTP - Jeff Crowther
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 - CTA
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- CLACKAMAS COUNTY ASSESSOR
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- CLACKAMAS COUNTY TRANSPORTATION
- TRAFFIC SAFETY COMMITTEE
- CLACKAMAS COUNTY
- CANBY SCHOOL DISTRICT
- OREGON DEPT. TRANSPORTATION
- ODOT/REGION 1/DIST 2B
- STATE OF OREGON/REVENUE
- CANBY BUSINESS REVITALIZATION
- PARKS AND RECREATION
- CITY TRANSPORTATION ENGINEER
- BUILDING OFFICIAL
- OTHER _____

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Please review the enclosed application and return comments to Kevin Cook by Wednesday, November 22, 2006. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Please check one box and sign below:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: Phil Kahut

Date: 11-16-06

Title: President
Canby Disposal

Agency: Canby Disposal

146

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: November 14, 2006

- TO:
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input type="checkbox"/> PUBLIC WORKS | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| <input type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input type="checkbox"/> CANBY WATER | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input type="checkbox"/> WWTP - Darwin Trammel | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> WWTP - Jeff Crowther | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> CTA | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
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Signature:  Date: 11-20-06

Title: LT. Agency: Police

147

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

(503) 266-7001

FAX 266-1574

P.O. Box 930, Canby, OR 97013

DATE: November 14, 2006
TO:

- FIRE
- POLICE
- PUBLIC WORKS
- CANBY ELECTRIC
- CANBY WATER
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Comments or Proposed Conditions:

Overhead PowerLine in front of property will
be converted to underground.

Please check one box and sign below:

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Signature: [Signature] Date: 11-20-06

Title: Line Foreman Agency: Canby Utility Elect.

148

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

F.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: November 14, 2006

- TO:
- FIRE
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Comments or Proposed Conditions:

forthcoming plans should indicate desirable
Loop Feed.

Please check one box and sign below:

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Signature: *Patrick [unclear]* Date: 11/20/06

Title: Water Distribution Foreman Agency: Canby Utilities

149

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: November 14, 2006

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Signature:  Date: 11-16-06

Title: Construction Manager Agency: W. 4103

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CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

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[503] 266-7001

FAX 266-1574

ATE: November 14, 2006

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Signature: _____

Linda Martin

Date: _____

11/17/06

Title: _____

Secretary

Agency: _____

Canby School Dist

151

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

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[503] 266-7001

FAX 266-1574

DATE: November 14, 2006

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Signature: Margaret Elmore Date: 11-21-06

Title: Chairman Agency: Traffic Safety Comm

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Buildable Lands Inventory - October 28, 2005

Residential lands platted

R-1 Low Density Residential

<i>Property Owner</i>	<i>Tax Map</i>	<i>Tax Lot</i>	<i>Size (acres)</i>	<i>Zoning</i>	<i>Units</i>	<i>Units Built</i>	<i>Units Available</i>
Walnut Crossing - Netter	3 1E 27 DB	602/700	2.98	R-1	11	3	8
Burbank Estates	3 1E 28CD	1400	3.9	R-1	20	6	14
Knights Bridge Estates (Dupont)			13	R-1	30	0	30
Willow Creek Estates - Postlewait I	3 1E 27C	1500	4.47	R-1	31	17	14
Willow Creek Estates - Postlewait II	3 1E 34B	800	4.9	R-1	0	0	0
Auburn Farms (Simnitt) - Phase I			5	R-1	26	11	15
Auburn Farms (Simnitt) - Phase II			14	R-1	53	0	53
Tofte V			1.12	R-1	4	1	3
Knutson			1.42	R-1	7	0	7
Kraft Place			0.83	R-1	4	0	4
Miscellaneous Other Lots				R-1	40	0	40
R-1 Total Lots			51.62		226	38	188

5 year average

99 units/year =

R-1.5 Medium Density Residential

<i>Property Owner</i>	<i>Tax Map</i>	<i>Tax Lot</i>	<i>Size (acres)</i>	<i>Zoning</i>	<i>Units</i>	<i>Units Built</i>	<i>Units Available</i>
Township Trail				R-1.5	5	5	0
Sequoia Place	4 1E 04 CA	1200	1.89	R-1.5	12	12	0
R-1.5 Total Lots			1.89		17	17	0

5 year average

2.8 units/year =

R-2 High Density Residential

<i>Property Owner</i>	<i>Tax Map</i>	<i>Tax Lot</i>	<i>Size (acres)</i>	<i>Zoning</i>	<i>Units</i>	<i>Units Built</i>	<i>Units Available</i>
Marnella - Garden Crossing	3 1E 34B	200	4.67	R-2	55	55	0
Valentine Meadows				R-2	16	16	0
Apollo Homes	4 1E 05	401	14.21	R-2	136	32	104
Pine Place				R-2	4	0	4
Bristol			0.3	R-2	4	0	4
Pine Station			0.97	R-2	11	0	11
Territorial Road Townhomes			0.91	R-2	14	0	14
R-2 Total Lots			18.88		207	103	137

EXHIBIT

tabbles

#3 159



Kevin Cook
December 5, 2005
Page 2 of 2

Sight distance was also examined at the proposed access to the site. There are no obstructions to the sight distance along S Fir Street and sight distance should be adequate for exiting site traffic.

We are currently preparing the traffic study for the proposed annexation, but as this preliminary analysis shows, we do not expect to identify issues with either safety or operation for this project. If you have any questions about this letter, please don't hesitate to call me.

Yours truly,

Catriona Sumrain
Transportation Analyst

attachment: Technical Appendix



EXPIRES: 12/31/05

12/5/05

154



December 5, 2005

Kevin Cook
City of Canby Planning
170 NW 2nd Avenue
Canby, OR 97013

RE: Netter Annexation (S Fir Street) – ANN 05-07

Dear Kevin:

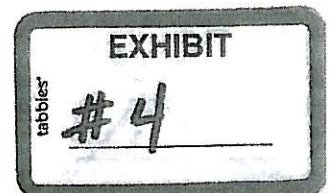
We have prepared this letter in response to the City's need for an analysis for the Netter annexation project on S Fir Street. This letter reports the results of a preliminary analysis of site access function. The traffic study for this project is under preparation.

We recently prepared a traffic study for the McMartin property, which analyzed the intersection of S Fir Street and SE 13th Avenue for a 15-year future condition as the McMartin project was also proposed for annexation. Traffic volumes on S Fir Street were estimated using the count data obtained for the McMartin project. The projected traffic on S Fir Street was expected to be very low in the future.

Based on the ITE trip rates for land-use code 210, *Single-Family Detached Housing*, the site is expected to generate 9 trips during the morning peak hour, 12 trips during the evening peak hour and 114 trips during an average weekday.

Since S Fir Street terminates without connectivity to other streets in the area, all of the traffic from the proposed annexation was assigned to and from the north. The capacity analysis of the site access was based on the trips generated by the annexation and the estimated future volumes on S Fir Street.

The results of the capacity analysis showed the site access is forecast to operate at level of service A during both the morning and evening peak hours in the year 2020. This level of service refers to the delay experienced by the traffic exiting the site.



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TECHNICAL APPENDIX



TRIP GENERATION CALCULATIONS

Land Use: Single-Family Detached Housing
Land Use Code: 210
Variable: Dwelling Units
Variable Value: 12

AM PEAK HOUR

Trip Rate: 0.75

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	2	7	9

PM PEAK HOUR

Trip Rate: 1.01

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	8	4	12

WEEKDAY

Trip Rate: 9.57

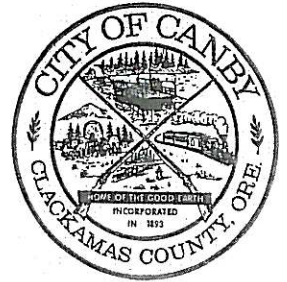
	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	57	57	114

SATURDAY

Trip Rate: 10.10

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	61	61	122

Source: TRIP GENERATION, Seventh Edition



- STAFF REPORT -

APPLICANTS:

Parsons Family Trust
25460 SW Baker Road
Sherwood, OR 97140

FILE NO.:

ANN 06-05
(Parsons)

OWNERS:

Parsons Family Trust
25460 SW Baker Road
Sherwood, OR 97140

STAFF:

Kevin Cook
Associate Planner

LEGAL DESCRIPTION:

Tax Lots 2400 & 3100
of Tax Map 3-1E-34

DATE OF REPORT:

January 11, 2007

LOCATION:

West side of Mulino Rd.
north of Township Rd.

DATE OF PC HEARING:

January 22, 2007

COMPREHENSIVE PLAN DESIGNATION:

Light Industrial

ZONING DESIGNATION:

Exclusive Farm Use
EFU (Clackamas County Zoning)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to annex 32.62 acres into the City. The site is located north of Township Road, along the west side of Mulino Road. If annexed the property would be zoned M-1 (Light Industrial) in accordance with the Canby Comprehensive Plan. The addition of the subject parcels will increase the availability of industrial land within the City.

II. MAJOR APPROVAL CRITERIA:

The Planning Commission forms a recommendation that the City Council may consider while conducting a public hearing. If the City Council recommends approval of the application, the annexation is placed before the voters at the next general election.

Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Commission shall give ample consideration to the following:

1. Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the Comprehensive Plan).
2. Analysis of the "need" for additional property within the city limits shall be provided.
3. Smaller non-farm land shall be considered a priority for annexation over larger farm land;
4. Access shall be adequate to the site;
5. Adequate public facilities and services shall be available to service the potential (or proposed) development;
6. Compliance with other applicable city ordinances or policies;
7. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (In other words, a triple majority type application must contain proof that a triple majority does, in fact, exist, etc.);
8. Risk of natural hazards which might be expected to occur on the subject property shall be identified;
9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas;
10. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole. The full text of the annexation criteria can be found in Section 16.84.040 of the Land Development and Planning Ordinance.

III. FINDINGS:

A. Background and Relationships:

The subject parcels are currently zoned EFU by Clackamas County. If annexation is approved, City zoning will be Light Industrial.

The land use plan within the adopted Industrial Area Master Plan shows the planned zoning districts for the area proposed for annexation. Because the area is within an approved master plan, the requirement for a general land use plan indicating the types and intensities of the proposed, or potential, development is met by the master plan.

B. Comprehensive Plan Consistency Analysis

ii. Urban Growth

GOAL: 1) TO PRESERVE AND MAINTAIN DESIGNATED AGRICULTURAL AND FOREST LANDS BY PROTECTING THEM FROM URBANIZATION.

2) TO PROVIDE ADEQUATE URBANIZABLE AREA FOR THE GROWTH OF THE CITY, WITHIN THE FRAMEWORK OF AN EFFICIENT SYSTEM FOR THE TRANSITION FROM RURAL TO URBAN LAND USE.

Policy #3: Canby shall discourage the urban development of properties until they have been annexed to the City and provided with all necessary urban services.

Analysis: The parcels are within annexation priority 'C'. However, no 'A' or 'B' parcels remain to be annexed.

iii. Land Use Element

GOAL: TO GUIDE THE DEVELOPMENT AND USES OF LAND SO THAT THEY ARE ORDERLY, EFFICIENT, AESTHETICALLY PLEASING AND SUITABLY RELATED TO ONE ANOTHER.

Policy #2 Canby shall encourage a general increase in the intensity and density of permitted development as

160

a means of minimizing urban sprawl.

Analysis: Implementation Measure B of this element states, "Carefully analyze the need for additional property within the City limits or in light of underutilized incorporated property, prior to the annexation of additional land."

The area proposed for annexation includes approximately 32.62 acres. The Canby Land Needs Study prepared by Otak, dated June 30, 1999 indicates that there is a projected need over 20 years for 170 acres of industrial land.

The report states that industrial land absorption is likely to be 20 percent higher than expected due to corporate land banking, speculative investment, and major new business move-ins due to a lack of industrial land in the Portland metropolitan area. The proposed annexation allows the adopted Industrial Area Plan to be implemented.

In terms of overall availability of land in the Pioneer Industrial Park there is not presently a specific need to annex the subject parcels at this time; rather it should be a policy decision by the Planning Commission and the City Council as to when additional lands should be added to the Industrial Park. Staff does not see a downside to increasing the overall availability of land within the Industrial Park due to the fact that the Industrial Master Plan has been adopted and is being implemented. Staff believes that a general policy of accepting industrial land within the Industrial Park directly supports the City's economic goals.

Policy #3 Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.

Analysis: Request for comments have been sent to all public facility and service providers (see discussion under Public Services Element).

iv. **Environmental Concerns Element**

GOAL: 1) TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.

2) TO PREVENT AIR, WATER, LAND, AND NOISE

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POLLUTION. TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

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

Analysis: The subject parcels are currently zoned for EFU (Exclusive Farm Use). Future development will be required to meet all local, State, and Federal laws concerning environmental protection.

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

Analysis: The area proposed for annexation has either Class 1 or 2 soils; good soils for agricultural use. The land is within the City's urban growth boundary and will eventually be committed to industrial uses consistent with the Comprehensive Plan. The question of timing is ultimately a question of City policy (see discussion under section III.B.iii above).

Policy #6-R, 9-R, 10-R, 1-H, 2-H, 3-H: Policies relating to historic sites, fish and wildlife habitat, wetlands, steep slopes, flood prone areas, and poor soils

Analysis: The subject property does not fall within a hazard zone as identified by the Comprehensive Plan. There are no steep slopes, or identified flood prone areas, wetlands, or significant wildlife habitat in areas anticipated for development. There are no historic sites on the property.

v. **Transportation Element**

GOAL: TO DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM

162

**WHICH IS SAFE, CONVENIENT
AND ECONOMICAL.**

Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.

Analysis: Both the police and the fire district have were sent a Request for Comments. As of the date of this report, only the Police Dept. has responded; no concerns were raised.

vi. Public Facilities and Services Element

GOAL: TO ASSURE THE PROVISION OF A FULL RANGE OF PUBLIC FACILITIES AND SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.

Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.

Analysis: All public facility and service providers were sent a "Request for Comments" regarding this application. Utility providers indicate that services should become available as the properties develop. Future offsite extensions of sewer, water, and electric will be required.

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

Analysis: The land to be annexed will be zoned Light Industrial and no direct impact on schools is anticipated..

vii. Economic Element

GOAL: TO DIVERSIFY AND IMPROVE THE ECONOMY OF THE CITY OF

CANBY.

Policy #4: Canby shall consider agricultural operations which contribute to the local economy as part of the economic base of the community and shall seek to maintain these as viable economic operations.

Analysis: Implementation Measures A and C apply to the review of annexation proposals. Implementation Measure A states that "so long as there are other reasonable alternatives for urban growth, highly productive agricultural lands will be protected from urban encroachment." Implementation Measure C states that "agricultural operations, even those within the incorporated area, will be encouraged to remain in operation for as long as it is economically feasible to do so". The subject property is viable and productive farmland. The subject parcel is, however, included within the Industrial Area Master Plan and will provide additional industrial land within the City limits (see further discussion under sections III.B.iii and III.B.iv above).

Conclusion Regarding Consistency with policies of Canby's Comprehensive Plan:

Staff finds that this application is consistent with the policies and goals of Canby's Comprehensive Plan.

C. Evaluation Regarding Annexation Consideration Criteria

1. Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the Comprehensive Plan). Areas designated as Type "A" urbanization lands shall be annexed prior to those areas shown as Type "B", etc.

Analysis: The subject parcel is designated priority "C" for annexation; however, there is no more existing priority "A" or "B" land available for annexation.

2. Analysis of the "need" for additional property within the city limits shall be provided.

Analysis: This should be a policy decision determined by the Planning

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Commission and the City Council.

3. Smaller, non-farm land shall be considered a priority for annexation over larger farm land.

Analysis: This annexation proposal seeks to carry out the priorities contained within the Comprehensive Plan. This proposal seeks to annex parcels that are part of Canby's Industrial Master Plan.

4. Access shall be adequate to the site.

Analysis: The site abuts Mulino Road and S Township Road. Roads will be improved prior to additional development.

5. Adequate public facilities and services shall be available to service the potential (or proposed) development.

Analysis: Public facility and service providers have stated that services will be available to the property through development. Offsite extensions of water, sewer, and electric will be required as part of development.

6. Compliance with other applicable city ordinances or policies.

Analysis: The purpose for this criterion is to ensure that the annexation application is in compliance with City policies that are not specifically addressed in the rest of the criteria. Staff believes the application meets other applicable city ordinances and policies, as discussed in the analysis above with relation to Comprehensive Plan policies.

7. Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (In other words, a triple majority type application must contain proof that a triple majority does, in fact, exist, etc.).

Analysis: The application complies with the applicable sections of Oregon Revised Statutes Chapter 222.

8. Risk of natural hazards which might be expected to occur on the subject property shall be identified.

Analysis: No natural hazards have been identified on the subject property.

9. Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas.

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Analysis: There are no "specially designated" open space, scenic, historic, or natural resource areas identified on the subject property.

10. Economic impacts which are likely to result from the annexation shall be evaluated in the light of social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.

Analysis: The proposed annexation will increase the industrial land available for development within the City of Canby. The economic benefits created by an increased employment base will be substantial. The site is not immediately adjacent to residential areas and impacts to the community are anticipated to be slight.

IV. CONCLUSION

Staff concludes that, with the recommended understandings, the proposed annexation meets the requirements of the standards and criteria included in the Canby Land Development and Planning Ordinance, Section 16.84.040, provided that the Planning Commission and the City Council find that the addition of industrial land is appropriate at this time.

V. RECOMMENDATION

Based upon the findings and conclusions contained in this report and without benefit of a public hearing, staff recommends that the Planning Commission recommend approval of ANN 06-05 to the City Council, with the addition of the following understandings.

1. The zoning classification for the property will be M-1 Light Industrial.
2. All City and service provider regulations are to be adhered to at the time of connection of services and/or future development.
3. A detailed traffic study describing the impact of development on relevant roadways has not been completed. Such studies will be required as part of future development applications as required under the Municipal Code, and mitigation measures may be required as a condition of approval of those developments. Traffic studies will be completed based on full development of the industrial area as allowed in the Industrial Area Master Plan.

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The Oregon Department of Transportation will be given ample opportunity to comment as development proposals occur.

4. Financing of public improvements in the Industrial Area will be provided by public and/or private sources, as agreed upon separately by the City and property owners. Financing mechanisms may include Advanced Financing Districts and Local Improvement Districts. Requirements for public improvements will occur during the Site and Design Review process.
5. Any costs associated with the annexation election not covered by the initial deposit shall be the responsibility of the applicant and/or property owner. Elections costs shall be payable upon receipt of an itemized billing from the City of Canby.

Exhibits:

1. Applicant's packet
2. Neighborhood Meeting Minutes
3. Responses to requests for comments

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CITY OF CANBY
ANNEXATION APPLICATION

Fee: *See Reverse
Election Costs Deposit: \$2,500.00 - General Election - \$4,500.00 Special Election
Process Type IV

OWNERS

Name Parsons Family Trust, Jacques Parsons
Address 25460 SW Baker Road
City Sherwood State OR Zip 97140
Phone (503) 625-6665 Fax _____
E-mail _____

APPLICANT** Consultant

Name Same as Owner Rick Givens
Address 204 SE 10th Ave.
City Canby State OR Zip 97013
Phone 503-263-4966 Fax 503-266-4718
E-mail rgivens@wbcable.net

Please indicate who is to receive correspondence (i.e. staff reports etc) and what format they are to be sent

Owner Email US Postal Fax
 Applicant Email US Postal Fax

OWNER'S SIGNATURE Jacques Parsons Trustee

DESCRIPTION OF PROPERTY

Address 23625 and 23849 Mulino Road

Tax Map 3 1E 34

Tax Lot(s) 2400 & 3100

Lot Size 14.00
18.27 AC
(Acres/Sq.Ft.)
32.62

Existing Use Residence, agriculture & conifer seedling nursery

Proposed Use Light Industrial

Existing Structures One SF Residence & metal buildings used by Willamette Seedling Nursery

Zoning EFU

Comprehensive Plan Designation Light Industrial

Previous Land Use Action (if any) None

FOR CITY USE ONLY
File # ANN 06-05
Date Received 10-31-06 By cya
Completeness _____
Pre-App Meeting _____
Hearing Date _____

**If the applicant is not the property owner, they must attach documented evidence of their authority to act as agent in making this application

EXHIBIT
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Annexation Application

Applicant/Owners: Parsons Family Trust
25460 SW Baker Road
Sherwood, OR 97140
Contact: Jacque Parsons
Phone: (503) 625-6665

Representative: Rick Givens Planning Consultant
204 SE 10th Avenue
Canby, OR 97013
(503) 263-4966

Location: West side of Mulino Road north of intersection with Township Road,

Legal Description: Tax Lots 2400 and 3100
Township 3 South, Range 1 East, Section 34 of the W.M.

Site Size: 32.62 Acres

Proposal: Annexation of the property to the City of Canby in order to allow for future industrial development on this property

APPLICATION NARRATIVE

Introduction:

This application involves 32.62 acres of land bounded by Township Road on the south and Mulino Road on the east, and east of the Canby Pioneer Industrial Park. The subject property lies within the City of Canby's Urban Growth Boundary and is designated Light Industrial on the Comprehensive Plan. The applicant proposes to annex the property to the City of Canby in order to allow for future industrial development on this property

This annexation will aid the City of Canby in providing for employment opportunities and for economic balance throughout the community.

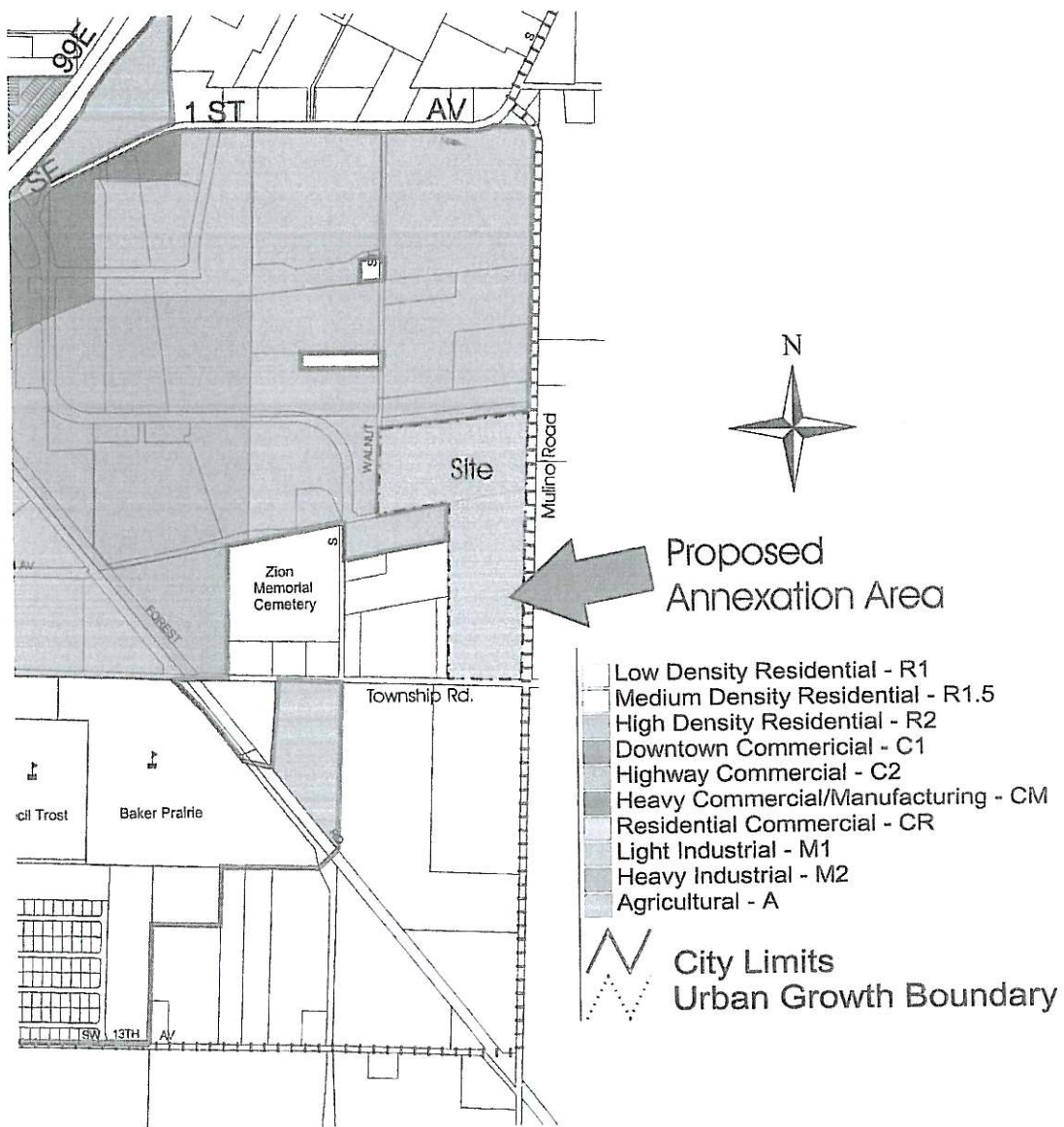


Figure 1 – Annexation Area and Vicinity Zoning Map

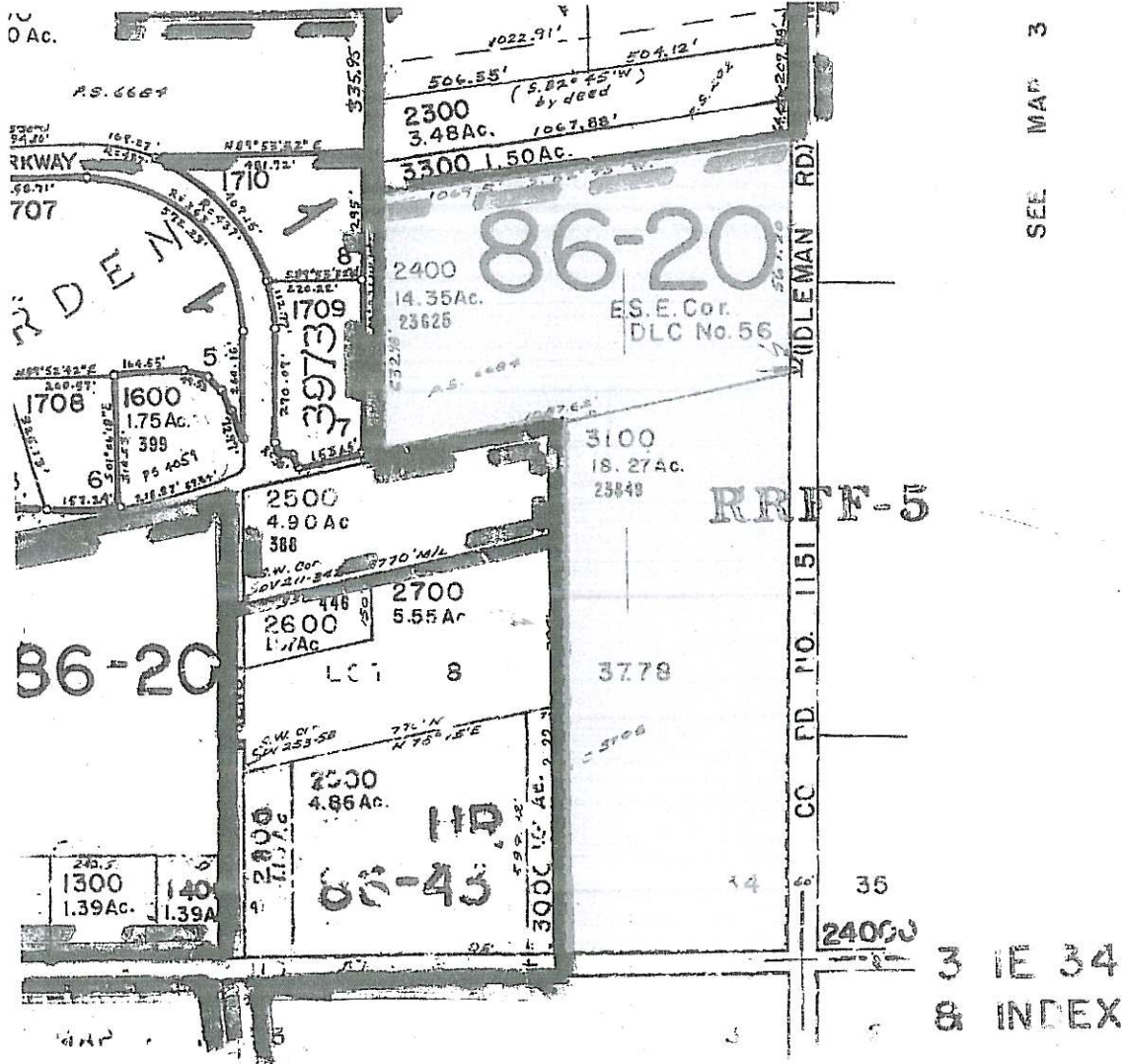


Figure 2 – Assessor's Map
Scale: 1" = 400'

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Figure 3: Aerial Photograph

The information required to be submitted with this application for annexation includes the following items:

One copy of pages 1, 3, and 4 of this application. The checklist on pages 3 and 4 should be included in the application with all relevant items checked by the applicant in the "applicant" column. If any items are considered to be not applicable, the omissions should be explained in the narrative. The City may request further information at any time before deeming the application complete.

Response: Attached

Payment of appropriate fee and an \$2,500.00 deposit to cover election costs. Cash or checks only. Checks should be made out to the City of Canby. All election costs shall be paid by the applicant. The City will record all of its costs related to the annexation election and will refund any unspent amount from the deposit to the applicant after the election takes place. If election costs exceed the deposit additional payment to cover remainder will be required. If no election takes place, the entire deposit will be refunded.

Response: Attached

A list of property owners within 500 feet of the subject property, on mailing labels (1" x 2-5/8"). If the address of a property owner is different from the address of a site, a label for each unit on the site must also be prepared and addressed to "occupant." A list of property owners may be obtained from a title insurance company or from the County Assessor. If applicable, labels must be prepared for any property owners and sites that will be "islanded" by the proposed annexation.

Response: Attached

A full quarter-section tax assessor's map, with the subject property outlined.

Response: Attached

Legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor.

Response: Attached

Twenty-five (25) copies of a site plan, drawn to scale (not greater than 1"=40') on paper no less than 8.5" x 11". The map shall include the following information:

- A. Vicinity map of the property;*
- B. The date, north point, scale, and sufficient description to define the location, size, and boundaries of the tract to be annexed;*
- C. Outline, location, and description of all existing buildings (if any);*
- D. For land adjacent to and within the tract to be annexed, the location, names, and existing right-of-way and pavement widths of streets, location, width, and purpose of any existing easements; and location and size of all utilities, including sewer, water, electric, telephone, and natural gas lines and power poles;*
- E. Location and direction of all watercourses on and abutting the tract, approximate location or areas subject to inundation, stormwater overflow or standing water, and base flood data showing elevations of all property subject to inundation in the event of a one-hundred-year flood;*

- F. *Natural features, such as rock outcrops, marshes or wetlands (as delineated by the Division of State Lands), wooded areas, or isolated preservable trees (trees with trunks over six inches in diameter as measured four feet above the ground); and*
- G. *General land use plan indicating the types and intensities of the proposed, or potential, development (not required if all property to be annexed is located within an approved Master Planned area.).*

Response: A site plan showing this information is attached to this application.

Twenty-five (25) copies of a written statement, on 8-1/2" x 11" paper, explaining the conditions surrounding the proposal and addressing the required criteria of Section 16.84.040 (see page 6), including:

- A. *Statement of availability, capacity, and status of existing water, sewer, drainage, transportation, park, and school facilities;*

Response:

Water: City water is available at the intersection of Sequoia Parkway and SE 4th Avenue, approximately 275 feet west of the subject property.

Sewer: A 12-inch sanitary sewer is available at the intersection of Sequoia Parkway and SE 4th Avenue, approximately 275 feet west of the subject property.

Storm Drainage: The storm drainage system would be provided at the time of development via a combination of infiltration systems and surface drainage to the existing ditches along Mulino Road and Township Road.

Transportation: The subject property has direct access to major roadways along its frontages on Township Road and Mulino Road. The annexation and future development of this site would provide for improved connectivity in this area by providing for extension of SE 4th Avenue from Sequoia Parkway through to Mulino Road.

- B. *Statement of increased demand for such facilities to be generated by the proposed development, if any at this time;*

Response: No direct impact upon demand for such facilities will occur upon annexation of this property because specific users and development proposals have not been identified as of this time. Once the property has been annexed, parcels will be marketed and the specific industrial uses will be determined.

- C. *Statement of additional facilities required to meet the increased demand and phasing of such facilities in accordance with projected demand;*

Response: Water services will need to be extended east from the intersection of Sequoia Parkway with SE 4th Avenue in order to service the subject property. Sanitary sewer will need to be extended from this same intersection to the subject property. Additional internal infrastructure will need to be provided in order to service individual parcels at the time of development as needed.

D. Statement outlining method and source of financing required to provide additional facilities;

Response: All feasible means of financing, public and private, will be used in an equitable manner to finance required additional facilities.

E. Statement of overall development concept and methods by which physical and related social environment of the site, surrounding area, and community will be enhanced;

Response: This property is designated for industrial development. The overall development concept is to create parcels suitable for industrial uses. The subject property differs from the remaining inventory of industrial land within the Industrial Park in that the two parcels included in the annexation are large tracts suitable for larger scale industrial users. The annexation and future development of this property would provide for improved transportation connectivity by allowing for the extension of SE 4th Avenue from Sequoia Parkway through to Mulino Road.

F. Statement of potential positive and negative physical, aesthetic, and related social effects of the proposed, or potential, development on the community as a whole and on the smaller subcommunity or neighborhood of which it will become a part; and proposed action to mitigate such negative effects (if any);

Response: The annexation of this property will have the benefit of providing an aesthetic location for the development of industrial uses that will aid the economy of the city by providing employment opportunities for the growing population base. Unless additional employment is provided in Canby, future residents will have to commute to jobs elsewhere in the region, thereby increasing the burden on transportation systems, increasing use of fuel for such commuting and resulting in impacts on the regional airshed. The City's requirements for design review prior to site development will provide assurance that the industrial development is done in a manner that is aesthetic and that mitigates potential impacts associated with development.

G. Narrative demonstrating the need for urban development proposed for the annexation area; need should be demonstrated based upon a factual analysis of the following factors:

- 1. Availability within the City of undeveloped land designated for proposed urban development;*

2. *Analysis of immediate, short-term (1 to 5 years) demand for proposed urban development;*
3. *Probable phasing of proposed urban development consistent with projected demand for period in which the annexation area is expected to be developed.*

Response: While there is some vacant industrial land available within the existing city limits, there has been rather remarkable demand for the properties within the adjoining Pioneer Industrial Park. Discussions with Mr. Terry Tolls, a realtor who is involved in marketing much of the industrial land in this area, indicates that virtually all of the industrial land within the Logging Road Industrial Park, located west of the railroad line, is developed or has been purchased for development. To his knowledge, the only remaining parcel is a 4-acre tract located at the intersection of Pine Street and Pine Crossing. Within the Canby Pioneer Industrial Park land has been committed to the new hospital, a veterinary clinic, Mountain Glass, Bowen Development, three Trend Business Center projects, Pioneer Pump, City of Canby facilities, and Greg Fishing Rods. In addition, several other properties are in escrow and more are in significant discussions regarding purchase for development.

With all of this recent activity, it is clear that there is significant need for developed industrial sites in the City of Canby. Large sites, such as the subject property, are in extremely short supply. The proposed annexation will aid in addressing this need for additional industrial land.

H. A statement indicating the type and nature of any Comprehensive Plan test or Map amendments or Land Development and Planning Ordinance or Zoning Map amendments that may be required to complete the planned development.

Response: The property is designated Light Industrial on the Canby Comprehensive Plan Map and Light Industrial zoning will be adopted upon annexation. No change from this designation is proposed and no other amendments to City ordinances are required.

Ten (10) copies of a traffic impact analysis, conducted or reviewed by a traffic engineer that is contracted by the City and paid for by the applicant (through the City), including an accident report for the adjacent roads and nearby intersections, for any project that results in any one of the following:

- A. *More than one access onto any collector or arterial street (such streets being designated by the City of Canby Transportation System Plan);*
- B. *More than six (6) residential units that enter onto any collector or arterial street;*
- C. *Any multiple family dwellings (apartments, condominiums, townhouses, etc.) with more than six (6) units; or*

- D. *Industrial or commercial enterprises which generate more than one hundred (100) vehicles per day.*

Note: A traffic impact analysis is not required if all property to be annexed is located within an approved Master Planned area and a comprehensive traffic impact analysis is completed for the Master Planned area.

Response: The subject property is well served with access to the transportation system. Because the traffic generated by development on this property will vary depending upon the specific uses that eventually are located here, city staff has agreed to waive the traffic study at this time. Submittal of a traffic study will be required at the time of design review.

The standards and approval criteria for annexation proposals are found in Section 16.84.040 of the City of Canby Municipal Code. These criteria are discussed below:

16.84.040 Standards and criteria.

- A. *When reviewing a proposed annexation of territory, the commission shall give ample consideration to the following standards and criteria:*
1. *Annexation shall be in keeping with prioritization categories, as designated on the adopted maps showing growth phasing (Urban Growth Element of the Comprehensive Plan). Areas designated as Type "A" urbanization lands shall be annexed prior to those areas shown as Type "B", etc. Annexation which is not in keeping with the phased growth concept shall only be permitted when the following findings are made:*
 - a. *Appropriateness of the annexation in terms of timing for city growth and development;*
 - b. *There will be some special benefit to the city overall as a result of the annexation which would not occur if the phased growth pattern was followed;*
 - c. *The annexation will result in no adverse impacts on the city's planned provision of public facilities and services.*

The burden of proving the appropriateness of the annexation is greatest for those proposals which are least in keeping with the phased growth concept;

Response: The comprehensive plan prioritizes the subject property for annexation as Type "C", meaning that it should not be annexed prior to other Type "A" and Type "B" properties. However, there is no industrial land of

either Type "A" or "B" remaining to be annexed. Thus, the annexation of this property at this time is consistent with this criterion.

2. *Analysis of the "need" for additional property within the city limits shall be provided. The analysis shall include the amount of developable land (within the same class of zoning - low density residential, light industrial, etc.) Currently within the city limits; the approximate rate of development of those lands; and how the proposed annexation will affect the supply of developable land within the city limits. A supply of developable residential land to provide for the anticipated population growth over the following three years is considered to be sufficient;*

Response: A recent (January 2006) study by ECONorthwest and Group Mackenzie indicated that there were at that time 225 acres of industrial land available for purchase within the Canby Pioneer Industrial Park. Discussions with Mr. Terry Tolls, as discussed above in this report, indicate that much of this land has been either developed or committed to development since the date of that report. While no formal inventory of remaining industrial land exists, discussions with Mr. Tolls and City Planning staff lead to a reasonable estimate that as much as 75 percent of the industrial land base is now off the market and either developed, undergoing development, or is committed to development. Further, there are very few large tracts available for major industrial users. The annexation of the subject property would add 32 acres of industrial land to meet existing and future needs in a large site such as is presently in very short supply.

Canby's Comprehensive Plan adopted in 1984 did set aside this large area with a purpose. The overall concept was to provide a "great deal of future industrial development" in order to "make Canby more self-sufficient and less commuter-oriented". Large contiguous areas were designated for industrial development in order to allow for the possibility of large-scale development.

While Canby's need standard specifies a three-year supply for residential land, it does not state what threshold should be used for commercial or industrial land. There are no statements relative to how phasing should occur, but the Comprehensive Plan does, in several places, make clear

that this should be left flexible to encourage a variety of desired development types.

3. *Smaller non-farm land shall be considered a priority for annexation over larger farm land;*

Response: The subject property is zoned EFU and is in agricultural use. However, it is appropriate to annex this property at this time in spite of this criterion because there is a need for larger parcels for industrial use that cannot be met by available smaller sites. The size of the subject property allows for development to occur in a planned and coordinated manner that will allow for appropriately sized and configured parcels to be created that can take advantage of the uniqueness of the parcels.

4. *Access shall be adequate to the site;*

Response: The annexation area is well served with access. The site has frontage on Township Road and Mulino Road. Additionally, Walnut Street and SE 4th Avenue abut the property along its western border. Connection of SE 4th Avenue from Sequoia Parkway through to Mulino Road can be accomplished with the annexation and future development of this site.

5. *Adequate public facilities and services shall be available to service the potential (or proposed) development;*

Response:

Water: Water is available at the intersection of Sequoia Parkway and SE 4th Avenue, approximately 250 feet west of the site. Water will be extended to the property concurrent with development.

Sewer: A 12-inch sanitary sewer is available at the intersection of Sequoia Parkway and SE 4th Avenue, approximately 275 feet west of the subject property.

Storm Drainage: The storm drainage system would be provided at the time of development via a combination of infiltration systems and surface drainage to the existing ditches along Mulino Road and Township Road.

6. *Compliance with other applicable city ordinances or policies;*

Response: The City of Canby's Comprehensive Plan contains goals and policies that relate to this application. The following comments relate to these goals and policies:

Urban Growth Element

Goal 1: To preserve and maintain designated agricultural and forest land by protecting them from urbanization.

Goal 2: To provide adequate urbanizable area for the growth of the city, within the framework of an efficient system for the transition from rural to urban land use.

Policy #3: Canby shall discourage the urban development of properties until they have been annexed to the City and provided with all necessary urban services.

Response: The subject property is zoned EFU, but lies within the Canby Urban Growth Boundary. The issue under this element is the appropriate timing for the conversion to urban use. The Comprehensive Plan gives this area a Type C designation for annexation, meaning that it is intended that the subject property would be annexed only after other industrially-designated properties that are closer to urban services have been annexed. Since the adoption of the Comprehensive Plan and the annexation priorities map, all other Type A and B industrially designated land has been annexed to the city. Thus, the timing for this annexation is appropriate.

Land Use Element

Goal: To guide the development and uses of land so that they are orderly, efficient, aesthetically pleasing, and suitably related to one another.

Policy #1: Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses while grouping compatible uses.

Response: The City's Comprehensive Plan has grouped Industrial lands into an area that is separated from residential areas in the vicinity of the subject property. No land use conflicts are anticipated.

Policy #2: Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.

Implementation Measure B: Carefully analyze the need for additional property within the City limits or in light of underutilized property, prior to the annexation of additional lands.

Response: The assessment of need for additional industrial land has been discussed above in this narrative and is a major criterion in the City's decision-making process on annexations

Policy #3: Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.

Response: As discussed earlier in this narrative, adequate levels of public facilities and services will be available concurrently with the development of this property.

Environmental Concerns Element

Goals: To protect identified natural and historical resources. To prevent air, water land and noise pollution. To protect lives and property from natural hazards.

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

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

Response: The City has implemented these policies through its prioritization of lands as Types "A" through "C" for consideration of annexation. Consistent with this policy, all of the Types "A" and "B" industrial lands have been annexed. It is now appropriate to consider the annexation of the subject property to provide for additional needs for industrial sites, particularly larger parcels for larger-scale uses.

Policy #2-R: Canby shall maintain and protect surface water and groundwater resources.

Response: City development standards will ensure that adequate services are provided to address surface water and storm drainage issues such that these resources are protected.

Policy #8-R: Canby shall seek to preserve and maintain open space where appropriate and where compatible with other land uses.

Response: No open space resources exist on the subject property and the City's plans do not designate the subject property as having sites for meeting open space needs.

Policy #10-R: Canby shall attempt to minimize the adverse impacts of new developments on wetlands.

Response: There are no wetlands identified within the proposed annexation area.

Transportation Element

Goal: To develop and maintain a transportation system which is safe, convenient and economical.

Policy #1: Canby shall provide the necessary improvement to city streets, and will encourage the county to make the same to local county roads, in an effort to keep pace with growth.

Policy #2: Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the city's growth needs.

Response: The subject property fronts on Township Road and Mulino Road. Improvement of these roads to City standards will be required at the time of development of this site. Development will also provide for the extension of SE 4th Avenue from Sequoia Parkway east to Mulino Road in order to improve transportation connectivity in this area.

Policy #4: Canby shall work to provide an adequate sidewalk and pedestrian pathway system to serve all residents.

Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.

Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving energy efficient vehicles.

Response: Sidewalks will be provided with the development of this property as required by City standards. The site has excellent access to the transportation system so that adequate site access and emergency vehicle response will be ensured.

Public Facilities and Services Element

Goal: To assure the provision of a full range of public facilities and services to meet the needs of the residents and property owners of Canby.

Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.

Policy #2: Canby shall utilize all feasible means of financing needed public improvements and shall do so in an equitable manner.

Response: All affected agencies will be notified of this annexation proposal and provided an opportunity to respond. The provision of public facilities and services to this area will be provided through a combination of public and private financing. The applicant will work with the City to identify the most appropriate and equitable means of providing needed services concurrent with development of this property.

Energy Conservation Element

Goal: To conserve energy and the use of renewable resources in place of non-renewable resources.

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

Response: By providing adequate land to meet the needs of the city for industrial development, the number of jobs within close proximity to the city's residential areas will be increased, thereby reducing transportation costs.

7. *Compliance of the application with the applicable sections of Oregon Revised Statutes Chapter 222. (In other words, a triple majority type application must contain proof that a triple majority does, in fact, exist, etc.);*

Response: The applicant owns all of the property in the proposed annexation and has signed the annexation petition. This criterion is satisfied.

8. *Risk of natural hazards which might be expected to occur on the subject property shall be identified;*

Response: The subject property is not subject to any known natural hazards. The site is not in a 100-year floodplain. The Oregon Department of Geology and Mineral Industries natural hazards maps for Clackamas County do not indicate the presence of any natural hazards on this site.

9. *Urbanization of the subject property shall not have a significant adverse effect on specially designated open space, scenic, historic or natural resource areas;*

Response: There are no designated open space, scenic, historic or natural resource areas in the vicinity of the subject property.

10. *Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.*

Response: This annexation will make land available for industrial development, particularly industrial development that requires larger sites. The eventual development of this property will provide for employment opportunities for residents of Canby. This development will also add to the tax base of the City.

- B. *If the proposed annexation involves property beyond the city's Urban Growth Boundary, or if the annexation is proposed prior to the acknowledgment of compliance of the city Comprehensive Plan by the state Land Conservation and Development Commission (LCDCC), the proposal shall be reviewed for compliance with the Statewide Planning Goals. (Ord. 740 section 10.6.40, 1984; Ord. 981 section 37, 1997)*

Response: The subject property lies within the current Urban Growth Boundary for the City of Canby. The City's Comprehensive Plan has been acknowledged by

LCDC. For these reasons, this annexation is in compliance with applicable Statewide Planning Goals.

Conclusion:

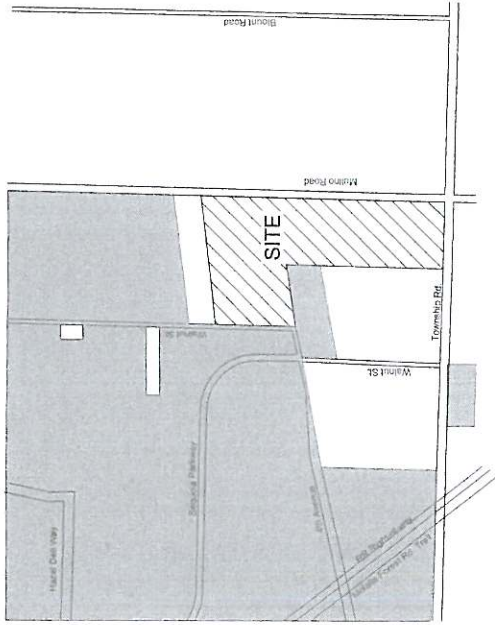
This application proposes the annexation of over 32 acres of land designated for light industrial development. This application has demonstrated that this area will help in meeting a need for larger industrial sites...something that is in short supply in the city's current industrial land base. The site is well-served with transportation services and other public facilities and services can be readily provided concurrent with the development of this property. The land is free of known physical hazards and is capable of being developed in an aesthetic manner that will be compatible with the surrounding area. The annexation and development of this property will add to the City's tax base and will help in meeting the need for employment for Canby's residents. For all of these reasons, we request that the City approve this application.

DESIGNED BY	R.E.G.
DRAWN	R.E.G.
SCALE	1" = 200'
DATE	DEC. 2005
FILE#	06-PAR-100

Richard E. Givens, Planning Consultant
 204 SE 10th Avenue
 Canby, Oregon 97013
 PH: (503) 263-4966 -- Fax: (503) 266-4718

APPLICANT:
 Parsons Family Trust
 25460 SW Baker Road
 Sherwood, OR 97140
 PH: (503) 625-6665

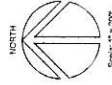
Parsons Annexation
 Site Plan



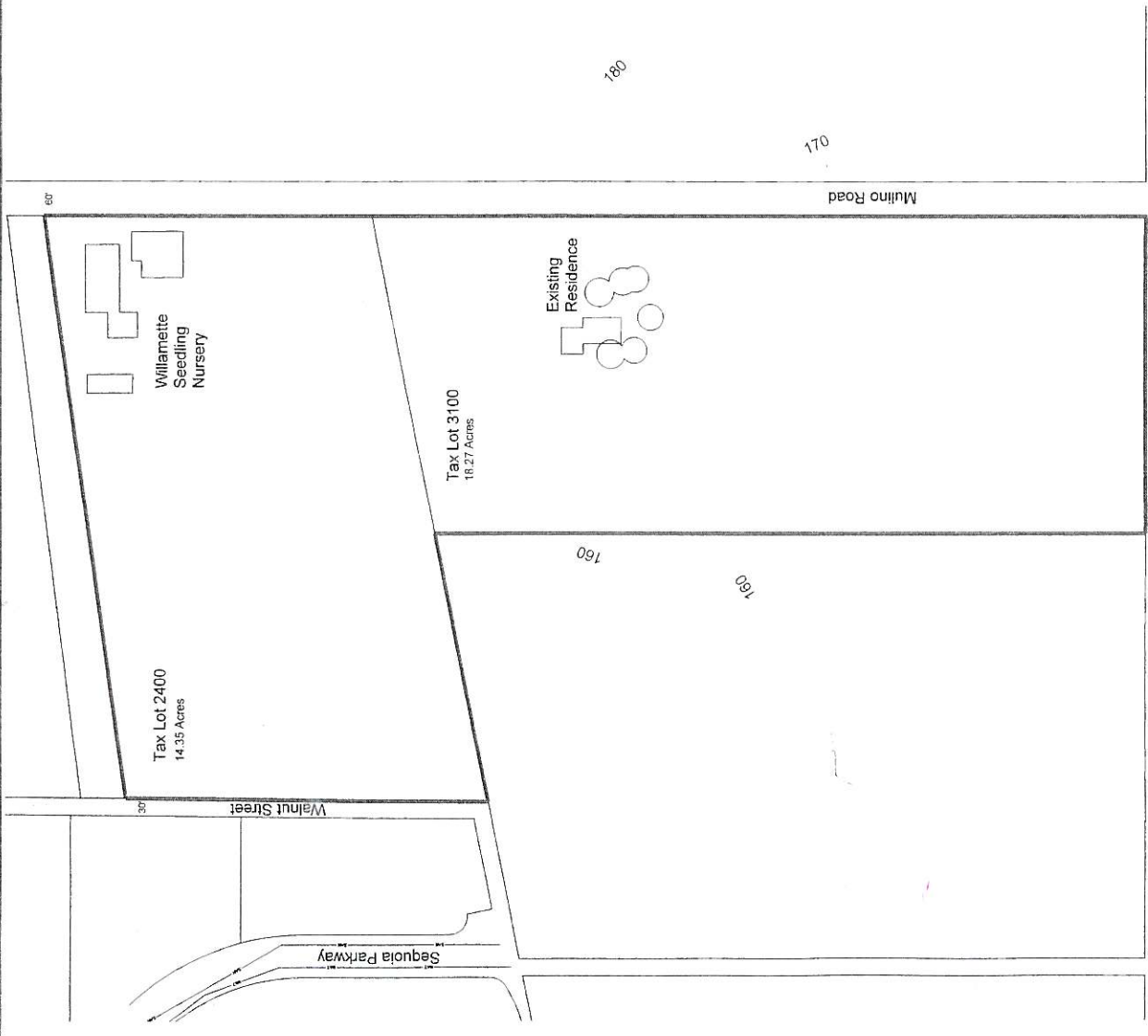
Vicinity Map
 No Scale

Owner/Applicant:
 Parsons Family Trust
 25460 SW Baker Road
 Sherwood, OR 97140
 PH: (503) 625-6665

Legal Description:
 3 1E 34, Tax Lots 2400 & 3100
 Zoning:
 Existing - EFU, After Annexation - M-1 Light Industrial
 Site Area:
 32.62 Acres



Scale: 1" = 200'



581

Rick Givens
Planning Consultant
204 SE 10th Avenue
Canby, OR 97013

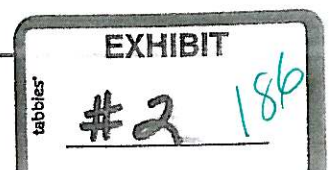
Neighborhood Meeting Minutes

The neighborhood meeting was held at 7:00 PM on December 12, 2006 to discuss a proposed annexation of 32.62 acres owned by the Parsons Family to the City of Canby. The meeting was held at the Canby Adult Center, 1250 South Ivy Street, Canby, OR. The property is located at the intersection of Mulino Road and Township Road.

The following persons were in attendance at the meeting:

Rick Givens, Planning Consultant	204 SE 10 th Avenue, Canby, OR 97013
Jacques Parsons, Owner	25460 SW Baker Road, Sherwood, OR 97140
Gene Wolf, Realtor	30003 SW 35 th Dr., Wilsonville, OR 97070
Lisa Weygandt	2522 SE Township Road, Canby, OR 97013
Buzz & Patt Weygandt	24401 S. Mulino Road, Canby, OR 97013
Leighton Perkins	446 S. Walnut St., Canby, OR 97013

Rick Givens opened the meeting by describing the proposal and explaining the process involved in the annexation application. Lisa Weygandt asked about the boundary survey on the property and progress towards resolution of a discrepancy in the boundary line between her property and the subject property. Mr. Givens explained that a survey is in progress and will be completed prior to the planning commission hearing, that the surveyor is aware of the discrepancy and is working to resolve it. Mr. Parsons stated that he is amenable to using the existing fence line and this seemed agreeable to Ms. Weygandt. Leighton Perkins asked about utility services and about property tax implications associated with converting agriculturally assessed land to urban use. Mr. Givens explained his understanding regarding those issues. No objections were raised to the proposed annexation and the meeting was adjourned at approximately 7:30 PM.



CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-7001

FAX 266-1574

DATE: November 14, 2006

- TO:
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| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
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| <input type="checkbox"/> WWTP - Darvin Trammel | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> WWTP - Jeff Crowther | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
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| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> BUILDING OFFICIAL |
| <input type="checkbox"/> PGE | <input type="checkbox"/> OTHER _____ |

The City has received ANN 06-05 (23625 and 23849 Mulino Road), an application by Parsons Family Trust, requesting to annex 32.62 acres into the City of Canby. The property is located at 23625 and 23849 Mulino Road. If annexed the parcel would be zoned M-1 (Light Industrial) in conformance with Canby's Comprehensive Plan. If approved, the applicant proposes to develop future industrial.

Please review the enclosed application and return comments to Kevin Cook by Wednesday, November 22, 2006. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Please check one box and sign below:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: *Fred Kahut* Date: 11-16-06

Title: *President* Agency: *Canby Disposal*

EXHIBIT

3

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CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: November 14, 2006

- TO:
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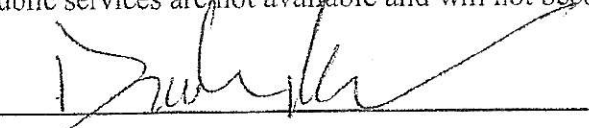
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Signature:  Date: 11-22-06

Title: ASSOCIATE ENGR Agency: CANBY TELCOM

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**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: November 14, 2006

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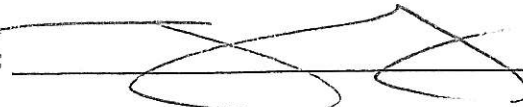
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Signature:  Date: 11/20/06

Title: LT. Agency: Police

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CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

(503) 266-7001

FAX 266-1574

P.O. Box 930, Canby, OR 97013

DATE: November 14, 2006

- TO:
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Comments or Proposed Conditions:

Property is not contiguous to Canby Utility's Electrical System + will require extension for development.

Please check one box and sign below:

- Adequate Public Services (of your agency) are available
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Signature: *Ely Stockwell* Date: 11-20-06

Title: Line Foreman Agency: Canby Utility Elect.

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CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

[503] 266-7001

FAX 266-1574

P.O. Box 930, Canby, OR 97013

DATE: November 14, 2006

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Comments or Proposed Conditions:

Water main would need to be a loop system to adhere to past practices of Canby utility master planning

Please check one box and sign below:

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Signature: Patrick [Signature] Date: 11/20/06

Title: Water Distribution Foreman Agency: Canby Utility

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CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: November 14, 2006

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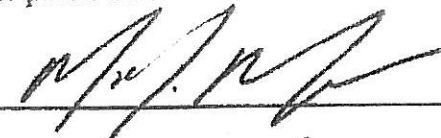
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Signature:  Date: 11-16-06

Title: Construction Manager Agency: WLB

192

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: November 14, 2006

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Signature: Linda Martin Date: 11/17/06
Title: Secretary Agency: Canby School District

193

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-7001

FAX 266-1574

DATE: November 14, 2006

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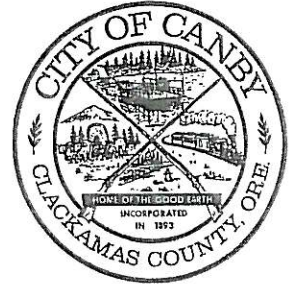
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Signature: M. ... Date: 11-21-06

Title: Chairman Agency: Traffic Safety Comm

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

A REQUEST TO ALLOW MAINTAINING A GRAVEL PARKING LOT OVER THE ENTIRE SITE) FINDINGS, CONCLUSIONS & FINAL ORDER) CUP 06-03) (Ward Baker Properties))
---	---

NATURE OF APPLICATION

The applicant is requesting permission to maintain a gravel parking lot over the entire site. In August of 2006, the Commission approved a site plan for a new building to serve the existing construction yard operation. A condition of approval for site plan (Condition 20) requires that the parking and circulation area of the site be paved unless otherwise approved by the Commission through a Conditional Use Permit. Section 16.10.070(A)(3) requires parking and maneuvering areas to be paved unless the Planning Commission approves the use of an engineered aggregate system.

HEARINGS

The Planning Commission held a public hearing to consider the application on January 8, 2007.

CRITERIA AND STANDARDS

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

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- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

16.10.070(A)(3) (Exception to paving requirement)

Areas used for standing or maneuvering of vehicles shall have paved asphalt, concrete, or solid concrete paver surfaces maintained adequately for all weather use and so drained as to avoid the flow of water across sidewalks except the Planning Commission may approve the use of an engineered aggregate system for outdoor parking areas as part of a Conditional Use Permit provided that the applicant can demonstrate that City Standards related to:

- A. minimizing dust generation,
- B. minimizing transportation of aggregate to City streets, and
- C. minimizing infiltration of environmental contaminants including, but not limited to, motor oils, fuels, volatile organic compounds (e.g. benzene, toluene, ethylbenzene, xylene), and ethylene glycol are met. The Planning Commission may impose conditions as necessary to meet City Standards.

FINDINGS AND REASONS

The Planning Commission deliberated on all input presented at the January 8, 2007 meeting. The Planning Commission also incorporates the December 29, 2006 Staff Report and Commission deliberations as support for its decision. The Planning Commission accepted and adopted the findings in the December 29, 2006 Staff Report, insofar as they do not conflict with the following additional finding:

1. Based on the applicant's excellent track record thus far, for maintaining the equipment on site and thereby minimizing the chance of ground contamination, the use of gravel on the site is limited to the current use of the site primarily for the purpose of the storage of materials and equipment in support of off-site construction activity. Further, the Commission finds that based on the above mentioned track record by the applicant that any new user of the site would be required to pave the entire site unless specifically exempted by the Commission.

CONCLUSION

The Planning Commission of the City of Canby concludes that, based on the findings and conclusions contained in the December 29, 2006 staff report, and based on Commission deliberations at the January 8, 2007 public hearing:

1. The conditional use is in conformance with the City's Comprehensive Plan and the Zoning Ordinance.

2. The site can accommodate the proposed use.
3. Public service and utility provision to the site is available or can be made available through future improvements.
4. The conditional 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.
5. The use of engineered aggregate, the risk of ground contamination is likely similar to the risk associated with impervious surfaces.
6. With the conditions of approval listed below, the introduction of dust into the air, and of gravel onto the adjacent roadway will be minimal.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that **CUP 06-03** is **APPROVED**, subject to the following conditions:

1. This Conditional Use Permit approves the use gravel over the majority of the site. No other approvals or modifications to previous approvals are implied. All conditions of approval set forth in the approved Site and Design Review (File DR 06-06) remain in effect so long as said approval remains valid. The approval for gravel applies only to the current use as a construction yard and the City retains the right to revoke this approval at any time if it is found that problems with spills and/or contamination have occurred or are occurring. Future users or a change in use will require the site to be fully paved unless the Planning Commission specifically exempts.
2. "Spill kits" shall be maintained on all heavy equipment stored on site.
3. All accesses onto public streets shall have a concrete approach apron with an extended tongue. The required approach apron is subject to review and approval by the Public Works Department and the City Engineer.
4. The applicant is responsible for obtaining any required DEQ approvals associated with the proposal.
5. The gravel area shall be capable of supporting 12,500 lbs wheel load and 75,000 lbs GVW. This requirement is subject to the review and approval the Canby Fire District.
6. All required parking stalls shall be located on concrete, asphalt, or pavers and shall be striped in accordance with the requirements set forth in Table 16.10.070 of the Canby Municipal Code. Alternatively, the applicant may utilize curb stripes rather than paving the parking stalls.

I CERTIFY THAT THIS ORDER approving CUP 06-03 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 23rd day of January 2007.

James Brown
Chairman, Canby Planning Commission

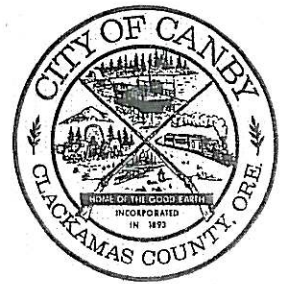
Kevin Cook
Associate Planner

ORAL DECISION – January 8, 2007

- AYES: Brown, Molamphy, Milne, Holte, Ewert
- NOES: None
- ABSTAIN: None
- ABSENT: None

WRITTEN FINDINGS - January 22, 2007

- AYES:
- NOES: None
- ABSTAIN: None
- ABSENT: None



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

A REQUEST FOR APPROVAL)
FOR A SUBDIVISION)
AN EXISTING PARCEL)
TOTALING 4.86 ACRES)
INTO 22 RESIDENTIAL)
BUILDING LOTS)

**FINDINGS, CONCLUSIONS
& FINAL ORDER**
SUB 06-05
(Dinsmore Estates)

NATURE OF APPLICATION

The applicant is seeking approval to subdivide one 4.86 acre parcel into 22 residential lots and to change the zoning on the western 330 feet of the lot. The entire lot is currently zoned R-1. The eastern portion of the lot will retain the current R-1 zoning designation, which is consistent with the Comprehensive Plan designation. The applicant proposes to provide access to newly created lots by means of a wide half-street (SE 16th Avenue). SE 16th Avenue would access S Ivy Street and would end in a cul-de-sac. A proposed stub for S Juniper St. is proposed as well as a connection to S Lupine St. in the Tofte Farms Subdivision. Sidewalks would be located behind a planter strip.

The submitted plan indicates that the westernmost eight lots will most likely consist of 4 duplex units – this configuration is contingent on the approval of the zone change submitted with this application (see Condition 1). The remaining 14 lots would be developed as single family residences. A 7,914 square foot open-space tract is proposed (Tract A) north of the eight proposed R-1.5 lots – this open-space lot will not be a public facility, rather it will be maintained by the homeowners. The applicant has stated that the rear yards of the duplex units will not be fenced off from the open-space tract.

HEARINGS

The Planning Commission held a public hearing to consider this application on January 8, 2007.

CRITERIA AND STANDARDS

A. SUBDIVISION - City of Canby Code Section 16.62.020

This is a quasi-judicial land use application. Applications for a subdivision shall be evaluated based upon the following standards and criteria:

1. Conformance with the text and applicable maps of the Comprehensive Plan.
2. Conformance with other applicable requirements of the land development and planning ordinance.
3. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
4. 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 AND REASONS

The Planning Commission deliberated on all testimony presented at the January 8, 2007 public hearing, and includes the December 29, 2006 staff report. The Planning Commission accepts the findings in the December 29, staff report. The Planning Commission has concerns regarding 16th avenue traffic. The recommendation is for some traffic calming measures to be implemented for this stretch of road. The Planning Commission also has become aware of ongoing speeding problems at SE 14th Avenue and Maple Street. The Planning Commission has directed staff to work on an expedited solution for this intersection.

CONCLUSION

Based on the December 29, 2006 staff report, public testimony received at the January 8, 2007 public hearing and Commission deliberation, the Planning Commission concludes that:

1. The subdivision request, with appropriate conditions, is in conformance with the Comprehensive Plan and the Municipal Code.
2. With appropriate conditions, the overall design and arrangement of the proposed parcels are functional and will adequately provide building sites, utility easements and access facilities necessary for development of the subject property without unduly hindering the use or development of adjacent properties.
3. No private roads will be created.
4. All necessary public services are available or will become available through the development of the property to adequately meet the needs of the proposed subdivision.
5. The proposal to amend the Current Zoning map is appropriate in light of the Goals and Policies of the Comprehensive Plan. All public facilities and services exist or will be provided concurrent with the development of the property.

ORDER

IT IS ORDERED by the Planning Commission of the City of Canby that SUB 06-05 is APPROVED subject to the following conditions:

1. This approval is subject to final approval of the proposed zone change application (City File ZC 06-04) that was submitted by the applicant concurrently with this application. If File ZC 06-04 is not ultimately approved, the applicant will be required to file a modification to this subdivision approval in order to show compliance with existing zoning on the western portion of the parent parcel. The final plat shall not be signed by the City prior to final approval of File ZC 06-04.
2. The final plat shall reference the following land use application: City of Canby, File No. SUB 06-05 and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits.
3. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor's office, including, but not limited to, various matters related to land surveying, land title, plat security, and plat recordation.
4. Easements shall be provided as follows, unless otherwise allowed by Canby Utility and the Public Works Department:
 - Twelve (12) foot wide public utility and public access easements for sidewalks along all street frontages.
 - Easements for any storm-water lines that will cross private property.
 - Pedestrian easement for any sidewalks and/or pathways that will cross any private property.
5. Prior to the signing of the final plat the land divider shall follow the provisions of Section 16.64.070 (Improvements) in particular, but not limited to, subparagraph (O) Bonds, which requires a surety bond, personal bond, or cash bond for any subdivision improvements not completed prior to the signing of the final plat. Subdivision improvements shall include but are not limited to streets, sidewalks, sewer and utility extensions, stormwater facilities, and street trees. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.
6. Prior to the signing of the final plat, a copy of the CC&Rs that will be filed with the subdivision shall be submitted to the City Planning Department, prior to the signing of the final plat, and shall include a statement that street trees will be planted along street frontages, within the street tree planting easement. The CC&Rs must also include a statement notifying home owners of their responsibilities under the current Tree Ordinance for maintenance of street trees. The CC&Rs must also include, at a minimum, the following:
 - Land which is not intended for physical development, such as building or street uses, is required to remain in open space usage perpetually. Maintenance of such open space areas shall remain the responsibility of the individual owner or owners' association, in a manner outlined in the by-laws of such association.

- The manner in which any open space, private park and recreational area, and parking areas are to be maintained shall be presented along with the preliminary copy of the proposed owners' association by-laws and contractual agreements shall be submitted with the preliminary subdivision.
- 7. Prior to the signing of the final plat, a contract between the developer and a certified landscape contractor must be approved by the City prior to the signing of the final plat. The contract must include a street tree and planter strip planting plan (as appropriate) with the types and locations of trees to be planted and timing of the planting. The landscape contractor must be licensed in all phases of landscape contracting by the Oregon Landscapers Contractors Board.
- 8. Each new residential lot shall include one street tree per street frontage.
- 9. The design, location, and planned installation of all utilities, including but not limited to water, electric, sanitary sewer, natural gas, telephone, and cable television shall be approved by the appropriate utility provider. Final approval of site and utility plans is required **prior to the issuance of any building permit and/or site work**. To facilitate this, twelve (12) copies of pre-construction plans shall be given to the City to be reviewed and approved by the Canby Utility Board, the Canby Telephone Association, the City, Canby Fire District, Postal Service, Clackamas County Transportation, and other required utility providers prior to the pre-construction conference. The construction plans shall include the street design, storm water, sewer, water, electric, telephone, gas, street lights, mail boxes and street trees. Utilities shall be separated from one unit to the next. A final set of the construction plans shall be signed by all required government and utility agencies **prior to the issuance of any permits and/or site work**.
- 10. Where applicable, newly constructed residences shall comply with Infill Home Standards through the building permit approval process. On lots bordering existing homes that have preexisted for five years or more, the building permit application shall include the distances from lot lines to neighboring residences as well as existing heights of the neighboring buildings.
- 11. Street lighting shall be provided and shall meet City street lighting standards. Installation of street lights to be reviewed and approved by the City and the Canby Utility Board.
- 12. Prior to the issuance of building permits for any new dwellings, all existing septic systems shall be abandoned in accordance with State, County, and City requirements.
- 13. An erosion control permit is required. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code.
- 14. The applicant shall construct an approved curb cut and approach apron at the drive entrance to each parcel. Access improvements, sidewalks, and paving shall be inspected and approved by Canby Public Works prior to installation.
- 15. Prior to issuance of a certificate of occupancy on individual lots, five (5) foot sidewalks

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shall be constructed as proposed parallel to all street frontages. The sidewalk shall avoid obstructions such as mailboxes and fire hydrants as necessary in order to remain unobstructed for a full (5) five-foot width along its entire length. Sidewalks shall be inspected and approved the City of Canby Public Works Department.

16. Street improvements are required as shown on the submitted plans. The street improvements shall be constructed to City standards, and shall be approved by the City Engineer, Canby Public Works, and the Clackamas County Transportation Division prior to construction. The applicant shall adhere to all requirements of the Clackamas County Transportation department for road improvements and road approaches adjacent to S Ivy St. Street improvements shall be completed to the satisfaction of the Public Works Department prior to the issuance of building permits for new dwellings. Street right-of-way shall be dedicated to the City as shown on the submitted plans.
17. "As-built" drawings of all public improvements shall be submitted to the City within sixty (60) days of completion. A copy of the "as-built" drawings shall be submitted on a computer disk in an AutoCAD format.
18. The final plats must be submitted to the City within one (1) year of the approval of the preliminary plat according to Section 16.68.020. Mylar copies of the final plat must be signed by the City prior to recording the plat with Clackamas County.
19. The approval of this subdivision application will be null and void if the final plat is not submitted to the County within six (6) months after signing of the plat by the City (Section 16.68.070).
20. Any relocation of existing utilities required due to construction of the development shall be done at the expense of the applicant.
21. Sanitary system and storm drainage plans shall be approved by DEQ prior to construction.
22. The site approval as acted upon by the Commission shall be binding upon the developer and variations from the plan shall be subject to approval by the Canby Planning Department and/or the Planning Commission.
23. No rear-yard fences shall be erected on lots 1-8 as proposed by the applicant.
24. Lot 19 shall have a deed restriction that will allow for the continued use of the proposed Fire District turn-around until the remainder of the road infrastructure is constructed to the satisfaction of the Canby Fire District. Lot 19 shall be maintained by the Home Owners Association until the above mentioned deed restriction is lifted. This condition shall be reflected in the CC&Rs for the subdivision.
25. Tract A shall be maintained in by the owners of lots 1-8; this condition shall be reflected in the CC&Rs for the subdivision.

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I CERTIFY THAT THIS ORDER approving SUB 06-05 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 22nd day of January, 2007.

James R. Brown, Chair
Canby Planning Commission

Kevin C. Cook
Associate Planner

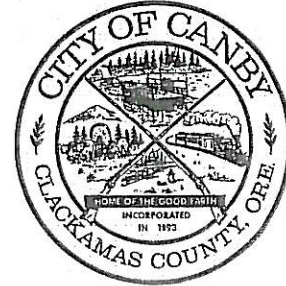
ATTEST:

ORAL DECISION – January 8, 2007

AYES: Brown, Molamphy, Holte, Milne, Ewert
NOES: None
ABSTAIN: None
ABSENT: None

WRITTEN DECISION – January 22, 2007

AYES:
NOES: None
ABSTAIN: None
ABSENT: None



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

**A REQUEST TO CHANGE ZONING) FINDINGS, CONCLUSION & FINAL ORDER
FROM LOW DENSITY RESIDENTIAL) ZC 06-04
TO MEDIUM DENSITY RESIDENTIAL) (Dinsmore Estates)**

NATURE OF APPLICATION

The applicant is seeking approval to subdivide one 4.86 acre parcel into 22 residential lots and to change the zoning on the western 330 feet of the lot. The entire lot is currently zoned R-1. The western 330 of the lot has a Comprehensive Plan designation of R-1.5; the proposed zone change would bring this portion of the lot into agreement with the Comprehensive Plan. The eastern portion of the lot will retain the current R-1 zoning designation, which is consistent with the Comprehensive Plan designation.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of January 8, 2007.

CRITERIA AND STANDARDS

In judging whether or not the zoning map should be amended or changed, the Planning Commission and City Council shall consider:

A. The Comprehensive Plan of the city, giving special attention to Policy 6 of the land use element and implementation measures therefor, and the plans and policies of the county, state and local districts in order to preserve functions and local aspects of land conservation and development;

B. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

FINDINGS AND REASONS

After holding a public hearing and considering the December 29, 2006 staff report, the Planning

**Conclusion and Final Order
ZC 06-04
Page 1 of 3**

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Commission deliberated and reached a decision on January 8, 2007 recommending approval of the applicant's request for zone change to the City Council. The Planning Commission finds that the applicant's request is in compliance with the Comprehensive Plan of the City of Canby and the Commission adopts the findings and conclusions contained in the December 29, 2006 staff report.

CONCLUSION

The Planning Commission concludes that, with regards to the zone change:

A. This application is in compliance with all elements of the Comprehensive Plan of the City, including Policy 6 of the Land Use Element, and the plans and policies of the County, state and local districts.

B. All required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

RECOMMENDATION

IT IS RECOMMENDED BY THE PLANNING COMMISSION of the City of Canby that the Canby City Council approve **ZC 05-04**.

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I CERTIFY THAT THIS ORDER recommending approval of ZC 05-04 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 22nd day of January, 2007.

James R Brown
Chairman, Canby Planning Commission

Kevin Cook
Associate Planner

ATTEST:

ORAL DECISION – January 8, 2007

AYES: Brown, Molamphy, Milne, Ewert, Holte

NOES: None

ABSTAIN: None

ABSENT: None

WRITTEN FINDINGS – January 22, 2007

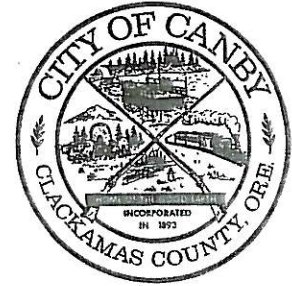
AYES:

NOES: None

ABSTAIN: None

ABSENT: None

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

**A REQUEST FOR SITE AND DESIGN) FINDINGS, CONCLUSION & FINAL ORDER
REVIEW APPROVAL FOR RESTROOMS) DR 06-13
AT LEGACY AND MAPLE STREET PARKS) (Park Restroom Complexes)**

NATURE OF APPLICATION

The City of Canby is proposing to construct new restroom complexes at Legacy and Maple Street Parks. The 700 sq. ft. restroom complex at Maple Street Park includes restroom facilities, two storage rooms, a concession area, and a covered picnic area. The proposed complex for Legacy Park is 350 sq. ft. and includes bathroom facilities, a storage area, concession area, but no covered picnic area.

CRITERIA AND STANDARDS

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

1. The Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:
 - A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
 - B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and

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- C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.
 - D. The Board shall, in making its determination of compliance with subsections B and C above, use the Design Review matrix outlined in Section 16.35 to determine "compatibility". An application is considered to be "compatible", regarding subsections B and C above, if the minimum score in each category is met for the entire development.
 - 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 development.
- 2. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this section. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.
 - 3. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.
 - 4. As part of the Site and Design Review, the property owner may apply for approval to cut trees in addition to those allowed in Section 12.20.080 of the City Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.20 of the City Tree Ordinance. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review.

FINDINGS AND REASONS

The Planning Commission, after holding a public hearing on January 8, 2007 and considering the December 26, 2006 staff report deliberated and reached a decision approving the applicant's request for design review. The Commission discussed lighting and design of the facilities. The Commission adopted the findings and conclusions contained in the December 26, 2006 staff report, with the 4 recommended conditions of approval as written in the Order below:

CONCLUSION

The Planning Commission concludes that, with the application of certain conditions:

- 1A. Both proposed restroom complexes, including the site plans, architecture, landscaping and graphic design, are in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved;
- 1B. The proposed design of both restroom complexes are compatible with the design of other park developments and are not in conflict with developments in the same general vicinities; and
- 1C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed developments, and appropriate to the design character of other structures in the same vicinities; and
- 1D. Neither park is located in a C-1 or I-0 zone;
- 1E. Both proposed restroom complexes accumulated 100% of the total possible points that were applicable to the development and are therefore deemed "compatible".
- 1F. All public facilities and services are available or will become available to service the proposed facilities.
2. All utilities exist or can be made to exist to adequately serve the site.
3. This proposal will not impact needed housing cost or availability.
4. The property owner is not applying to remove street trees.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that **DR 06-13** is approved, subject to the following conditions:

1. Prior to the issuance of a building permit, the design, location, and planned installation of all utilities, including but not limited to water, electric, sanitary sewer, natural gas, telephone, and cable television shall be approved by the appropriate utility provider.
2. Prior to the issuance of a building permit, a pre-construction meeting shall be held prior to any site work and/or construction. Twelve copies of the construction plans shall be given to the City for review and approval by Canby Utility, Canby Telephone, Willamette Broadband, the City, and other required utility providers prior to the pre-construction meeting. The construction plans shall reflect all conditions of approval and shall include, as appropriate, the plans for street design, storm water, sewer, water, fire hydrants, electric, cable, telephone, natural gas, street lights, and mail boxes.
3. An erosion control permit is required. All City erosion control regulations shall be followed during construction as specified by the Canby Municipal Code.
4. All storm water shall be disposed of on-site. The design of storm water facilities shall be approved by the City Engineer and Public Works Supervisor.

I CERTIFY THAT THIS ORDER approving DR 06-13 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 22nd day of January, 2007.

James Brown
Chairman, Canby Planning Commission

Matilda Deas, AICP
Project Planner

ATTEST:

ORAL DECISION – January 8, 2007

AYES: Brown, Holte, Milne, Ewert

NOES: None

ABSTAIN: None

ABSENT: Molamphy

WRITTEN DECISION – January 22, 2007

AYES:

NOES:

ABSTAIN:

ABSENT:

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MINUTES
CANBY PLANNING COMMISSION
7:00 PM – January 8, 2007
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Chair Jim Brown, Commissioners Dan Ewert, Bruce Holte and Janet Milne

ABSENT: John Molamphy

STAFF: John Williams, Community Development and Planning Director; Matilda Deas, Project Planner; Kevin Cook, Associate Planner; Beth Saul, General Services Director; Jill Thorn, Planning Staff

OTHERS PRESENT: Patricia Hatfield, Greg Pancio, Rodney Rose, Job Cacka, Scott Beck, Susan Myers, Rod Larios, R J Larios, Dave DeVore, Tom Scott, Margaret Ward, Ron Ward, Rick Davis, Bruce Broetje, Eric Anderson, Isabella Flynn

I. CITIZEN INPUT

None

II. PUBLIC HEARINGS

DR 06-13 – 1300 N Maple Street and 1200 SE 13th Avenue - An application from City of Canby requesting Site and Design Review approval for 2 restroom facilities to be located in Maple Street Park and Legacy Park.

Chair Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none was expressed. When asked if any Commissioner had ex-parte contact, none was stated. No questions were asked of the Commissioners.

Matilda Deas presented the staff report. The City of Canby is proposing to construct new restroom complexes at Legacy and Maple Street Parks. The existing restroom complex at Maple Street Park has been demolished. The 700 sq. ft. restroom complex at Maple Street Park includes restroom facilities, two storage rooms, a concession area, and a covered picnic area. The total projected roof area for this entire structure is 1,777 sq. ft.

The proposed complex for Legacy Park is 350 sq. ft. and includes bathroom facilities, a storage area, concession area, but no covered picnic area. The total projected roof area for this entire structure is 1,014 sq. ft.

Applicant: Scott Beck, Architect for the Applicant showed the Commission color renderings for the proposed project. Mr. Beck said the buildings had been sited to

allow visibility from the parking lot for safety reasons. He indicated the two sites were being done in tandem and bid together for economy of scale.

Chair Brown asked about the materials being used and why painting had been chosen over other products.

Beth Saul, General Services Director, said this was for economic reasons and the preference of the Parks Department staff.

Chair Brown asked why the use pattern of the area was the opposite of the location of the building in the Maple Street Park.

Ms Saul indicated that Canby Kids would continue to bring in porta-potties for large events held on the school district property adjacent to the park property.

Proponents: None

Opponents: None

Rebuttal: None

Chair Brown closed the public hearing.

Commissioner Milne said she appreciated and enjoyed the design of the buildings, especially the copula on the top which reminded her of some of the old barns that were common to the area.

Commissioner Ewert declared that someday is here in reference to finally having this project moving forward.

It was moved by Commissioner Ewert to approve DR 06-13 as presented. It was seconded by Commissioner Holte. Motion carried 4-0.

DR 06-10 – 1410 S Township Road – An application from Roderick F Larios and Roderick J Larios requesting Site and Design Review approval a two story warehouse building.

Chair Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none was expressed. When asked if any Commissioner had ex-parte contact, none was stated. No questions were asked of the Commissioners.

Kevin Cook presented the staff report. The City has received an application request to develop a new 10,200 sq. ft. warehouse building with office space. The proposed office area will total 3,600 sq. ft. and warehouse space will total 6,600 sq. ft. The warehouse space will be divided in two and there will be two distinct office spaces. The offices will be tied to one warehouse unit each as a rental package. One of the warehouses is

intended to be used for a wholesale forest products business. There is an existing access to the site by way of a 20 foot wide easement over lots 1816 and 1817 to the south; evidence of which is required prior to permits.

Mr. Cook said the Applicant was now proposing to shorten the building length to allow for more parking. The storm water swale has been changed to two dry wells what will have to be approved by DEQ.

Commissioner Ewert asked about the code requirements for a loading dock and what would happen if the building was sold and the new owner had need for a loading dock. He was also concerned about the easement issue not being settled. He also asked about the requirement of 15% landscaping and how would that be handled.

Mr. Cook said these were issues that the Applicant would be able to answer.

Applicant: R J Larios said that the change in the size of the building was no problem and would be submitting new plans to that effect to the City. He indicated he wasn't sure how the landscaping issue would be settled.

Chair Brown asked if the building was being built a spec building. Mr. Larios said no that his company would occupy part of the building.

Commissioner Ewert expressed his concern about the landscaping, loading dock, easement and final design for the site.

Chair Brown asked Mr. Larios if he was willing to extend the 120 day limit by 30 days in order to allow him to come back with the answers to the questions that had been raised.

Chair Brown suggested that it might be better to continue the hearing and allow the Applicant to update his plans and bring them back.

Mr. Larios said he was willing to extend the 120 day limit.

Chair Brown continued the hearing until February 12, 2007.

CUP 06-03 – 505 N Baker – An application from Margaret Ward for a conditional use application for a gravel parking lot in lieu of asphalt.

Chair Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none was expressed. When asked if any Commissioner had ex-parte contact, none was stated. No questions were asked of the Commissioners.

Kevin Cook presented the staff report. The applicant is requesting permission to maintain a gravel parking lot over the entire site. In August of 2006, the Commission approved a site plan for a new building to serve the existing construction yard operation. A condition of approval for site plan (Condition 20) requires that the parking and

circulation area of the site be paved unless otherwise approved by the Commission through a Conditional Use Permit. Section 16.10.070(A)(3) requires parking and maneuvering areas to be paved unless the Planning Commission approves the use of an engineered aggregate system.

Chair Brown expressed concern that the Commission would be setting precedence by allowing this applicant to use gravel instead of paving.

John Williams explained that this portion of the code had been put in by a citizen who had issues and used the text amendment process to change the code.

Commissioner Ewert had several issues with the site in regard to springs and wells. He also felt that other businesses were made to pave their parking areas and didn't understand the position of the City Engineer. And did this all mean that Fred Meyers could come and make their parking lot of gravel. He felt the Commission had made others hold the line of the code.

Chair Brown indicated that to allow approval for financial reasons was not valid.

Applicant: Eric Anderson, Engineer for the Applicant, said the property was used as a construction area. Geotechnical engineers had done tests and examined the soils and concluded that engineered gravel would work as well as asphalt and the Applicant did not intend to change the characteristics of the remaining property.

Chair Brown asked what the reason was for the gravel.

Mr. Ron Ward, Owner, said that paving would change the use of the property. He would not be able to walk a crane on asphalt and when trailers were placed on the asphalt they would puncture the asphalt.

Proponents: None

Opponents: Job Cacka had concerns about how oil and fuel would be cleaned up when spilled. He said the Applicant had been a good neighbor over the years. He said that the storm drainage is poor in the area and would like to see water percolate into the soil.

Rebuttal: Mr. Anderson said the storm drainage problem had been solved by connecting the dry well to the next one down the line.

Chair Brown closed the public hearing.

Chair Brown wondered if the approval could be conditioned to be for this site only.

John Williams said the Commission could make a finding that the use was specific to this site only.

It was moved by Commissioner Ewert to approve CUP 06-03 with the following modifications: approval was because the site had been used with a gravel area over a period of time; if use or ownership were to change the use would come back to the Planning Commission; all State standards would be adhered to; and the curbing process as requested by the Applicant for striping the parking places was approve. It was seconded by Commissioner Holte. Motion carried 4-0.

SUB 06-05/ZC 06-04 – 1592 S Ivy Street - An application from Willow Creek Estates, Inc. which proposes to amend the Zoning Map and to develop a 22 lot subdivision, with eight lots suitable for attached single family dwellings and 14 lots suitable for detached single family dwellings.

Chair Brown read the public hearing format. When asked if any Commissioner had a conflict of interest, none was expressed. When asked if any Commissioner had ex-parte contact, none was stated. No questions were asked of the Commissioners.

Kevin Cook presented the staff report. The applicant is seeking approval to subdivide one 4.86 acre parcel into 22 residential lots and to change the zoning on the western 330 feet of the lot. The entire lot is currently zoned R-1. The western 330 of the lot has a Comprehensive Plan designation of R-1.5; the proposed zone change would bring this portion of the lot into agreement with the Comprehensive Plan. The eastern portion of the lot will retain the current R-1 zoning designation, which is consistent with the Comprehensive Plan designation. The applicant proposes to provide access to newly created lots by means of a wide half-street (SE 16th Avenue). SE 16th Avenue would access S Ivy Street and would end in a cul-de-sac. A proposed stub for S Juniper St. is proposed as well as a connection to S Lupine St. in the Tofte Farms Subdivision. Sidewalks would be located behind a planter strip.

The submitted plan indicates that the westernmost eight lots will most likely consist of 4 duplex units – this configuration is contingent on the approval of the zone change submitted with this application (see Condition 1). The remaining 14 lots would be developed as single family residences. A 7,914 square foot open-space tract is proposed (Tract A) north of the eight proposed R-1.5 lots – this open-space lot will not be a public facility, rather it will be maintained by the homeowners. The applicant has stated that the rear yards of the duplex units will not be fenced off from the open-space tract.

John Williams spoke to the lack of the ability of the City for a master plan on annexations at this time, but said the Commission would in the future see possible changes in the code to require such plans. This site had been included in two previous annexation proposals that failed at the ballot.

Mr. Cook gave the Commission a copy of a letter from the Tofte Farms Owner Association.

Chair Brown had concerns about the permanent easement and the 12 foot lot and the monument wall.

Commissioner Ewert questioned the issues surrounding Lot 19 and the fire access.

Mr. Cook said that the Applicant had received approval from the Canby Fire District for using Lot 19 until the cul-de-sac is completed

Commissioner Ewert asked about the small lot on Tract A – Tax Lot 5300 being land-locked and what liability that created for the City.

Mr. Williams indicated he didn't know but would check with the City Attorney. However this process was where the property owner had the opportunity to speak as they would have received notice of the hearing.

Applicant: Tom Scott of Willow Creek Estates. Mr. Scott said he had attempted to contact the property owner, but had not received any response. He said the purpose of the Zone Change application was to bring the property into alignment with the Comprehensive Plan designation and it was a transition zone between high density and low density zoning. Mr. Scott said he is planning on building eight attached homes that are a new style not duplexes which would overall be more attractive and keep property values high. He said it was a new type of housing that accommodated a certain life style for the owners. The remaining 14 lots would be homes designed similarly to the neighborhood. The masonry wall would serve as an entrance to the neighborhood. Mr. Scott said the street would be a $\frac{3}{4}$ street with parking on one side only.

Commissioner Milne asked how Lot 19 would be maintained while serving as a fire access. Mr. Scott said it would be the responsibility of the home owners association.

Commissioner Ewert asked about the picnic table.

Mr. Scott said it was open space that would be used by all the residents.

Proponents: None

Opponents: Susan Myers representing the Tofte Farms Owner Association wanted to express the concern of the members and read the letter into the record. The association was requesting a barricade where 16th Avenue came into Tofte Farms until 16th would be developed to full width. The association requested that the intersection of Maple Street and 14th Place become a 4-way stop. The association was concerned about the R-1.5 zoning and the impact on the value of the homes in Tofte Farms.

Commissioner Ewert said that the barricade would be an issue with the Canby Fire District and probably could not happen.

John Williams said that the request for a 4-way stop was being considered by the Traffic Safety Commission and he would follow up and let Ms Myers know how that was progressing.

Mr. Williams said the zone change was limited only to that area.

Isabella Flynn said that when she and her husband bought their property they thought the entire area was going to be R1 and was very concerned about the value of her property decreasing.

Commissioner Milne said that the public process for zoning that area R-1.5 had been very extensive and lots of community meetings were held to take input from the citizens.

Rebuttal: Tom Scott agreed that the barricade was not realistic because of the fire district concerns. Mr. Scott felt that more people from Tofte Farms would come through the new area rather than the other way around. He again said he the zone change would bring the property into alignment with the Comprehensive Plan and serve as a transition zone. Mr. Scott said the homes would be selling for \$300,000 to \$400,000 range.

Chair Brown closed the public hearing.

Chair Brown said he felt the application met the code criteria.

Commissioner Milne agreed with Chair Brown that the application met the code.

It was moved by Commissioner Holte to approve ZC 06-04 as presented. It was seconded by Commissioner Milne. Motion carried 5-0.

It was moved by Commissioner Ewert to approve SUB 06-05 with the following modifications: there would be no fencing on Lots 1 to 8 at the back yard easement; Lot 19 would be maintained by the home owner association as long as it was an emergency access; the picnic table would be maintained by the home owner association and the Planning Commission recommends to the Traffic Safety Committee that 14th Place and Maple Street become a 4-way stop. It was seconded by Commissioner Holte. Motion carried 5-0.

III. NEW BUSINESS

The election of a Vice Chair was put on the next meeting agenda.

IV. FINDINGS

MOD 06-19 – Modification of SUB 00-01 Tofte Farms III - Commissioner Milne moved to approve the findings for MOD 06-19 as presented. Motion seconded by

Commissioner Holte and passed 2-1-1 with Commissioner Holte voting no and Commissioner Ewert abstaining.

MOD 06-20 – Modification of MLP 06-12 – Condition 7 - Commissioner Milne moved to approve the findings for MOD 06-20 as presented. Motion seconded by Commissioner Holte and passed 3-0 with Commissioner Ewert abstaining.

V. MINUTES

December 11, 2006 - Commissioner Milne moved to approve minutes of December 11, 2006 as presented. Motion seconded by Commissioner Holte and passed 3-0 with Commissioner Ewert abstaining.

VI. DIRECTOR'S REPORT

John Williams presented a letter to the Commission from Catherine Comer, Executive Director of Canby Business Development. In the letter, Ms Comer states that there are two architectural/planning teams who are finalists for the design standards project and they will be interviewed on January 18, 2007 with a decision following shortly. Ms Comer would also like the Planning Commission involved in the project and suggested a joint City Council, Planning Commission and Urban Renewal District meeting would be held prior to the first visioning session.

Mr. Williams said the staff had prepared a code update and asked how the Commission would like to handle reviewing the changes. It was decided to have a work session on February 12, 2007.

Mr. Williams said there would be four applications before the Commission on January 22, 2007 meeting. They include two annexations, one subdivision and a site and design review for Burger King.

Mr. Williams said that the staff would be bringing to the Commission the draft proposal for code changes for annexations as well as some other items dealing with lighting and storm water.

Mr. Williams announced that the Land Use Board of Appeals had upheld the City's position on the Krishchenko appeal.

Mr. Williams indicated that the staff would be looking into the questions raised by the Commission on Tract A of SUB 06-05 being land locked; gravel parking issues raised on MOD 06-03 and the request for a stop sign at 14th and Maple.

VII. ADJOURNMENT