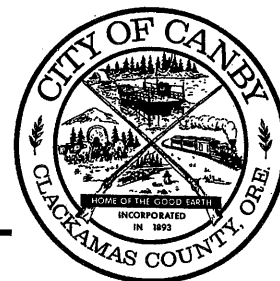


PLANNING COMMISSION AGENDA

November 28, 2005

7:00 PM - Regular Meeting

City Council Chambers - 155 NW 2nd Avenue



I. ROLL CALL

II. CITIZEN INPUT ON NON-AGENDA ITEMS

III. PUBLIC HEARINGS

MLP 05-12 (Welch Living Trust) 900 NE 10th Ave. The applicant is seeking approval to partition one 15,950 square foot parcel located at the northwest corner of NE 10th and N. Oak St. into two separate parcels, one 8,830 sq ft which will contain the existing single family dwelling and parcel #2 of 7,120 square feet for an additional single family dwelling.

ANN 05-05 (Thomas Holmes) The applicant seeks to annex a 4.85 acre parcel to be zoned R 1.5, located south of NE Territorial, west of N. Pine St. and north of NE 16th Ave. The conceptual site plan shows a possible 33 buildable lots which the applicant intends to combine with property he already owns inside the city (adjacent to this parcel on the west side) for a total of 45 buildable lots.

IV. NEW BUSINESS

MOD 05-07 (Krishchenko) A request to modify MLP 04-03 and allow one new direct access to SW 13th Avenue for a new single family dwelling.

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

MLP 05-07 (Dream House Construction LLC)

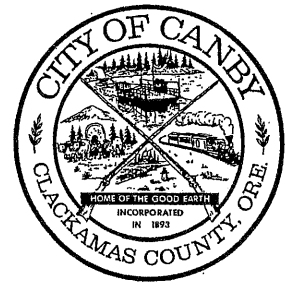
VI. MINUTES

October 24, 2005

VII. DIRECTOR'S REPORT

VIII. ADJOURNMENT

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Carla Ahl at 503-266-9404



- STAFF REPORT -

APPLICANTS:

Thomas L Holmes
PO Box 111
Canby, OR 97013

FILE NO.:

ANN 05-05
(Canby Gardens)

OWNERS:

Thomas L Holmes
PO Box 111
Canby, OR 97013

STAFF:

Kevin C. Cook
Associate Planner

LEGAL DESCRIPTION:

Tax Map 3-1E-28DD
Tax Lot 2190 (4.85 acres)

DATE OF REPORT:

November 17, 2005

LOCATION:

The parcel is located south of NE Territorial Rd,
west of N Pine St. and north of NE 16th Ave.

DATE OF PC HEARING:

November 28, 2005

COMPREHENSIVE PLAN DESIGNATION:

R-1.5 High Density Residential

ZONING DESIGNATION:

Rural Residential Farm and Forest
(Clackamas County RRF 5)

I. APPLICANT'S REQUEST:

The applicant is seeking to annex a single 4.85 acre parcel into the City of Canby. The applicant's conceptual site plan shows a possible 33 lots. When combined with land that the applicant owns inside the city limits (immediately to the west and adjacent to the parcel to be annexed) the conceptual plan shows an additional 12 lots bringing the total to 45 lots.

It should be noted that the applicant's conceptual plan shows more than 10% of the lots at less than the 5,000 square foot minimum. According to Section 16.18.030.B.2 a public benefit would need to be shown in order to approve more than 10% of the lots being under the required minimum lot size. The application is for an annexation request and this report is primarily concerned with whether the proposal can be developed to urban densities rather than what the development would look like. If the annexation request is approved by the Planning Commission and the City Council the final decision rests with the Canby voters. If approved by the voters, any proposed subdivision design is subject to the City's subdivision review process.

The applicant's conceptual plan shows access to the site via connecting NE 17th Ave. with N Pine St. and providing a connecting N Oak St north to NE Territorial Rd. A half street is also shown along the northern boundary of the subject parcel.

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 RRFF 5 (Rural Residential Farm and Forest) 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 Medium Density Residential zoning in conformance with the Comprehensive Plan.

The parcel is currently heavily wooded, undeveloped and relatively flat. 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 adjacent property to the west of the subject parcel is inside the city limits and zoned for Medium Density Residential development. The properties to the north are outside the city limits and have a Comprehensive Plan designation of Medium Density Residential. The property to the east is inside the city limits and is zoned for Low Density Residential Development. The property to the South is outside the city limits and is designated for Low Density Residential development in the Comprehensive Plan.

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.

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 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 4.85 acres of land into the City under R-1.5 Medium Density Residential zoning. There is currently nearly no undeveloped Medium Density land remaining in Canby, so the need is established. See also the enclosed 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 and the subject parcel 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.

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 30 to 45 new lots at the time of final subdivision plat approval. The new lots would bring the buildable lands supply total to 3.2 years when added to today's availability.

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 storm water concerns with this proposal.

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.

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 the Fire district were sent a Request for Comments. Neither agency expressed extraordinary concern with future access issues.

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, Canby Electric, the Water Dept., Canby Disposal, Sewer, Canby Telephone, Police, Fire, and the Traffic Safety Committee.

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

The City Engineer indicates that sanitary sewer can serve the area.

The Water Dept. would like to ensure looping water lines with no dead ends.

Traffic Study: A traffic study was commissioned for the subject parcel. As of the date of this report, the study had not been completed.

Pre-application meeting: The applicant indicated that the density may end up being less than that shown on the conceptual plan. Canby Water does not want any dead ends. Sewer would need to extend down N Pine St. Electricity can be brought in from Territorial Rd. down N Oak St. Telephone can be brought in down NE 17th Ave. The Fire Dept. did not have any access concerns. Public Works indicated that N Pine St. is a County Road, so the County will need to issue permits for improvements along N Pine. Improvements to Pine St. will be required all the way past the Pine Station Subdivision. As of the date this report, no meeting minutes were available.

Neighborhood Written Comments:
One comment was received in opposition.

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: The subject property is not currently used in 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.

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 relatively affordable housing while infilling vacant land inside the city limits.

Conclusion Regarding Consistency with policies of Canby's Comprehensive Plan:
This application is clearly consistent with many of the Comprehensive Plan policies for annexation. The provision of Public Facilities and Services may warrant discussion regarding eventual access to the parcel. Typically, public facilities and services are also dealt with at the time of development and staff recommends that this remain the case.

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 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 a fragmented parcel of non-farm land islanded by parcels already inside the city limits. The property is also designated priority "A" for annexation, 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.

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. There are however several large evergreen trees on the property that could be considered a natural scenic resource.

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 could provide approximately 33 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

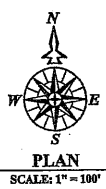
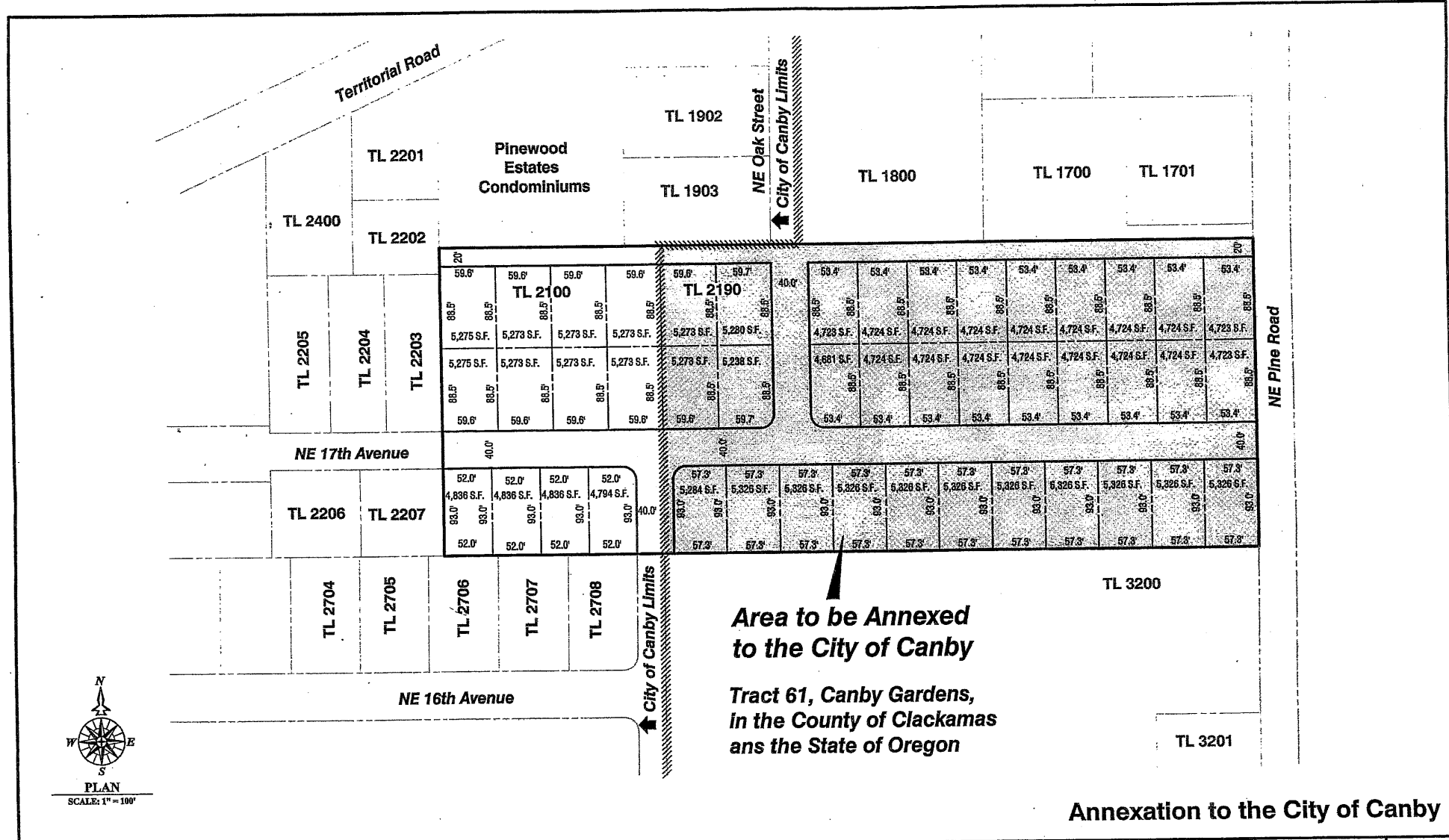
Based upon the findings and conclusions contained in this report and without benefit of a public hearing, staff recommends that the Planning Commission recommend approval of ANN 05-05 to the City Council, with the addition of the following understandings.

1. The zoning classification for the property will be R-1.5 Low 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 package
2. Responses to requests for comments
3. Buildable Lands Analysis

3000\6045\AutoCAD\Drawings\6045 Prelim.dwg, Layout1, 10/26/2005 4:07:48 PM, bsegard



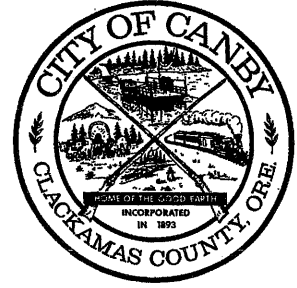
DRAWN BJS	DESIGNED KHM	CHECKED KHM
SCALE 1" = 100'	DATE October, 2005	
PLAN 05-6045	6045 Prelim1	

COMPASS ENGINEERING
 ENGINEERING * SURVEYING * PLANNING
 8864 S.E. LAKE ROAD
 WELLMARKE, OREGON 97122
 WWW.COMPASS-ENGINEERING.COM

(503) 865-9000 PHONE
 (503) 865-9000 FAX

Tom Holmes
 P.O. Box 111
 Canby, Oregon 97013
 503-266-5252 & 503-692-9494

Canby Garden Annexation
 Tax Lots 2190 and 2100, Map 351E28DD
 Canby, Oregon



- STAFF REPORT -

APPLICANT:

Welch Living Trust
900 NE 10th Ave
Canby, OR 97013

OWNER:

Thomas A Welch
9264 S. Centennial Lane
Canby, OR 97013

LEGAL DESCRIPTION:

Tax Map 3-1E-33AA, Tax Lot 1200

LOCATION:

900 NE 10th Avenue
Northwest corner of
NE 10th Ave. & N Oak St.

COMPREHENSIVE PLAN DESIGNATION:

R-1 Low Density Residential

FILE NUMBER:

MLP 05-12
(Welch)

STAFF:

Kevin C. Cook
Associate Planner

DATE OF REPORT:

November 17, 2005

DATE OF HEARING:

November 28, 2005

ZONING DESIGNATION:

R-1 Low Density Residential

I. APPLICANT'S REQUEST:

The applicant is seeking approval to partition one 15,950 square foot parcel into two separate parcels. Parcel 1 (west) will be 8,830 sq. ft. and contains the existing single family dwelling; Parcel 2 (east) will be 7,120 sq. ft. on which an additional single family dwelling can be constructed. Access for the existing lot is off of NE 10th Ave. Access for Lot 2 will be off of Oak St. Off-street parking for lot 2 will be required at the time of development (Condition 10). The application meets current zoning and comprehensive plan designations of R-1 Low Density Residential.

II. APPLICABLE CRITERIA:

1. In judging whether a Minor Partition should be approved, the Planning Commission must consider the following standards and criteria (Ord. 16.60.030):
 - A. Conformance with the text and the applicable maps of the Comprehensive Plan;
 - B. Conformance with all other applicable requirements of the Land Development and Planning Ordinance;
 - C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;
 - D. No minor partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels;
 - E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.
2. Other Applicable Criteria:
 - A. 16.10 Off-Street Parking and Loading
 - B. 16.16 R-1 Low Density Residential Zone
 - C. 16.56 General Provisions (Land Division Regulations)
 - D. 16.60 Major or Minor Partitions
 - E. 16.64 Subdivisions - Design Standards

III. FINDINGS:

1. Location and Background

The subject property is located at 900 NE 10th Ave. at the northwest corner of NE 10th Ave. and N Oak St. The parcel is zoned R-1 (Low Density Residential) and currently contains one single family residence. Neighboring properties to the north, east, and west have a Comprehensive Plan designation of Low Density Residential. Properties to the south have a Comprehensive Plan designation of Medium Density Residential. All surrounding properties are currently zoned R-1 (Low Density Residential).

In October of 2005 the Canby City Council approved a partial right-of-way vacation along the subject parcel's frontage on N Oak St. which grants 10 additional feet of land to the parcel. As of the writing of this report, the land has not been officially transferred (i.e. deeds prepared and recorded) to the subject parcel. The additional 10 feet will add 1,100 square feet to the subject parcel. This application assumes this additional area in terms of square footage calculations (note: the current area of the parent parcel is sufficient enough to proceed with a partition without the right-of-way vacation, although the configuration of the lots would need to be modified somewhat). With the additional property, parcel 2 will be 7,120 square feet at the time of final plat and will extend out to the curb along N Oak St. The additional area will allow a new dwelling on parcel 2 to be located closer to N Oak St. than would otherwise be possible due to the fact that setbacks are measured from property lines and not from the edge of pavement. The applicant is required to complete the title transfer prior to the signing of the final plat for the partition (see Condition 1).

Parcel 2 will eventually contain a single family dwelling. The new dwelling will be required to meet the standards for an infill home as listed in section 16.21.050 (Condition 15).

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 and is compatible with surrounding uses. The existing residence is a single story home; new residences will be required to comply with Infill Home Standards through the building permit approval process (See 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 will permit additional development of the subject parcel and will help to maximize the efficient use of the property. The applicant anticipates that a new single family residence will be constructed on parcel 2 in the future.

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 considered to be urbanized and has no known steep slopes, historic resources, expansive soils, or wetlands, and is not located in a flood plain. The proposed partition will not, in itself, generate pollution or affect scenic or aesthetic resources.

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

Analysis: The proposed partition must meet storm water management approval from DEQ and Canby Public Works prior to issuance of building permits (see Condition #9).

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 partition. An approved curb cut and apron are required to provide drive access to Parcel 2 (Condition 13). One street tree will be required on each street frontage (Condition 14).

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

Analysis: Sidewalk exists along N Oak St., but there are no sidewalks along the property's frontage on NE 10th Ave. The applicant will be required to install sidewalks along NE 10th Ave. (Condition 16).

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. Neither agency expressed concern with access to the site.

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.

1. *Analysis: All returned requests for comments indicated services are readily available.*

The City Engineer has indicated that sidewalks should be constructed along the site frontage and that new access should be off of N Oak Street (see Condition 13).

Canby Public Works Dept. prefers to avoid any street-cuts in N Oak St. at this time. Public works also indicates that a 5 foot pedestrian easement and utility easements behind sidewalks are required along NE 10th Ave (see Condition 6).

The Fire District has indicated that new construction will have to meet standard requirements for access and fire flow.

The Traffic Safety Committee indicates no traffic concerns at this time.

Canby Telephone, Canby Utility, and the Police Dept. have indicated that adequate services will be provided at the time of development.

Neighborhood Written Comments:

One comment in favor and one opposed were received. Another comment in opposition was originally received in October at the time of the road vacation, but is included with other neighbor comments because it pertains more specifically to the partition request than to the road vacation.

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 partition, 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 Minor Land Partition 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 partition will comply with the requirements of the Land Development and Planning Ordinance, including 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 partition will be functional and will provide building sites, necessary utility easements, and access facilities. Proposed parcels meet lot size and coverage requirements of the R-1 zone.

- D. No minor partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels.

No private roads will be created by this partition and parking shall be prohibited in the private access drive.

- 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.

IV. CONCLUSION

1. Staff concludes that the partition request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan and the Municipal Code.
2. Staff concludes that, with appropriate conditions, the overall design and arrangement of the proposed parcels are functional; utility easements and access facilities necessary for development of the subject property can be provided without unduly hindering the use or development of adjacent properties.
3. No private roads will be created.
4. Staff concludes that all necessary public services will become available through the development of the property to adequately meet the needs of the proposed partition.

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 MLP 05-12 with the following conditions:

For the Final Plat:

1. The 10 foot right-of-way transfer and associated utility and pedestrian easements must be completed prior to the signing of the final partition plat.
2. A final partition plat illustrating 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 MLP 05-12
3. 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; a final copy of the signed and recorded map shall be provided to the Canby Planning Department upon completion.
4. 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.
5. All monumentation and recording fees shall be borne by the applicant.
6. Twelve (12) foot utility easements shall be provided along street lot lines. Ten (10) foot utility easements shall be provided along non-street exterior lot lines unless adjacent lots have recorded utility easements of four (4) or more feet, in which case the non-street exterior lot lines shall have six (6) foot utility easements. All interior lot lines shall have six (6) foot utility easements. A five (5) foot wide pedestrian access easement will be required along the entire frontage of the property.

Notes:

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.

Prior to Construction:

9. Prior to issuance of a building permit a stormwater permit shall be obtained from the State of Oregon if required by the Department of Environmental Quality (DEQ). An acceptable stormwater system plan shall be approved by the State of Oregon - DEQ and the Canby

Public Works Department.

10. Prior to permit, the applicant shall demonstrate compliance with offstreet parking requirements as listed in Chapter 16.10 of the CMC.

During Construction:

11. The applicant is responsible for all costs associated with the relocation of utilities.
12. Any 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. The applicant shall construct an approved curb cut, approach apron and sidewalk ramps at the drive entrance to parcel 2. Access to parcel 2 shall be from North Oak Street at the northern end of the parcel. Access improvements shall be inspected and approved by Canby Public Works prior to installation.
14. A minimum of one street tree shall be required along the street frontage of each lot. Street trees shall be placed 11 feet behind the back of sidewalk.
15. Any new dwelling for parcel 2 will be required to comply with the standards for infill homes as listed in Section 16.21.050.
16. A five (5) foot sidewalk inclusive of curb shall be constructed for the full frontage of the parent parcel along NE 10th Ave. Where mailboxes, fire hydrants or other obstructions are located at the curb, sidewalks shall swing away from the curb in order to remain unobstructed for a full five-foot width. An ADA ramp shall be constructed at the northwest corner of the intersection of NE 10th Ave. and N Oak St.

Exhibits:

1. Applicant's Packet (narrative and proposed partition plan)
2. Responses to the Request for Comments

MINOR LAND PARTITION APPLICATION

FEE \$1,280

PROCESS TYPE III

OWNER

APPLICANT*

Name WELCH LIVING TRUST

Name THOMAS A WELCH TRUSTEE

Address 900 NE 10 AVENUE

Address 9264 S. CENTENNIAL LN

City CANBY State OR Zip 97013

City CANBY State OR Zip 97013

OWNER'S SIGNATURE Thomas A Welch PHONE 503-266-2110

DESCRIPTION OF PROPERTY:

Address 900 N.E. 10TH AVE CANBY, OR 97013

Tax Map _____ Tax Lot(s) 31E33 AA 1200 Lot Size 145X110 (15,950 sqft)
(Acres/Sq. Ft.)

PROPERTY OWNER LIST

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property (if the address of the property owner is different from the situs, a label for the situs must also be prepared and addressed to ("Occupant"). Lists of property owners may obtained from any title insurance company or from the County Assessor. If the property ownership list is incomplete, this may be cause for postponing the hearing. The names and addresses are to be typed onto an 8-1/2" x 11" sheet of mailing labels (1" x 2-5/8"), just as you would address an envelope.

Existing Use SINGLE FAMILY RESIDENCE

Proposed Use SINGLE FAMILY RESIDENCE

Existing Structures SINGLE FAMILY 1 STORY RESIDENCE 1186 sqft

ZONING R1 COMPREHENSIVE PLAN DESIGNATION _____

PREVIOUS ACTION (if Any) VACATION OF 10' X 110' STREET RIGHT OF WAY TO ATTACH TO LOT ORDINANCE NO. 1191

FOR CITY USE ONLY	
File # _____	
Date Received _____	By _____
Completeness Date _____	
Pre-App Meeting _____	

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

MINOR LAND PARTITION: INSTRUCTIONS TO APPLICANTS

1. ✓ The applicant may request a pre-application conference, 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. *PRE-APPLICATION CONFERENCE MTG HELD AUG. 10, 2005*
2. ✓ 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.
3. Any application for a land partition, on forms prescribed for the purpose, shall be filed with the City Planner, typed or printed, and accompanied by the following:

- | Applicant Check | City Check | |
|--------------------------|--------------------------|--|
| ✓ | <input type="checkbox"/> | <input type="checkbox"/> One (1) copy of pages 1, 2, and 3 of this application. The checklist on pages 2 and 3 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. |
| ✓ | <input type="checkbox"/> | <input type="checkbox"/> Payment of \$\$1,280, cash or checks only. Checks should be made out to the City of Canby. <i>CK NO. 6306 \$ 1,280.00</i>
<i>MORGAN STANLEY</i> |
| ✓ | <input type="checkbox"/> | <input type="checkbox"/> A list of property owners within 200 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. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Twenty-five (25) copies of a written statement, on 8-1/2" x 11" paper, describing the proposed partition and explaining how the proposal meets the approval criteria (page 4) and is compatible with surrounding land use patterns. |
| ✓ | <input type="checkbox"/> | <input type="checkbox"/> 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: <i>N/A PER PRE APPLICATION MEETING EVE. TECH 21/JULY/05</i> <ol style="list-style-type: none"> 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. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Twenty-five (25) copies of the tentative partition map, drawn to scale 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 and boundaries of the tract to be partitioned;
- C. Name and address of the owner and the person who prepared the tentative map;
- D. Size of each parcel involved in the partitioning;
- E. Outline, location, and description of all existing buildings, showing those to remain in place and setbacks to proposed property lines;
- F. For land adjacent to and within the tract to be partitioned, 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;
- G. Proposed parcel layout, showing sizes, dimensions, and relationships to existing or proposed streets and utility easements;
- H. Location of any forested areas, wetlands as delineated by the Division of State Lands, or other significant natural features;
- I. If the applicant is a corporation, a certificate of good standing from the State Corporation Commission shall be filed. The name of the individual authorized to act as the registered agent of the corporation shall also be provided; and
- J. If the development is located in an area designed by the Hazard ("H") Overlay Zone, one (1) copy of an affidavit signed by a licensed professional engineer that the development will not result in any undue hazard for the occupants or users of the development, nor in any unusual public expense in the event of flooding, landslide, or other natural disaster.

4. 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.
5. 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.
6. The staff report will be available seven (7) days prior to the hearing.
7. The Planning Commission then issues findings of fact which support approval, modification or denial of the application. A decision may be appealed to the City Council.
8. If an approval or a denial has been appealed, City Council holds a public hearing. The staff report is presented and testimony taken, as at the original hearing(s). However, only testimony regarding items already in the record is permitted, and no new information may be entered. In the case of an appeal, the Council may affirm, revise or reverse the action of the Planning Commission in all or in part. The Council may also remand the matter back to the hearing body for further consideration.

NOTICE

ORS 92.04(4d) requires that the City shall provide for "notifying a person proposing a subdivision or partition of the requirement to file a statement of water right." The applicant is hereby notified of the requirement to file such "Statement of Water Right." The final plat or partition shall show, on it's face, whether a "water right permit" or a "water right certificate" has been issued for the property. Furthermore, ORS 92.120(5) provides that if the approved plat or subdivision or partition has "water right," a copy of such plat or partition shall be submitted by the applicant to the Oregon Water Resources Department.

NOTICE

ORS 92.04(4d) requires that the City shall provide for "notifying a person proposing a subdivision or partition of the requirement to file a statement of water right." The applicant is hereby notified of the requirement to file such "Statement of Water Right." The final plat or partition shall show, on it's face, whether a "water right permit" or a "water right certificate" has been issued for the property. Furthermore, ORS 92.120(5) provides that if the approved plat or subdivision or partition has "water right," a copy of such plat or partition shall be submitted by the applicant to the Oregon Water Resources Department.

**Proposed Partition
October 31, 2005**

**900 NE 10th Avenue
Canby, Oregon 97013**

This proposed partition is for approval of a minor partition to divide an existing lot of (.34+ acres) 15,950 sq. ft. into two lots, each lot to be more than 7,000 sq. ft.

The existing lot is 145 ft x 110 ft. after approved street vacation of 10 feet on east side of property, Oak Street. The existing structure, a single resident ranch style house would remain on the west side of the minor partition. This lot would be changed to 8,830 sq. ft. The new lot would be 62 ft. x 110 ft. = 6,820 sq. ft. with an additional 300 sq. ft. from the rear of the lot that would be extended westward approximately 12 ft. and 25 ft. south of the existing northern property line for an additional 300 sq. ft. The Total sq. ft. of the new lot would be 7,120 sq. ft. and the existing residence lot would be 8,830 sq. ft.

The set backs for a new structure, a single family dwelling, on the requested new partition would follow the existing set back requirements of the City of Canby for a corner lot.

The proposed or existing lot does not have any water rights or a "water right certificate that has been issued for the property. The current lot is furnished water and sewer from Canby Utility as would the new lot. Sewer and water is located both on 10th Avenue and Oak Street. The new overlay has a two year moratorium which would require utilities to be brought in from 10th Avenue after discussion at the preliminary meeting held on August 19th, 2005.

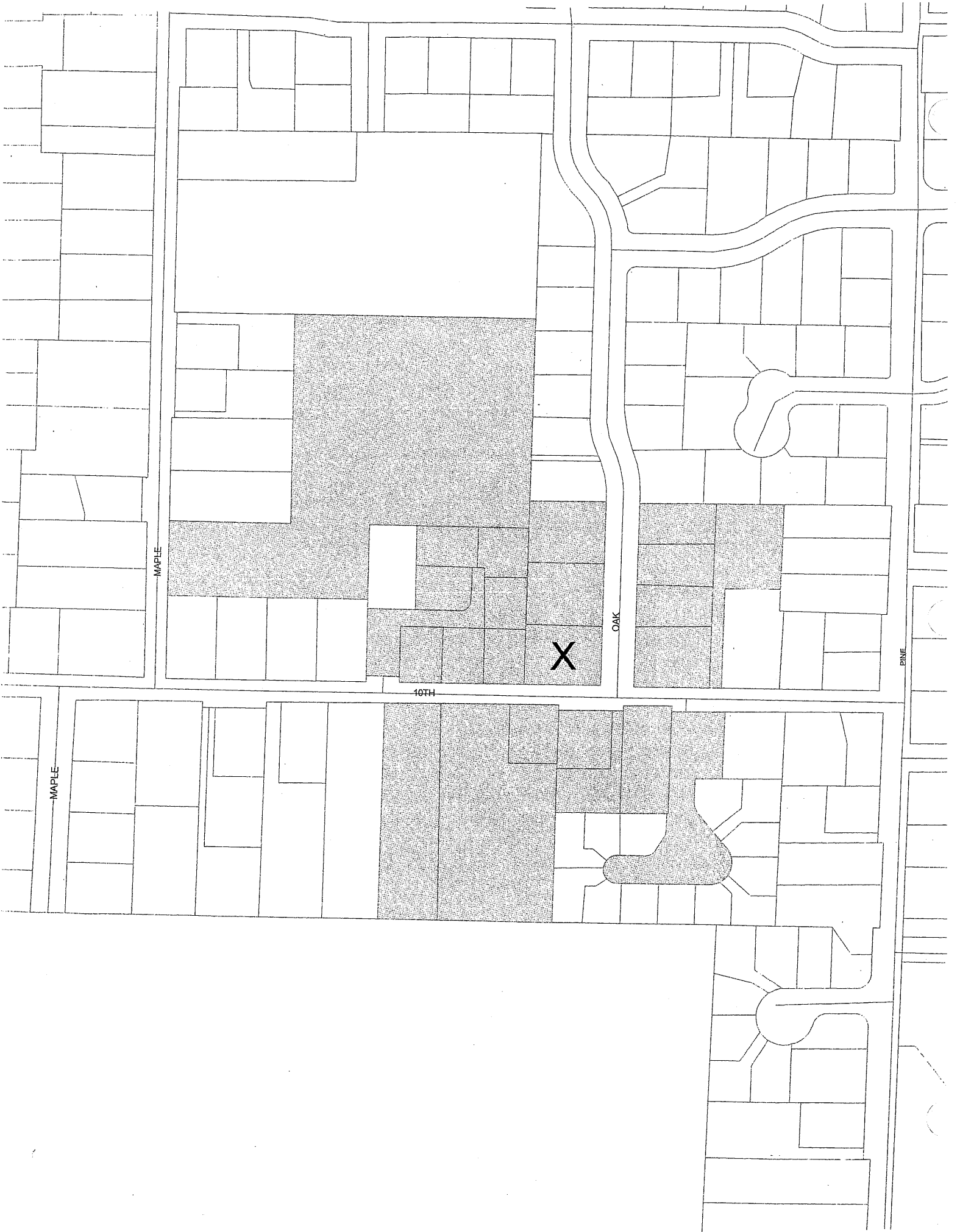
The proposal request is consistent with the existing neighborhood of single residence dwellings and lot sizes. The proposed lot would be a corner lot located on the northwest corner of 10th Avenue and Oak Street. The utilities, sewer, water, telephone, cable, gas and electrical are located on 10th Avenue in front of proposed lot.

Respectfully submitted,



Welch Living Trust
Thomas A Welch, Trustee

Attachments: minor land participation application, Vicinity maps (3), partition maps (3), warranty deed (showing City of Canby easement), property owners mailing labels, 25 copies of written statement, check \$1,280.00.



MAPLE

OAK

PINE

10TH

MAPLE

X

City of Canby
Pre-Application Meeting Notice

PO Box 930, Canby, OR 97013
City Shops 1470 NE Territorial Road

503-266-4021 ext.: 298
503-266-7238

TO:	Canby Planning, Kevin Cook	503-266-9404	Canby Public Works, Roy Hester	503-266-4021 x 259
	CUB Water Dist., Pat Thurston	503-263-4309	Canby Telephone, Dinh Vu	503-266-8201
	CUB Electric Dept., Gary Stockwell	503-263-4307	NW Natural Gas, Lee Larson	503-585-6611 x8142
	CUB, AGM, Jeff Wadsworth	503-266-1156	Curran-McLeod, Curt McLeod	503-684-3478
	Fire District #62, Fire Marshall	503-266-5851	Canby Building Inspector, Bob Godon	503-266-9404
	Parks Department, Jeff Snyder	503-266-4021	Willamette Broadband, Lynn Tussing	503-982-1253
	Cat Sumrain, Lancaster Engineering	503-248-0313		
cc:	Steve Mayes, Oregonian	503-294-5915		
	Donna Becquet, Canby Utility	503-266-1156		

From: Planning Department, Ronda Rozzell

Date: July 19, 2005

Subject: Pre-Application Meeting for Minor Land Partition at 900 NE 10th Avenue

Attached is a request for a pre-application meeting.


A meeting with the applicant has been scheduled for Wednesday, August 10, 2005 at 10:30 am at the **City Shops Conference Room**, 1470 NE Territorial Road, Canby.

Please come prepared to discuss any issues that the applicant will need to address when submitting a site and design review application.

If you are unable to attend the meeting, but have comments please submit them in writing or call Ronda at 266-4021 ext. 298. They will be forwarded to the applicant.

Comments:

ONE HOME WILL GENERATE ONE TRIP DURING THE PEAK HOUR AND TEN TRIPS DURING THE WEEKDAY. OAK STREET AND 10th AVENUE CAN ACCOMMODATE THESE TRIPS. NO MITIGATION IS RECOMMENDED.
FOR BEST OPERATION OF THE STREET SYSTEM, THE DRIVEWAY FOR THE NEW LOT SHOULD BE PLACED ON OAK STREET, AS FAR AS POSSIBLE FROM THE INTERSECTION TO AVOID CONFLICTS BETWEEN SITE TRAFFIC AND SOUTHBOUND QUEUES ON OAK STREET.



Signature

ENGINEERING TECHNICIAN

Title

21 JULY '05

Date

LANCASTER ENGINEERING

Company

900 NE 10th Avenue

10/28/2005 BY THOMAS WELCH
9264 S CENTENNIAL LN
CANBY, OR 97013

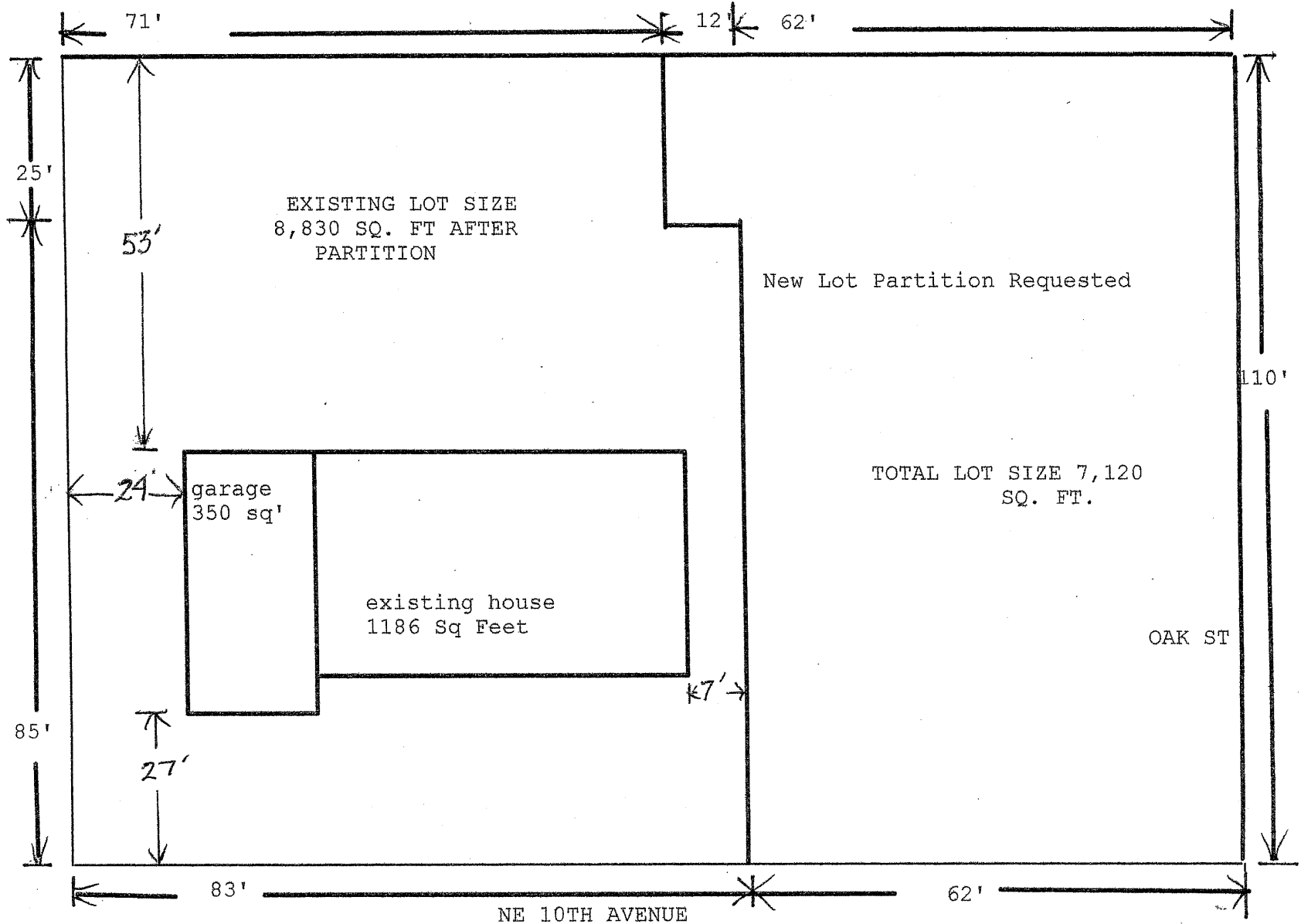
existing Lot 110x145 SQ. FT
=15,950 sq.ft. After approval
of 10 Ft. Street vacation

REQUESTED MINOR PARTITION

scale 1/4" = 5'

NORTH

Requested lot to be 110x62
sq ft with a 12x25' L on the
north west corner to total
7120 SQ.FT



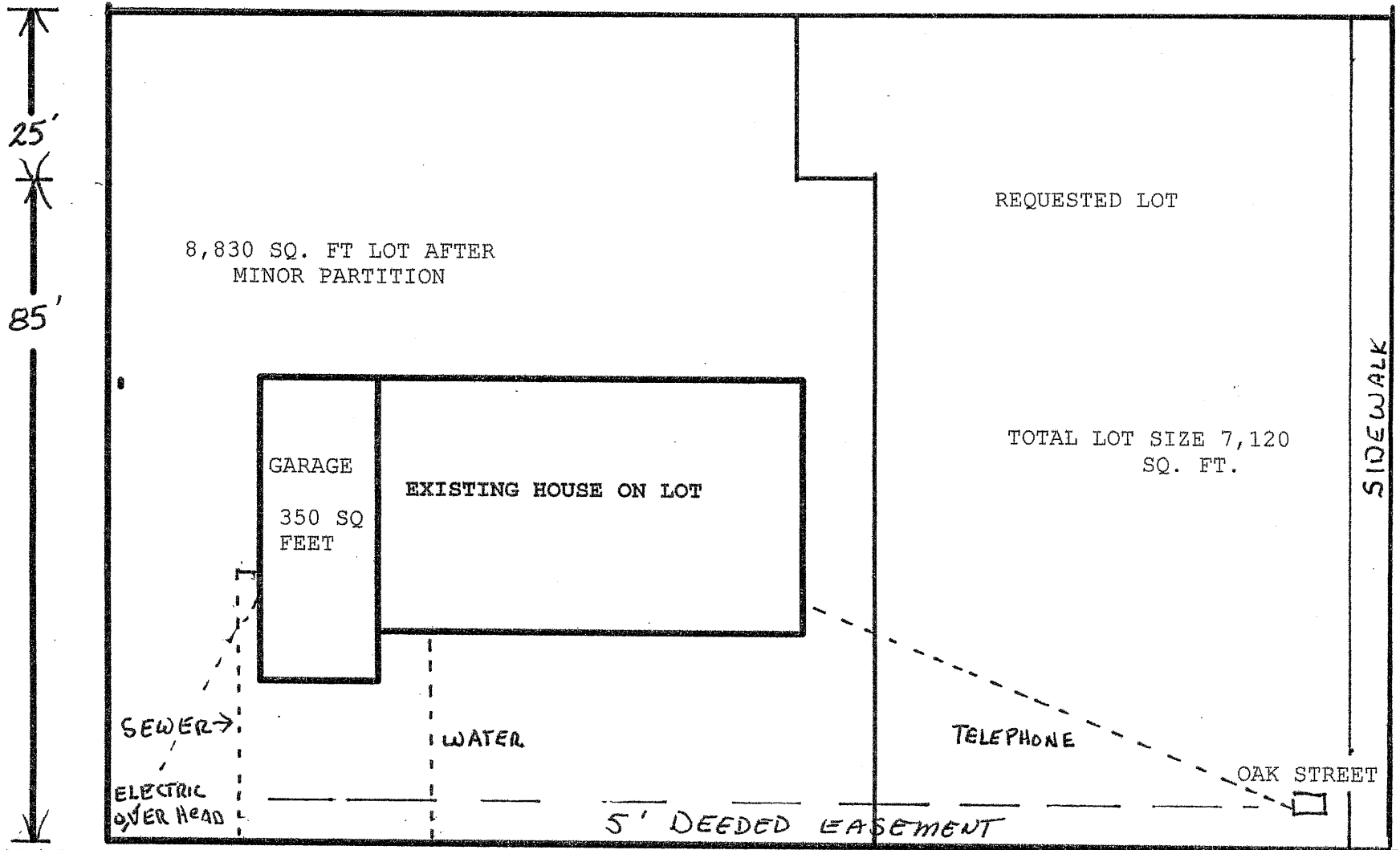
BY THOMAS A WELCH
9264 S CENTENNIAL LN
CANBY, OR 97013

900 NE 10th Avenue
REQUESTED MINOR PARTITION

SCALE 1/4" EQUALS 5 FEET

existing Lot 110X145=15,950
sq.ft. AFTERA MINOR
PARTITION EXISTING LOT WOULD
BE 8,820 SQ. FT.

proposed lot 110X62=6820
sq.ft. with a 12X25 FT L
shape on north west corner
to make total lot 7130
sq.ft.



10/28/05

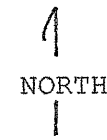
BY THOMAS WELCH

NE 10TH AVENUE

62'

83'

900 NE 10th Avenue



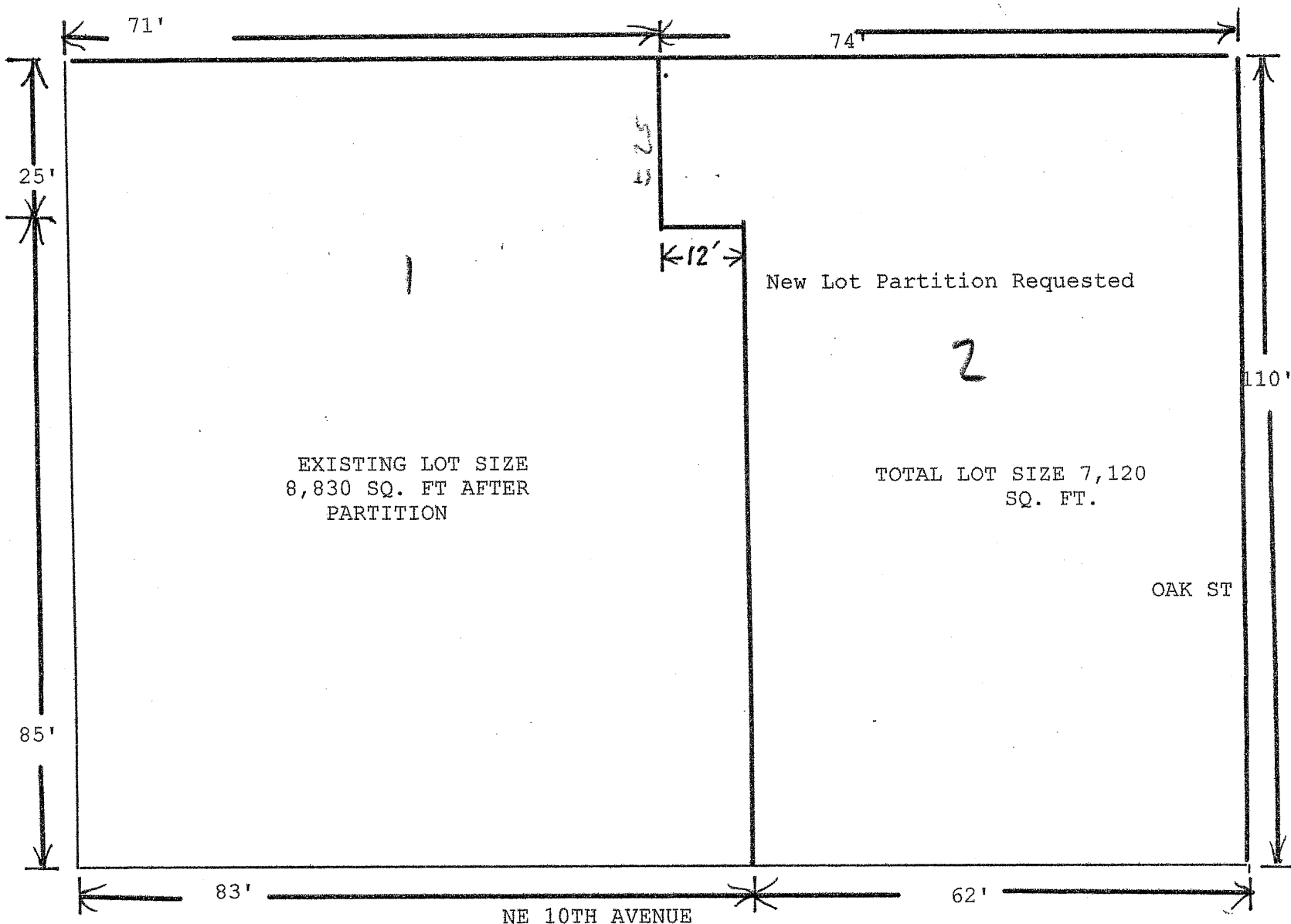
10/01/2005 BY THOMAS WELCH
9264 S. CENTENNIAL LN
CANBY, OR 97013

REQUESTED MINOR PARTITION

existing Lot 110'X145'=
15,950sq.ft. After approved
10 Ft. Street vacation

scale 1/4"= 5'

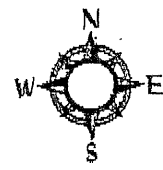
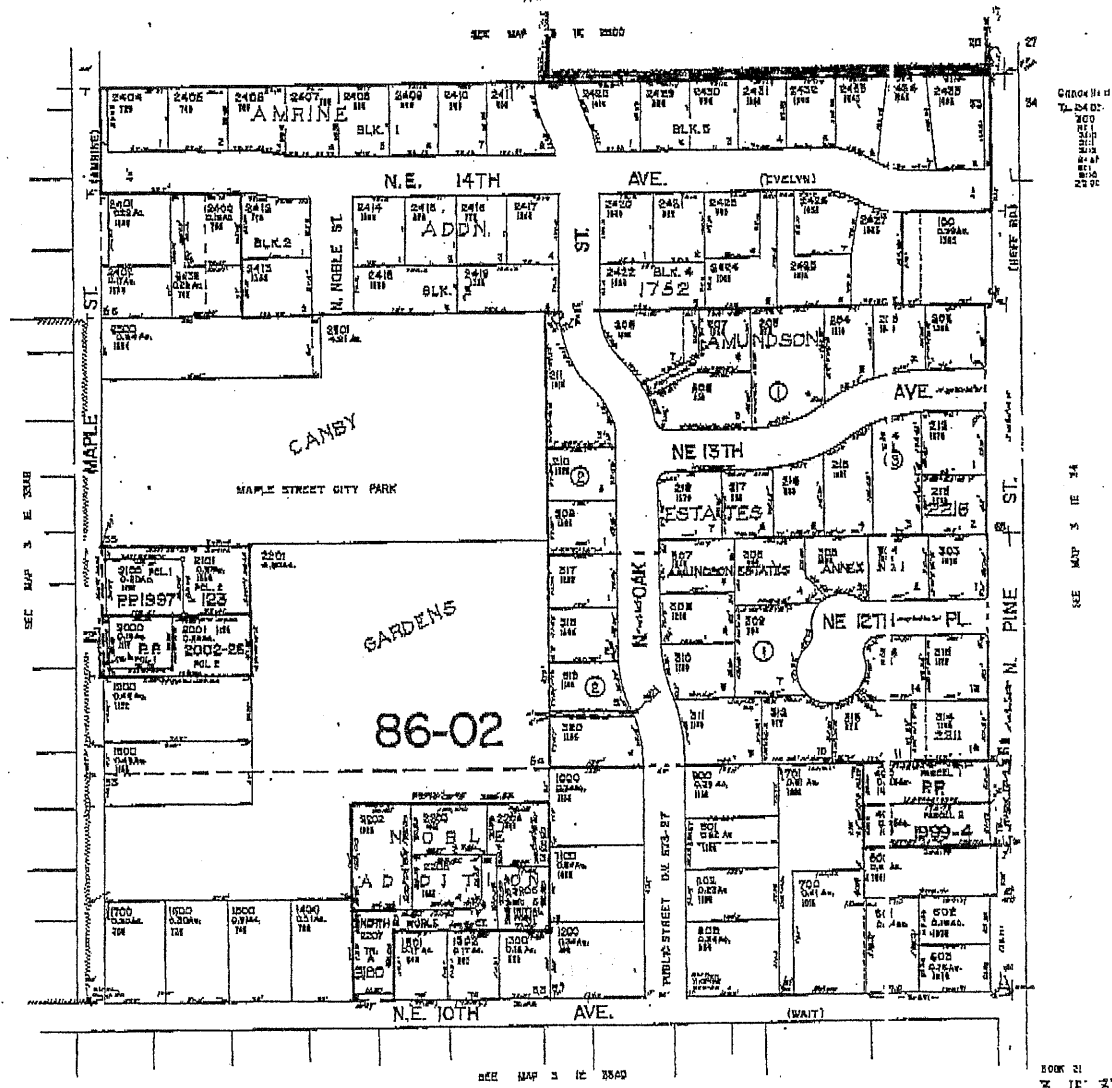
Requested lot to be 110x62
sq ft with a 12'x25' L on
the north west corner to
total 7120 SQ.FT



NE 1/4 NE 1/4 SEC. 33 T36. R1E. W.M.
CLACKAMAS COUNTY

3 1E 33AA
CANBY

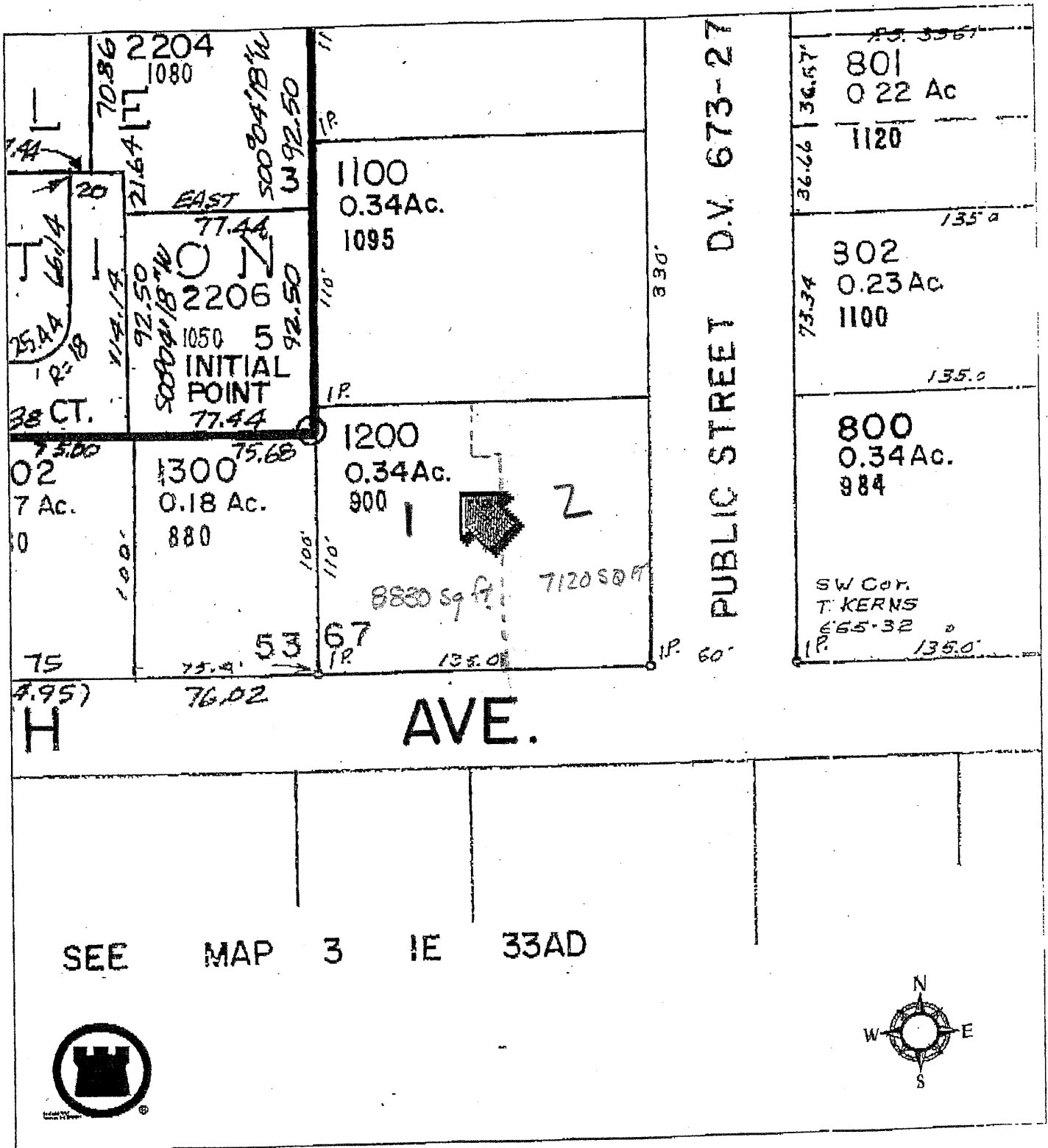
This map was prepared for
informational purposes only.



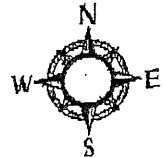
CHICAGO TITLE

This plat is for your aid in locating your land with reference to streets and other parcels.
While this plat is believed to be correct, the company assumes no liability for any loss occurring by reason of reliance thereon.

Map No. 31E33AA01200
CHICAGO TITLE INSURANCE COMPANY
10001 S.E. SUNNYSIDE ROAD
CLACKAMAS, OREGON 97015



SEE MAP 3 IE 33AD



CHICAGO TITLE

This plat is for your aid in locating your land with reference to streets and other parcels. While this plat is believed to be correct, the company assumes no liability for any loss occurring by reason of reliance thereon.

Map No. 31E33AA01200
CHICAGO TITLE INSURANCE COMPANY
10001 S.E. SUNNYSIDE ROAD
CLACKAMAS, OREGON 97015

503-266-2110
THOMAS WELCH

FORM No. 985 - Stevens-Hess Law Publishing Co., Portland, Ore. 97204

TA
WARRANTY DEED - STATUTORY FORM - GRANTEE, TENANTS BY ENTIRETY
INDIVIDUAL OR CORPORATE GRANTOR

S. PETE FELLER, Grantor,
conveys and warrants to THOMAS A. WELCH and BEVERLY A. WELCH, husband and wife,
as tenants by the entirety, Grantees, the following described real property free of encumbrances except as specifically
set forth herein situated in Clackamas County, Oregon, to-wit:

The south 110 feet of the west 135 feet of Tract 67, CANBY GARDENS, as
cut off by lines drawn parallel with the south and west lines thereof,
in the County of Clackamas and State of Oregon.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)
The said property is free from all encumbrances except 1977-78 real property taxes, a lien but
not yet payable. Basement, in favor of Utility Depart. of Water and
Electric Services of City of Canby, recorded April 26, 1973, Fee No. 73
12564. (Affects south 5 feet)
The true consideration for this conveyance is \$41,750.00. (Here comply with the requirements of ORS 93.030)

Dated August 2, 1977, if a corporate grantor, it has caused its name to be signed and seal af-
fixed by its officers; done by order of its board of directors.

S. Pete Feller

(If executed by a corporation,
affix corporate seal)

STATE OF OREGON,)
County of Clackamas)

Personally appeared the above named S. Pete Feller

STATE OF OREGON, County of _____)
Personally appeared _____ and

_____ who, being duly sworn,
each for himself and not one for the other, did say that the former is the
president and that the latter is the
secretary of _____

and acknowledged the foregoing instru-
ment to be his voluntary act and deed.

(OFFICIAL
SEAL)

Notary Public for Oregon
My commission expires: 3/26/79

Notary Public for Oregon
My commission expires:

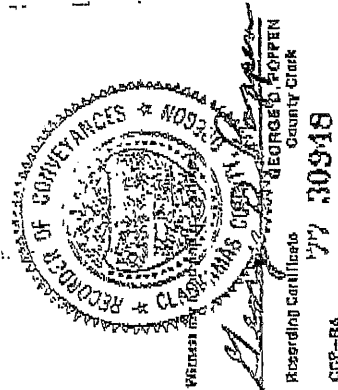
WARRANTY DEED

GRANTOR
GRANTEE
GRANTEE'S ADDRESS, ZIP
After recording return to:
Thomas A. Welch
530 N. E. 10th
Canby, Or. 97013
NAME, ADDRESS, ZIP
Until a change is requested, all tax statements
shall be sent to the following address:
First National Bank
400 S. W. Sixth
Portland, Or. 97204
NAME, ADDRESS, ZIP

STATE OF OREGON
County of Clackamas

I, George D. Poppert, County Clerk, Ex-Officio
Recorder of Conveyances and Ex-Officio Clerk
of the Circuit Court of the State of Oregon, for
the County of Clackamas, do hereby certify that
the within instrument of writing was received for
and recorded in \$40 records of said county at

77 AUG 4 11:00



77 30918

77 30748

Inspected by
Special Agent
Title Insurance Company

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

[503] 266-9404 FAX 266-1574

P.O. Box 930, Canby, OR 97013

DATE: November 9, 2005

- | | | |
|-----|---|--|
| 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 | <input type="checkbox"/> CLACKAMAS COUNTY |
| | <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| | <input type="checkbox"/> CTA | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| | <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| | <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| | <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| | <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> PARKS AND RECREATION |
| | <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| | <input type="checkbox"/> PGE | <input type="checkbox"/> OTHER _____ |

The City has received MLP 05-12 (900 NE 10th Avenue), an application from Thomas A Welch, Trustee requesting a minor land partition to divide Tax Lot 1200 of Map 31E33AA into 2 new tax lots. The property is zoned R-1 (Low Density Residential). The property is located at 900 NE 10th Avenue

Please review the enclosed application and return comments to Kevin Cook by Wednesday, November 16 2005. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Sidewalks should be constructed along the site frontage as ~~needed~~ needed.

Driveway to the new lot should be constructed at the ~~west~~ east side of the lot.

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: *Alan H. Cook* Date: November 14, 2005

Title: *Alan H. Cook* Agency: Curran-McLeod, Inc

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: November 9, 2005

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - WWTP
 - 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
 - OTHER _____

The City has received MLP 05-12 (900 NE 10th Avenue), an application from Thomas A Welch, Trustee requesting a minor land partition to divide Tax Lot 1200 of Map 31E33AA into 2 new tax lots. The property is zoned R-1 (Low Density Residential). The property is located at 900 NE 10th Avenue

Please review the enclosed application and return comments to Kevin Cook by Wednesday, November 16th 2005. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

No street cuts will be allowed in N. OAK.

All street widening and frontage improvements will be made on existing lot and new lot along N.E. 10th

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: Doug Hester Date: 16 NOV 05

Title: PW Supervisor Agency: City of Canby

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-9404

FAX 266-1574

DATE: November 9, 2005

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - WWTP
 - 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
 - OTHER _____

The City has received MLP 05-12 (900 NE 10th Avenue), an application from Thomas A Welch, Trustee requesting a minor land partition to divide Tax Lot 1200 of Map 31E33AA into 2 new tax lots. The property is zoned R-1 (Low Density Residential). The property is located at 900 NE 10th Avenue

Please review the enclosed application and return comments to Kevin Cook by Wednesday, November 16 2005. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

SHALL MEET THE REQUIREMENTS
OF CANBY FIRE DISTRICT
FOR ACCESS AND FIRE FLOW
Fire Marshal's Office
PO Box 909 Canby OR 97013
(503) 266-5851 fax (503) 266-1320
By: John Cook Date: 11-16-05

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: John Cook Date: _____

Title: _____ Agency: _____

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: November 9, 2005

- 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 checked="" type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input type="checkbox"/> WWTP | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> PGE | <input type="checkbox"/> OTHER _____ |

The City has received **MLP 05-12 (900 NE 10th Avenue)**, an application from Thomas A Welch, Trustee requesting a minor land partition to divide Tax Lot 1200 of Map 31E33AA into 2 new tax lots. The property is zoned R-1 (Low Density Residential). The property is located at 900 NE 10th Avenue

Please review the enclosed application and return comments to **Kevin Cook** by **Wednesday, November 16, 2005**. 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: Maureen Elmer **Date:** 11-15-05

Title: Chairman **Agency:** Traffic Safety Comm-

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

(503) 266-9404

FAX 266-1574

P.O. Box 930, Canby, OR 97013

DATE: November 9, 2005

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - ~~CANBY WATER~~
 - WWTP
 - 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
 - OTHER _____

The City has received MLP 05-12 (900 NE 10th Avenue), an application from Thomas A Welch, Trustee requesting a minor land partition to divide Tax Lot 1200 of Map 31E33AA into 2 new tax lots. The property is zoned R-1 (Low Density Residential). The property is located at 900 NE 10th Avenue

Please review the enclosed application and return comments to Kevin Cook by Wednesday, November 16, 2005. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:
MAIN to meter (new service) → \$725⁰⁰ 5/8x3/4" meter
System DEVELOPMENT CHARGE → \$2630⁰⁰ EVERYONE

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: *Daniel Plunk* Date: 11/14/05

Title: Water Dept - Foreman Agency: Canby Utilities

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P x 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: November 9, 2005

- 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 | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input checked="" type="checkbox"/> CTA | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> PGE | <input type="checkbox"/> OTHER _____ |


The City has received MLP 05-12 (900 NE 10th Avenue), an application from Thomas A Welch, Trustee requesting a minor land partition to divide Tax Lot 1200 of Map 31E33AA into 2 new tax lots. The property is zoned R-1 (Low Density Residential). The property is located at 900 NE 10th Avenue

Please review the enclosed application and return comments to Kevin Cook by Wednesday, November 16, 2005. 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:  Date: 11-14-05

Title: ASSOCIATE ENG. Agency: CTA

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: November 9, 2005

- TO:**
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input checked="" 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 | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> PGE | <input type="checkbox"/> OTHER _____ |

The City has received **MLP 05-12 (900 NE 10th Avenue)**, an application from Thomas A Welch, Trustee requesting a minor land partition to divide Tax Lot 1200 of Map 31E33AA into 2 new tax lots. The property is zoned R-1 (Low Density Residential). The property is located at 900 NE 10th Avenue

Please review the enclosed application and return comments to **Kevin Cook** by **Wednesday, November 16, 2005**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

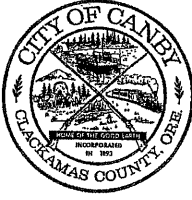
Comments or Proposed Conditions:

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: Ken Ferguson **Date:** 11-16-05

Title: Police chief **Agency:** PD



CITY OF CANBY COMMENT FORM

If you are not able to attend the Planning Commission hearing of this application, you may submit written comments on this form or in a letter to the Planning Commission.

Please send comments to the City of Canby Planning Department.

By mail: Planning Department, PO Box 930, Canby, OR 97013
In person: Planning Department at 170 NW Second Street
E-mail: cookk@ci.canby.or.us

Written comments must be received prior to the hearing at 7:00 PM November 28, 2005.

APPLICATION: Minor Land Partition

APPLICANT: Thomas A Welch, Trustee

CITY FILE #: MLP 05-12

COMMENTS: I live at 880 NE 10th, Canby which is right next door to the address in question. I think dividing Mr. Welch's lot into two lots is a good idea. I understand the impact it would have on our neighborhood and we definitely approve of this partition

YOUR NAME: Chad Robison

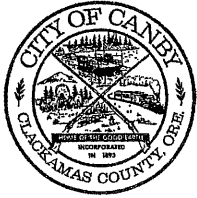
ORGANIZATION or BUSINESS (if any): N/A

ADDRESS: 880 NE 10th, Canby, OR

PHONE # (optional): 503-263-8407

DATE: 11/10/05

Thank you!



CITY OF CANBY COMMENT FORM

If you are not able to attend the Planning Commission hearing of this application, you may submit written comments on this form or in a letter to the Planning Commission.
Please send comments to the City of Canby Planning Department.

By mail: Planning Department, PO Box 930, Canby, OR 97013
In person: Planning Department at 170 NW Second Street
E-mail: cookk@ci.canby.or.us

Written comments must be received prior to the hearing at 7:00 PM November 28, 2005.

APPLICATION: Minor Land Partition

APPLICANT: Thomas A Welch, Trustee

CITY FILE #: MLP 05-12

COMMENTS: I do not support this land partition.
I am worried that this land partition will
cause my land to be devalued.

YOUR NAME: Chuck Newbry

ORGANIZATION or BUSINESS (if any):

ADDRESS: 984 N.E. 10th Ave

PHONE # (optional): 503-266-9077

DATE: 11-14-05

Thank you!

To

RECEIVED

OCT 13 2005

October 10, 2005

CITY OF CANBY

Attention: Mayor Thompson and the Canby City Council
RE: Thomas A. Welch Road Vacation Request

Dear Madam Mayor and the Canby City Council,

As a resident on North Oak Street, we oppose Thomas Welch's intention to partition his lot on 900 NE 10th for the purpose of adding another home on this location. We oppose his request for a Road Vacation and hope he reconsiders his idea of portioning the lot and adding another home to this property.

Sincerely,



Mike and Gretchen McCallum
1315 North Oak Street
Canby, Oregon 97013

To: Kevin
FYI - Received
in mail
10/13/05

CITY OF CANBY
ANNEXATION APPLICATION

Fee: *See Reverse
Election Costs Deposit: \$2,500.00
Process Type IV

OWNERS

APPLICANT**

Name THOMAS L. HOLMES

Name THOMAS L. HOLMES

Address P.O. Box 111

Address P.O. Box 111

City CANBY State OR Zip 97013

City CANBY State OR Zip 97013

OWNERS SIGNATURE Thomas L. Holmes

PHONE 503-266-5252 EV.
503-692-9494 DAY

DESCRIPTION OF PROPERTY

Address NONE. WEST OF PINE STREET BETWEEN TERRITORIAL AND 16th.

Tax Map 31E 28000 Tax Lot(s) 2190 Lot Size 4.85 ^{211,266 Sq. Ft.} ACRES
(Acres/Sq.Ft.)

Existing Use VACANT

Proposed Use Single Family housing

Existing Structures NONE

ZONING RREFS COMPREHENSIVE PLAN DESIGNATION Medium Density RES. (CMDR)

PREVIOUS LAND USE ACTION (if any) NONE

FOR CITY USE ONLY	
File #	<u>ANN 05-05</u>
Date Received	<u>10/27/05</u> By <u>KCC</u>
Completeness	_____
Pre-App Meeting	_____
Hearing Date	<u>11/28/05 Tentative</u>

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

ANNEXATION: INSTRUCTIONS TO APPLICANTS (cont.)

Applicant Check City Check

- 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.
- 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.
- 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.
- A full quarter-section tax assessor's map, with the subject property outlined.
- Legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor. *IN PROCESS*
- 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.).

- 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;
 - 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 text or Map amendments or Land Development and Planning Ordinance or Zoning Map amendments that may be required to complete the planned development.
- Ten (10) copies of a ^{TRAFFIC} 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.

SE 1/4 SE 1/4 SEC. 28 T3S. R1E. W.M.

3 1E 28DD
CANBY

This map was prepared for
assessment purpose only.

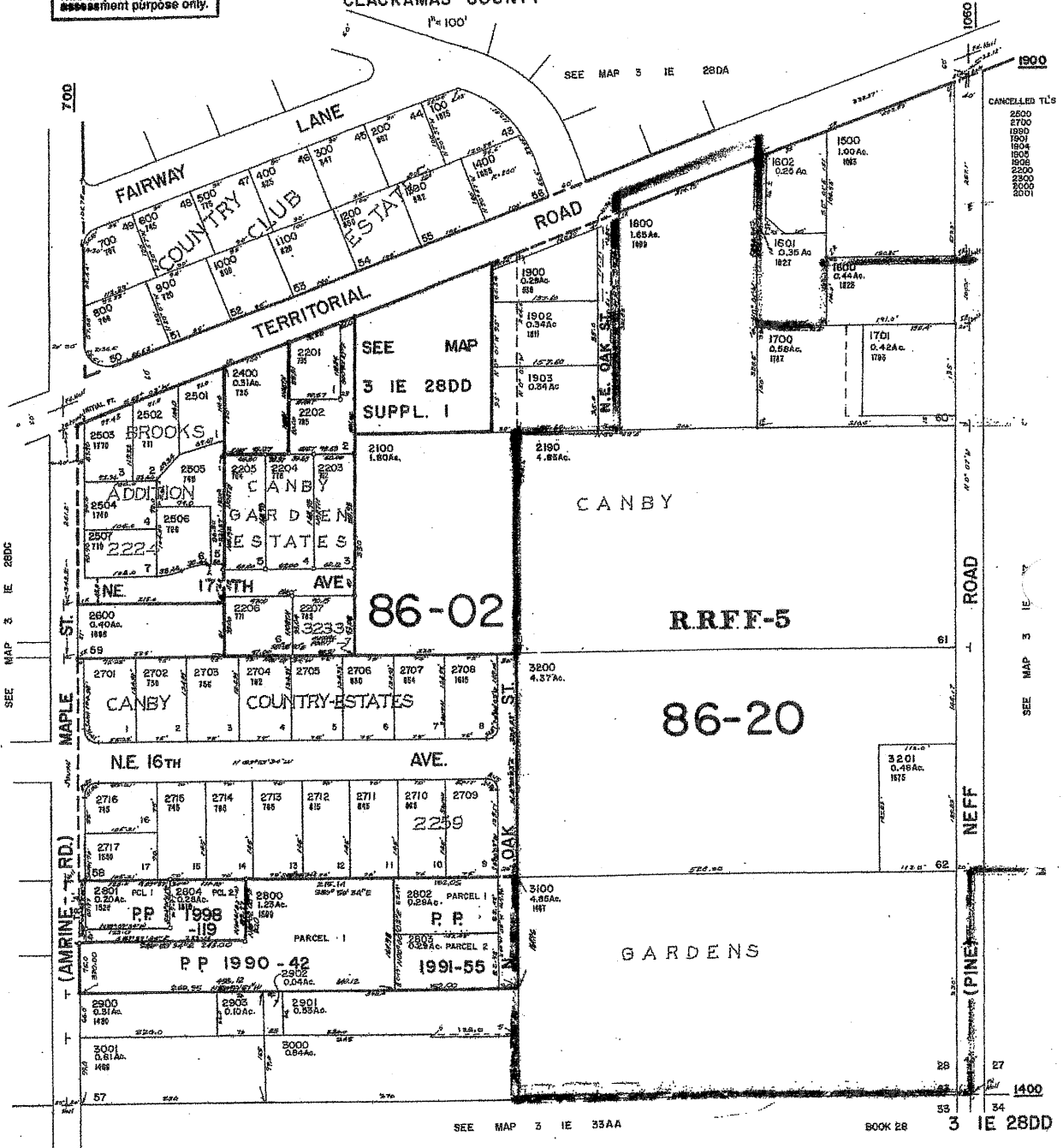
CLACKAMAS COUNTY

1" = 100'

SEE MAP 3 1E 28DA

1900

CANCELLED T.L.S.
2500
2730
1950
1901
1804
1805
1806
2500
2300
2000



SEE MAP 3 1E 33AA

BOOK 28

3 1E 28DD

Territorial Road

Pinewood Estates Condominiums

TL 1902

TL 1903

NE Oak Street
City of Canby Limits

TL 1800

TL 1700

TL 1701

TL 2400

TL 2202

TL 2205

TL 2204

TL 2203

TL 2100				TL 2190																
59.6'	59.6'	59.6'	59.6'	59.6'	59.7'	40.0'		53.4'	53.4'	53.4'	53.4'	53.4'	53.4'	53.4'	53.4'	53.4'	53.4'	53.4'	53.4'	53.4'
88.5'	88.5'	88.5'	88.5'	88.5'	88.5'	40.0'		88.5'	88.5'	88.5'	88.5'	88.5'	88.5'	88.5'	88.5'	88.5'	88.5'	88.5'	88.5'	88.5'
5,275 S.F.	5,273 S.F.	5,273 S.F.	5,273 S.F.	5,273 S.F.	5,280 S.F.	40.0'		4,724 S.F.	4,724 S.F.	4,724 S.F.	4,724 S.F.	4,724 S.F.	4,724 S.F.	4,724 S.F.	4,724 S.F.	4,724 S.F.	4,724 S.F.	4,724 S.F.	4,724 S.F.	4,724 S.F.
5,275 S.F.	5,273 S.F.	5,273 S.F.	5,273 S.F.	5,273 S.F.	5,288 S.F.	40.0'		4,681 S.F.	4,724 S.F.	4,724 S.F.	4,724 S.F.	4,724 S.F.	4,724 S.F.	4,724 S.F.	4,724 S.F.	4,724 S.F.	4,724 S.F.	4,724 S.F.	4,724 S.F.	4,724 S.F.
88.5'	88.5'	88.5'	88.5'	88.5'	88.5'	40.0'		88.5'	88.5'	88.5'	88.5'	88.5'	88.5'	88.5'	88.5'	88.5'	88.5'	88.5'	88.5'	88.5'
59.6'	59.6'	59.6'	59.6'	59.6'	59.7'	40.0'		53.4'	53.4'	53.4'	53.4'	53.4'	53.4'	53.4'	53.4'	53.4'	53.4'	53.4'	53.4'	53.4'

NE 17th Avenue

TL 2206

TL 2207

52.0'	52.0'	52.0'	52.0'
4,836 S.F.	4,836 S.F.	4,836 S.F.	4,794 S.F.
93.0'	93.0'	93.0'	93.0'
52.0'	52.0'	52.0'	52.0'

57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'
5,328 S.F.	5,328 S.F.	5,328 S.F.	5,328 S.F.	5,328 S.F.	5,328 S.F.	5,328 S.F.	5,328 S.F.	5,328 S.F.	5,328 S.F.	5,328 S.F.	5,328 S.F.	5,328 S.F.	5,328 S.F.	5,328 S.F.	5,328 S.F.	5,328 S.F.	5,328 S.F.	5,328 S.F.	5,328 S.F.	5,328 S.F.
93.0'	93.0'	93.0'	93.0'	93.0'	93.0'	93.0'	93.0'	93.0'	93.0'	93.0'	93.0'	93.0'	93.0'	93.0'	93.0'	93.0'	93.0'	93.0'	93.0'	93.0'
57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'	57.3'

TL 2704

TL 2705

TL 2706

TL 2707

TL 2708

NE 16th Avenue

City of Canby Limits

TL 3200

TL 3201

Area to be Annexed to the City of Canby

Tract 61, Canby Gardens, in the County of Clackamas and the State of Oregon

Annexation to the City of Canby



PLAN

SCALE: 1" = 100'

DRAWN BJS	DESIGNED KHM	CHECKED KHM
SCALE 1" = 100'	DATE October, 2005	
PLAN 05-8046	6046 Prelim1	



COMPASS ENGINEERING
ENGINEERING * SURVEYING * PLANNING
200 S.W. LAKE ROAD
MILWAUKEE, OREGON 97122
WWW.COMPASS-ENGINEERING.COM
(503) 635-8000 PHONE
(503) 635-8000 FAX

Tom Holmes
P.O. Box 111
Canby, Oregon 97013
503-266-5252 & 503-692-9494

Canby Garden Annexation
Tax Lots 2190 and 2100, Map 3S1E28DD
Canby, Oregon

1/1

Neighborhood Meeting Notes

The neighborhood meeting was held on November 16th. There were about 7 neighbors in attendance. There were two primary concerns, traffic and the demand on other services. Increased traffic was the most talked about. Although traffic was the largest concern, there was an understanding that a lot of the traffic will use NE Pine Road. Concerns about the demand on other services included police, fire, and schools. There was some discussion on how the subdivision improves emergency access to the adjacent neighborhoods.

Canby Annexation Application Narrative
Applicant – Tom Holmes, Compass Job #6045

Site Address: No Situs, West of Pine St. Between Territorial and 16th.
Assessor Map & Tax Lot: T3S. R1E. Sec.28DD, Tax Lot 2190

Property Owner/Applicant

Thomas L. Holmes
P.O. Box 111
Canby, Oregon 97013

Planning and Engineering, Representative for the Developer

Karl Mawson AICP , Compass Engineering
6564 SE Lake Road, Milwaukie, Oregon 97222
Tel: (503) 653-9093, Fax: (503) 653-9095
Email: karlm@compass-engineering
Project Work # 6045

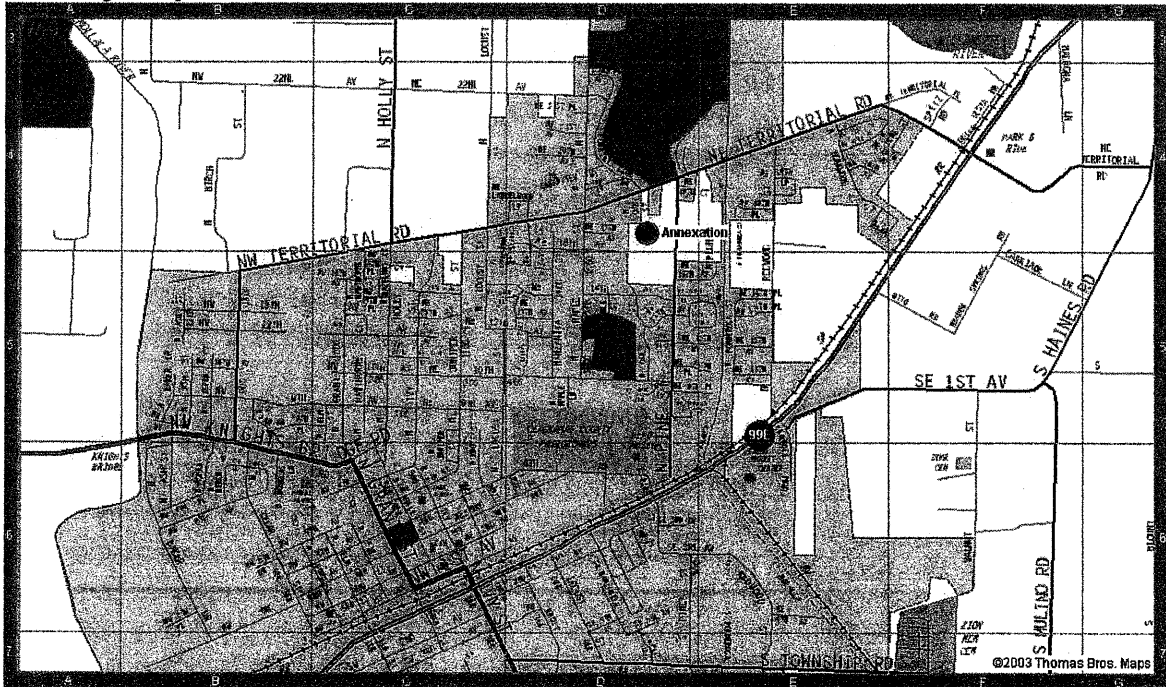
Project

Annexation of 4.85 Acres for approximately 32 lots.
(Part of a 44 lot medium density subdivision)
Ave. Lot Size is greater than 5,000 square feet

Site Basics

Current Zoning is RRFF5, Plan = 2,
Proposed Zoning = R1.5, Medium Density Zoning

Vicinity Map



Annexation Narrative

Application Response

This infill property of 4.85 acres is a *part of an island of county land* surrounded by the City of Canby. There are no dwellings on the property, although a small shed has been on the property as part of a proposed well. After annexation and zone change the applicant proposes to develop a subdivision resulting in approximately 33 additional lots meeting the standards of the R1.5 zone. The annexation would be part of a larger site resulting in approximately 45 lots. The lots would average at least 5,000 square feet in size. Following are the findings supporting the request.

- 1. Comprehensive Plan Compliance** The property is within the current Urban Growth Boundary, as shown on page 28 of the Comprehensive Plan. It is also shown within the highest annexation priority (Priority "A") as shown on page 29. The proposed zoning of R1.5 fits within the Comprehensive Plan designation. The Plan designation once was higher, but the owner agreed to a reduction in the density. Although as noted, a preliminary subdivision shows a potential of 33 lots within the annexed area; part of a larger subdivision of totaling 45 lots, street changes, stormwater facilities, and a possible park will combine to reduce that 45 lot total.
- 2. Availability of Services** There are existing utility lines adjacent or very close to this site on the north, south, east, and the west. Water and sewer lines would be brought down a short distance (from the recently constructed Willamette Grove apartment complex) on NE Pine Road, and extended to the south edge of the proposed annexation. The new sanitary sewer lines need only to connect to the Pine Street line. The proposed subdivision extends to NE 17th Avenue to the west and NE Oak Street to the south, which creates a connected (loop) water system and also allows connections to telephone, cable, gas, and electricity. An electrical line would also extend north along NE Oak Street to Territorial Road. Because it is an infill site surrounded by the City, services are available, and very little off-site work is required.

The subdivision does generate additional traffic trips (somewhat less than 450 trips per day – 330 for the annexed portion), but the subdivision has good access to NE Pine Road and Territorial Road. The subdivision does greatly improve connectivity in the area, connecting 16th and 17th to NE Pine and Territorial Road. Because this is infill development, any increased demand (for example fire services, schools, and police services) has been anticipated.

- 3. Additional Facilities Required To Meet Projected Demand** There are no additional facilities (such as an enlarged sewer treatment plant) required to meet the projected demand from the annexation.

4. **Method and Source of Financing for Additional Facilities.** Taxes and user fees generated by annexation and resulting subdivision units will help pay for future facilities, but no expansion of facilities are required for this project.
5. **Potential Physical, Aesthetic, and Related Social Effects.** The completion of this will have a couple of negative effects. First the 45 new units (33 within the *area to be annexed*) will create roughly 450 vehicle trips a day which will utilize 16th Avenue, 17th Avenue, Oak Street and Pine Road. Much of the traffic will use NE Pine Road because it has good connections to NE Territorial Road to the north and 99E to the south. Although both streets have the capacity to accommodate such increases, there are still some impacts on these streets and increased traffic at the intersections. A separate traffic impact analysis will detail those impacts. The existing subdivisions to the west will receive some traffic from the development, although those same residents will have additional options and will not be required to travel through residential areas to the west.
6. There are also increased demands to police and fire, although because the site is infill it is already within Police and Fire service district. Schools will also be impacted with 33 more single-family dwellings (45 for the entire subdivision). Annexation of this area of the City has been expected for some time, and the Canby School District has expected growth in this area. Most open areas within a City are prized for their open space qualities, and there is a natural reluctance from adjacent neighborhoods to have open space converted to subdivisions. Despite the intended future urbanization of the area (as shown on the Comprehensive Plan), some current residents may resent additional residences. The reluctance is increased for a site that is heavily forested. The owner has expressed a strong desire to retain and protect as many trees as possible, but there are limitations on how many trees can be protected.

There are numerous benefits to this project. This project fits with the City's growth plan as it is within the Priority "A" area as shown on the map "Growth Priorities", it is adjacent to the City on three sides, and services are available. The development provides much need housing, and increases connectivity for a number of existing subdivisions.

7. **Need for Urban Development (medium density and single-family) for This Area.** Because of the location and lot size, it is likely that the proposed subdivision (including the 12 potential lots inside the City), will result in around 45 additional single-family homes. Based on the R1.5 zoning, the proposal is in the medium density designation. The City of Canby has recognized a desire to continue growth both through infill and also development of land within the UGB. The Comprehensive Plan shows a projection of additional single-family (Standard Construction) Units of about 99 units a year, and an available supply of less than two years. Medium density residential also

provides single-family homes, and a price point less than the larger lots. The area within the annexation of 33 lots would extend the available lots to less than two and a third years, with the full subdivision extending the units available to less than two and a half years. As buildable land is decreased in availability and increases in price, the number of units built decreases. The demand is probably much greater than 99 units a year. Additionally, providing a more diverse house mix probably adds to the existing demand. By any measure, the number of units available and proposed is well short of any realistic 5 year demand projection.

8. **Required Comprehensive Plan or Zoning Changes** Because this is an annexation, the zoning would need to be changed from County to City Zoning. In this case the zone would change from RRFF5 to R1.5. The R1.5 zone is allowed under the Comprehensive Plan Medium Density Plan designation.
9. **Traffic Impact Analysis** A traffic impact analysis is part of this application. As noted above the full subdivision results in approximately 450 trips per day, probably the majority (50 to 85%) using NE Pine Road.

Findings Related to Annexation Criteria

10. **Annexation Within Prioritization Categories** This area is within priority Type "A".
11. **Need for Additional Property** As indicated there is a need for additional residential single-family land, but because of the small size and good location this proposal could be included even if there were larger annexation requests.
12. **Smaller Non-farm Land a Priority** This property meets the small, non-farm definition and should be annexed.
13. **Access Adequate to the Site.** This annexation has direct access east to NE Pine Road, and access to three additional streets to the south, west, and north!
14. **Adequate Public Facilities** Adequate public facilities are available to the site, and does not trigger capacity improvements.
15. **Compliance with Other Applicable Ordinances or Policies.** The request meets (or if required can be modified to meet) City ordinances or policies
16. **Compliance with ORS 222** This property is one lot, without any existing dwellings. State requirements are easily met.
17. **Natural Hazards are Identified.** Preliminary site inspection has determined there are not any natural hazards on the site.

18. Urbanization Does Not Impact Open Space, Scenic Resources, etc. This site may be considered by some surrounding neighbors to be open space and a scenic resource, but it has been planned for some time for residential development. Although a small neighborhood park will be considered in the project, the City has not designated the site for future park acquisition and show adequate park sites in the vicinity.

19. Economic Impacts This project would not have a significant adverse impact on the community. Construction would provide temporary employment, and future inhabitants would likely help the economy of the area.



November 21, 2005

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

RE: Holmes Annexation

Dear Kevin:

It is my understanding that the staff report for the Holmes annexation project needs to be prepared today. The traffic study is being prepared for this project; however, the traffic count data is not yet available and the analysis has not been completed.

Lancaster Engineering has prepared several traffic studies throughout the City, including some projects near the site. In addition, I lived in Canby near the Holmes property for about one year. The traffic studies we have prepared in the area and our experience with the traffic in the City have shown that volumes on Maple Street and Pine Street are low to moderate. Since the site is expected to add no more than 12 trips to either of these roads, it is unlikely that the traffic study for this project will find operational concerns.

Sight distance has been examined for the traffic study. The sight distance measurements were taken at the proposed access locations on Pine Street. The vegetation on the site restricts the sight distance both to the north and south. If the vegetation is removed from the public right-of-way, sight distance should be adequate to the north and south. It is recommended that sight distance be measured again at the site access locations when the roads have been constructed to determine if any further vegetation removal is necessary.

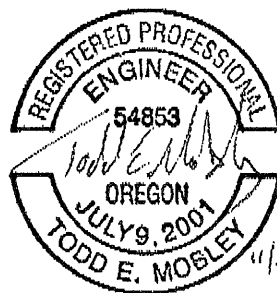


Kevin Cook
November 21, 2005
Page 2 of 2

The traffic study will be sent to you when the counts have been obtained and the analysis is complete. Please call me if you have any questions or need anything else.

Yours truly,

Catriona Sumrain
Transportation Analyst



EXPIRES: 12/31/2006

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: November 8, 2005

- 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 | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> PGE | <input type="checkbox"/> OTHER _____ |

The City has received ANN 05-05 (**Holmes**), an application by Thomas L Holmes requesting to annex 4.85 acres into the City of Canby. The property is located west of N Pine Street between NE Territorial and NE 16th Avenue. 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 construct 33 units within the area to be annexed. Twelve additional units are also proposed on 1.82 acres adjacent to the proposed annexation.

Please review the enclosed application and return comments to **Kevin Cook** by **Wednesday, November 16th 2005**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

The City Wastewater Collection system Master Plan, December 1999 shows sanitary sewer capacity is available for this site under current conditions. The developer should be required to submit a traffic study to ensure traffic volumes are met.

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: *Ala Ibrahim* **Date:** November 14, 2005

Title: Project Engineer **Agency:** Curran McLeod, Inc

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: November 8, 2005

- 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 | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> PGE | <input type="checkbox"/> OTHER _____ |

The City has received ANN 05-05 (Holmes), an application by Thomas L Holmes requesting to annex 4.85 acres into the City of Canby. The property is located west of N Pine Street between NE Territorial and NE 16th Avenue. 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 construct 33 units within the area to be annexed. Twelve additional units are also proposed on 1.82 acres adjacent to the proposed annexation.

Please review the enclosed application and return comments to **Kevin Cook** by **Wednesday, November 16, 2005**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

See minutes of pre App meeting 11-17-05

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: *Shy Rodwell* Date: 11-17-05

Title: Line Foreman Agency: Canby Utility Elect.

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

(503) 266-9404

FAX 266-1574

O. Box 930, Canby, OR 97013

DATE: November 8, 2005

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - [REDACTED]
 - WWTP
 - 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
- OTHER _____

The City has received ANN 05-05 (Holmes), an application by Thomas L Holmes requesting to annex 4.85 acres into the City of Canby. The property is located west of N Pine Street between NE Territorial and NE 16th Avenue. 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 construct 33 units within the area to be annexed. Twelve additional units are also proposed on 1.82 acres adjacent to the proposed annexation.

Please review the enclosed application and return comments to Kevin Cook by Wednesday, November 16th 2005. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Agreement must be made re: NO dead end water lines.

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: 11/14/05

Title: Foreman Water Dept. Agency: Canby Utility

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

(503) 266-9404

FAX 266-1574

DATE: November 8, 2005

- 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 | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> PGE | <input type="checkbox"/> OTHER _____ |

The City has received ANN 05-05 (Holmes), an application by Thomas L. Holmes requesting to annex 4.85 acres into the City of Canby. The property is located west of N Pine Street between NE Territorial and NE 16th Avenue. 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 construct 33 units within the area to be annexed. Twelve additional units are also proposed on 1.82 acres adjacent to the proposed annexation.

Please review the enclosed application and return comments to Kevin Cook by Wednesday, November 16th 2005. 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 A. Kahut **Date:** 11-14-05

Title: President **Agency:** Canby Disposal Co

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: November 8, 2005

- 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 | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input checked="" type="checkbox"/> CTA | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> PGE | <input type="checkbox"/> OTHER _____ |

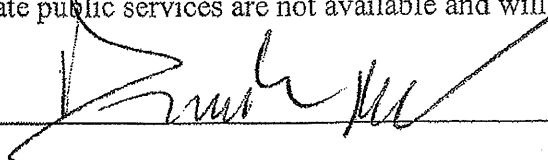
The City has received ANN 05-05 (Holmes), an application by Thomas L Holmes requesting to annex 4.85 acres into the City of Canby. The property is located west of N Pine Street between NE Territorial and NE 16th Avenue. If annexed the parcel would be zoned R-1.5 (Medium Density Residential) in conformance with Canby's Comprehensive Plan. If approved, the applicant proposes to construct 33 units within the area to be annexed. Twelve additional units are also proposed on 1.82 acres adjacent to the proposed annexation.

Please review the enclosed application and return comments to Kevin Cook by Wednesday, November 16, 2005. 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:  Date: 11-14-05

Title: ASSOCIATE ENG. Agency: CTA

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: November 8, 2005

- 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 | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> OREGON DEPT. TRANSPORTATION |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> PARKS AND RECREATION |
| <input type="checkbox"/> BIKE AND PEDESTRIAN COMM | <input type="checkbox"/> CITY TRANSPORTATION ENGINEER |
| <input type="checkbox"/> PGE | <input type="checkbox"/> OTHER _____ |

The City has received ANN 05-05 (**Holmes**), an application by Thomas L Holmes requesting to annex 4.85 acres into the City of Canby. The property is located west of N Pine Street between NE Territorial and NE 16th Avenue. 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 construct 33 units within the area to be annexed. Twelve additional units are also proposed on 1.82 acres adjacent to the proposed annexation.

Please review the enclosed application and return comments to **Kevin Cook** by **Wednesday, November 16, 2005**. 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: Ken Tagawa Date: 11-16-05

Title: Chief of Police Agency: Police

City of Canby

Pre-Application Meeting Notice

PO Box 930, Canby, OR 97013
City Shops 1470 NE Territorial Road

503-266-4021 ext.: 298
503-266-7238

TO:	Canby Planning, Kevin Cook	503-266-9404	Canby Public Works, Roy Hester	503-266-4021 x 259
	CUB Water Dist., Pat Thurston	503-263-4309	Canby Telephone, Dinh Vu	503-266-8201
	CUB Electric Dept., Gary Stockwell	503-263-4307	NW Natural Gas, Lee Larson	503-585-6611 x8142
	CUB, Larry Hepler	503-266-1156	Curran-McLeod, Curt McLeod	503-684-3478
	Fire District #62, Todd Gary	503-266-5851	Canby Building Inspector, Bob Godon	503-266-9404
	Clackamas Co. Road, Ken Kent	503-353-4673	Willamette Broadband, Lynn Tussing	503-982-1253
	Parks Department, Jeff Snyder	503-266-4021	Cat Sumrain, Lancaster Engineering	503-248-0313
cc:			Planning/Parks, Matilda Deas	503-266-9404
	Steve Mayes, Oregonian	503-294-5915		
	Donna Becquet, Canby Utility	503-266-1156		

From: Planning Department, Ronda Rozzell

Date: November 4, 2005

Subject: Pre-Application Meeting for Proposed Annexation of Subdivision on N Pine Street

Attached is a request for a pre-application meeting.

A meeting with the applicant has been scheduled for **Thursday, November 17, 2005 at 10:30 am** at the **City Shops Conference Room**, 1470 NE Territorial Road, Canby.

Please come prepared to discuss any issues that the applicant will need to address when submitting a site and design review application.

If you are unable to attend the meeting, but have comments please submit them in writing or call Ronda at 266-4021 ext. 298. They will be forwarded to the applicant.

Comments:

SHALL MEET THE REQUIREMENTS
OF CANBY FIRE DISTRICT
FOR ACCESS AND FIRE FLOW

Fire Marshal's Office

PO Box 909 Canby OR 97013

(503) 266-5851 fax (503) 266-1320

By: *[Signature]* Date: 11-17-05

Signature

Date

Title

Company

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: November 8, 2005

- | | |
|---|--|
| <p>TO:</p> <ul style="list-style-type: none"> <input type="checkbox"/> FIRE <input type="checkbox"/> POLICE <input type="checkbox"/> PUBLIC WORKS <input type="checkbox"/> CANBY ELECTRIC <input type="checkbox"/> CANBY WATER <input type="checkbox"/> WWTP <input type="checkbox"/> CITY ENGINEER <input type="checkbox"/> CTA <input type="checkbox"/> NW NATURAL <input type="checkbox"/> WILLAMETTE BROADBAND <input type="checkbox"/> CANBY DISPOSAL <input type="checkbox"/> CITY ATTORNEY <input type="checkbox"/> BIKE AND PEDESTRIAN COMM <input type="checkbox"/> PGE | <ul style="list-style-type: none"> <input type="checkbox"/> CANBY POST OFFICE <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR <input type="checkbox"/> CLACKAMAS COUNTY 911 <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION <input checked="" type="checkbox"/> TRAFFIC SAFETY COMMITTEE <input type="checkbox"/> CLACKAMAS COUNTY <input type="checkbox"/> CANBY SCHOOL DISTRICT <input type="checkbox"/> OREGON DEPT. TRANSPORTATION <input type="checkbox"/> ODOT/REGION 1/DIST 2B <input type="checkbox"/> STATE OF OREGON/REVENUE <input type="checkbox"/> CANBY BUSINESS REVITALIZATION <input type="checkbox"/> PARKS AND RECREATION <input type="checkbox"/> CITY TRANSPORTATION ENGINEER <input type="checkbox"/> OTHER _____ |
|---|--|

The City has received ANN 05-05 (**Holmes**), an application by Thomas L Holmes requesting to annex 4.85 acres into the City of Canby. The property is located west of N Pine Street between NE Territorial and NE 16th Avenue. 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 construct 33 units within the area to be annexed. Twelve additional units are also proposed on 1.82 acres adjacent to the proposed annexation.

Please review the enclosed application and return comments to **Kevin Cook** by **Wednesday, November 16, 2005**. 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: Maureen Elmer **Date:** 11-15-05

Title: Chairman **Agency:** Traffic Safety Comm

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 = 1.899 years

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 = 0 years

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

5 year average 51.6 units/year = 2.655 years

 Subdivisions not yet approved for development

N Fairway Ln

N County Club Dr

NE 17TH Ave

NE 16TH Ave

N Oak St

N Pine St

NE 15TH Ave

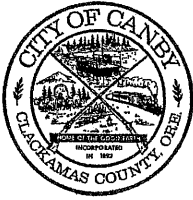
NE 14TH Ave

NE 14TH Ave



© 2005 TeleAtlas

Google



CITY OF CANBY COMMENT FORM

If you are not able to attend the Planning Commission and/or City Council hearings of this application, you may submit written comments on this form or in a letter to the Planning Commission or City Council. Please submit comments to one of the following:

By mail Planning Department, PO Box 930, Canby, OR 97013
In person Canby Planning Department at 170 NW. 2nd Avenue.
E-mail cookk@ci.canby.or.us

Written comments must be received prior to public hearings.

APPLICATION: Annexation of residential land into the City of Canby

APPLICANT: Thomas L Holmes

CITY FILE #: ANN 05-05 (West of N Pine Street between NE Territorial and NE 16 Avenue)

COMMENTS:

Oppose

Changes character of area
- Too dense proposed housing

YOUR NAME:

Anne Capeland

ORGANIZATION or BUSINESS:

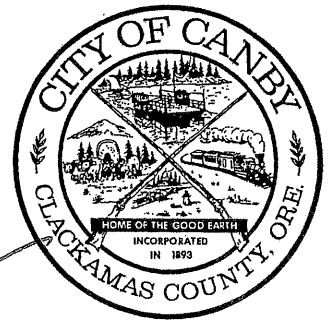
ADDRESS: 879 NE Territorial Rd Canby, Or 97013

PHONE (Optional):

DATE: 11-15-05

Thank you!

MEMORANDUM



TO: *Planning Commission*
FROM: *John R. Williams, Community Development & Planning Director*
DATE: *November 21, 2005*

As promised, we have received additional materials from Mr. Krishchenko regarding his modification request. They are attached to this memo. There was no accompanying explanation of what their relevance was. I am just forwarding them on to you as submitted.

We have also included the staff report and exhibits from your last meeting for your reference. Let me know if you have any questions.



CLACKAMAS COUNTY

Property Account Summary

Account No.: 05012013 **Alternate Property Number:** 41E04CB08601
Account Type: Real Property
TCA: 086-002
Situs Address: NO SITUS
 ADDRESS, OR
Legal: Section 04 Township 4S Range 1E Quarter CB TAX LOT 08601 & PT PLAT

Parties:

Role	Name & Address
Owner	KRISHCHENKO NATALIYA 1214 S CEDAR LOOP CANBY, OR 97013
Owner	KRISHCHENKO ALEKSANDR 1214 S CEDAR LOOP CANBY, OR 97013
Taxpayer	KRISHCHENKO ALEKSANDR 1214 S CEDAR LOOP CANBY, OR 97013

Property Values:

Value Name	2005	2004	2003
AVR Total	\$22,481		
TVR Total	\$22,481		
Real Mkt Land	\$32,867		
Real Mkt Bldg	\$0		
Real Mkt Total	\$32,867		

Property Characteristics:

Tax Year	Characteristic	Value
2005	Neighborhood	13111: Canby newer subdivisions 100, 101
	Land Class Category	100: Residential land, vacant
	Acreage	0.14
	Change property ratio	1XX: 73.80%

Exemptions:

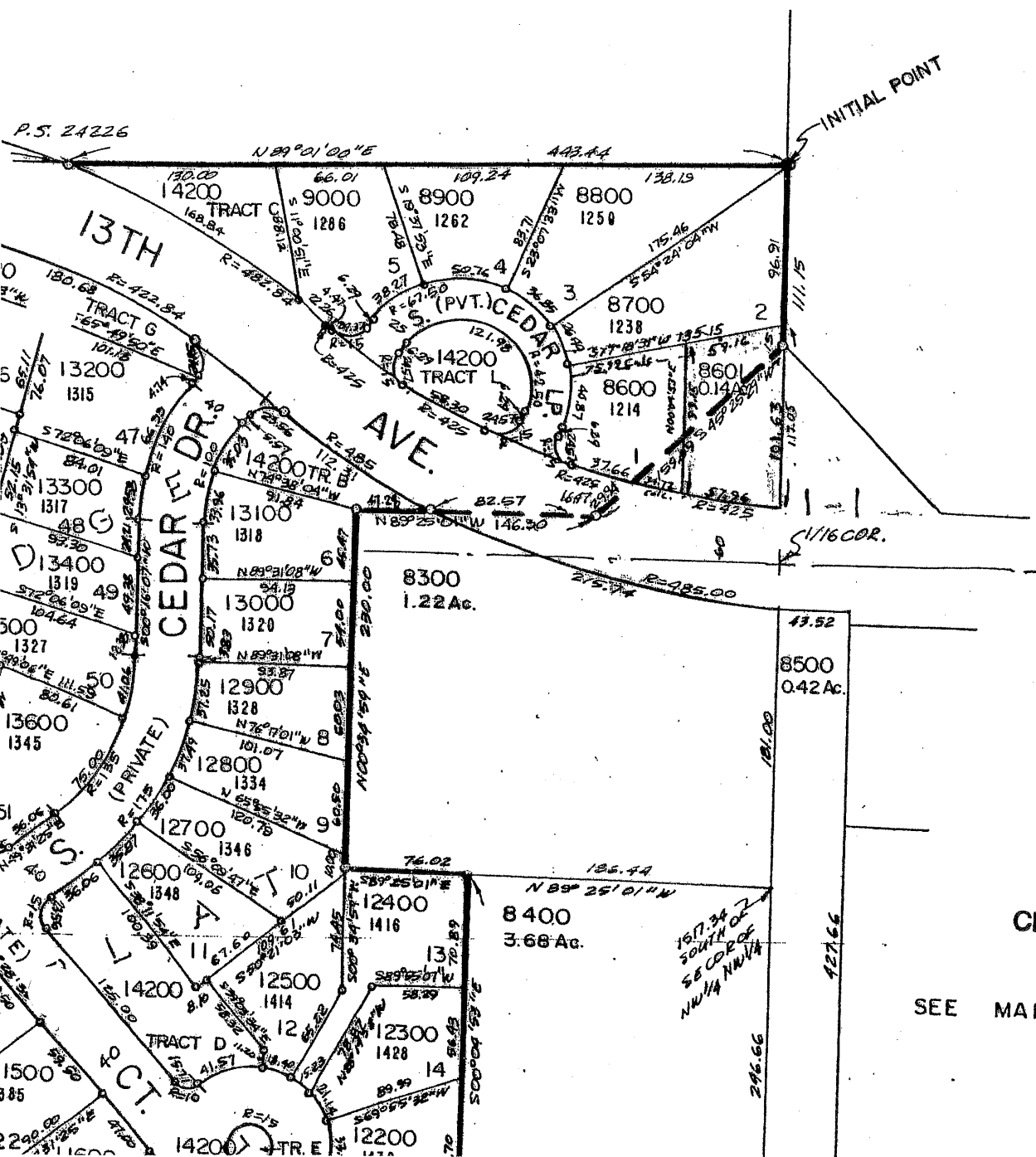
(End of Report)

RECEIVED
NOV 18 2005
CITY OF CANBY

T.4S. R.1E W.M.
COUNTY

4 IE 4CB
CANBY.

CANCELLED
100 Thru 2700
2900 Thru 8200
2800



RECEIVED
NOV 18 2005
CITY OF CANBY

SEE MAP 4 IE 4CA

07/01/2005 to 06/30/2006 REAL PROPERTY TAX STATEMENT

CLACKAMAS COUNTY, OREGON * 168 WARNER MILNE RD. * OREGON CITY, OREGON 97045

PROPERTY DESCRIPTION

MAP: 41E04CB08601

ACCOUNT NO: 05012013

Code Area 086-002

Acres:
0.14

2005 - 2006 CURRENT TAX BY DISTRICT:

KRISHCHENKO ALEKSANDR
1214 S CEDAR LOOP
CANBY OR 97013

COM COLL CLACK	11.61
ESD CLACKAMAS	7.70
SCH CANBY	98.34
EDUCATION TOTAL:	117.65
CITY CANBY	75.14
CITY CANBY LOC OPT	6.89
COUNTY CLACKAMAS	51.78
FD62 CANBY	33.21
FD62 CANBY LOC OPT	6.23
PORT OF PTLD	1.47
URBAN RENEWAL CANBY	16.32
URBAN RENEWAL COUNTY	3.80
VECTOR CONTROL	0.14
VECTOR CONTROL LOC OPT	0.54
GENERAL GOVERNMENT TOTAL:	195.52
COM COLL CLACK BOND	4.82
SCH CANBY BOND	61.41
EXCLUDED FROM LIMIT TOTAL:	66.23
2005-2006 TAX BEFORE DISCOUNT	379.40

VALUES: LAST YEAR THIS YEAR

REAL MARKET VALUES (RMV):		
RMV LAND	32,867	
RMV TOTAL	32,867	
ASSESSED VALUE (AV):	22,481	

PROPERTY TAXES: 0.00 379.40

**Questions about your property value or taxes
Please call 503-655-8671**

Please Make Payment To: CLACKAMAS COUNTY TAX COLLECTOR
(Refer to the insert enclosed for more information)

DELINQUENT TAXES: NO DELINQUENT TAXES DUE

See back for explanation of taxes marked with an (*).
Delinquent tax amount is included in payment options listed below.

TOTAL (after discount): 368.02

(See back of statement for instructions)

TAX PAYMENT OPTIONS

Payment Options	Date Due	Discount Allowed		Net Amount Due
FULL PAYMENT	Nov 15, 2005	11.38	3% Discount....	368.02
2/3 PAYMENT	Nov 15, 2005	5.06	2% Discount....	247.87
1/3 PAYMENT	Nov 15, 2005		No Discount....	126.46

**RECEIVED
NOV 18 2005
CITY OF CANBY**

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY SAINTS

FACILITIES MANAGEMENT

Mt. Hood OR FM Group
P.O. Box 68286
Oak Grove, Oregon 97268
Phone: 1-503-654-1735
Facsimile: 1-503-654-9210

December 16, 2004

Dear Mr. Krishchenko,

The Church deeded the triangular piece of property to the city back in the 80's because the city thought that 13th street would make a turn at that point. However we can see that the street goes straight. The Church is in the process of getting the property deeded back to us.

At this point in time we are not willing to allow any access to any property from the Church property. There are too many liability issues that the Church is not willing to deal with and the loss of any parking is not an option. I am sorry I can't be of any help.

Del Craven



Facilities Manager.

CC: Darren Nichols City of Canby
Dale Kofford LDS Church SLC

RECEIVED
NOV 17 2005
CITY OF CANBY

Alex Krishchenko
1214 S Cedar Loop
Canby, OR 97013

Dear Neighbors,

We have been working on our minor land partition, and have the approval from the City of Canby. However, with no access from SW 13th Street. The city has suggested using the triangular shaped piece of city property which is located on the east side of my property and on the southwest corner of your church property which you use for parking space. If you have any questions or comments please feel free to contact me either in writing or at (503) 936-3268, during this week. Thank you very much, and God Bless.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex", with a horizontal line extending to the right.

Your Neighbor,
Alex Krishchenko

HENRICKSEN & VIHKOLA

ATTORNEYS AT LAW

605 E. Arlington - Gladstone, Oregon 97027
(503) 655-7555 (503) 655-7590

JON S. HENRICKSEN
DAVID T. VIHKOLA
MARTIN S. COHEN

October 23, 1978

Mayor of Canby
Canby City Council
Canby City Hall
Canby, Oregon 97013

Re: Letter of Commitment on Ordinance No. 645 (Zone
Change for Marvin Dack, et ux)

Gentlemen:

We the undersigned hereby commit and agree to all things contained in Ordinance #645, which is an Ordinance amending zoning map of the City of Canby from R-1 to R-2 for 15.34 acres in Section 4B and 4C in T4S, R-1E of the W.M., a copy of which has been approved by us and attached hereto, and made a specific part of this commitment letter herein.

In addition we commit to being bound by the oral, recorded testimony concerning the approval of the above referenced zone change in addition to the agreed upon Ordinance #645.

Committed to this

26th day of October, 1978.

Marvin L. Dack

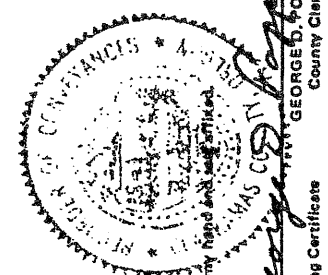
Marvin L. Dack

Mariou Dack

Mariou Dack

STATE OF OREGON)
County of Clatsamas) ss.
I, George D. Poppen, County Clerk, Ex-Officio Recorder of Conveyances and Ex-Officio Clerk of the Circuit Court of the State of Oregon, for the County of Clatsamas, do hereby certify that the within instrument of writing was received for and recorded in the records of said county at

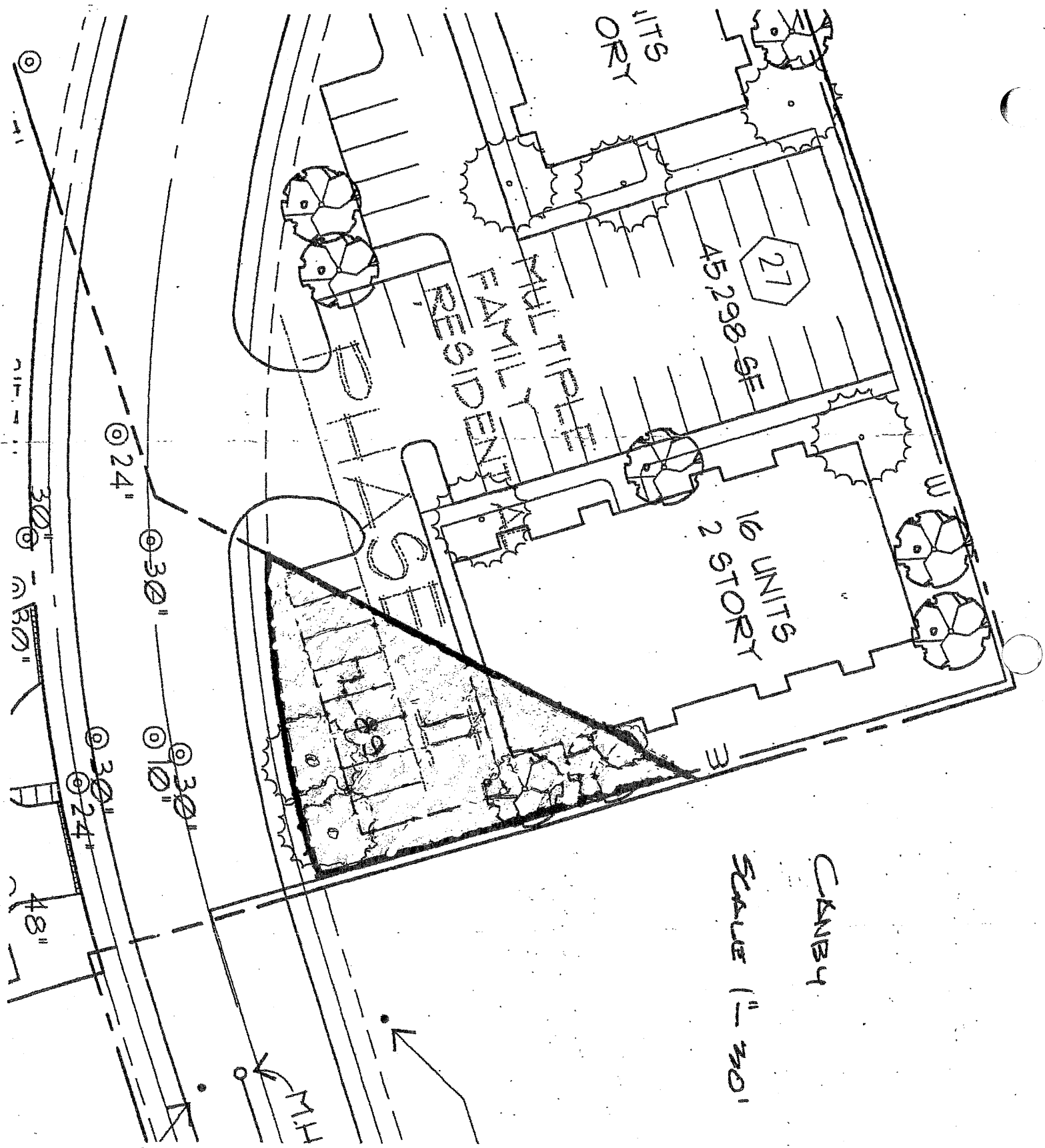
78 DEC 12 AIO: 55



Witness my hand and seal this _____ day of _____, 1978.
George D. Poppen
GEORGE D. POPPEN
County Clerk

Recording Certificate

CCP-RA 78 53154



CANBY

SCALE 1" = 30'

RECEIVED
 NOV 17 2005
 CITY OF CANBY

agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both shall be cited for any violation. (Ord 1043 section 3, 2000)

16.46.070 Exception standards for City facilities.

- A. An exception may be allowed from the access spacing standards on City facilities if the applicant can provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:
 - 1. Indirect or restricted access cannot be obtained;
 - 2. No engineering or construction solutions can be reasonably applied to mitigate the condition; and
 - 3. No alternative access is available from a street with a lower functional classification than the primary roadway.
- B. The granting of the exception shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.
- C. No exception shall be granted where such hardship is self-created. (Ord. 1043 section 3, 2000)

16.46.080 State highway standards.

- A. Refer to Appendix G of the Transportation System Plan. (Ord. 1043 section 3, 2000)

16.46.090 Shared access onto state highway.

- A. Subdivisions with frontage on the state highway system shall be designed into shared access points to and from the highway. Normally, a maximum of two accesses shall be allowed regardless of the number of lots or businesses served. If access off of a secondary street is possible, then access should not be allowed onto the state highway. If access off of a secondary street becomes available, then conversion to that access is encouraged, along with closing the state highway access.
- B. New direct accesses to individual one and two family dwellings shall be prohibited on all state highways, unless doing so would deny reasonable access to an existing legal lot of record. (Ord 1043 section 3, 2000).

[Return to Chapter 16 Index, Planning and Building](#)

[Return to Municipal Code Index](#)

[Return To Canby Home Page](#)

RECEIVED

NOV 17 2005

CITY OF CANBY



Geographic Information Systems
 121 Library Court
 Oregon City, OR 97045

Property Report

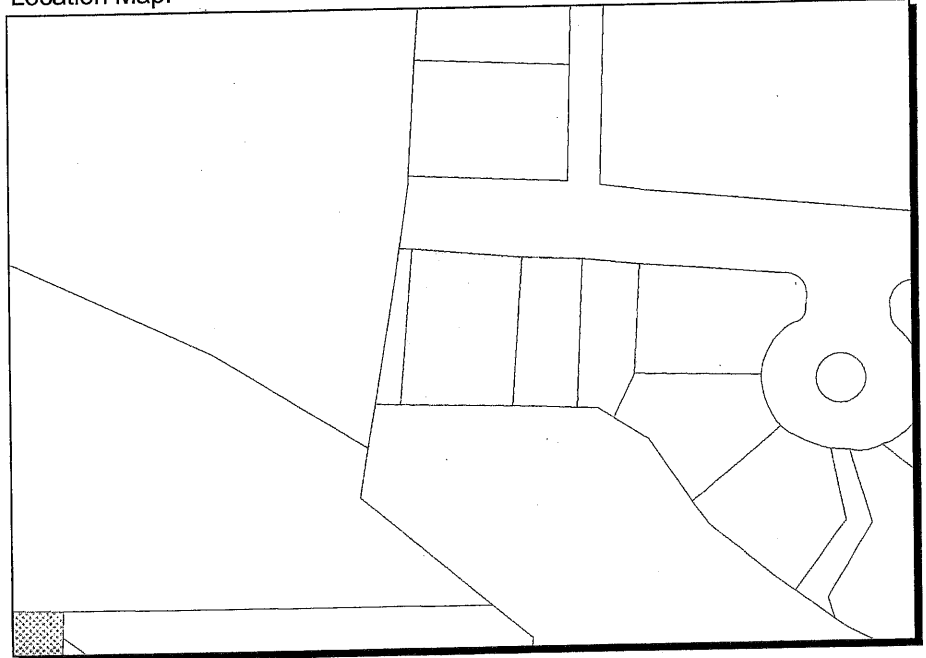
KAZEBEE STANLEY L & NOLA L
1326 NE 12TH AVE
CANBY, OR 97013

Site Address: **903 SW 13TH AVE**
 Taxlot Number: **41E04CB09600**

Land Value: **58626**
 Building Value: **137930**
 Total Value: **196556**

Acreage:
 Year Built: **1997**
 Sale Date: **12/1/1997 0:00:0**
 Sale Amount: **159000**
 Sale Type:

Location Map:



Land Class:
Residential land improved

Building Class:
Data unavailable - contact Assessors office

Neighborhood:
Canby newer subdivisions 100, 101

Taxcode Districts: **86002**

Fire	Canby Fire Dist #62
Park	Blue Heron Recreation Dist. #1
School	Canby
Sewer	Unknown
Water	Unknown
Cable	City
CPO	City
Hauler	Canby Disposal
Jurisdiction	Canby

Site Characteristics:

UGB: **In**
 Flood Zone: **No**

Zoning Designation(s):

<u>Zone Code:</u>	<u>Overlay:</u>	<u>Acreage:</u>
R1.5		0.15

RECEIVED

NOV 17 2005

CITY OF CANBY

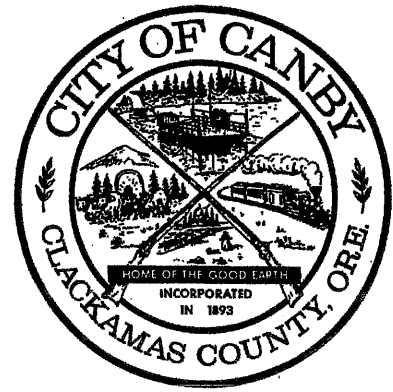
This map and all other information have been compiled for preliminary and/or general purposes only. This information is not intended to be complete for purposes of determining land use restrictions, zoning, title, parcel size, or suitability of any property for a specific use. Users are cautioned to field verify all information before making decisions.

Printed at 4:24 PM on 4/25/2005



RECEIVED

NOV 17 2005



STAFF REPORT

TO: *Planning Commission*
FROM: *John Williams*
DATE: *November 3, 2005*
RE: *MOD 05-07: Krishchenko*

The City has received an application from Aleksandr Krishchenko to modify his 2004 partition approval (MLP 04-03). Following is a summary of the request, the process to be used in this case, and an analysis of the criteria.

Request

The applicant is requesting that the Commission delete condition #6 of his Minor Land Partition approval. This condition requires that the new lot may not take access from 13th Avenue. Mr. Krishchenko has found no alternative access routes, however, and is requesting an access spacing exception on 13th Avenue.

Background

Mr. Krishchenko owns a 12,532 square foot parcel located at 1214 S. Cedar Loop, and proposed to partition this lot into two lots of 6,278 s.f. and 6,275 s.f. (in keeping with the R 1.5 standards). The Planning Commission found that the proposal met all requirements except access spacing standards on SW 13th Avenue, an arterial street. The standard spacing requirement on arterials is 300 feet. Although a number of existing lots on SW 13th violate this standard, the Planning Commission concluded that in light of the increased traffic expected on 13th pending completion of the Berg Parkway project, an exception to the standard was not appropriate.

Therefore, the Commission approved the partition request with the following condition:

“No lot shall directly access SW 13th Avenue. Prior to signing the final plat, the applicant shall provide proof of adequate alternate access. The proposed access shall be reviewed and approved by the City of Canby Planning Department prior to issuance of any building permits or signing of the final plat.”

The Commission’s reasoning for this decision was that there could possibly be alternative access routes, either onto Cedar Loop to the west or through the LDS parking lot to the east. The Commission wanted to allow Mr. Krishchenko to pursue these routes rather than receive an outright denial.

In order to approve Mr. Krishchenko’s modification the Commission would need to approve an exception to access spacing standards, as allowed by CMC 16.46.070. The Commission denied this request in the original application and it is this decision that Mr. Krishchenko is requesting be reconsidered.

Process

Staff recommends that this request be processed as an intermediate modification. As such, it will be dealt with by the Planning Commission as a new business item. If the request is approved, we will mail notice to neighboring property owners and any others who have standing from the last public hearing process. Any of these individuals may request a public hearing *at the applicant's expense* by filing a written request within 10 days. This allows for suitable public comment on the application should the need arise.

Criteria

The criteria for this application are the same as for the original partition request. In judging whether a Minor Land Partition should be approved, the Planning Commission must consider the following standards:

- A. Conformance with the text and the applicable maps of the Comprehensive Plan;
- B. Conformance with all other requirements of the Land Development and Planning Ordinance;
- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of the adjacent properties;
- D. In no case shall the use of a private road be approved for the partitioning unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to City standards is not necessary to insure safe and efficient access to the parcels; and
- 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.

The Planning Commission has already found that this partition meets all of these criteria if the access spacing standard is not violated. Therefore, staff assumes that the only issue in this modification application is whether the Commission will approve an exception to the spacing standard. Following is an analysis of this issue:

Mr. Krishchenko's current house accesses S. Cedar Loop. The proposed new parcel has frontage only on SW 13th Avenue. No alternative direct access to public streets exists. To the east is property owned by the Church of Jesus Christ of Latter Day Saints used as a parking lot. A portion of this property abutting Mr. Krishchenko's property was recently sold back to the Church by the City. (This property was originally taken by the City to be used for a right-of-way

alignment that was never used. As a result of Mr. Krishchenko's application, it was discovered that the property had never been returned to the original property owner and the Council has recently done this.)

The Church apparently has no interest in allowing Mr. Krishchenko to have access into their lot. The existing driveway is approximately 25 feet from the east property line of the subject parcel along SW 13th Avenue. The access spacing standard for an arterial is 300 feet for streets and driveways. However, two driveways in Cedar Ridge already are not in compliance, and additional driveways to the east on SW 13th past Elm are in the same situation.

The City can approve access points that do not meet spacing standards. Following are the code requirements for an exception:

Municipal Code Chapter 16.46.070 Exception standards for City facilities:

- A. An exception may be allowed from the access spacing standards on City facilities if the applicant can provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:
 - 1. Indirect or restricted access cannot be obtained;
 - 2. No engineering or construction solutions can be reasonably applied to mitigate the condition; and
 - 3. No alternative access is available from a street with a lower functional classification than the primary roadway.
- B. The granting of the exception shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.
- C. No exception shall be granted where such hardship is self-created.

Staff believes that criteria A1, A2, and A3 are met by the application, but criterion C is less clear. Staff believes the need for this exception is obviously self-created; there would be no need if the lot were not being partitioned. However, the Planning Commission has recently approved access spacing exceptions in two applications with seemingly similar situations:

- MLP 05-08. In this case the Commission approved a new driveway to serve a potential three-unit town home on Township Road (a collector street), which required a spacing exception because it was located 100' from S. Lupine Street and 50' from the existing house's driveway.
- MLP 05-09. The Commission approved a new driveway to serve a potential duplex on Knight's Bridge Road (an arterial), which is located 65' from the closest driveway on one side and 115' feet from the closest driveway on the other side.

In both of these cases the Commission found that the hardship was not "self-created" because the City created the higher density zoning that creates the ability to divide the lots.

Recommendation

The Planning Commission has provided conflicting precedent for staff to form a recommendation on this application. The Commission considered and denied an access spacing exception in the original application. However, since that time the Commission has approved two access spacing exceptions, both for minor partitions with similar circumstances.

Since the decision on Mr. Krishchenko's partition application, the following facts have arisen:

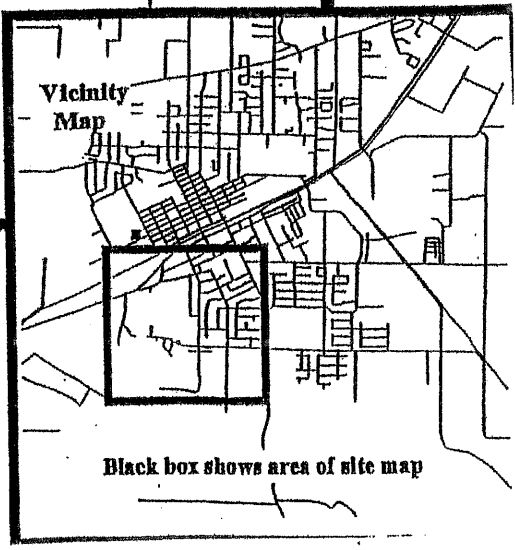
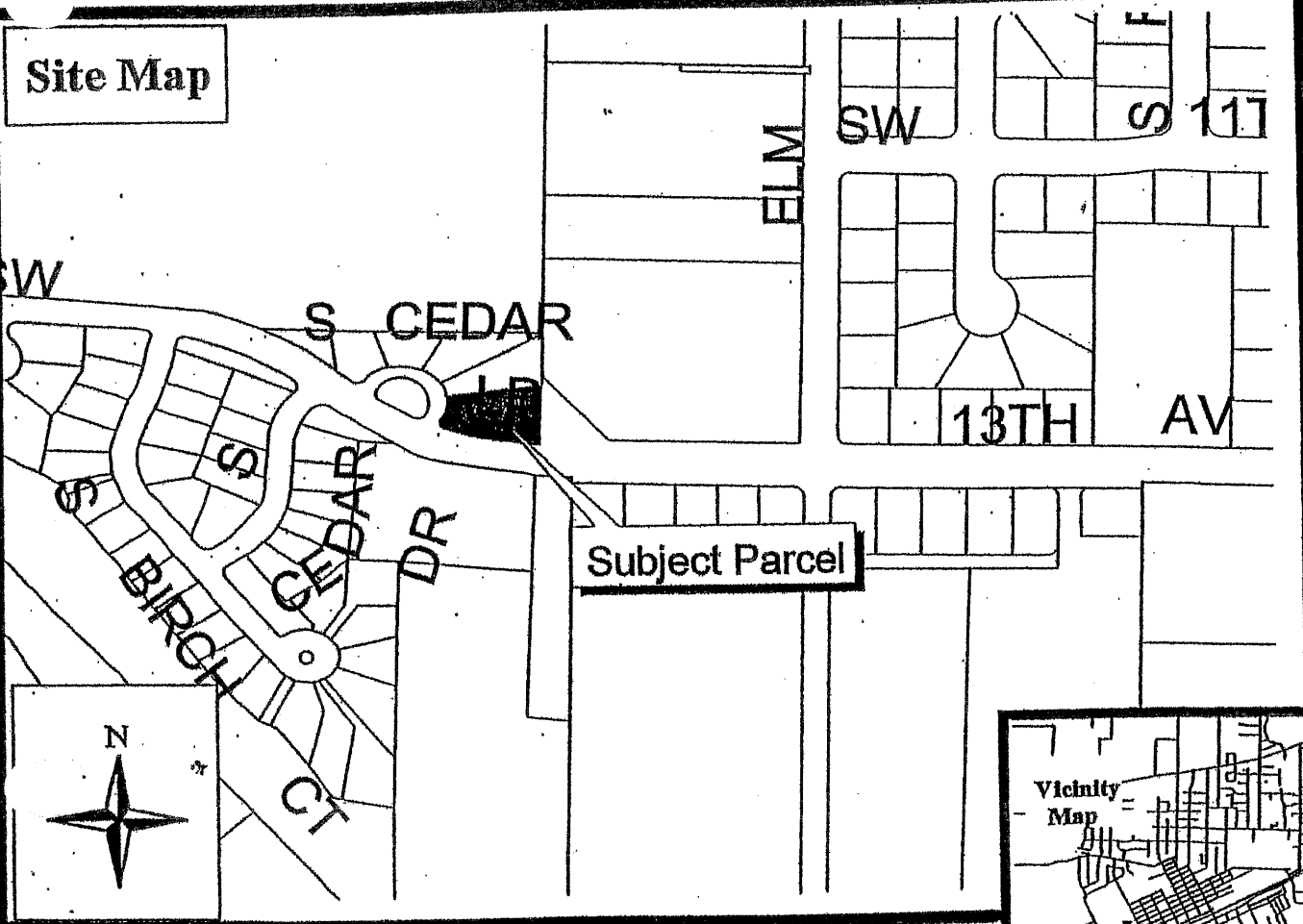
- The publicly-owned area to the east of subject property has been sold to the LDS Church, eliminating any right of access the applicant may have had to this area.
- The City has received funding for the Berg Parkway connection. This will be built in 2006 or 2007 and will raise traffic levels on SW 13th Avenue by the subject property. Additionally, parking will be restricted to the north side only upon completion of this project and an access driveway in this area would reduce available on-street parking in this area (which is always at a premium during sporting events at the High School).

The Planning Commission needs to resolve these two conflicting precedents and provide staff with direction on this issue. The public notice that would follow if the Planning Commission approves this modification would allow for any public comments from the neighborhood.

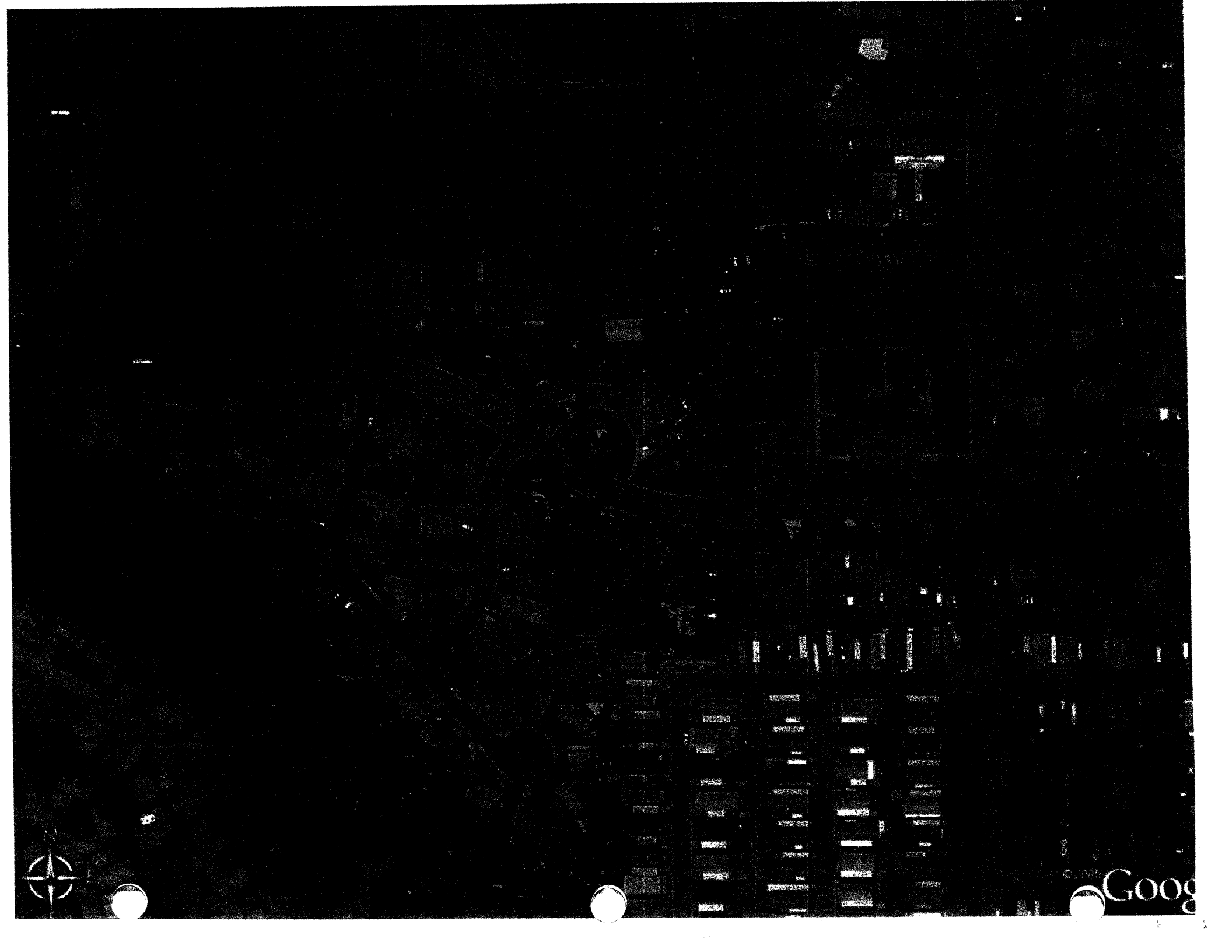
Exhibits:

1. Vicinity map & aerial photo
2. Proposed site plan (MLP 04-03)
3. Modification application & narrative
4. Original written findings and conditions of approval

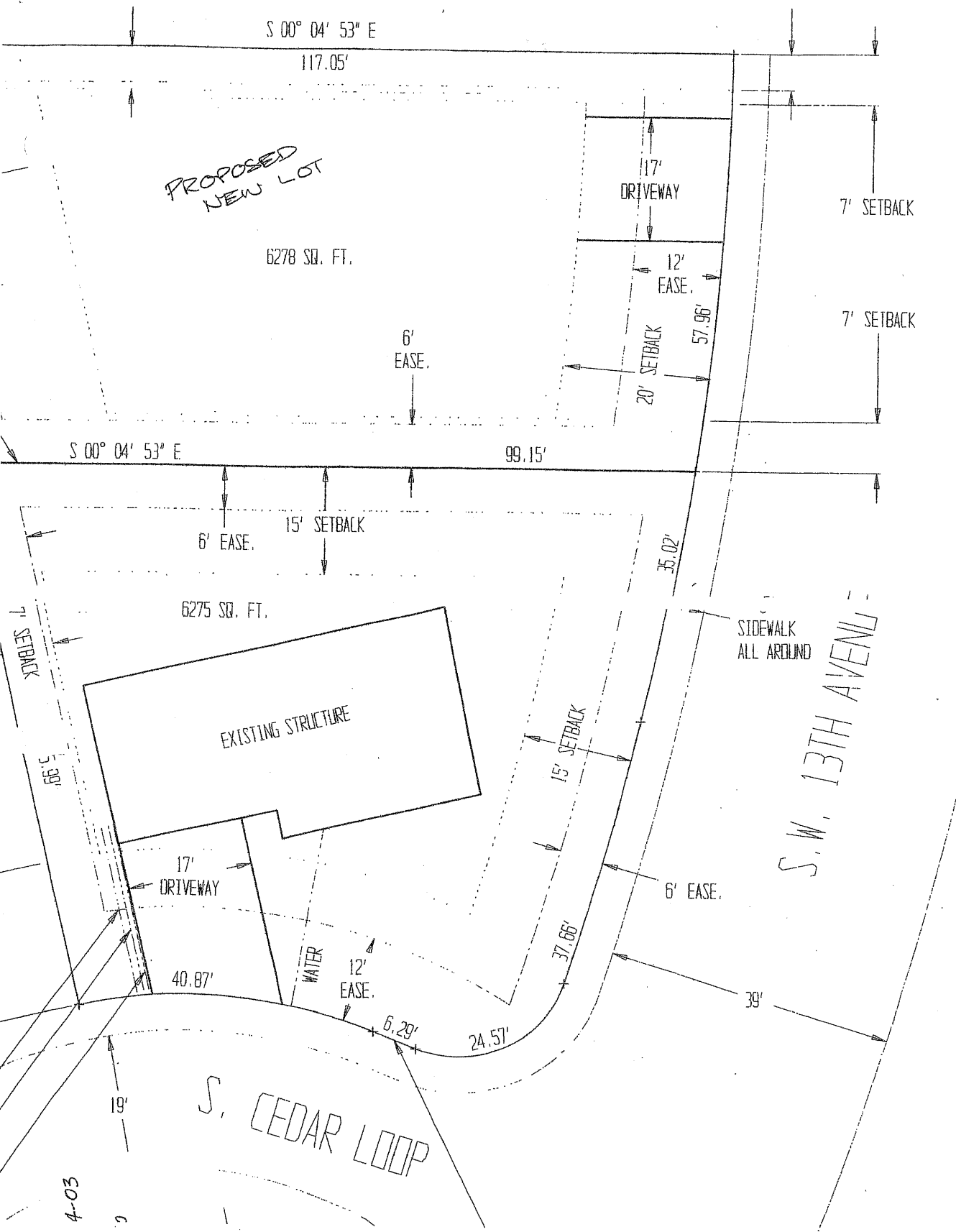
Site Map



Site and Vicinity Maps



GOOG



MLP 04-03
 PROPOSED
 SITE PLAN

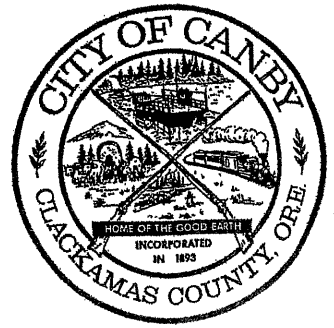
MODIFICATION APPLICATION

FEES:

Minor Modification: \$100

Intermediate Modification: \$320

Extra charge for public hearing (if required): \$460



OWNER

APPLICANT (if not owner)*

Name Alexander KRISHCHENKO

Name _____

Address 1214 S Cedar Loop

Address _____

City Canby State OR Zip 97013

City _____ State _____ Zip _____

Phone 503 2666449 Fax _____

Phone _____ Fax _____

Email _____

Email _____

Signature [Handwritten Signature]

Signature* _____

DESCRIPTION OF PROPOSAL:

Property address/location 1214 S Cedar Loop, Canby, OR, 97013

Current zoning R-1.5 Comprehensive Plan zoning _____

File number of previous land use decision to be modified MLP 04-03

Summary of proposal Exceptional access to the lot.

FOR CITY USE ONLY

File # MOD 05-07 to MLP 04-03

Date Received 10/13/05 By CJA

Completeness Date _____

Hearing Date _____

*If the applicant is not the property owner, owner must sign this form or applicant must attach documentary evidence of authority to act as agent in submitting this application.

9.30.05

October 11, 2005

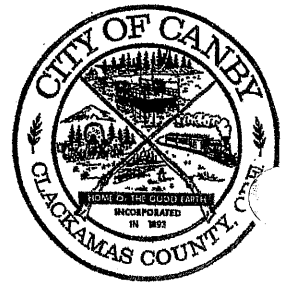
To: City of Canby
Planning Department
From: Aleksandr Krishchenko
1214 S Cedar Loop
Canby OR, 97013
Subject: Access to the property. (MLP 04-03)

Please review my „Intermediate modification’ application as an last option I have. An exception to the access standards on SW13th Avenue, providing by the Transportation System Plan (page 4-30). This property have no reasonable access or cannot obtain reasonable alternative access to the public street system.

Thank you.

Sincerely,

Aleksander Krishchenko



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

**A REQUEST FOR APPROVAL TO) FINDINGS, CONCLUSIONS & FINAL ORDER
PARTITION ONE EXISTING 12,532) MLP 04-03
SQUARE FOOT PARCEL INTO) (Krischenko)
TWO PARCELS OF 6,275 SF AND)
6,278 SF)**

NATURE OF APPLICATION

The applicant is seeking approval to partition one 12,532 square foot parcel into two separate tax lots at 1214 S Cedar Loop. The applicant proposes to partition one existing parcel into lots of 6,278 SF and 6,275 SF. One existing house will remain on the lot fronting S Cedar Loop and one additional building lot would be created at the rear of the parent parcel with frontage onto SW 13th Avenue. The applicant proposes to provide access to the rear lots by means of an access drive off SW 13th along the southern boundary of the parent parcel. The application meets both current zoning and comprehensive plan designations for the property, R-1.5 Medium Density Residential.

HEARINGS

The Planning Commission held a public hearing to consider this application on November 22, 2004.

CRITERIA AND STANDARDS

This is a quasi-judicial land use application. In judging whether a Minor Land Partition should be approved, the Planning Commission must consider the following standards:

- A. Conformance with the text and the applicable maps of the Comprehensive Plan;
- B. Conformance with all other requirements of the Land Development and Planning Ordinance;
- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of the adjacent properties;
- D. In no case shall the use of a private road be approved for the partitioning unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to City standards is not necessary to insure safe and efficient access to the parcels; and
- E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

FINDINGS AND REASONS

The Planning Commission deliberated on all testimony presented at the November 22, 2004 public hearing and includes the November 10, 2004 staff report. The Planning Commission accepts the findings in the November 10, 2004 staff report insofar as they do not conflict with the following considerations:

1. The Planning Commission heard several testimonies requesting that the Planning Commission uphold the decision of the Cedar Ridge Civic Association's Board of Directors. The Planning Commission and City Staff acknowledge the homeowners association and the rights of the association to implement and enforce CC&R's in a civil court of law. The Commission found however that the application for Minor Land Partition should be heard according to established criteria as outlined in the City of Canby Municipal Code Chapter 16.60.030. The City of Canby and the Planning Commission acknowledge that the applicant's request and subsequent actions may be subject to a legal suit by the Civic Association in a civil court of law.
2. The Commission discussed lot size and configuration and determined that the proposal meets the criteria for development in the R-1.5 zone.
3. The Commission discussed traffic safety issues concerning the lot along SW 13th Avenue. Commissioners found that the proposal creates a traffic concern along the arterial street and found that access should be provided by another street or by a shared access agreement with neighboring properties.

CONCLUSION

Based on the Staff Report and Commission deliberation, the Planning Commission concludes that:

1. The partition request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan;
2. The partition request is not in conformance with the applicable requirements of the Municipal Code regarding access to the site. The Commission found that the applicant must prove an alternate access provision that does not access SW 13th Avenue. The Commission found that the proposed partition does not present a hindrance to developing adjacent parcels;
3. With the exception of a proposed access to SW 13th Avenue, the overall design and arrangement of parcels will be functional and to adequately provide building sites, utility easements and other facilities deemed necessary for the development of the subject property without unduly hindering the use or development of the adjacent properties;

4. No private roads are proposed. An approved access design and location shall be provided to the satisfaction of the City of Canby Planning Department; and
5. Necessary public services are available or will become available through the development of the property to adequately meet the needs of the proposed partition.

ORDER

IT IS ORDERED by the Planning Commission of the City of Canby that **MLP 04-03** is **APPROVED** subject to the following conditions:

For the Final Plat:

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 MLP 04-03*
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; a copy of the new deeds and the signed final plat 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. For the deeds and for the Final Plat, an approved access and all necessary easements shall be provided to serve the newly created parcel.
4. All monumentation and recording fees shall be borne by the applicant.
5. Twelve (12) foot utility easements shall be provided along all street lot lines. Six foot easements shall be recorded along all non-street interior and exterior lot lines. Any other easements shall be provided in accordance with the requirements of public facilities and service providers.
6. No lot shall directly access SW 13th Avenue. Prior to signing the final plat, the applicant shall provide proof of adequate alternate access. The proposed access shall be reviewed and approved by the City of Canby Planning Department prior to issuance of any building permits or signing of the final plat.

Notes:

7. The final plat must be recorded with the Clackamas County Recorder within one (1) year of the preliminary plat approval in accordance with Canby Ordinance 16.60.060. The Mylar for the final plat must be signed by the City Planning Director prior to recording the plat.
8. All house numbers shall be clearly visible from the street. Numbers painted on the curb shall not be the primary method of meeting this requirement.

Prior to Construction:

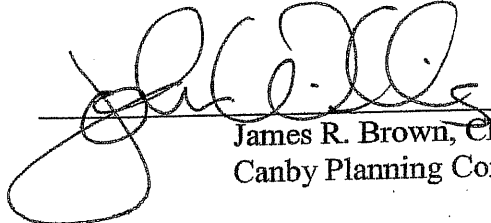
9. An approved stormwater system plan shall be approved by DEQ and by the Canby Public Works Department.

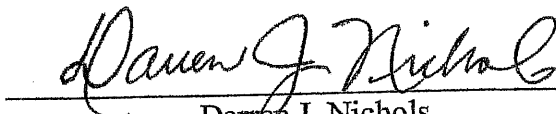
During Construction:

10. A five (5) foot sidewalk inclusive of curb shall be constructed for the full frontage of the parent parcel along SW 13th and S Cedar Loop. Where mailboxes, fire hydrants or other obstructions are located at the curb, sidewalks shall swing away from the curb in order to remain unobstructed for a full five-foot width.
11. The applicant is responsible for all costs associated with the relocation of utilities and services.
12. A new sewer main and/or new laterals shall be installed by the applicant at the time of development. The location and construction of the sewer main and/or laterals shall be approved by the Public Works Supervisor prior to excavation.
13. Any access design shall be constructed so as to allow continuous, unhindered emergency vehicle access, parking shall be prohibited in the drive access to the newly created parcel. Any private drive other than a shared existing access shall be posted *Private Drive: No Parking* shall be posted by the developer in compliance with City standards for parking signage.
14. One street tree shall be required for each building lot frontage. Street trees shall be placed 11 feet behind curb and 10 feet from any sewer lateral.

I CERTIFY THAT THIS ORDER approving MLP 04-03 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 13th day of December, 2004.


FOR
James R. Brown, Chairman
Canby Planning Commission


Darren J. Nichols
Associate Planner

ATTEST:

ORAL DECISION – November 22, 2004

AYES: Ewert, Helbling, Molamphy

NOES: Brown

ABSTAIN: None

ABSENT: Manley, Tessman

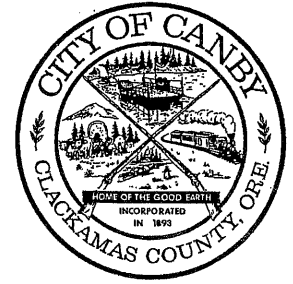
WRITTEN DECISION – December 13, 2004

AYES: Ewert, Molamphy, Helbling

NOES: Brown

ABSTAIN: None

ABSENT: Tessman, Manley



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

AN APPLICATION TO)	FINDINGS, CONCLUSIONS & FINAL ORDER
PARTITION ONE 0.45 ACRE)	MLP 05-07
RESIDENTIAL PARCEL INTO)	(Dream House Construction)
TWO PARCELS)	

NATURE OF APPLICATION

The applicant is seeking approval to partition one 0.45 acre parcel into two tax lots. Parcel 1 would retain the existing single family dwelling along N Maple Lane and parcel 2 would feature a new single family residence. This application was originally proposed as a three lot partition along with a zone change to Medium Density Residential (R-1.5). The City Council denied the zone change request on September 21, 2005. The applicant has since modified this request to a proposal that is allowed under the current Low Density Residential (R-1) zoning district. The applicant has also extended the 120-day rule for an additional 120-days.

HEARINGS

The Planning Commission held a public hearing to consider this application on November 14, 2005.

CRITERIA AND STANDARDS

This is a quasi-judicial land use application. In judging whether a Minor Land Partition should be approved, the Planning Commission must consider the following standards:

- A. Conformance with the text and the applicable maps of the Comprehensive Plan;
- B. Conformance with all other requirements of the Land Development and Planning Ordinance;
- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of the adjacent properties;
- D. In no case shall the use of a private road be approved for the partitioning unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to City standards is not necessary to insure safe and efficient access to the parcels; and
- E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

FINDINGS AND REASONS

The Planning Commission deliberated on all testimony presented at the November 14, 2005 public hearing, including the October 31, 2005 staff report. The Planning Commission hereby accepts and incorporates the findings in the October 31, 2005 staff report.

CONCLUSION

Based on the Staff Report and Commission deliberation, the Planning Commission concludes that:

1. The partition request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan;
2. The partition request is in conformance with the applicable requirements of the Municipal Code regarding access to the site and hindrance of developing adjacent parcels;
3. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of the adjacent properties;
4. No private streets are proposed; and
5. Necessary public services are available or will become available through the development of the property to adequately meet the needs of the proposed partition.

ORDER

IT IS ORDERED by the Planning Commission of the City of Canby that **MLP 05-07** is **APPROVED** subject to the following conditions:

For the Final Plat:

1. A final partition plat illustrating 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 MLP 05-07*
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; a final copy of the signed and recorded map shall be provided to the Canby Planning Department upon completion.
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.
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. Ten (10) foot utility easements shall be provided along non-street exterior lot lines unless adjacent lots have recorded utility easements of four (4) or more feet, in which case the non-street exterior lot lines shall have six (6) foot utility easements. All interior lot lines shall have six (6) foot utility easements.

Notes:

6. 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.
7. House numbers shall be visible from the street but numbers painted on the curb shall not be the primary method of meeting this requirement.

Prior to Construction:

8. If required, a stormwater permit shall be obtained from the State of Oregon (DEQ) prior to issuance of a building permit. An acceptable stormwater system plan shall be approved by the State of Oregon - DEQ and the Canby Public Works Department.
9. Prior to permit, the applicant shall demonstrate compliance with offstreet parking requirements as listed in Chapter 16.10 of the CMC.

During Construction:

10. The applicant is responsible for all costs associated with the relocation of utilities.
11. Any 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*.
12. The applicant shall construct an approved curb cut, approach apron and sidewalk ramps at each drive entrance to the parcels. The private access drive shall be paved for the entire length and width. Access improvements shall be inspected and approved by Canby Public Works prior to installation.
13. A five (5) foot sidewalk inclusive of curb shall be constructed for the full frontage of the parent parcel along N Maple Lane. Where mailboxes, fire hydrants or other obstructions are located at the curb, sidewalks shall swing away from the curb in order to remain unobstructed for a full five-foot width **OR** the applicant may sign a Waiver of Remonstrance consenting to future street improvements and the future formation of a Local Improvement District.

I CERTIFY THAT THIS ORDER approving **MLP 05-07** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 28th day of November, 2005.

James Brown
Chairman, Canby Planning Commission

Kevin C. Cook
Associate Planner

ATTEST:

ORAL DECISION – November 14, 2005

AYES: Brown, Helbling, Ewert, Molamphy

NOES: None

ABSTAIN: None

ABSENT: Lucas, Tessman, Manley

WRITTEN DECISION – November 28, 2005

AYES:

NOES:

ABSTAIN:

ABSENT:

MINUTES

CANBY PLANNING COMMISSION

7:00 PM October 24, 2005
City Council Chambers, 155 NW 2nd

I. ROLL CALL

PRESENT: Chairman Jim Brown, Commissioners Geoffrey Manley, John Molamphy, Tony Helbling, Geoffrey Manley, Randy Tessman

STAFF: John Williams, Community Development and Planning Director, Kevin Cook, Associate Planner

OTHERS PRESENT: Daniel Muchleck, Robert Klas, Leeks Architects, Mel Lee, Leeks Architects, Todd Gary, Canby Fire Department

II. CITIZEN INPUT

None

III. PUBLIC HEARINGS

DR 05-05 (Canby Place) An application by Sterling Development Corporation to develop a 85,348 sq. ft. CM zoned parcel located at the southwest corner of Hwy 99E and Berg Parkway, with three buildings totaling 18,180 sq. ft. Continued from 9-26-05 and October 10, 2005.

The applicant has requested a continuation of this application and has given staff a letter extending the 120-day rule. Mr. Brown opened the public hearing and continued the application until November 14, 2005 at 7:00pm.

DR 05-07 (Carl's Jr. Restaurants) an application to develop a 33,617 sq. ft. CM zoned parcel with a 3,168 sq. ft. Carl's Jr. drive-through restaurant. The site is located at the extreme northeast corner of the Canby Market Center.

Mr. 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. He explained that this site is located at the corner of Sequoia Parkway and Hwy 99E, within the Canby Market Center; access will be through the existing retail establishment.

The applicant has proposed 36 parking spaces, which exceeds the required parking amount of 32, 4 bicycle parking spaces will be provided. Lancaster Engineering determined there would be no issues with internal traffic or access to the site. Existing facilities will adequately handle the traffic generated by this application. A pedestrian access will access onto Sequoia and to the interior of the retail center.

Kevin explained that the internal directional signs and the menu board were exempted from the sign total per the original design review and were not included in the total square footage allowed for signage. Landscaping requirements have been met. The building will compliment the existing development.

Mr. Ewert asked for clarity on the Engineers comments regarding keeping the footprint of the building out of the easements. Kevin explained that there are utility easements on the site left over from the original 1st Street, and the engineer wants to be sure they stay out of that easement.

Mr. Ewert stated that the intersection at Hwy 99E is already at a level C. Lancaster commented that the traffic study didn't speak to trips generated in the project, he stated there is a trip generation table on page 9 but asked how it worked. Kevin explained that passerby trips weren't counted because the development might increase the traffic inside the retail center but they do not increase the traffic at the intersection.

Mr. Ewert questioned if trips to the site would increase when Sequoia Parkway goes through. Kevin stated that for this kind of development, it is not a destination for most of those vehicles. Mr. Brown questioned the negative numbers in the traffic report. John believed it could be an adjustment to the total figures since the table only deals with site generated traffic.

APPLICANT, Bob Klaas for STOA Architects, explained this project has been in the works for 2 years, the design of this building is in conformance with other buildings in the development.

Mr. Brown questioned how tall the light poles are just to the south of their entrance. Mr. Klaas was not sure how tall they were but believed they matched the other lights in the center. Mr. Brown questioned the location of the menu board. Mr. Klaas stated it was on the right side of the building as you enter the drive-thru lane. Mr. Brown questioned how it would be integrated into the landscaping. Mr. Klaas stated it would be landscaped to match the rest of the lot.

Mr. Brown asked what the Green Burrito was. Mr. Klaas explained it is a new menu item concept that started in California and they are introducing it to Oregon. It combines a Mexican restaurant with the traditional hamburger restaurant.

PROPOSERS: None

OPPOSERS: None

REBUTTAL: None

Mr. Brown closed the public hearing and opened Commissioner deliberations.

Mr. Ewert questioned why the staff report stated the applicant would utilize 34 parking spaces but staff was only requiring 32 spaces. Kevin explained that at 10 spaces per 1,000 square feet of space the minimum requirement would be 32 spaces, the applicant is providing 34 spaces.

It was moved by Mr. Ewert to approve DR 05-07 as written. Seconded by Mr. Tessman. Motion carried 6-0 with Mr. Lucas absent.

V. FINDINGS

MLP 05-11 (Bristol) it was moved by Mr. Helbling to approve MLP 05-11 as written. Seconded by Mr. Molamphy. Motion carried 3-0-3 with Mr. Brown, Mr. Ewert and Mr. Tessman abstaining.

VI. MINUTES

None

VII. DIRECTOR'S REPORT

John discussed the traffic studies and explained the reasoning behind the negative numbers in some of the charts. The numbers indicate how many trips go through the intersection at this time; after the restaurant opens it shows how many would turn at the intersection, reducing the amount that goes through it. John addressed Mr. Ewert's comment that the intersection is already operating at a C level. He explained it is rated at C level because of Hwy 99E.

John stated Sequoia Parkway is now striped, and the streetlights will be turned on soon.

Canby School District has decided to remove the portable classrooms at Knight School in the summer of 2006.

There are 4 developments in Canby at this time with over 247 homes and they are all within the Eccles School boundaries. Mr. Brown asked if there was a new elementary school planned, John explained that Lee would return to an elementary school when the new middle school opens.

Northwoods is moving forward, they have held several neighborhood meetings and will be coming before the Planning Commission soon for Master Plan approval.

At the next Planning Commission meeting they will hear the Canby Place application, two annexations, a modification application from Mr. Krenshinko regarding his Minor Land Partition on 13th St., along with a new application from Mr. Funk for a single-family house.

Mr. Brown asked what has been done about rezoning that area. Kevin has spoken with some of the residents and will be holding neighborhood meetings. If the Comp Plan is to be changed then there will have to be other areas looked at to accommodate medium density.

Berg Parkway has been funded by ODOT and they have committed 1.23 million dollars to the project. There will be a public meeting to address concerns for everyone who lives in that area, the meeting will be held at the Adult Center.

There have been 2 traffic-calming meetings held and there has been a good turnout for them. They are trying to identify problem spots in the neighborhoods, then prioritize those areas and look at funding options. There are two more meetings scheduled.

Measure 37 has been overturned by the courts, and has been appealed, so it is more confusing than ever. Canby has not had any Measure 37 claims.

The traffic-modeling project has taken longer than originally thought, due to it being funded by ODOT and work donated by Metro. The initial runs are back and hopefully there will be a project list for the first meeting in December.

The Territorial intersection is still on target.

Building has begun in the industrial park.

Building permits have been issued for Darcy's Country Estates.

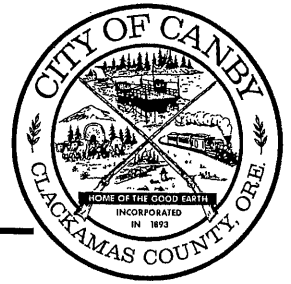
VIII. ADJOURNMENT

PLANNING COMMISSION AGENDA

October 24, 2005

7:00 PM - Regular Meeting

City Council Chambers - 155 NW 2nd Avenue



I. ROLL CALL

II. CITIZEN INPUT ON NON-AGENDA ITEMS

III. PUBLIC HEARINGS

DR 05-05 (Canby Place) An application by Sterling Development Corporation to develop a 85,348 sq. ft. CM zoned parcel located at the southwest corner of Hwy 99E and Berg Parkway, with three buildings totaling 18,180 sq. ft. Continued from 9-26-05 and October 10, 2005.

DR 05-07 (Carl's Jr. Restaurants) an application to develop a 33,617 sq. ft. CM zoned parcel with a 3,168 sq. ft. Carl's Jr. drive-through restaurant. The site is located at the extreme northeast corner of the Canby Market Center

IV. NEW BUSINESS

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

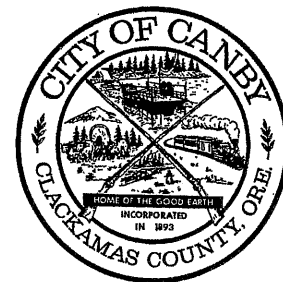
MLP 05-11 (Bristol)

VI. MINUTES

VII. DIRECTOR'S REPORT

VIII. ADJOURNMENT

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to
Carla Ahl at 503-266-9404*



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

**AN APPLICATION TO) FINDINGS, CONCLUSIONS & FINAL ORDER
PARTITION ONE 7,590 SQUARE)
FOOT RESIDENTIAL PARCEL) MLP 05-11
INTO TWO PARCELS) (Bristol – SE 2nd Ave)**

NATURE OF APPLICATION

The applicant is seeking approval to partition one 7,590 square foot parcel into two separate tax lots. Parcel 1 (north) would be 4,830 sq. ft. and contains the existing single family dwelling; Parcel 2 (south) would be 2,760 sq. ft. on which the applicant proposes to construct a new single family dwelling. Access for the lot is currently off of S. Knott St.; however, it appears that this access will need to be abandoned to make room for the new development. The applicant will be required to provide two off-street parking spaces for each unit. Stacked parking will not be allowed for this site; the lot is located in a high density residential area and parking is likely already an issue. Access for parcel 2 would have to be off of S. Knott St. It is likely that the only way to accommodate the off-street parking requirement for lot 2 would be to dedicate the entire ground floor to garage space for the new dwelling. Parking for lot 1 could possibly come off of S. 2nd Ave. The applicant is required to show compliance with the parking standards prior to the issuance of a building permit (Condition 9). The application meets current zoning and comprehensive plan designations of R-2 High Density Residential.

HEARINGS

The Planning Commission held a public hearing to consider this application on October 10, 2005.

CRITERIA AND STANDARDS

This is a quasi-judicial land use application. In judging whether a Minor Land Partition should be approved, the Planning Commission must consider the following standards:

- A. Conformance with the text and the applicable maps of the Comprehensive Plan;
- B. Conformance with all other requirements of the Land Development and Planning Ordinance;
- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of the adjacent properties;
- D. In no case shall the use of a private road be approved for the partitioning unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to City standards is not necessary to insure safe and efficient access to the parcels; and

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

FINDINGS AND REASONS

The Planning Commission deliberated on all testimony presented at the October 10, 2005 public hearing, including the September 28, 2005 staff report. The Planning Commission hereby accepts and incorporates the findings in the September 28, 2005 staff report, in so far as it does not conflict with the following supplemental finding:

The Commission finds that Condition 14, requiring compliance with the infill standards listed in Section 16.21.050 of the Canby Municipal Code, does not apply to the new lot because the affected property already contains a two story dwelling.

CONCLUSION

Based on the Staff Report and Commission deliberation, the Planning Commission concludes that:

1. The partition request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan;
2. The partition request is in conformance with the applicable requirements of the Municipal Code regarding access to the site and hindrance of developing adjacent parcels;
3. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of the adjacent properties;
4. No private streets are proposed; and
5. Necessary public services are available or will become available through the development of the property to adequately meet the needs of the proposed partition.

ORDER

IT IS ORDERED by the Planning Commission of the City of Canby that **MLP 05-11** is **APPROVED** subject to the following conditions:

For the Final Plat:

Final Plat:

1. A final partition plat illustrating 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 MLP 05-11*
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; a final copy of the signed and recorded map shall be provided to the Canby Planning Department upon completion.
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.
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. Ten (10) foot utility easements shall be provided along non-street exterior lot lines unless adjacent lots have recorded utility easements of four (4) or more feet, in which case the non-street exterior lot lines shall have six (6) foot utility easements. All interior lot lines shall have six (6) foot utility easements. 5 foot wide pedestrian access easements will be required along the entire frontage of the property.

Notes:

6. 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.

7. House numbers shall be visible from the street but numbers painted on the curb shall not be the primary method of meeting this requirement.

Prior to Construction:

8. Prior to issuance of a building permit a stormwater permit shall be obtained from the State of Oregon if required by the Department of Environmental Quality (DEQ). An acceptable stormwater system plan shall be approved by the State of Oregon - DEQ and the Canby Public Works Department.
9. Prior to permit, the applicant shall demonstrate compliance with offstreet parking requirements as listed in Chapter 16.10 of the CMC; parking must be provided for both lots. Stacked parking will not be permitted for the site development.

During Construction:

10. The applicant is responsible for all costs associated with the relocation of utilities.
11. Any 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*.
12. The applicant shall construct an approved curb cut, approach apron and sidewalk ramps at each drive entrance to the parcels. Access improvements shall be inspected and approved by Canby Public Works prior to installation.
13. The applicant shall plant a minimum of one street tree along the street frontage of each lot. Street trees shall be placed 11' behind the back of sidewalk.
14. A five (5) foot sidewalk inclusive of curb shall be constructed for the full frontage of the parent parcel along SE 2nd Ave. and S Knott St. Where mailboxes, fire hydrants or other obstructions are located at the curb, sidewalks shall swing away from the curb in order to remain unobstructed for a full five-foot width. An ADA ramp shall be constructed at the southeast corner of the intersection of SE 2nd Ave and S Knott St.

I CERTIFY THAT THIS ORDER approving **MLP 05-11** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 10th day of October, 2005.

Geoffrey Manley,
Vice Chair, Canby Planning Commission

Kevin C. Cook
Associate Planner

ATTEST:

ORAL DECISION – October 10, 2005

AYES: Manley, Helbling, Molamphy, Lucas

NOES: None

ABSTAIN: None

ABSENT: Brown, Ewert, Tessman

WRITTEN DECISION – October 24, 2005

AYES:

NOES:

ABSTAIN:

ABSENT:

CARL'S JR. RESTAURANT

Traffic Impact Analysis

CANBY, OREGON

**PREPARED BY
LANCASTER ENGINEERING**

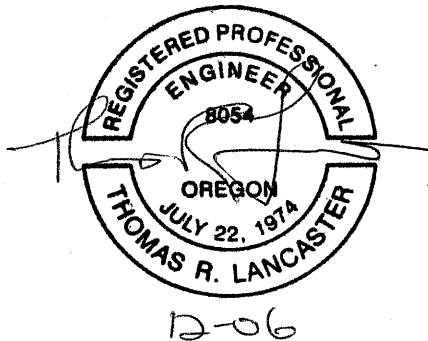
SEPTEMBER 2005





CARL'S JR.
Traffic Impact Study

Canby, Oregon



Prepared By
CATRIONA SUMRAIN
TOM R. LANCASTER, PE, PTOE

September, 2005



TABLE OF CONTENTS

Executive Summary	3
Introduction	4
Location Description	5
Trip Generation	9
Trip Distribution	11
Operational Analysis	13
Appendix	19



EXECUTIVE SUMMARY

1. A Carl's Jr. restaurant is proposed in the northeast corner of the Canby Market Place shopping center on Sequoia Parkway and Highway 99E. The restaurant will have a drive-through window. Access to the restaurant will be through the existing driveway system for the shopping center.
2. The fast-food restaurant is expected to generate 84 primary trips during the morning peak hour, 54 primary trips during the evening peak hour and 802 primary weekday trips.
3. The intersection of Sequoia Parkway/Redwood Street and Highway 99E is functioning with acceptable delays and v/c ratios and will continue to function within acceptable standards through development of the site.
4. Sight distance is adequate at the existing driveway to the shopping center.



INTRODUCTION

A Carl's Jr. fast-food restaurant is proposed for development in Canby Market Place on Sequoia Parkway in the City of Canby. The site is located in the northeastern corner of the existing shopping center. Access will be through the existing driveways to the shopping center.

The purpose of this study is to assess the traffic impact of the proposed development on the nearby street system and to recommend any required mitigative measures. The analysis will include level of service calculations and a discussion of site access.

Detailed information on level of service, traffic counts, trip generation calculations, and level of service calculations is included in the appendix to this report.



LOCATION DESCRIPTION

A Carl's Jr. restaurant is proposed for development on a pad in the Canby Market Place development. The pad is located in the northeast corner of the existing shopping center. Figure 1 is the vicinity map showing the existing lane configurations and traffic control devices at the study area intersections and is shown on page seven.

Access to the site will be through the existing driveways to the Canby Market Place shopping center. There is a right-in, right-out driveway on Highway 99E west of the pad and a right-turn-in driveway adjacent to and south of the pad with a full-movement driveway to Sequoia Parkway near the south edge of the shopping center.

The intersection of Sequoia Parkway/Redwood Street and Highway 99E was examined for this report.

Highway 99E is under the jurisdiction of the Oregon Department of Transportation (ODOT). It is classified as a Regional Highway in the 1999 Oregon Highway Plan. It is a five-lane facility in the vicinity of the site, with two travel lanes in each direction and left-turn lanes at the Redwood Street/Sequoia Parkway intersection. The posted speed is 45 mph, although the speed becomes 35 mph west of the shopping center.

Highway 99E is currently undergoing improvement at Territorial Road. Part of the improvement project required a temporary closure of the left-turning movement from Territorial Road onto the highway. Traffic which normally turned left from Territorial Road has diverted to the intersection of Sequoia Parkway/Redwood Street and Highway 99E. This traffic will continue to divert through the study intersection until the improvement project is completed, which is expected to be in Fall 2006. Therefore, traffic patterns at the study intersection do not reflect typical conditions and counts taken before the closure of Highway 99E and Territorial Road were used.

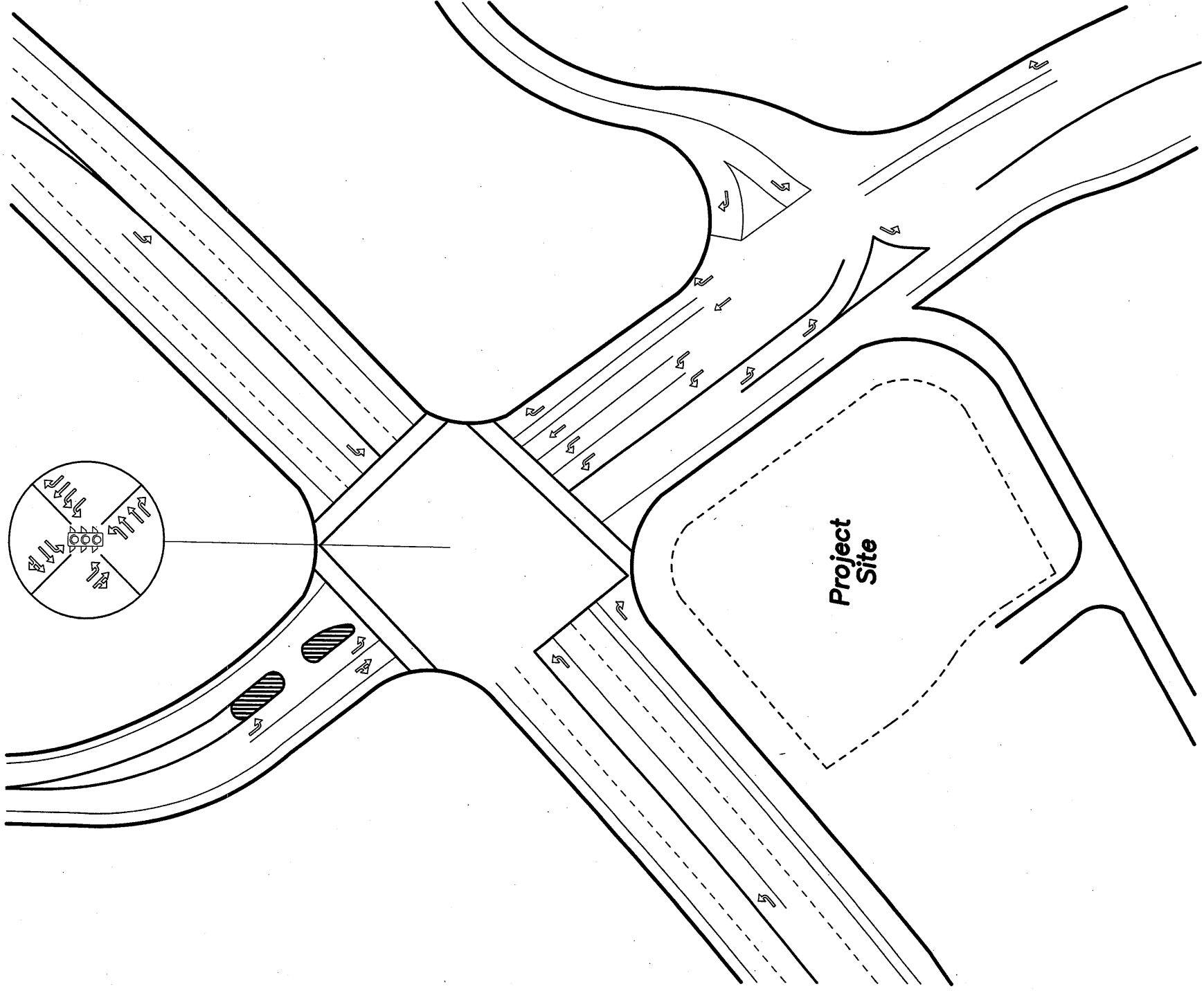
Redwood Street/Sequoia Parkway is under the jurisdiction of and maintained by the City of Canby. It is generally a two-lane road, widening to a three- and four-lane sections at the north and south legs of the Highway 99E/Redwood Street/Sequoia Parkway intersection. The City has planned to extend Sequoia Parkway south to eventually connect to Township Road east of Molalla Forest Road. The posted speed is 25 mph.



The intersection of Sequoia Parkway/Redwood Street and Highway 99E is controlled by a six-phase traffic signal with the north and south phases split. The cycle length is 95 to 100 seconds during the peak periods. Left turns are protected on all approaches. There are curbs and sidewalks along the Canby Market Place frontages and both sides of Redwood Street near the study intersection, but paved shoulders on the highway east of the site. There are curbs, but no sidewalks on the east side of Sequoia Parkway. There are bike lanes on both sides along all of the roads in the vicinity of the site.

The closest public transit system is Canby Area Transit (CAT) Route 1 and Route 3. CAT Route 1, *Oregon City*, travels between Canby and Oregon City with stops at Canby Market Place. Weekday service is between 5:30 AM and 8:00 PM with buses every 30 minutes. CAT Route 3, *North Canby*, runs weekday service along Redwood Street with stops near the intersection of Redwood Street/Sequoia Parkway and Highway 99E. Service is from 6:30 AM to 8:00 PM with 60-minute headways. On Saturdays, Route 1 and Route 3 service is from 9:30 AM to 6:00 PM with 60-minute headways. There is no Sunday service.

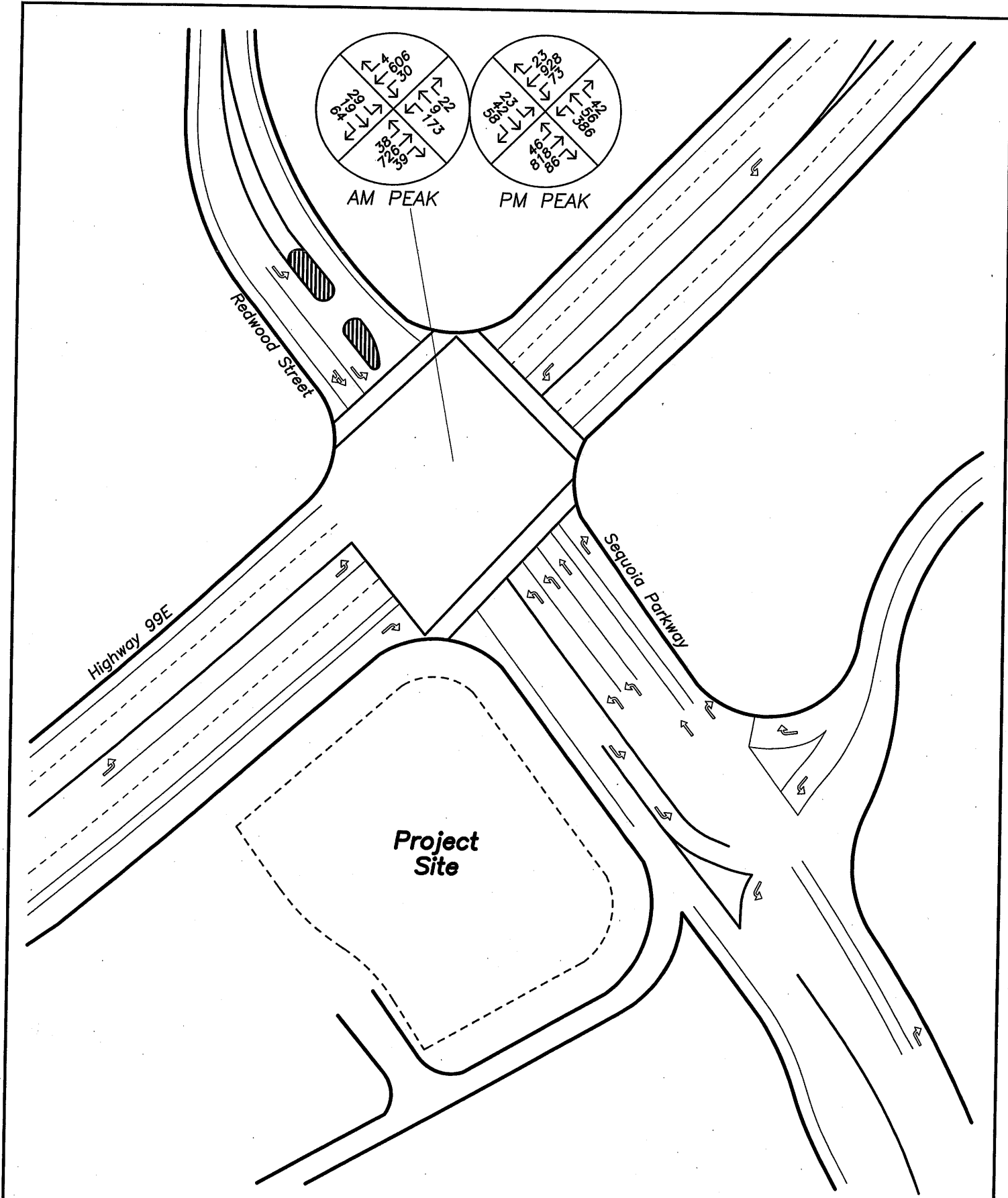
Manual turning movement counts were made at the intersection of Sequoia Parkway/Redwood Street and Highway 99E during June 2004 from 7:00 to 9:00 AM and 4:00 to 6:00 PM. The peak hours occurred from 7:00 to 8:00 AM and from 5:00 to 6:00 PM. Growth rates of 2.5 percent and 2.3 percent were applied over a period of one year to the volumes on Sequoia Parkway and Highway 99E, respectively, to approximate existing conditions. The growth rates are discussed in more detail in the Background Traffic section of this report. The volumes for the morning and evening peak hours are shown in Figure 2 on page eight.



Le

VICINITY MAP
Existing Lane Configurations
& Traffic Control Devices





le

TRAFFIC VOLUMES
Existing Conditions
AM & PM Peak Hours


no scale

FIGURE
2
PAGE
8



TRIP GENERATION

To estimate the number of trips that will be generated by the proposed residential development, trip rates from *TRIP GENERATION*, Seventh Edition, published by the Institute of Transportation Engineers (ITE), were used. The trip rates used were for land-use code 934, *Fast-Food Restaurant with Drive-Through Window*. The trip generation rates are based on the square footage and were calculated for a 3,168 square-foot restaurant.

Because the site is proposed for a commercial use, some of the trips will be pass-by trips. Pass-by trips are trips that leave the adjacent roadway to patronize a site and then continue in their original direction of travel. They are distinguished from primary trips, which represent the trips that are added to the roadway system as a result of site development. While pass-by trips are not added to the roadways, they typically are diverted from the major through routes into turning movements at nearby intersections and thus could have an impact on the operation of the intersection. Forty-nine percent of the morning trips and fifty percent of the evening trips were calculated to be pass-by trips. The percentages used were from Tables 5.23 and 5.24 in the *Trip Generation Handbook*, Second Edition.

The trip generation calculations indicate that there will be an estimated total of 84 primary trips generated by the restaurant development during the morning peak hour. Of these, 44 will be entering and 40 will be exiting the site. During the evening peak hour, there are 54 primary trips expected, with 29 entering and 25 exiting the site. A total of 802 weekday trips is expected, with half entering and half exiting.

Transit ridership appears to be about two to three percent. The number of trips reduced for transit use will not affect the results of the study and the transit discount was not taken to ensure a conservative analysis.

A summary of the trip generation calculations for the restaurant development is shown in the following table. Detailed trip generation calculations are included in the appendix to this report.



TRIP GENERATION SUMMARY

Carl's Jr.

	Entering <u>Trips</u>	Exiting <u>Trips</u>	Total <u>Trips</u>
<i>Fast-Food Restaurant (3,168 sq ft)</i>			
AM Peak Hour	86	82	168
PM Peak Hour	57	53	110
Weekday	786	786	1,572
<i>Pass-By Trips @ 49%/50% (AM/PM)</i>			
AM Peak Hour	-42	-42	-84
PM Peak Hour	-28	-28	-56
Weekday	-385	-385	-770
<i>Primary (New) Site Trips</i>			
AM Peak Hour	44	40	84
PM Peak Hour	29	25	54
Weekday	401	401	802

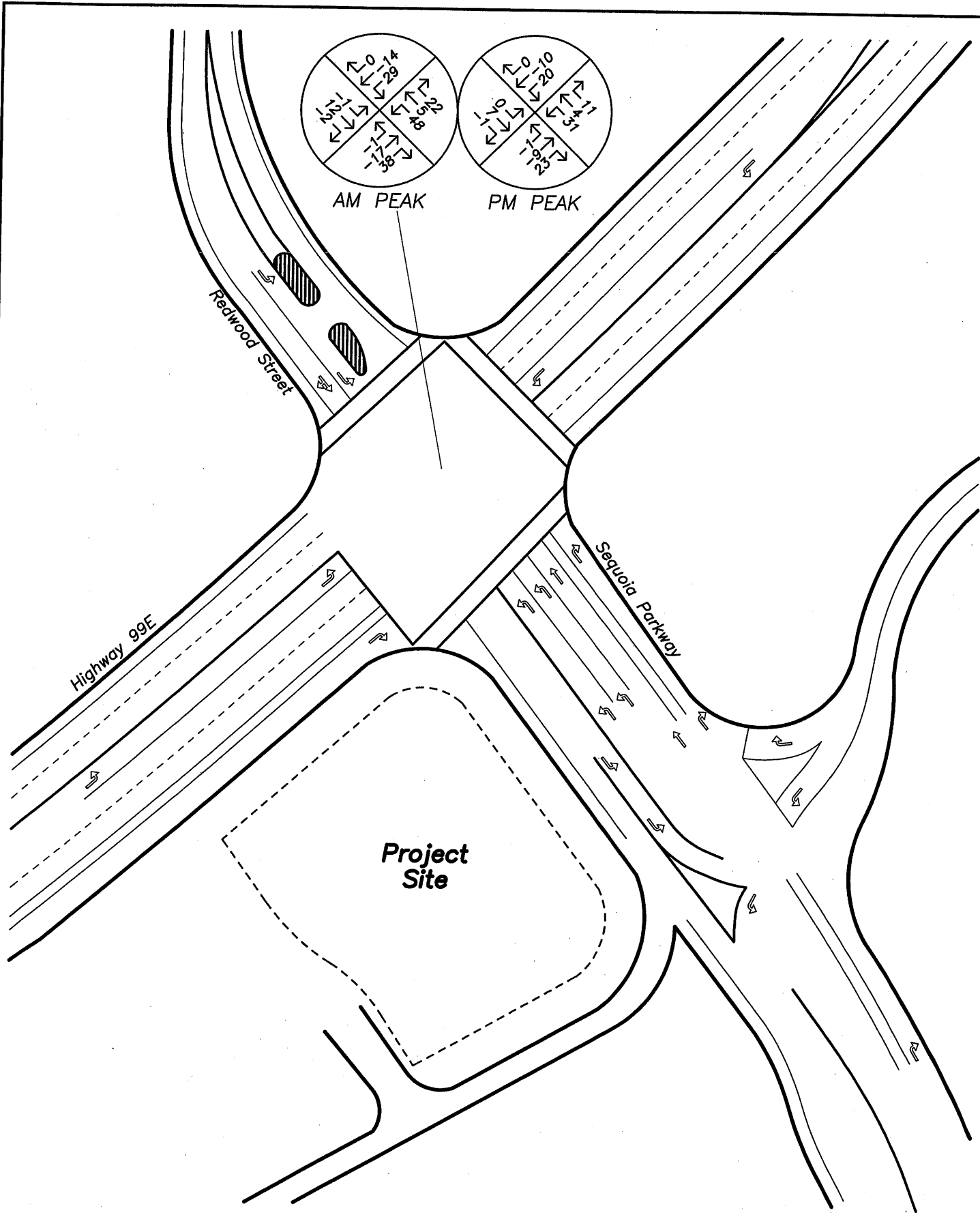


TRIP DISTRIBUTION

At the time of the traffic counts, traffic on Sequoia Parkway was predominantly commercial. Since the site will be developed with a commercial use, the traffic to and from the site was assumed to follow the existing patterns on Sequoia Parkway. Figure 6 in the technical appendix shows the assignment of the primary site trips during the morning and evening peak hours.

The pass-by trips have a different distribution than the primary trips. The pass-by trips were based on the existing traffic volumes at the intersection of Highway 99E and Sequoia Parkway/Redwood Street. Figure 7 in the technical appendix shows the assignment of the pass-by trips.

Figure 3 on page 12 shows the distribution and assignment of the total site trips from the restaurant development during the morning and evening peak hours.



Le

SITE-GENERATED TRAFFIC
 Proposed Development Plan
 AM & PM Peak Hours



no scale

FIGURE
3

PAGE
12



OPERATIONAL ANALYSIS

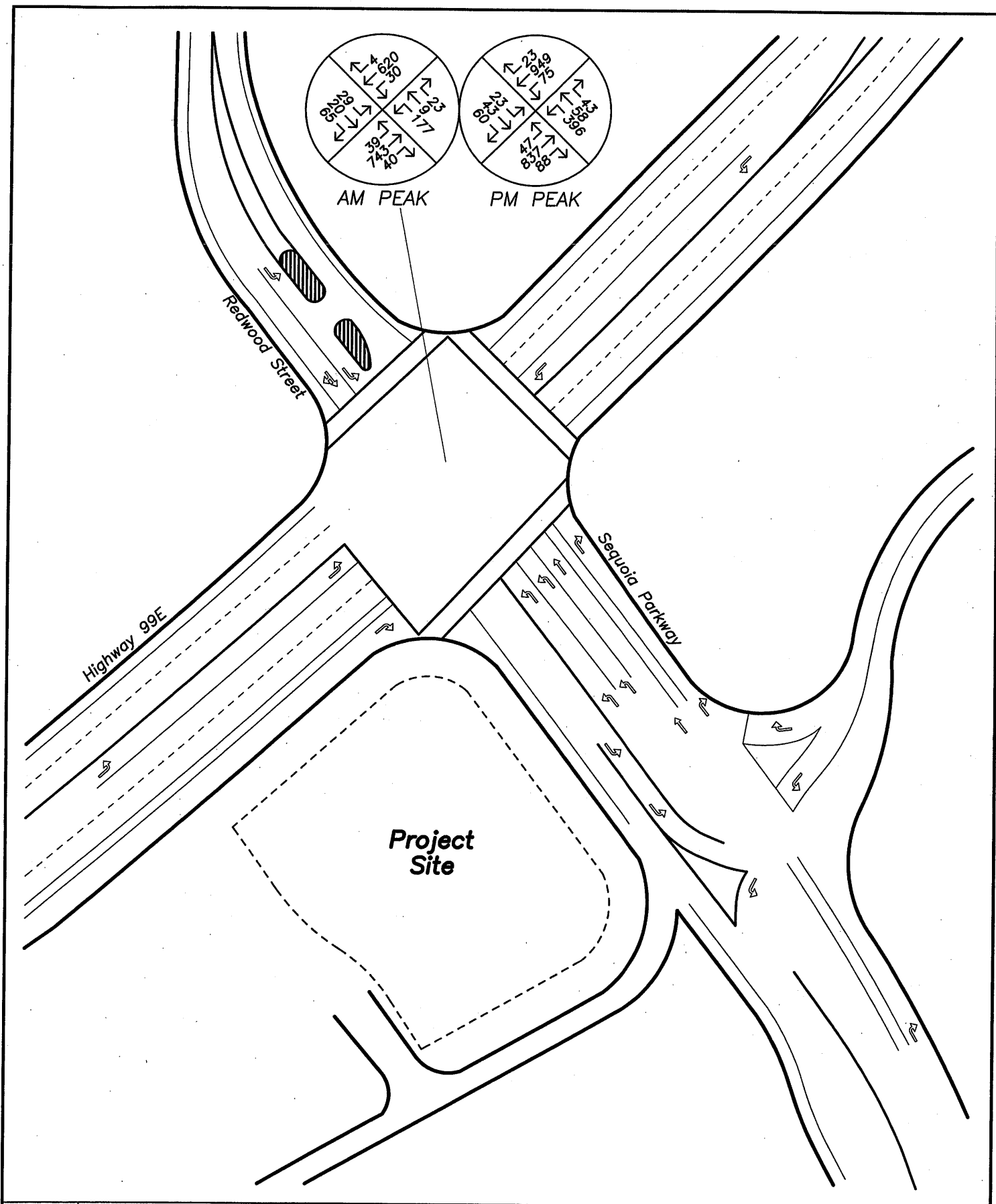
Background Traffic

No specific developments have been identified near the site that will contribute to the traffic volumes at the study area intersection. Therefore, to account for the growth, a growth rate of 2.5 percent per year was applied to the existing traffic volumes on Sequoia Parkway/Redwood Street. The growth rate was derived from recent population estimates in the City.

A 2.3 percent per year growth rate was applied to the volumes on Highway 99E. This growth rate was derived from historical traffic volume data in *Transportation Volume Tables*, published each year by ODOT.

These growth rates account for developments that are not in the immediate vicinity of the site, but still may add through traffic on the streets near the site. Because of the small size of the development, it is expected that the development could be completed by 2006 and the growth rates were applied over a period of one year.

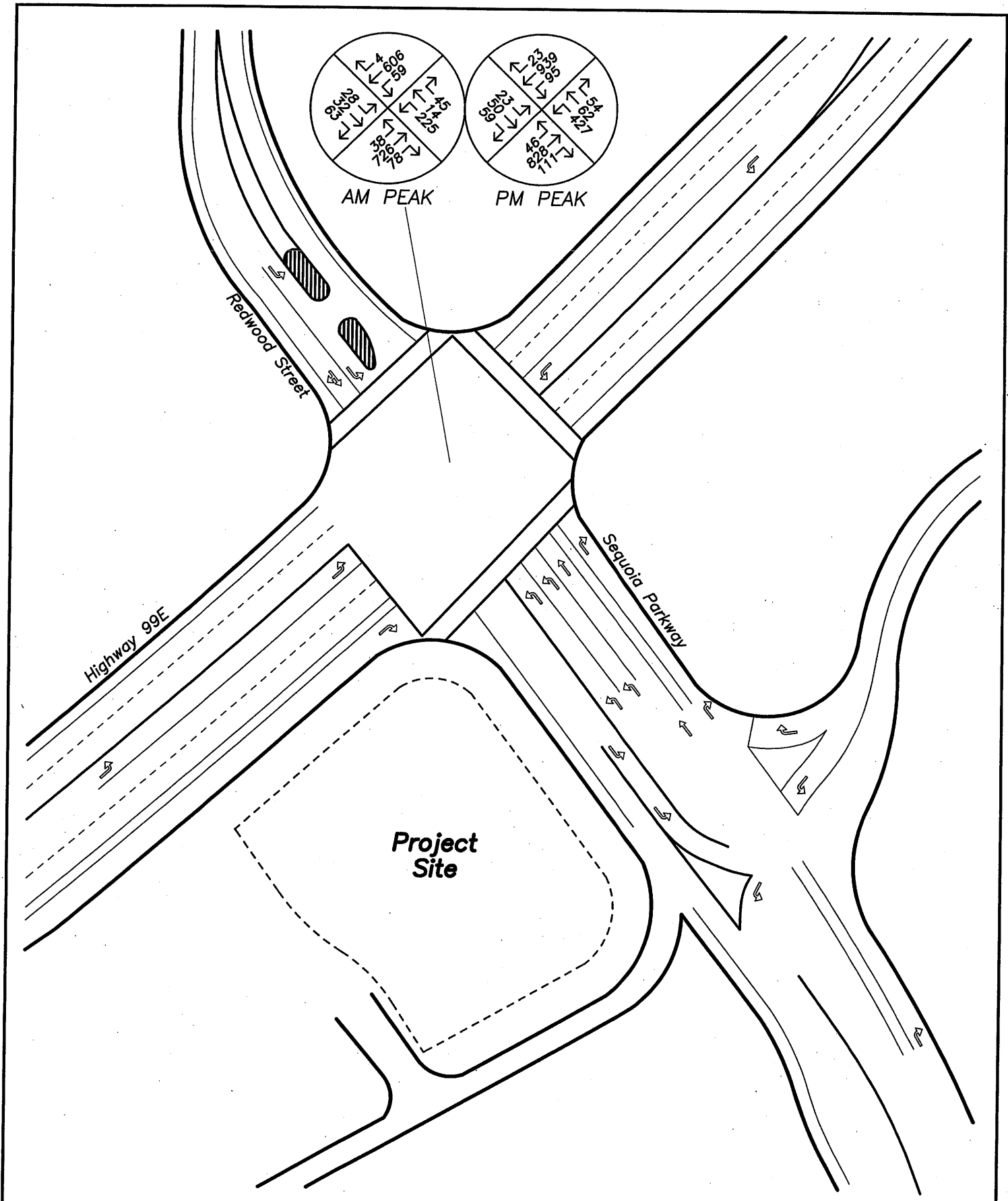
The background traffic volumes comprise the existing traffic with the growth rate applied. Figure 4 showing the background traffic during the morning and evening peak hours is given on page 14. Figure 5 showing the background traffic with the site trips added is given on page 15.



Le

TRAFFIC VOLUMES
 Year 2006 Background Conditions
 AM & PM Peak Hours





TRAFFIC VOLUMES
 Year 2006 Background plus Site Trips Conditions
 AM & PM Peak Hours

no scale

FIGURE 5
PAGE 15



Capacity Analysis

To determine the level of service at the study area intersections, a capacity analysis was conducted. The level of service can range from A, which indicates very little or no delay, to level F, which indicates a high degree of congestion and delay. The City of Canby does not have formally adopted level of service standards, but D or better at signalized intersections is considered acceptable in most jurisdictions.

The study area intersections were analyzed using the signalized intersection analysis method in the *HIGHWAY CAPACITY MANUAL* published in 2000 by the Transportation Research Board. The analysis was made for the morning and evening peak hours for existing, background, and background plus site trips conditions.

The intersection of Highway 99E and Redwood Street/Sequoia Parkway is under ODOT jurisdiction. ODOT standards are based on a volume-to-capacity (v/c) ratio instead of average vehicle delay and level of service. The v/c ratio compares the actual (or demand) traffic volumes to the potential capacity to determine the available capacity of the intersection. It is expressed as the percentage of the capacity that is utilized during the peak hour. ODOT allows a maximum v/c ratio of 0.75 during the peak hour for a Regional Highway.

The results of the capacity analysis showed the signalized intersection would function at level of service C during both peak hours from existing conditions through site development. Development of the site does not degrade the v/c ratio to an unacceptable level.

The results of the capacity analysis, along with the Levels of Service (LOS) and delay are shown in the following table. Tables showing the relationships between delay and level of service are included in the appendix to this report.



LEVEL OF SERVICE SUMMARY

Carl's Jr. Restaurant

	PM Peak Hour			PM Peak Hour		
	<u>LOS</u>	<u>Delay</u>	<u>V/C</u>	<u>LOS</u>	<u>Delay</u>	<u>V/C</u>
<i>Highway 99E & Redwood Street/Sequoia Parkway*</i>						
Existing Conditions	C	22	0.46	C	28	0.62
Background Conditions	C	21	0.47	C	29	0.63
Background + Site Trips	C	24	0.52	C	31	0.64

LOS = Level of Service

Delay = Average Delay per Vehicle in Seconds

V/C = Volume-to-Capacity ratio

* signalized intersection

Site Access

The major concern regarding the site access is whether any queues would form that could interfere with traffic on Sequoia Parkway. Most of the patrons would enter at the nearest driveway. Most patrons would exit at the driveway farther south on Sequoia Parkway. Any queues that would disrupt traffic on Sequoia Parkway would occur at the shopping center entrance closest to the site.

A vehicle queue could develop at the drive-through window. From the site plan, there is roughly 125 feet available for the queue outside of the drive-through area. Assuming 25 feet per waiting vehicle, this is storage for about five vehicles. Not all of the 86 vehicles expected to enter the site will enter the drive-through queue. Some of the patrons will use the inside facilities, although it is expected that the majority of the patrons would use the drive-through window during the morning peak hour. If two-thirds of the patrons use the drive-through window, an arrival rate of roughly one vehicle per minute can be assumed. If the patrons can be served within this time, a queue should not form at the drive-through window.

In the event that the queue does extend beyond the site boundary, there is an additional 250 feet of storage before the queue interferes with traffic on Sequoia Parkway. Drivers are unlikely to enter a queue of this length; therefore, development of the site will not affect traffic on Sequoia Parkway at the entrance closest to the site.



Most of the patrons will exit at the driveway onto Sequoia Parkway south of the site. High delays are unlikely as there is no significant amount of northbound traffic on Sequoia Parkway. Any queues that develop at the driveway will not affect traffic on Sequoia Parkway.

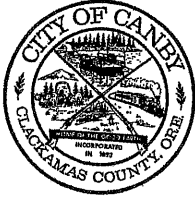
Sight Distance

Sight distance was measured at the existing driveway out of the Canby Market Place shopping center onto Sequoia Parkway. The posted speed on Sequoia Parkway is 25 mph, requiring at least 280 feet of sight distance in either direction.

There is about 420 feet of sight distance to the north and 600 feet of sight distance to the south. There is adequate sight distance at the existing driveway.

Conclusions and Recommendations

The study intersection is operating with acceptable delays and will continue to operate within the standards defined by the City and ODOT. There are no identified operational issues.



CITY OF CANBY COMMENT FORM

If you are not able to attend the Planning Commission and/or City Council hearings of this application, you may submit written comments on this form or in a letter to the Planning Commission or City Council. Please submit comments to one of the following:

By mail Planning Department, PO Box 930, Canby, OR 97013
In person Canby Planning Department at 170 NW. 2nd Avenue.
E-mail cookk@ci.canby.or.us

Written comments must be received prior to public hearings.

APPLICATION: Annexation of residential land into the City of Canby

APPLICANT: Willow Creek Estates, Inc.

CITY FILE #: ANN 05-01 (Willow Creek Estates, Inc)

COMMENTS: *I approve of the annexation. My comment is, "Let Canby grow."*

YOUR NAME: *Margaret Overholser*

ORGANIZATION or BUSINESS: _____

ADDRESS: *1545 South Lempire St*

PHONE (Optional): _____

DATE: _____

Thank you!



CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

[503] 266-9404

FAX 266-1574

P.O. Box 936 Canby, OR 97013

DATE: July 7, 2005

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - WWTP
 - CITY ENGINEER
 - CTA
 - NW NATURAL
 - WILLAMETTE BROADBAND
 - CANBY DISPOSAL
 - CITY ATTORNEY
 - CANBY POST OFFICE
 - CLACKAMAS COUNTY ASSESSOR
 - CLACKAMAS COUNTY 911
 - CLACKAMAS COUNTY TRANSPORTATION
 - TRAFFIC SAFETY COMMITTEE
 - CLACKAMAS COUNTY
 - CANBY SCHOOL DISTRICT
 - TRANSPORTATION ENGINEER
 - ODOT/REGION 1/DIST 2B
 - STATE OF OREGON/REVENUE
 - CANBY BUSINESS REVITALIZATION
 - BIKE AND PEDESTRIAN COMMITTEE

The City has received ANN 05-01 (Willow Creek Estates), an application by Willow Creek Estates, Inc. requesting to annex 9.7 acres into the City of Canby. The property is South of SE 13th Avenue and Ackerman Middle School, east of S. Ivy Street and west of Tofte Farms Phase 3 subdivision. If annexed the parcel would be zoned R-1 Low Density in conformance with Canby's Comprehensive Plan. If approved, the applicant proposes to construct 39 single family homes.

Please review the enclosed application and return comments to Kevin Cook by Tuesday, July 14, 2005. 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: *Patrick Phelan* Date: 7/14/05

Title: Water Dept. Foreman Agency: CANBY UTILITY

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: July 7, 2005

- 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 | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input checked="" type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> TRANSPORTATION ENGINEER |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> BIKE AND PEDESTRIAN COMMITTEE |

The City has received ANN 05-01 (**Willow Creek Estates**), an application by Willow Creek Estates, Inc. requesting to annex 9.7 acres into the City of Canby. The property is South of SE 13th Avenue and Ackerman Middle School, east of S. Ivy Street and west of Tofte Farms Phase 3 subdivision. If annexed the parcel would be zoned R-1 Low Density in conformance with Canby's Comprehensive Plan. If approved, the applicant proposes to construct 39 single family homes.

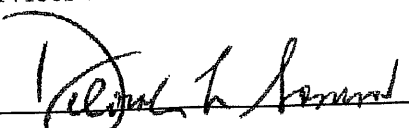
Please review the enclosed application and return comments to **Kevin Cook** by **Tuesday, July 14, 2005**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

See attached

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: 7/11/05

Title: Superintendent Agency: Canby School District

Canby School District

Attachment to Request for Comments

The property under consideration is in the Ackerman Middle School attendance area. School district patrons approved a bond in November 2004 to build a new middle school to alleviate the pressure on Ackerman Middle School and reopen the Lee campus of AMS into an elementary school. A boundary committee will convene in September 2005 to determine the elementary school boundaries. It is unknown at this time which elementary school will ultimately be impacted by the annexation of this application.

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

[503] 266-9404

FAX 266-1574

Box 930, Canby, OR 97013

DATE: July 7, 2005

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - WWTP
 - CITY ENGINEER
 - CTA
 - NW NATURAL
 - WILLAMETTE BROADBAND
 - CANBY DISPOSAL
 - CITY ATTORNEY
 - CANBY POST OFFICE
 - CLACKAMAS COUNTY ASSESSOR
 - CLACKAMAS COUNTY 911
 - CLACKAMAS COUNTY TRANSPORTATION
 - TRAFFIC SAFETY COMMITTEE
 - CLACKAMAS COUNTY
 - CANBY SCHOOL DISTRICT
 - TRANSPORTATION ENGINEER
 - ODOT/REGION 1/DIST 2B
 - STATE OF OREGON/REVENUE
 - CANBY BUSINESS REVITALIZATION
 - BIKE AND PEDESTRIAN COMMITTEE

The City has received ANN 05-01 (**Willow Creek Estates**), an application by Willow Creek Estates, Inc. requesting to annex 9.7 acres into the City of Canby. The property is South of SE 13th Avenue and Ackerman Middle School, east of S. Ivy Street and west of Tofte Farms Phase 3 subdivision. If annexed the parcel would be zoned R-1 Low Density in conformance with Canby's Comprehensive Plan. If approved, the applicant proposes to construct 39 single family homes.

Please review the enclosed application and return comments to Kevin Cook by Tuesday, July 14, 2005. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Canby Utility is Ready to serve this Property

The annexation Policy will apply

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: *Greg Hodrum* Date: 7-13-05

Title: Line Foreman Agency: C.U. Elect

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: July 7, 2005

- 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 checked="" type="checkbox"/> WWTP | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> TRANSPORTATION ENGINEER |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> BIKE AND PEDESTRIAN COMMITTEE |

The City has received ANN 05-01 (**Willow Creek Estates**), an application by Willow Creek Estates, Inc. requesting to annex 9.7 acres into the City of Canby. The property is South of SE 13th Avenue and Ackerman Middle School, east of S. Ivy Street and west of Tofte Farms Phase 3 subdivision. If annexed the parcel would be zoned R-1 Low Density in conformance with Canby's Comprehensive Plan. If approved, the applicant proposes to construct 39 single family homes.

Please review the enclosed application and return comments to **Kevin Cook** by **Tuesday, July 14, 2005**. 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: Darin James **Date:** 7/11/05

Title: Supervisor **Agency:** WWTP

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: July 7, 2005

- 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 | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> TRANSPORTATION ENGINEER |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input checked="" type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> BIKE AND PEDESTRIAN COMMITTEE |

The City has received ANN 05-01 (**Willow Creek Estates**), an application by Willow Creek Estates, Inc. requesting to annex 9.7 acres into the City of Canby. The property is South of SE 13th Avenue and Ackerman Middle School, east of S. Ivy Street and west of Tofte Farms Phase 3 subdivision. If annexed the parcel would be zoned R-1 Low Density in conformance with Canby's Comprehensive Plan. If approved, the applicant proposes to construct 39 single family homes.

Please review the enclosed application and return comments to **Kevin Cook** by **Tuesday, July 14, 2005**. 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: Steve Kabut Date: 7-8-05

Title: President Agency: Canby Disposal

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: July 7, 2005

- TO:
- | | |
|--|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input type="checkbox"/> POLICE CURRAN-MCLEOD | <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 | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input checked="" type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> TRANSPORTATION ENGINEER |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> BIKE AND PEDESTRIAN COMMITTEE |

The City has received ANN 05-01 (**Willow Creek Estates**), an application by Willow Creek Estates, Inc. requesting to annex 9.7 acres into the City of Canby. The property is South of SE 13th Avenue and Ackerman Middle School, east of S. Ivy Street and west of Tofte Farms Phase 3 subdivision. If annexed the parcel would be zoned R-1 Low Density in conformance with Canby's Comprehensive Plan. If approved, the applicant proposes to construct 39 single family homes.

Please review the enclosed application and return comments to **Kevin Cook** by **Tuesday, July 14, 2005**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

- ① Sanitary sewer is available on the east side of the subject property (Tofte farms #3). Depth ranges from 3.5' to 6.0'.
- ② Storm sewer should be disposed on site.
- ③ No concerns about the proceedings.

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: July 11, 2005

Title: _____

Agency: _____

Paul Braden
Project Engineer *Curran McLeod, Inc*

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: July 7, 2005

- | | | |
|-----|---|--|
| 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 | <input type="checkbox"/> CLACKAMAS COUNTY |
| | <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| | <input checked="" type="checkbox"/> CTA | <input type="checkbox"/> TRANSPORTATION ENGINEER |
| | <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| | <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| | <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| | <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> BIKE AND PEDESTRIAN COMMITTEE |

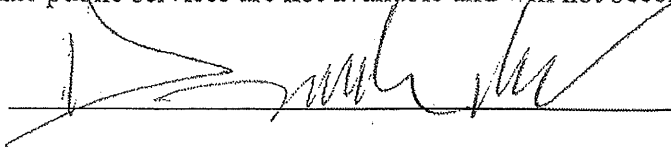
The City has received ANN 05-01 (**Willow Creek Estates**), an application by Willow Creek Estates, Inc. requesting to annex 9.7 acres into the City of Canby. The property is South of SE 13th Avenue and Ackerman Middle School, east of S. Ivy Street and west of Tofte Farms Phase 3 subdivision. If annexed the parcel would be zoned R-1 Low Density in conformance with Canby's Comprehensive Plan. If approved, the applicant proposes to construct 39 single family homes.

Please review the enclosed application and return comments to **Kevin Cook** by **Tuesday, July 14, 2005**. 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:  Date: 7-14-05

Title: ASSOCIATE ENG. Agency: CTA

Buildable Lands Inventory - July 14, 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	2	18
Dupont Estates			13	R-1	30	0	30
Willow Creek Estates - Postlewait I	3 1E 27C	1500	4.47	R-1	31	11	20
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	1	25
Auburn Farms (Simnitt) - Phase II			14	R-1	53	0	53
Miscellaneous Other Lots				R-1	40	0	40
R-1 Total Lots			48.25		211	17	194

5 year average 99 units/year = **1.96 years**

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	1	4
Willow Creek Estates - Sequoia Place	4 1E 04 CA	1200	1.89	R-1.5	12	12	0
R-1.5 Total Lots			1.89		17	13	4

5 year average 2.8 units/year = **1.429 years**

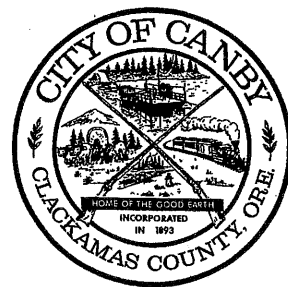
R-2 High Density Residential

<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	138	0	138
Pine Place				R-2	4	0	4
R-2 Total Lots			18.88		209	71	142

5 year average 51.6 units/year = **2.752 years**

Subdivisions not yet approved for development





- STAFF REPORT -

APPLICANT:

Don Perman
249 NW 3rd Avenue
Canby, OR 97013

FILE NO.:

MLP 05-04/SUB 05-06
(Perman)

OWNER(S):

Don Perman (TL 1815)

Eagle Properties Northwest, LLC (TL 1822)
11830 Kerr Parkway #395
Lake Oswego, OR 97035

Anderson Properties, LLC (TL 1800)
641 NW Baker Drive
Canby, OR 97013

City of Canby (TL 100 and TL 1816 (formerly Deed #98-054467))
PO Box 930
Canby, OR 97013

STAFF:

Matilda Deas AICP
Project Planner

LEGAL DESCRIPTION:

Tax Lot(s) 1800,100,1815, 1816, & 1822
of Tax Map 3-1E-34C

DATE OF REPORT:

July 15, 2005

LOCATION:

East of SE Redwood Street
Between SE 3rd and 4th Avenues

DATE OF HEARING:

July 25, 2005

COMPREHENSIVE PLAN DESIGNATION:

CURRENT ZONING

**COMPREHENSIVE PLAN DESIGNATION:
DESIGNATION:**

CURRENT ZONING

C-M (Commercial Manufacturing)

Heavy Commercial/Manufacturing

I. APPLICANT'S REQUEST:

MLP 05-04: The applicant is requesting approval to partition Tax Lot 1822, a 2.64 acre parcel(approximate size) which contains Harrell Medical, into two parcels, 1.82 acres and .81 acres in size. Harrell Medical will remain on the .81 acre parcel shown as parcel 1 on the application. Parcel 2 will be included in the proposed 10 lot subdivision.

SUB 05-04: The applicant is requesting approval to subdivide Tax Lots 1800, 1815, proposed parcel 2 of Tax Lot 1822, and Tax Lot 1816 (City owned property currently in the process of a lot line adjustment with Tax Lot 100) into 10 lots. Proposed lot 10 contains Canby Business Center and an RV /mini storage facility, both of which will remain. The 9 newly created lots will be suitable for business and professional offices.

II. APPLICABLE 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 MINOR LAND PARTITION - City of Canby Code Section 16.60.030

This is a quasi-judicial land use application. In judging whether a Minor Partition should be approved, the Planning Commission must consider the following standards and criteria:

1. Conformance with the text and the applicable maps of the Comprehensive Plan;
2. Conformance with all other applicable requirements of the Land Development and Planning Ordinance;
3. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of the adjacent properties;
4. No minor partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow 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;
5. 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.

C. Other Applicable Criteria:

- 16.10 Off Street Parking/Loading
- 16.30 C-M Heavy Commercial Manufacturing Zone
- 16.60 Major and Minor Partitions
- 16.62 Subdivision - Applications
- 16.86 Street Alignment
- 16.88 General Standards

III. FINDINGS:

1. Location and Background

The subject property was rezoned to Heavy Commercial Manufacturing in September 2004. The conditions of approval for the rezone was that development of the rezoned properties would be restricted to business and professional offices and that any use would not generate more than 1020 vehicle trip ends during an average weekday. The subject properties are located on the northeast side of SE Redwood Street between SE 3rd and 4th Avenues. The Molalla Forest Road and the Southern Pacific Railroad form the northeastern border of the property. Properties to the south and west of the site are zoned M-1 (Light Industrial). Properties on the other side of the Molalla Forest Road are zoned M-2 (Heavy

Industrial). The City owns property to the north of the site adjacent to the Molalla Forest Road.

2. Comprehensive Plan Consistency Analysis

URBAN GROWTH ELEMENT

- GOALS:**
- 1) **TO PRESERVE AND MAINTAIN DESIGNATED AGRICULTURAL AND FOREST LANDS BY PROTECTING THEM FROM URBANIZATION.**
 - 2) **TO PROVIDE ADEQUATE URBANIZABLE AREA FOR THE GROWTH OF THE CITY, WITHIN THE FRAMEWORK OF AN EFFICIENT SYSTEM FOR THE TRANSITION FROM RURAL TO URBAN LAND USE.**

Applicable Policy:

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

Analysis: *The subject property is entirely within City limits and the Urban Growth Boundary.*

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: *All properties in the area are designated for compatible uses.*

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

Analysis: *The subject property is in the City limits and zoned to permit the proposed use.*

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).

Policy #4: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.

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

Policy #5: Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.

Analysis: The proposed subdivision is consistent with the land use map.

Policy #6: Canby shall recognize the unique character of certain areas and will utilize the following special requirements in conjunction with the requirements of the Land Development and Planning Ordinance, in guiding the use and development of these unique areas.

Analysis: The site is not designated an "Area of Special Concern".

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 has no known steep slopes, historic resources, significant fish or wildlife habitat, or wetlands, and is not located on a flood plain.

Applicable Policies:

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

groundwater resources.

Analysis: The development shall connect to the existing public sanitary sewer system, and storm water shall be managed via a roadside swale.

Policy #4-R: Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.

Analysis: Noise will be expected as a result of construction. Once the subdivision is developed, noise generation should be insignificant.

Staff received a comment from Don Jones, owner of JV Northwest, requesting the applicant erect a noise barrier between the applicant's property and JV Northwest. Mr. Jones was concerned that future occupants of the professional office buildings would object to the noise associated with his business and he wanted to minimize future conflicts with this issue.

Policy #7-R: Canby shall seek to improve the overall scenic and aesthetic qualities of the City.

Analysis: No significant scenic resources have been identified on the subject properties. Upon development the applicant shall satisfy aesthetic requirements through the required site and design review process.

Policy #8-R: Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.

Analysis: No open spaces are required in the area by the Canby Parks Master Plan. The plan does provide for access to the Molalla Forest Road recreational pathway.

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 improvement to City streets, and will encourage the County to make the same commitment to local County roads, in an effort to keep pace with growth.

Analysis: SE. Redwood Street, is a fully improved collector street with 60' of right-of-way. The applicant proposes to provide access to the site off SE Redwood via a private street, SE 3rd Ct. The street has a proposed pavement width of 26 feet within a 30 foot wide private street tract.

A traffic study was required as a part of this application. A condition of approval of the 2004 rezoning of these properties required that future development would not generate more than 1022 vehicle trip ends during an average weekday. The completed traffic study for the proposed development estimates the development will generate 864 vehicle trip ends during an average weekday.

Policy #3: Canby shall attempt to improve its problem intersections in keeping with its policies for upgrading or new construction of roads.

Analysis: The traffic study noted that the intersection of Highway 99E at Pine Street is currently operating with low delays and will continue to operate with low delays through the development of the site. The study also estimated that the intersection of Redwood Street and the proposed site upon development of the site, the access at the intersection of SE 3rd Ct and SE Redwood is expected to operate with very low delays

Site distance is adequate in both directions.

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

Analysis: Sidewalks and planter strips will be constructed on both sides of the private street with the development of each individual lot.

Installation of a new pedestrian and bike pathway alignment will provide public access to the Molalla Forest Rd. pathway.

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 Fire District and Police Department were notified of this application and did not report any concerns relating to access.

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 needed public facility and service providers were asked to comment on this application. Returned comment forms are shown in Exhibit 2. The Fire District, Police, Canby Utility Water, Wastewater Treatment Supervisor, City Engineer, Canby Telephone Association, , NW Natural, Transportation Engineer, and Canby School District, responded that service provision was available or would become available through development.

Canby Utility Electric noted that they will require the existing power line easement be preserved.

The applicant held a neighborhood meeting and the comments are included in the applicant's packet. No major issues of concern were identified during that meeting.

ECONOMIC ELEMENT

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

If approved the proposed subdivision and partition will provide sites for additional commercial development which may provide for an economic multiplier effect throughout the community.

ENERGY CONSERVATION ELEMENT

GOAL: TO CONSERVE ENERGY AND ENCOURAGE THE USE OF RENEWABLE RESOURCES IN PLACE OF NON-RENEWABLE RESOURCES.

Applicable Policies:

Policy #1: Canby shall encourage energy conservation and efficiency measures in construction practices.

Analysis: Energy conservation and efficiency measures will be reviewed through the building permit process.

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, with the recommended conditions of approval, is consistent with Canby's Comprehensive Plan. Development of the lots will need to comply with all applicable provisions of the City of Canby Land Development and Planning Ordinance, Building Codes, and other County and State Codes and Regulations.

3. Evaluation Regarding Subdivision Approval Criteria

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

With the recommended conditions, the application will be in conformance with the Comprehensive Plan (see discussion in part III.2, above.)

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

With the recommended conditions, the application will be in conformance with all other applicable requirements of the Land Development and Planning Ordinance, including subdivision design standards for streets, easements, lots, and improvements.

- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of the adjacent properties.

With the conditions below, the proposed subdivision meets these requirements for design, arrangement, and access to lots.

- 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.

All required public facilities are available or will become available through development. (See discussion in part III.2, above.)

4. Evaluation Regarding Minor Land Partition Approval Criteria

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

With the recommended conditions, the application will be in conformance with the Comprehensive Plan (see discussion in part III.2, above.)

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

With the recommended conditions, the application will be in conformance with all other applicable requirements of the Land Development and Planning Ordinance.

- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of the adjacent properties;

With the recommended conditions, the partition design of the parcel shall be functional and provide building site, necessary utility easements, and access facilities.

- D. No minor partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels.

The design of SE 3rd Ct. conforms to the City of Canby's Transportation Plan. The cul de sac will have mountable curbs to accommodate emergency vehicles. No parking signs may be posted on the access drive if required by the Fire Marshall. There is no need to extend the public street system to adjacent properties as properties to the north and south are developed with

access to SE Redwood, and extension to the east is prevented by the Molalla Forest Rd.

- 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 will be able to adequately meet the needs of this land division. See discussion in part III.2, above.

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 parcels 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 all necessary public services will become available through the development of the property to adequately meet the needs of the proposed land division.

Minor Land Partition

1. Staff concludes that the partition request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan and the Municipal Code.
2. Staff concludes that the overall design of the proposed partition will be compatible with the area and will provide adequate building area for the provision of public facilities and services for the lots.
3. Staff concludes that, with appropriate conditions, the overall design and arrangement of the proposed parcels are functional and will adequately provide building sites, utility easements, and access facilities which are necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
4. The design of the private access drive conforms to the standards in the

Transportation System Plan.

5. Staff concludes that all necessary public services will become available through the development of the property, to adequately meet the needs of the proposed land division.

VI. RECOMMENDATION - Subdivision

Based upon the application and drawings submitted, facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that the Planning Commission approve SUB 05-06 with the following conditions:

For the Final Plat:

1. A final subdivision 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 05-06*
2. The final subdivision 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; a final copy of the signed and recorded map shall be provided to the Canby Planning Department prior to the issuance of building permits
3. All monumentation and recording fees shall be borne by the applicant.
4. Twelve (12) foot utility easements shall be provided along all street lot lines. Ten (10) foot utility easements shall be provided along non-street exterior lot lines unless adjacent lots have recorded utility easements of four (4) or more feet, in which case the non-street exterior lot lines shall have six (6) foot utility easements. All interior lot lines shall have six (6) foot utility easements.

Notes:

5. A final plat must be recorded with the Clackamas County Surveyor within one (1) year of the preliminary plat approval in accordance with Canby Ordinance 16.68.020. Mylar copies of the final plat must be signed by the City Planning Director prior to recording the plat with Clackamas County.
6. The subdivision plat shall not create any lot or lots not in conformance with the Canby Municipal Code. The applicant shall submit a final plat for approval by the City of Canby Planning Director.
7. 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. The bond or surety instrument shall authorize the City of Canby to fully complete all required improvements and recover the full cost of all required improvements.

Prior to the signing of the Final Plat:

8. The developer shall sign a Development & Maintenance agreement with the City of Canby and/or the developer shall establish an Owners Association for the maintenance of all common areas, parks, infrastructure and open spaces and for the enforcement of additional CC&Rs. At a minimum, the Developer and/or Owners Association shall be responsible for maintaining all walls and fences, pedestrian accessways, private access drive, stormwater infiltration systems and lighting in all commonly owned areas. The association shall also maintain common open spaces, stormwater/wetlands facilities and landscaping. A copy of any CC&Rs filed with the subdivision shall be submitted to the satisfaction of the City Planning Department and the City Attorney, prior to signing the final plat, and shall include at a minimum:

A statement notifying owners of their responsibilities to maintain all walls, fences, private access drive, stormwater/bioswale infrastructure, private parks and open spaces.

A statement notifying owners of their responsibilities to provide and maintain one street tree per street lot frontage.

9. A contract between the developer and a certified landscape contractor must be approved by the City prior to the signing of the final plat. Landscaped areas shall include all common areas and bioswales in the development. The landscape contractor must be licensed in all phases of landscape contracting by the Oregon Landscape Contractors Board.

Prior to Construction:

10. A stormwater permit shall be obtained from the State of Oregon (DEQ) prior to issuance of any building permit. An acceptable stormwater system plan shall be approved by the State of Oregon - DEQ and the Canby Public Works Department. Developer shall also provide the City of Canby with certified verification from the DEQ indicating approval of proposed stormwater management facilities.
11. A pre-construction conference is required. The design, location, and planned installation of all utilities, including but not limited to water, electric, sanitary sewer, streets, natural gas, telephone, and cable television shall be approved by each utility provider. Final approval of site and utility plans is required prior to

the issuance of building permits. An electronic file (pdf document) and/or fifteen (15) copies of pre-construction plans shall be submitted to the City of Canby Public Works Department for review and approval by the Canby Utility Board, the Canby Telephone Association, the City of Canby and other required utility providers prior to the pre-construction conference. Construction plans shall include at a minimum street design, storm water and wetlands, sewer, domestic water, electric, telephone, gas, street lights, mail boxes and street trees. Construction may commence only upon completion of a pre-construction conference and issuance of Grading and Erosion Control permits.

During Construction:

12. Any relocation of existing utilities required due to construction of the development shall be done at the expense of the applicant.
13. 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*.
14. An approved curb cut and approach apron shall be constructed at the access drive entrance off SE Redwood.. Access improvements and sidewalks shall be inspected and approved by Canby Public Works prior to installation.
15. One street tree shall be required at the street frontage of each lot within the public utility easement. No street tree shall be placed over or within 6 lateral feet of any underground water line, sewer line, transmission line or other private utility. No street tree shall be planted in a vision clearance area, within 10 feet of a fire hydrant, or within 30 feet from a street light.
16. Traffic control signs shall be installed at the developer's expense as required by the City of Canby Public Works.
17. Erosion control permits are required prior to construction improvements and prior to the issuance of building permits. All City of Canby erosion control regulations shall be followed during construction (as specified by the Canby Municipal Code).

After Construction

18. A sound barrier approved by the City of Canby Planning and Building Department shall be constructed the full length of the applicant's property adjacent to JV Northwest.

19. "As-built" drawings shall be submitted to the City within sixty (60) days of completion. A copy of the "as-built" drawings shall be submitted on a CD in AutoCAD format.
20. The final plat must be submitted to the City within one (1) year of the approval of the preliminary plat according to Section 16.68.020.
21. The approval of this application shall be null and void if a final plat is not submitted to the County within six (6) months after signing of the plat by the chairman of the Planning Commission (Section 16.68.070).
22. Approval of this application is contingent on the successful completion of LLA 05-03, and the applicants purchase of the newly adjusted tax lot 1816 of tax map 3 1E 34C from the City of Canby.

RECOMMENDATION - Minor Land Partition

Based upon the application and drawings submitted, facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that the Planning Commission approve MLP 05-04 with the following conditions:

For the Final Plat:

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 MLP 05-04
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; a final copy of the signed and recorded map shall be provided to the Canby Planning Department prior to the issuance of building permits
3. All monumentation and recording fees shall be borne by the applicant.
4. Twelve (12) foot utility easements shall be provided along all street lot lines. Ten (10) foot utility easements shall be provided along non-street exterior lot lines unless adjacent lots have recorded utility easements of four (4) or more feet, in which case the non-street exterior lot lines shall have six (6) foot utility easements. All interior lot lines shall have six (6) foot utility easements.

Notes:

5. A final plat must be recorded with the Clackamas County Surveyor within one

(1) year of the preliminary plat approval in accordance with Canby Ordinance 16.68.020. Mylar copies of the final plat must be signed by the City Planning Director prior to recording the plat with Clackamas County.

Exhibits:

1. Applicant's Packet (narrative and proposed partition plan)
2. Responses to the Request for Comments
3. Draft Traffic Study

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

ATE: May 6, 2005

- TO:
- | | |
|---|--|
| <input checked="" 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 | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> TRANSPORTATION ENGINEER |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> BIKE AND PEDESTRIAN COMMITTEE |

The City has received SUB 05-06/MLP 05-04 (Perman), an application by Don Perman to partition tax lot 1815 (3 1E 34 C) into two parcels. Parcel 1 contains the existing Harrell Medical Complex. Parcel 2 is a proposed subdivision site. The applicant is requesting approval of a ten lot subdivision for development of medical and professional office space. The site is located on the east side of SE Redwood Street between SE 3rd and 4th Avenues.

Please review the enclosed application and return comments to Matilda Deas by Wednesday, June 1, 2005. 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:

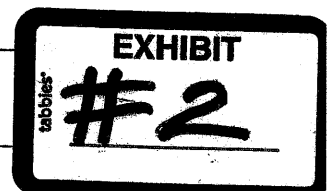
- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: *Ray Parkhurst*

Date: 5-23-05

Title: Fire Marshal

Agency: CFD #62



**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: May 6, 2005

- TO:**
- | | |
|---|--|
| <input type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input checked="" 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 | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> TRANSPORTATION ENGINEER |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> BIKE AND PEDESTRIAN COMMITTEE |

The City has received **SUB 05-06/MLP 05-04 (Perman)**, an application by **Don Perman** to partition tax lot 1815 (3 1E 34 C) into two parcels. Parcel 1 contains the existing Harrell Medical Complex. Parcel 2 is a proposed subdivision site. The applicant is requesting approval of a ten lot subdivision for development of medical and professional office space. The site is located on the east side of SE Redwood Street between SE 3rd and 4th Avenues.

Please review the enclosed application and return comments to **Matilda Deas** by **Wednesday, June 1, 2005**. 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: Van Pagan **Date:** 5-11-05

Title: Chief **Agency:** Police

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-9404

FAX 266-1574

DATE: May 6, 2005

- 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 checked="" type="checkbox"/> CANBY WATER | <input type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input type="checkbox"/> WWTP | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> TRANSPORTATION ENGINEER |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> BIKE AND PEDESTRIAN COMMITTEE |

The City has received **SUB 05-06/MLP 05-04 (Perman)** an application by Don Perman to partition tax lot 1815 (3 1E 34 C) into two parcels. Parcel 1 contains the existing Harrell Medical Complex. Parcel 2 is a proposed subdivision site. The applicant is requesting approval of a ten lot subdivision for development of medical and professional office space. The site is located on the east side of SE Redwood Street between SE 3rd and 4th Avenues.

Please review the enclosed application and return comments to Matilda Deas by Wednesday, June 1, 2005. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

- ① Consider hot tapping main on S. Redwood St.
 - ② Consider adding 8" valve to tee @ 90° tie-in. (
-
-
-
-
-
-
-
-
-
-

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: *Patricia J. [Signature]* Date: 5/13/05

Title: Water Dept. Foreman Agency: Canby Utility

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: May 6, 2005

TO:

- FIRE
- POLICE
- PUBLIC WORKS
- CANBY ELECTRIC
- CANBY WATER
- WWTP
- CITY ENGINEER
- CTA
- NW NATURAL
- WILLAMETTE BROADBAND
- CANBY DISPOSAL
- CITY ATTORNEY
- CANBY POST OFFICE
- CLACKAMAS COUNTY ASSESSOR
- CLACKAMAS COUNTY 911
- CLACKAMAS COUNTY TRANSPORTATION
- TRAFFIC SAFETY COMMITTEE
- CLACKAMAS COUNTY
- CANBY SCHOOL DISTRICT
- TRANSPORTATION ENGINEER
- ODOT/REGION 1/DIST 2B
- STATE OF OREGON/REVENUE
- CANBY BUSINESS REVITALIZATION
- BIKE AND PEDESTRIAN COMMITTEE

The City has received SUB 05-06/MLP 05-04 (Perman), an application by Don Perman to partition tax lot 1815 (3 1E 34 C) into two parcels. Parcel 1 contains the existing Harrell Medical Complex. Parcel 2 is a proposed subdivision site. The applicant is requesting approval of a ten lot subdivision for development of medical and professional office space. The site is located on the east side of SE Redwood Street between SE 3rd and 4th Avenues.

Please review the enclosed application and return comments to Matilda Deas by Wednesday, June 1, 2005. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

Canby Utility will require the existing power line/
easement to be preserved.

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: 5-14-05

Title: Line Foreman Agency: Canby Utility Elect.

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

RECEIVED
MAY 09 2005
FAX 266-1574
CITY OF CANBY

DATE: May 6, 2005

- 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 checked="" type="checkbox"/> WWTP | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> TRANSPORTATION ENGINEER |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> BIKE AND PEDESTRIAN COMMITTEE |

The City has received SUB 05-06/MLP 05-04 (Perman), an application by Don Perman to partition tax lot 1815 (3 1E 34 C) into two parcels. Parcel 1 contains the existing Harrell Medical Complex. Parcel 2 is a proposed subdivision site. The applicant is requesting approval of a ten lot subdivision for development of medical and professional office space. The site is located on the east side of SE Redwood Street between SE 3rd and 4th Avenues.

Please review the enclosed application and return comments to Matilda Deas by Wednesday, June 1, 2005. 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: Darwin James Date: 5/9/05

Title: Wastewater Supervisor Agency: WWTP

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: May 6, 2005

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - WWTP
 - CITY ENGINEER
 - CTA
 - NW NATURAL
 - WILLAMETTE BROADBAND
 - CANBY DISPOSAL
 - CITY ATTORNEY
 - CANBY POST OFFICE
 - CLACKAMAS COUNTY ASSESSOR
 - CLACKAMAS COUNTY 911
 - CLACKAMAS COUNTY TRANSPORTATION
 - TRAFFIC SAFETY COMMITTEE
 - CLACKAMAS COUNTY
 - CANBY SCHOOL DISTRICT
 - TRANSPORTATION ENGINEER
 - ODOT/REGION 1/DIST 2B
 - STATE OF OREGON/REVENUE
 - CANBY BUSINESS REVITALIZATION
 - BIKE AND PEDESTRIAN COMMITTEE

The City has received SUB 05-06/MLP 05-04 (Perman), an application by Don Perman to partition tax lot 1815 (3 1E 34 C) into two parcels. Parcel 1 contains the existing Harrell Medical Complex. Parcel 2 is a proposed subdivision site. The applicant is requesting approval of a ten lot subdivision for development of medical and professional office space. The site is located on the east side of SE Redwood Street between SE 3rd and 4th Avenues.

Please review the enclosed application and return comments to Matilda Deas by Wednesday, June 1, 2005. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

- ① Provide 25 ft radius curb returns at the access of SE 3rd St and SE Redwood St.
- ② Obtain Concurrence from DEQ that the proposed grassy swale is not an UIC class V, submit a copy to the City.

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

RECEIVED
MAY 11 2005
CURRAN-MCLEOD

Signature: [Handwritten Signature] Date: May 17, 2005

Title: Project Engineer Agency: Curran McLeod, Inc

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-9404

FAX 266-1574

DATE: May 6, 2005

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - WWTP
 - CITY ENGINEER
 - CTA
 - NW NATURAL
 - WILLAMETTE BROADBAND
 - CANBY DISPOSAL
 - CITY ATTORNEY
 - CANBY POST OFFICE
 - CLACKAMAS COUNTY ASSESSOR
 - CLACKAMAS COUNTY 911
 - CLACKAMAS COUNTY TRANSPORTATION
 - TRAFFIC SAFETY COMMITTEE
 - CLACKAMAS COUNTY
 - CANBY SCHOOL DISTRICT
 - TRANSPORTATION ENGINEER
 - ODOT/REGION 1/DIST 2B
 - STATE OF OREGON/REVENUE
 - CANBY BUSINESS REVITALIZATION
 - BIKE AND PEDESTRIAN COMMITTEE

The City has received SUB 05-06/MLP 05-04 (Perman), an application by Don Perman to partition tax lot 1815 (3 1E 34 C) into two parcels. Parcel 1 contains the existing Harrell Medical Complex. Parcel 2 is a proposed subdivision site. The applicant is requesting approval of a ten lot subdivision for development of medical and professional office space. The site is located on the east side of SE Redwood Street between SE 3rd and 4th Avenues.

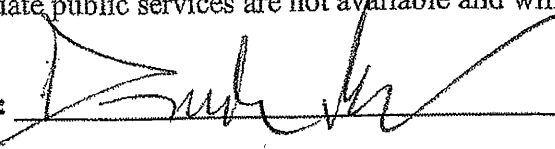
Please review the enclosed application and return comments to Matilda Deas by Wednesday, June 1, 2005. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

CTA HAS THREE 4" CONDUITS ALONG THE NORTH SIDE EXISTING PROPERTY LINE. WITH THIS SUBDIVIDE DESIGN, WE MAY HAVE TO RELOCATE THE CONDUITS AT DEVELOPER'S COST. PLEASE SEE ATTACH MAP.

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: 5-18-05

Title: ASSOCIATE ENGINEER Agency: CTA

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: May 6, 2005

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - WWTP
 - CITY ENGINEER
 - CTA
 - NW NATURAL
 - WILLAMETTE BROADBAND
 - CANBY DISPOSAL
 - CITY ATTORNEY
 - CANBY POST OFFICE
 - CLACKAMAS COUNTY ASSESSOR
 - CLACKAMAS COUNTY 911
 - CLACKAMAS COUNTY TRANSPORTATION
 - TRAFFIC SAFETY COMMITTEE
 - CLACKAMAS COUNTY
 - CANBY SCHOOL DISTRICT
 - TRANSPORTATION ENGINEER
 - ODOT/REGION 1/DIST 2B
 - STATE OF OREGON/REVENUE
 - CANBY BUSINESS REVITALIZATION
 - BIKE AND PEDESTRIAN COMMITTEE

The City has received **SUB 05-06/MLP 05-04 (Perman)**, an application by **Don Perman** to partition tax lot 1815 (3 1E 34 C) into two parcels. Parcel 1 contains the existing Harrell Medical Complex. Parcel 2 is a proposed subdivision site. The applicant is requesting approval of a ten lot subdivision for development of medical and professional office space. The site is located on the east side of SE Redwood Street between SE 3rd and 4th Avenues.

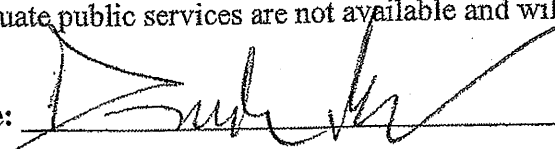
Please review the enclosed application and return comments to **Matilda Deas** by **Wednesday, June 1, 2005**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

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: _____



Date: 5-10-05

Title: ASSOCIATE ENGINEER Agency: CTA

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: May 6, 2005

- 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 | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> TRANSPORTATION ENGINEER |
| <input checked="" type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> BIKE AND PEDESTRIAN COMMITTEE |

The City has received **SUB 05-06/MLP 05-04 (Perman)**, an application by **Don Perman** to partition tax lot 1815 (3 1E 34 C) into two parcels. Parcel 1 contains the existing Harrell Medical Complex. Parcel 2 is a proposed subdivision site. The applicant is requesting approval of a ten lot subdivision for development of medical and professional office space. The site is located on the east side of SE Redwood Street between SE 3rd and 4th Avenues.

Please review the enclosed application and return comments to **Matilda Deas** by **Wednesday, June 1, 2005**. 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: Bruce Van Sambeek **Date:** June 1

Title: District Supervisor **Agency:** NW Natural

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: May 6, 2005

- 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 | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> TRANSPORTATION ENGINEER |
| <input checked="" type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> BIKE AND PEDESTRIAN COMMITTEE |

The City has received SUB 05-06/MLP 05-04 (Perman), an application by Don Perman to partition tax lot 1815 (3 1E 34 C) into two parcels. Parcel 1 contains the existing Harrell Medical Complex. Parcel 2 is a proposed subdivision site. The applicant is requesting approval of a ten lot subdivision for development of medical and professional office space. The site is located on the east side of SE Redwood Street between SE 3rd and 4th Avenues.

Please review the enclosed application and return comments to Matilda Deas by **Wednesday, June 1, 2005**. 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: Brian Van Smaalen **Date:** June 1

Title: District Supervisor **Agency:** NW Natural

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: May 6, 2005

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - WWTP
 - CITY ENGINEER
 - CTA
 - NW NATURAL
 - WILLAMETTE BROADBAND
 - CANBY DISPOSAL
 - CITY ATTORNEY
 - CANBY POST OFFICE
 - CLACKAMAS COUNTY ASSESSOR
 - CLACKAMAS COUNTY 911
 - CLACKAMAS COUNTY TRANSPORTATION
 - TRAFFIC SAFETY COMMITTEE
 - CLACKAMAS COUNTY
 - CANBY SCHOOL DISTRICT
 - TRANSPORTATION ENGINEER
 - ODOT/REGION 1/DIST 2B
 - STATE OF OREGON/REVENUE
 - CANBY BUSINESS REVITALIZATION
 - BIKE AND PEDESTRIAN COMMITTEE

The City has received SUB 05-06/MLP 05-04 (Perman), an application by Don Perman to partition tax lot 1815 (3 1E 34 C) into two parcels. Parcel 1 contains the existing Harrell Medical Complex. Parcel 2 is a proposed subdivision site. The applicant is requesting approval of a ten lot subdivision for development of medical and professional office space. The site is located on the east side of SE Redwood Street between SE 3rd and 4th Avenues.

Please review the enclosed application and return comments to Matilda Deas by Wednesday, June 1, 2005. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

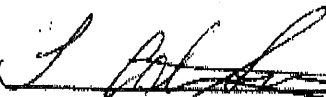
Comments or Proposed Conditions:

THE TRAFFIC STUDY FOR THIS PROJECT DID NOT IDENTIFY ANY OPERATIONAL ISSUES AT THE SITE ACCESS OR NEARBY TRAFFIC SIGNAL (AT PINE STREET AND HIGHWAY 99E)

THERE ARE SOME BUSHES THAT COULD EVENTUALLY OBSCURE THE SIGHT DISTANCE TO THE NORTH IF THEY ARE ALLOWED TO GROW TALL, THESE BUSHES ARE ON THE OPPOSITE SIDE OF REDWOOD STREET FROM THE SITE DRIVEWAY AND TO THE NORTH OF THE DRIVEWAY. THEY SHOULD BE KEPT TRIMMED.

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: 31 May 05

Title: ENGINEERING TECHNICIAN Agency: LANCASTER ENGINEERING.

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: May 6, 2005

- 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 | <input type="checkbox"/> CLACKAMAS COUNTY |
| <input type="checkbox"/> CITY ENGINEER | <input checked="" type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CTA | <input type="checkbox"/> TRANSPORTATION ENGINEER |
| <input type="checkbox"/> NW NATURAL | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> STATE OF OREGON/REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> CITY ATTORNEY | <input type="checkbox"/> BIKE AND PEDESTRIAN COMMITTEE |

The City has received **SUB 05-06/MLP 05-04 (Perman)**, an application by **Don Perman** to partition tax lot 1815 (3 1E 34 C) into two parcels. Parcel 1 contains the existing Harrell Medical Complex. Parcel 2 is a proposed subdivision site. The applicant is requesting approval of a ten lot subdivision for development of medical and professional office space. The site is located on the east side of SE Redwood Street between SE 3rd and 4th Avenues.

Please review the enclosed application and return comments to **Matilda Deas** by **Wednesday, June 1, 2005**. Please indicate any conditions of approval you wish the Commission to consider. Thank you.

Comments or Proposed Conditions:

See attached.

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: *Don Perman* **Date:** *5/11/05*

Title: *Superintendent* **Agency:** *Canby School District*

Canby School District

Attachment to Request for Comments

The property under consideration is in the Trost Elementary School attendance area. School district patrons approved a bond in November 2004 to build a new middle school to alleviate the pressure on Ackerman Middle School and reopen the Lee campus of AMS into an elementary school. A boundary committee will convene in September 2005 to determine the elementary school boundaries. It is unknown at this time which elementary school will ultimately be impacted by the annexation of this application.

Clackamas County Official Records
Sherry Hall, County Clerk

2005-020680

After Recording Return To:



\$41.00

00805289200500206800040045

03/09/2005 04:21:04 PM

Dr. Donald Perman
249 NW 3rd Avenue
Canby OR 97013

D-DEVA Cnt=1 Stn=9 DIANNAW
\$20.00 \$11.00 \$10.00

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is made and entered into this 9th day of March, 2005, binds Eagle Properties NW and Donald D. Perman, Jr, the owners of property identified as Tax Lots 1822 and 1815 of Tax Map 3-1E-34C within the City of Canby, Oregon, and all subsequent owners of said property, their heirs, and assigns to the terms contained herein.

RECITALS

A. Eagle Properties NW, LLC and Donald D. Perman, Jr are the present owners of certain property consisting of approximately ~~2~~^{2.4} acres of land, located generally on the east side of S. Redwood Street, north of SE 4th Ave and generally identified as Tax Lots 1822 and 1815 of Tax Map 3-1E-34C within the City of Canby, Oregon and as more particularly described in Exhibit A, attached hereto, incorporated by reference and referenced hereinafter as the "Property."

B. In order to develop the Property, Eagle Properties NW, LLC and Donald D. Perman, Jr. obtained a comprehensive plan land use map and zoning designation amendment from the Canby City Council, CPA 04-02/ZC 04-03, to allow the development of a professional office and health care village on the Property. To accomplish this result, the zoning on the property was changed from a Light Industrial (M-1) to a Heavy Commercial Manufacturing (C-M) zone.

C. As part of approving a comprehensive plan land use map and zone change on the Property, the City Council attached conditions of approval that required the property owner to record a development agreement containing terms as set forth in the following Agreement.

D. This Agreement is intended to provide certainty and assurance to the City and the surrounding community of particular uses continuing on the Property.

AGREEMENT

As owners of the Property, Eagle Properties NW, LLC and Donald D. Perman, Jr hereby agree to bind themselves, all future owners of the Property, their, heirs and assigns to the following covenants and conditions governing the use and development of the Property:

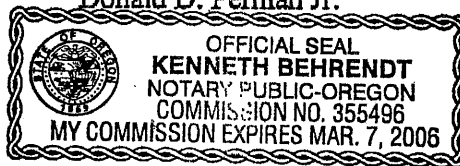
1. Eagle Properties NW, LLC and Donald D. Perman, Jr., all subsequent owners of the Property, their heirs, and assigns agree that as long as the Property retains a Heavy Commercial Manufacturing (C-M) zoning designation, or another commercial zoning designation, development and use of the Property shall be limited to business and professional offices, including medical, dental, and other similar healthcare uses. Use of the Property shall be limited in this way unless and until the Planning Commission or City Council approves alternative uses or until the Property's zoning is changed to a non-commercial use.

2. Eagle Properties NW, LLC and Donald D. Perman, Jr. for themselves and on behalf of all subsequent owners of the Property, their heirs, and assigns recognize that much of the land surrounding the Property is zoned Light Industrial where industrial uses including but not limited to automobile and heavy repair shops, railroad trackage and related facilities and lumber yards are located. Eagle Properties NW, LLC and Donald D. Perman, Jr. for themselves and on behalf of all subsequent owners of the Property, their heirs and assigns acknowledge that uses that are permitted in a Light Industrial zone can create noise, offensive odors or transportation delays resulting from truck traffic. As such, Eagle Properties NW, LLC and Donald D. Perman, Jr. for themselves and on behalf of all subsequent owners of the Property, their heirs and assigns agree that so long as the Property retains a Heavy Commercial Manufacturing (C-M) zoning designation, or another commercial zoning designation, they will not to complain to the City offices or to any other regulatory agency about noise, traffic or other aspects of a neighboring industrial and manufacturing operation so long as that operation is operating consistent with City regulation, agency rules and state law

Executed as of the day and year first above written.

By: *Ben Hukell*
Eagle Properties NW, LLC

By: *Donald D. Perman Jr.*
Donald D. Perman Jr.



STATE OF OREGON)
) ss.
County of Clackamas)

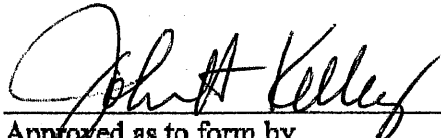
The foregoing instrument was acknowledged before me this 9 day of Mar., 2005, by Donald Perman, Eagle Properties LLC, as an authorized agent of Eagle Properties NW, LLC, an Oregon corporation, on behalf of said corporation.

Kenneth Behrendt
Notary Public for Oregon
My Commission expires: Mar. 7 2006

STATE OF OREGON)
) ss.
 County of Clackamas)

The foregoing instrument was acknowledged before me this ____ day of _____, 2005.

 Notary Public for Oregon
 My Commission expires: _____



 Approved as to form by
 John Kelley, City Attorney

EXHIBIT A

The Legal Description for the property identified and encumbered herein is as follows:

Parcel 3, PARTITION PLAT NO. 2003-026, in the City of Canby, County of Clackamas and State of Oregon

Lot 5, TOWNSHIP INDUSTRIAL PARK, in the City of Canby, County of Clackamas and State of Oregon

PDX_DOCS:348841.1 [35401-00100]
03/9/05 9:47 AM



CITY OF CANBY COMMENT FORM

If you are not able to attend the Planning Commission hearing of this application, you may submit written comments on this form or in a letter to the Planning Commission.

Please send comments

By mail: Planning Department, PO Box 930, Canby, OR 97013
In person: Canby Planning Department at 170 NW 2nd Avenue
E-mail: deasm@ci.canby.or.us.

Written comments must be received prior to the hearing at 7:00 PM July 25, 2005.

APPLICATION: Partition/ten lot Subdivision

APPLICANT: Don Perman

CITY FILE #: SUB 05-06/MLP 05-04 Perman

COMMENTS: Need to erect a sound
barrier between 390 S Redwood &
proposed development.

DJG

YOUR NAME: Don Jones

ORGANIZATION or BUSINESS (if any): JVNW

ADDRESS: 390 S. Redwood ST.

PHONE # (optional): 503-263-2858

DATE: 7/8/05

Thank you!



D R A F T

PERMAN HEALTH VILLAGE

Traffic Impact Study

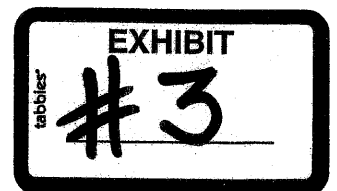
Canby, Oregon

Prepared By

CATRIONA SUMRAIN

MICHAEL ARD, PE

June, 2005





D R A F T

TABLE OF CONTENTS

Executive Summary 3

Introduction 4

Location Description 5

Trip Generation 10

Trip Distribution 11

Operational Analysis 15

Appendix 23



D R A F T

EXECUTIVE SUMMARY

1. Several medical office buildings are proposed to be developed on a site located on the northeast side of S Redwood Street between SE 3rd Avenue and SE 4th Avenue. The buildings will house a total of 23,900 square feet of medical office use. Access to the site will be through a driveway onto Redwood Street.
2. The trip generation calculations show the site will generate 59 trips during the morning peak hour, 89 trips during the evening peak hour, and 864 trip during an average weekday.
3. The intersection of Highway 99E at Pine Street is currently operating with low delays and will continue to operate with low delays through development of the site.
4. The intersection of Redwood Street and the site access is expected to operate with very low delays.
5. Sight distance is adequate in both directions. However, the rhododendron bushes on the opposite side of Redwood Street to the north of the site access should be kept trimmed to ensure adequate sight distance remains to the north.



D R A F T

INTRODUCTION

A site is proposed for development with medical offices. The site is located on the northeast side of S Redwood Street between SE 3rd Avenue and SE 4th Avenue. Several buildings totaling 23,900 square feet of medical office use are shown in the development plan. Access will be through a driveway onto Redwood Street.

The purpose of this study is to assess the traffic impact of the proposed development on the nearby street system and to recommend any required mitigative measures. The analysis will include level of service calculations and a discussion of site access.

Detailed information on level of service, traffic counts, trip generation calculations, and level of service calculations is included in the appendix to this report.



LOCATION DESCRIPTION

A site is proposed for a medical office development. The site is located on the northeast side of S Redwood Street between SE 3rd Avenue and SE 4th Avenue and will consist of a total of 23,900 square feet of medical office space. Figure 1 on page seven shows the site location, existing lane configurations and traffic control devices at the study area intersections.

Access to the site is proposed through a driveway onto Redwood Street, which will be a new road/driveway access. There is an existing driveway to an existing medical office in the southern portion of the site.

The intersections of S Pine Street at Highway 99E and the site access point onto Redwood Street are examined in this report.

Highway 99E is under the jurisdiction of the Oregon Department of Transportation (ODOT) and is classified a Regional Highway in the 1999 Oregon Highway Plan. The City of Canby classifies the roadway as an Arterial. It is generally a five-lane facility throughout the City with two travel lanes in each direction and a center turn lane, which becomes a left-turn lane at signalized intersections. The posted speed is 35 mph in the vicinity of the site, becoming 45 mph northeast of Pine Street. There are typically curbs and sidewalks on both sides of the road, although a section on the north side of the highway between Redwood Street and Locust Street has a paved shoulder. There are no bike lanes on either side of the road.

Pine Street is under the jurisdiction of the City of Canby and is classified as a Collector north of SE 3rd Avenue. South of SE 3rd Avenue, it is a Local Street in the City's Transportation System Plan (TSP). It is a three-lane road near the 99E intersection, narrowing to a two-lane road elsewhere. The posted speed is 25 mph and the road width is about 24 feet in underdeveloped areas and 44 feet in recently developed areas and near the site. South of Highway 99E, there are generally curbs, sidewalks and bike lanes on both sides of the road. North of the highway, there are typically unpaved shoulders. The intersection of Highway 99E and Pine Street is a slightly skewed four-legged intersection, which is controlled by a five-phase traffic signal with the north and south movements on Pine Street running concurrently. The Highway 99E approaches have left-turn lanes and protected left-turn phasing. The northbound Pine Street approach has a shared left/through lane and a channelized, yield-controlled right-turn lane. The southbound Pine Street approach has a left-turn lane and shared through/right-turn lane.

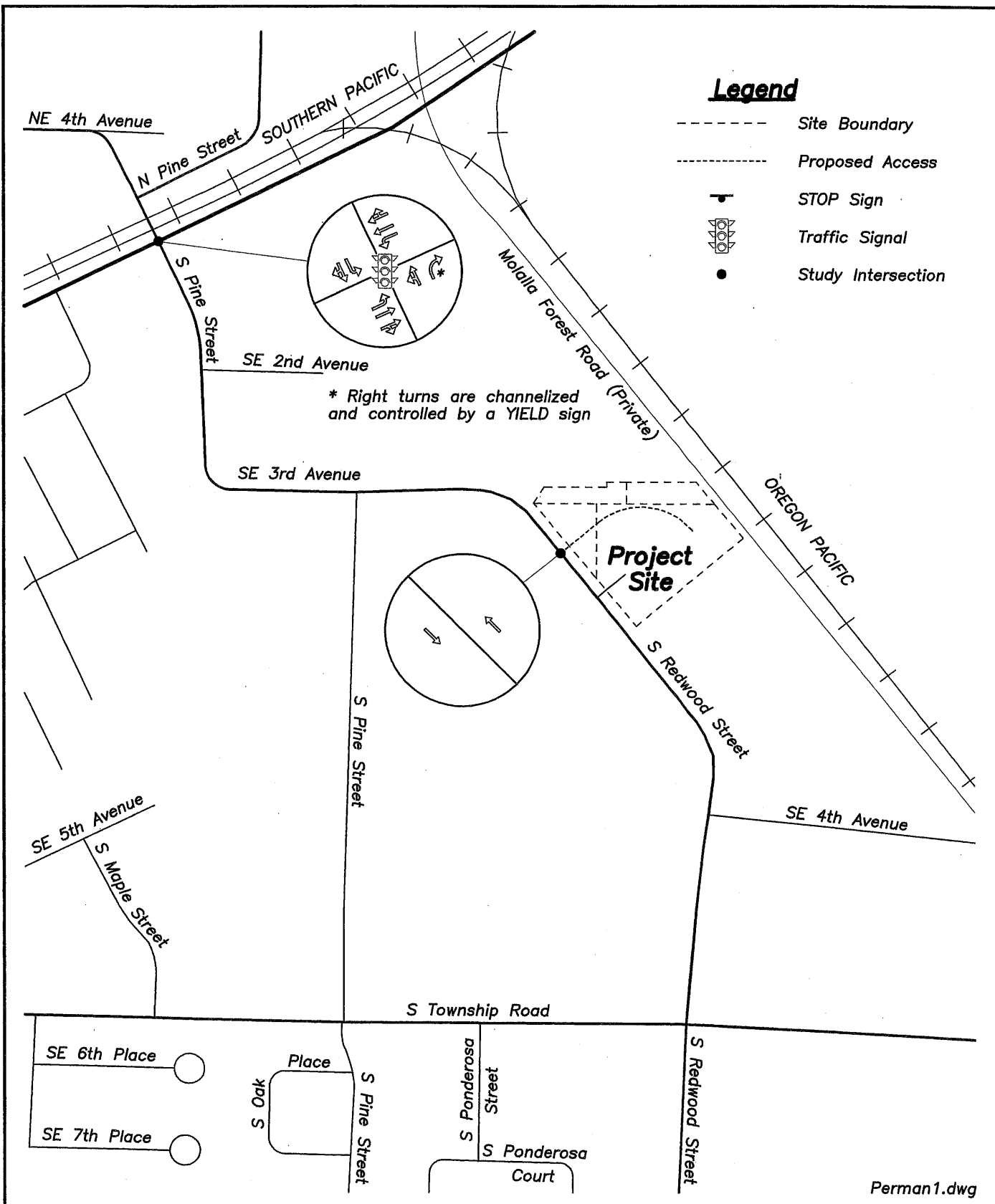


S Redwood Street is under the jurisdiction of and maintained by the City of Canby. It is classified as a Collector by the City. It is typically a two-lane facility widening to three lanes at major intersections. It has a posted speed of 25 mph and a width of about 44 feet. There are generally curbs, sidewalks and bike lanes on both sides of the road. The roadway is one of the major routes to the industrial areas of the City and typically has high volumes of truck traffic.

The area surrounding the site is predominantly industrial to the east and residential to the west of the site. Most of the residential zoning near the site is medium- to high-density residential. The site itself is located within the industrial area.

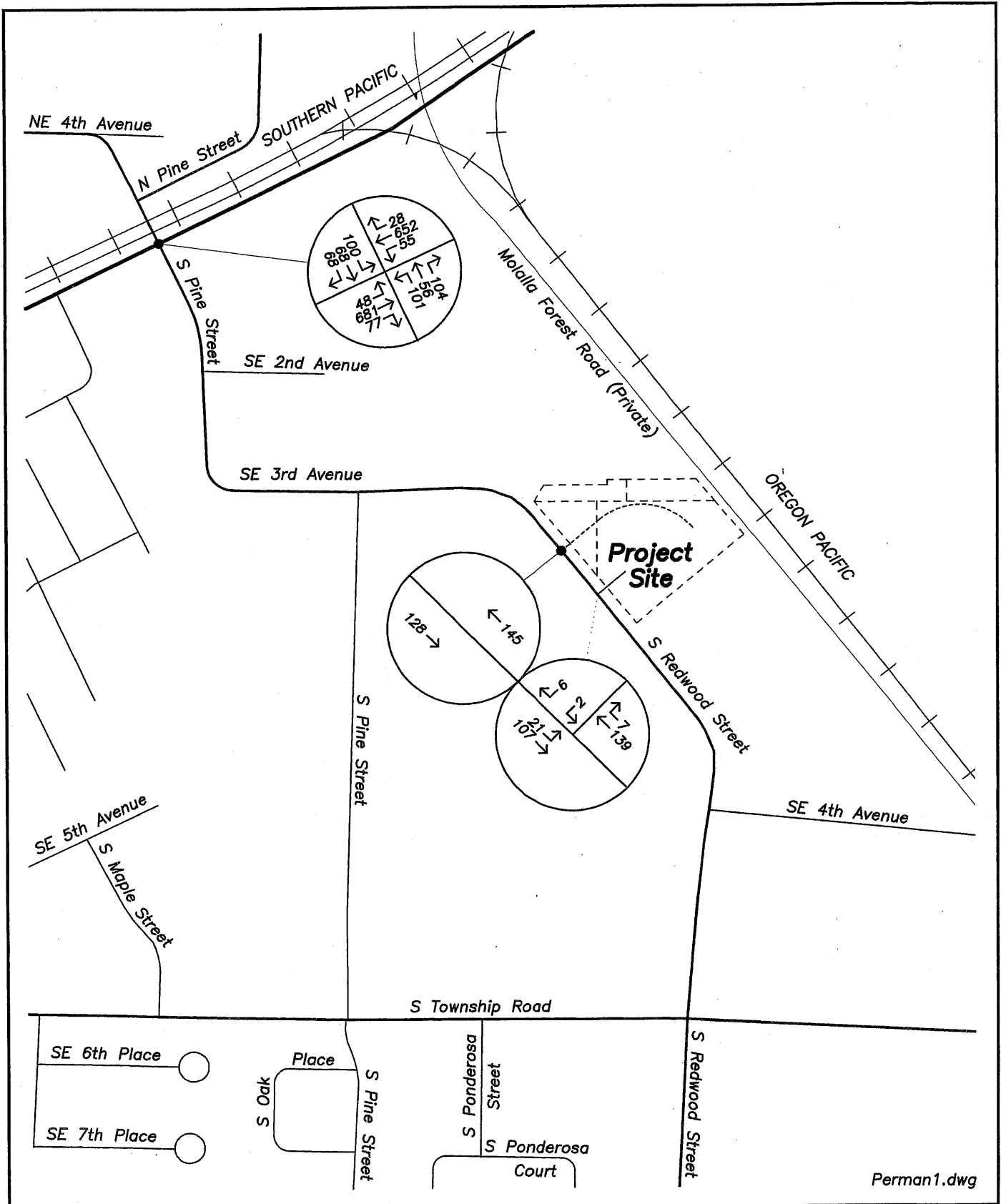
The closest public transit system is the Canby Area Transit (CAT) Route 2, *South Canby*, with the nearest stop located about one-half mile from the site. Service is every hour from 6:30 AM to about 8:00 PM, with buses leaving the transit center on the half hour. Saturday service is every hour from about 9:00 AM to about 3:00 PM. There is no service on Sundays.

Manual turning movement counts were made at the intersections of Highway 99E at N/S Pine Street and S Pine Street at SE 3rd Avenue during January 2005 from 7:00 to 9:00 AM and 4:00 to 6:00 PM. The peak hours typically occurred from 7:00 to 8:00 AM and from about 4:30 to 5:30 PM. The volumes for the morning and evening peak hours are shown in Figures 2 and 3 on pages eight and nine.



VICINITY MAP
Existing Lane Configurations
& Traffic Control Devices





Perman1.dwg

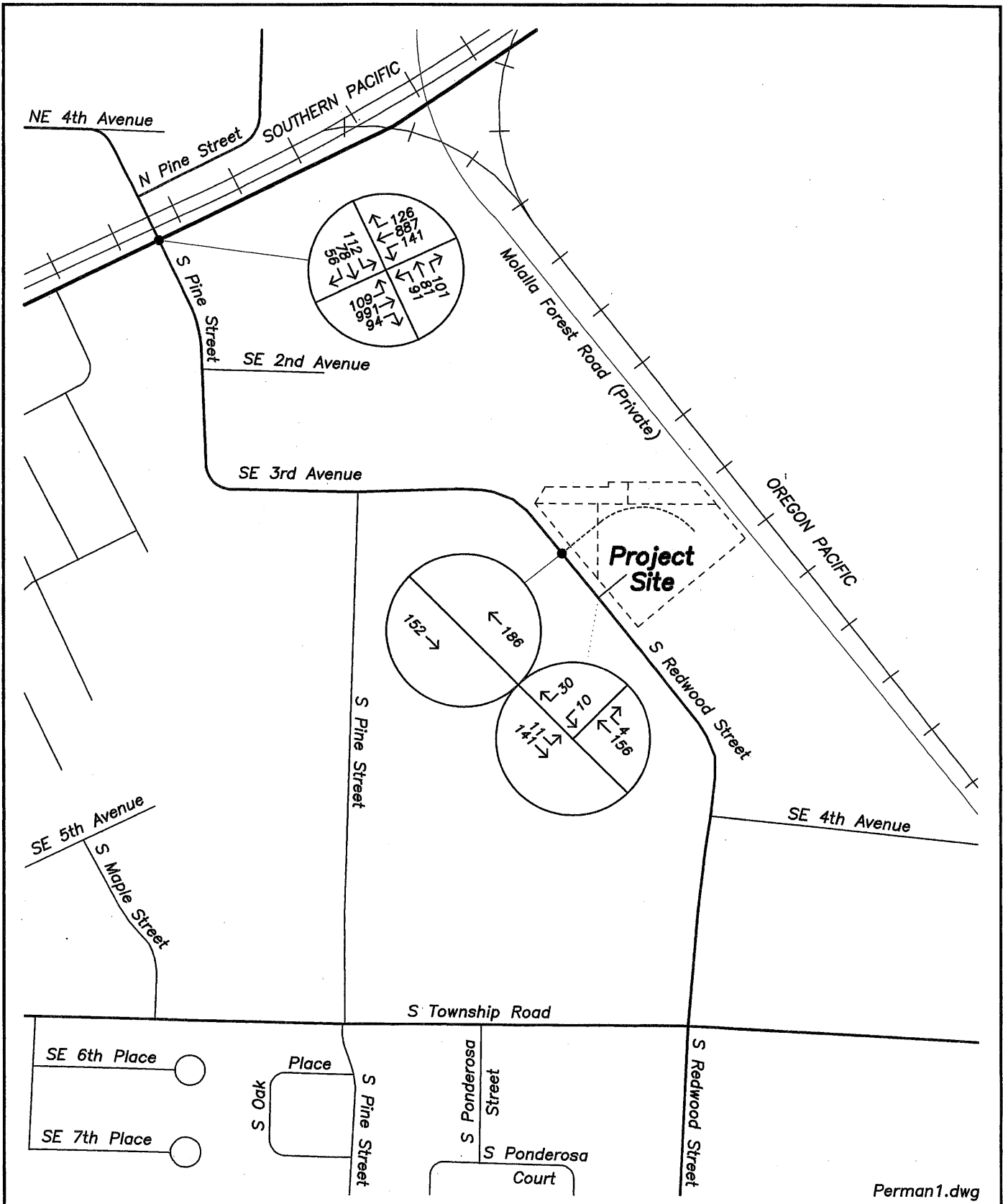
Le

TRAFFIC VOLUMES
Existing Conditions
AM Peak Hour



FIGURE
2

PAGE
8



Perman1.dwg



TRAFFIC VOLUMES
Existing Conditions
PM Peak Hour



FIGURE
3

PAGE
9



TRIP GENERATION

To estimate the number of trips that will be generated by the proposed medical office development, trip rates from *TRIP GENERATION*, Seventh Edition, published by the Institute of Transportation Engineers (ITE), were used. The trip rates used were for land-use code 720, *Medical-Dental Office*. The trip generation rates are based on the gross floor area and were calculated for 23,900 square feet of medical office space.

The trip generation calculations indicate that there will be an estimated total of 59 trips generated by the medical office development during the morning peak hour. Of these, 47 will be entering and 12 will be exiting the site. During the evening peak hour, there are 89 trips expected, with 24 entering and 65 exiting the site. A total of 864 weekday trips is expected, with half entering and half exiting.

Because an office development is typically an origin or destination for trips, no reduction was taken for pass-by trips. Also, because the closest transit is more than one-quarter of a mile from the site, no reduction was made for transit use.

A summary of the trip generation calculations for the office development is shown in the following table. Detailed trip generation calculations are included in the appendix to this report.

TRIP GENERATION SUMMARY			
Perman Health Village			
	<u>Entering Trips</u>	<u>Exiting Trips</u>	<u>Total Trips</u>
<i>23,900 sq ft Medical Office</i>			
AM Peak Hour	47	12	59
PM Peak Hour	24	65	89
Weekday	432	432	864

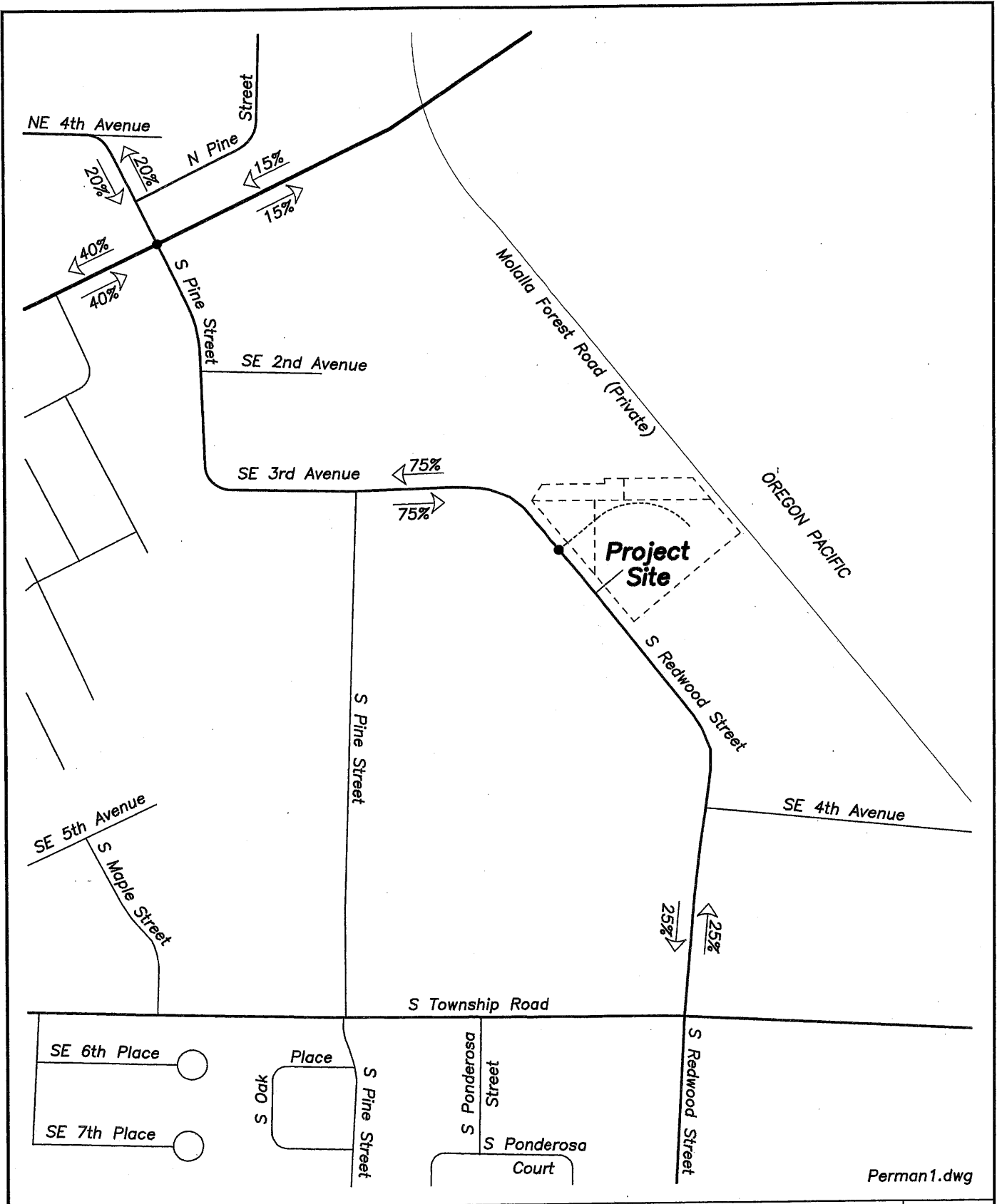


D R A F T

TRIP DISTRIBUTION

Since most of the trips to and from the site are expected to originate or terminate within the Canby area, the directional distribution of the site trips was based on the location and densities of the residential neighborhoods surrounding the site.

Figure 4 on page 12 shows the distribution of the site trips from the medical office development during the morning and evening peak hours. Figures 5 and 6 on pages 13 and 14 show the assignment of the site trips to the roadway network during the morning and evening peak hours.



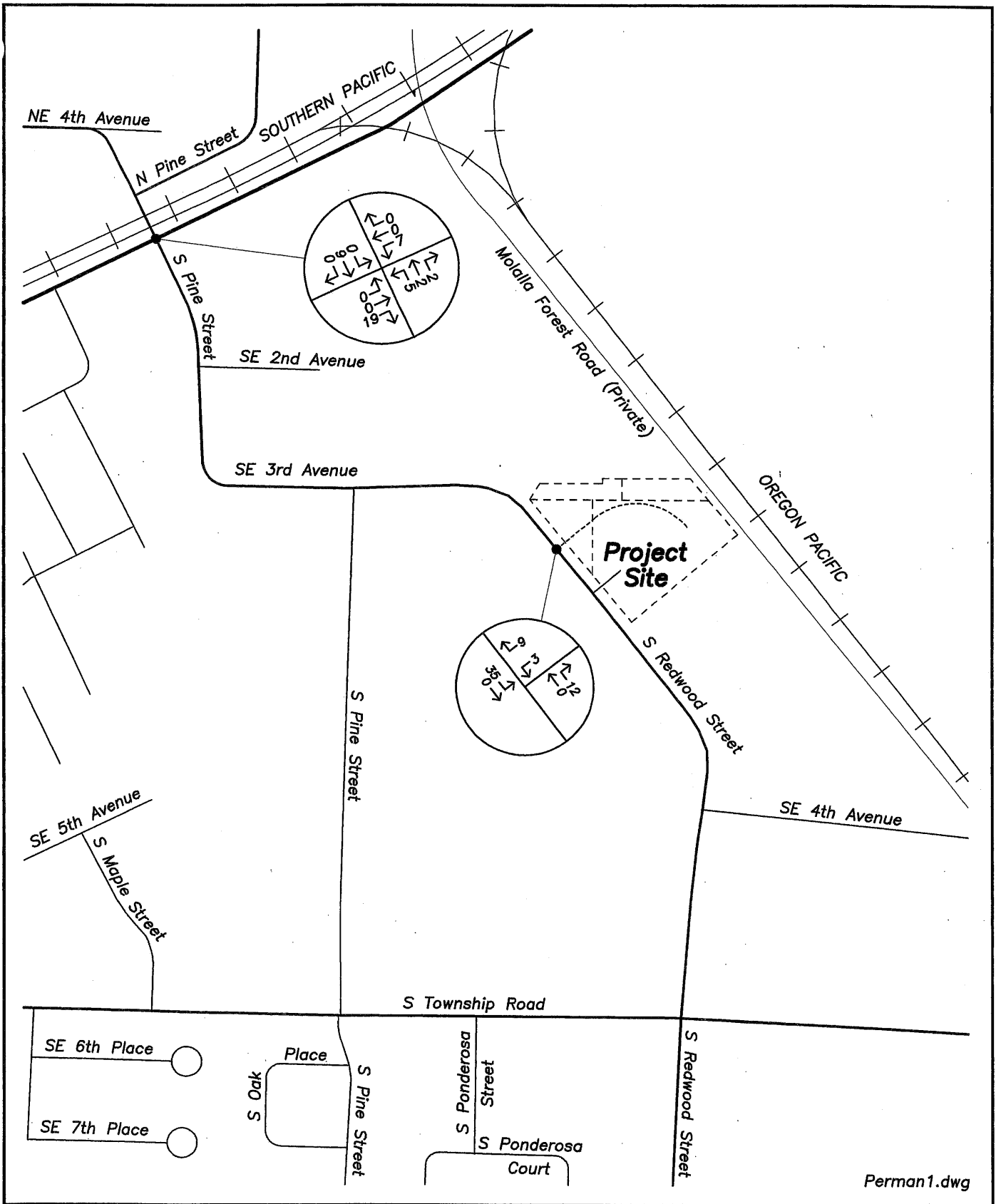
Perman1.dwg

Le

SITE TRIP DISTRIBUTION
 Inbound & Outbound Percentages
 AM & PM Peak Hours



FIGURE
4
PAGE
12



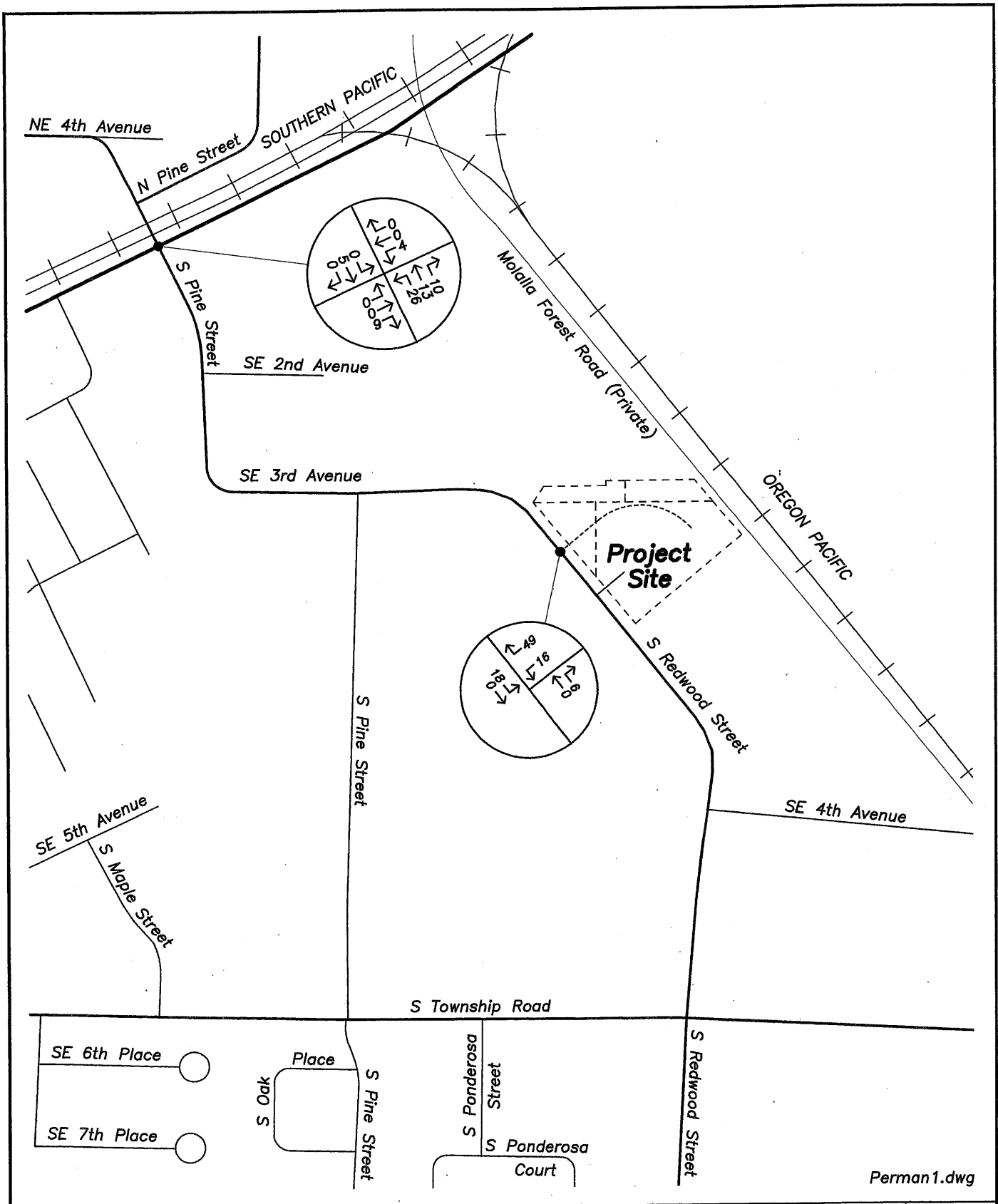
1e

SITE-GENERATED TRAFFIC
Proposed Development Plan
AM Peak Hour



FIGURE
5

PAGE
13



SITE-GENERATED TRAFFIC
Proposed Development Plan
PM Peak Hour



FIGURE
6

PAGE
14

Perman1.dwg

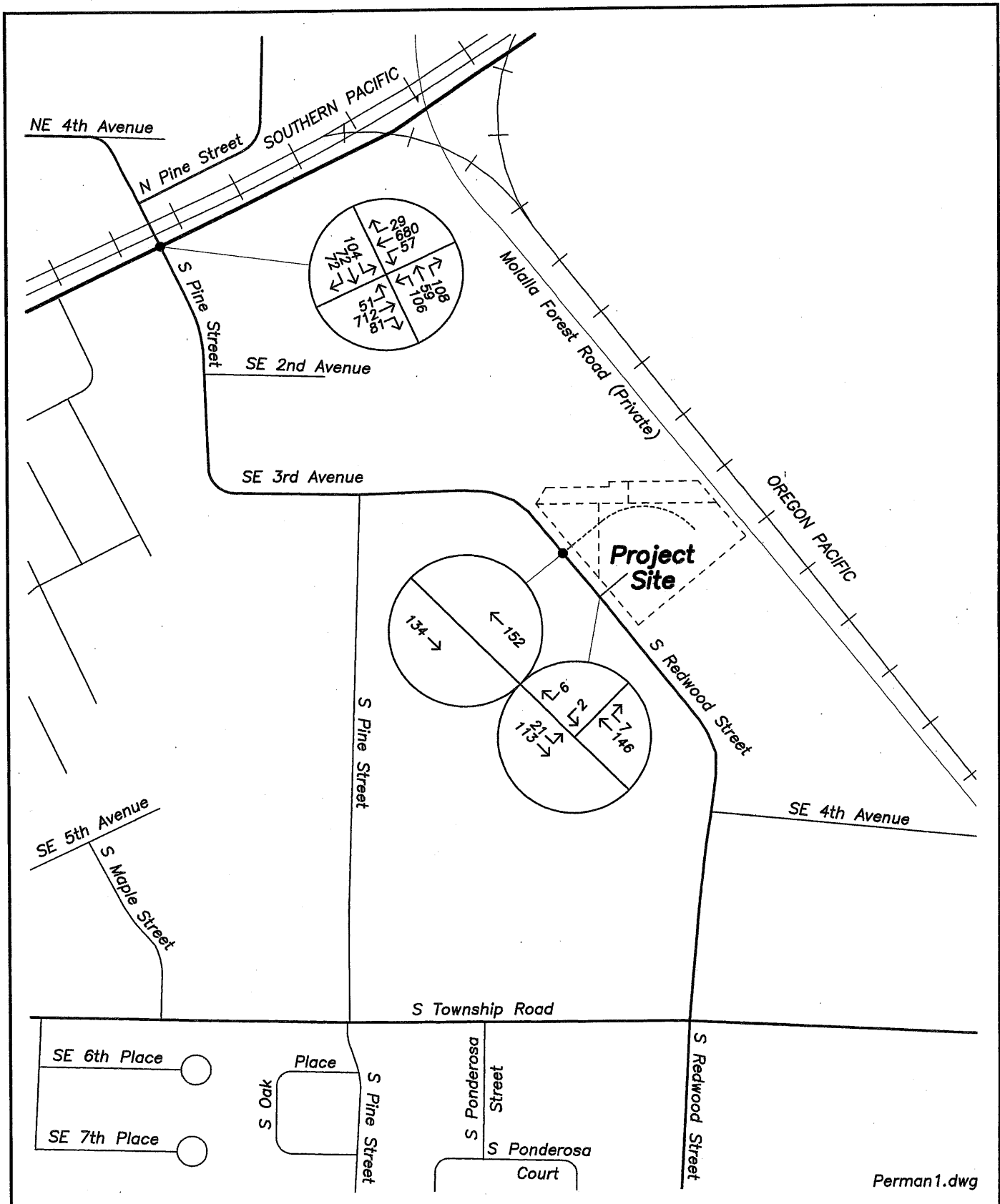


OPERATIONAL ANALYSIS

Background Traffic

No specific developments have been identified near the site that would contribute to the traffic volumes at the study area intersections. Therefore, to account for the growth, growth rates of 2.2 and 2.5 percent per year were applied to the traffic volumes on Highway 99E and Pine Street, respectively. The growth rate on Highway 99E was derived from historical count data in Transportation Volume Tables, published each year by the Oregon Department of Transportation (ODOT). The growth rate on Pine Street was derived from recent population estimates for Canby.

The background traffic volumes are comprised of the existing traffic with the growth rate applied. Figures 7 and 8 show the background traffic during the morning and evening peak hours on pages 16 and 17. Figures 9 and 10 show the background traffic with the site trips added on pages 18 and 19.



Perman1.dwg

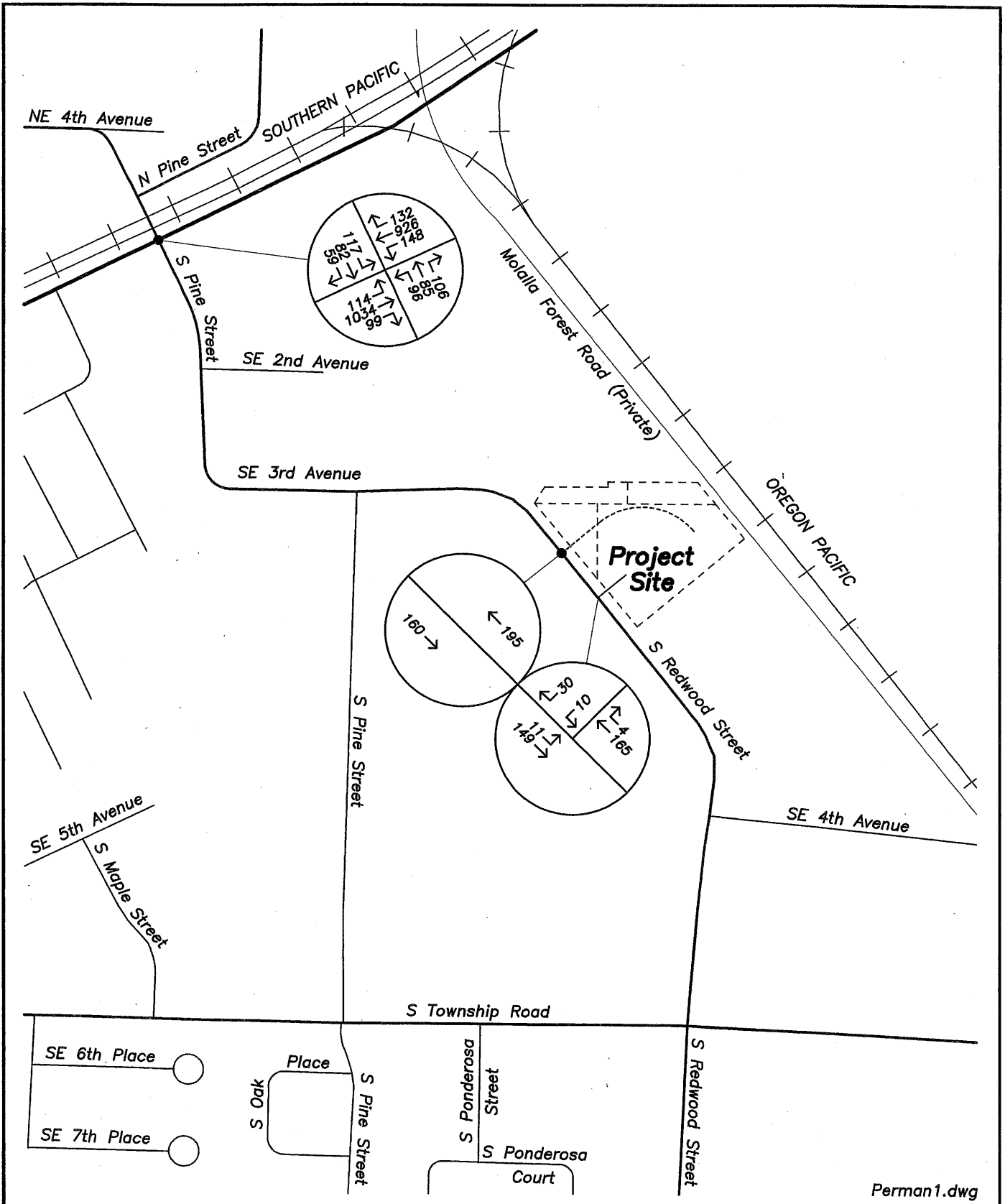
Le

TRAFFIC VOLUMES
 Year 2009 Background Conditions
 AM Peak Hour



FIGURE
7

PAGE
16

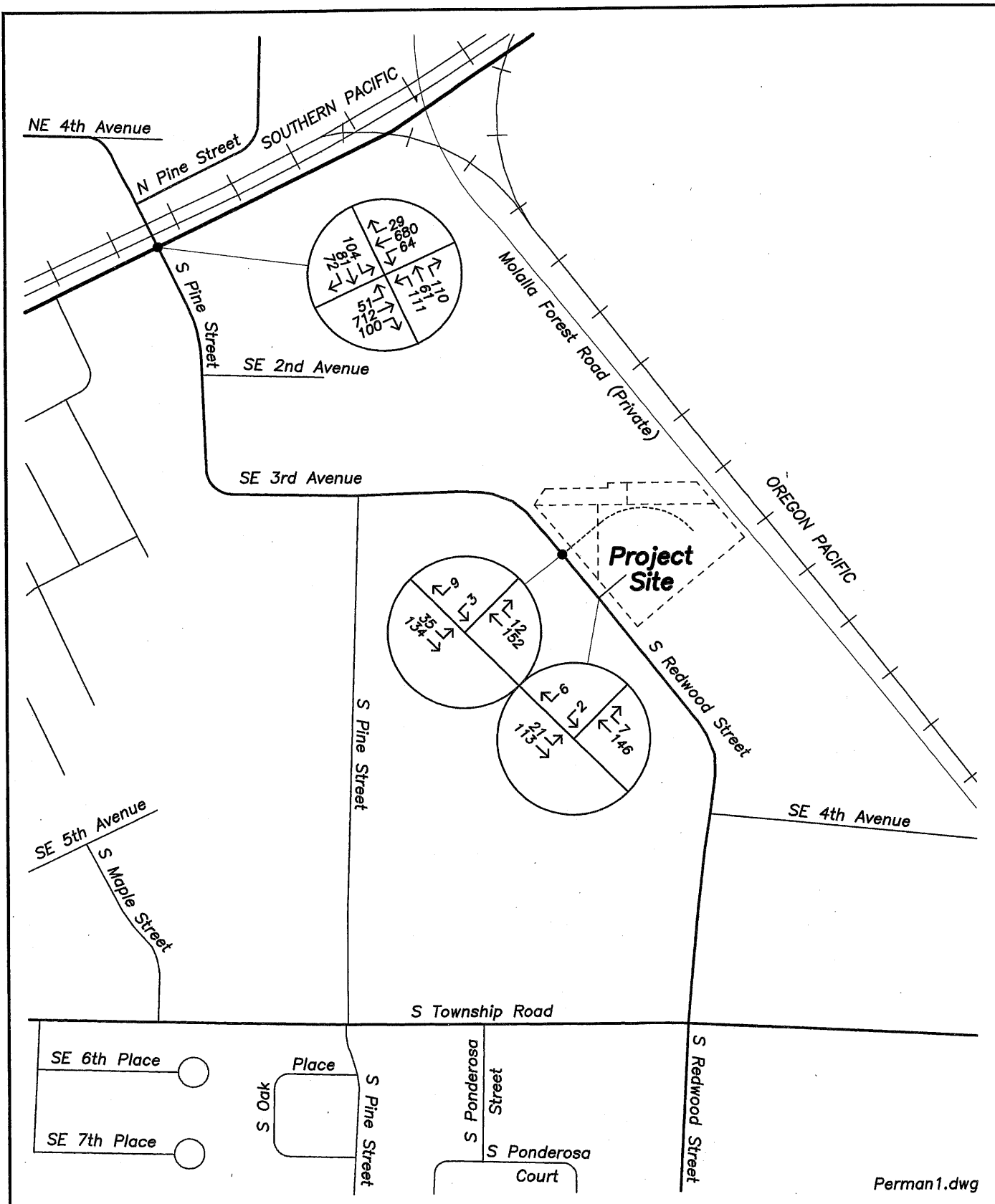


Perman1.dwg

le

TRAFFIC VOLUMES
 Year 2009 Background Conditions
 PM Peak Hour





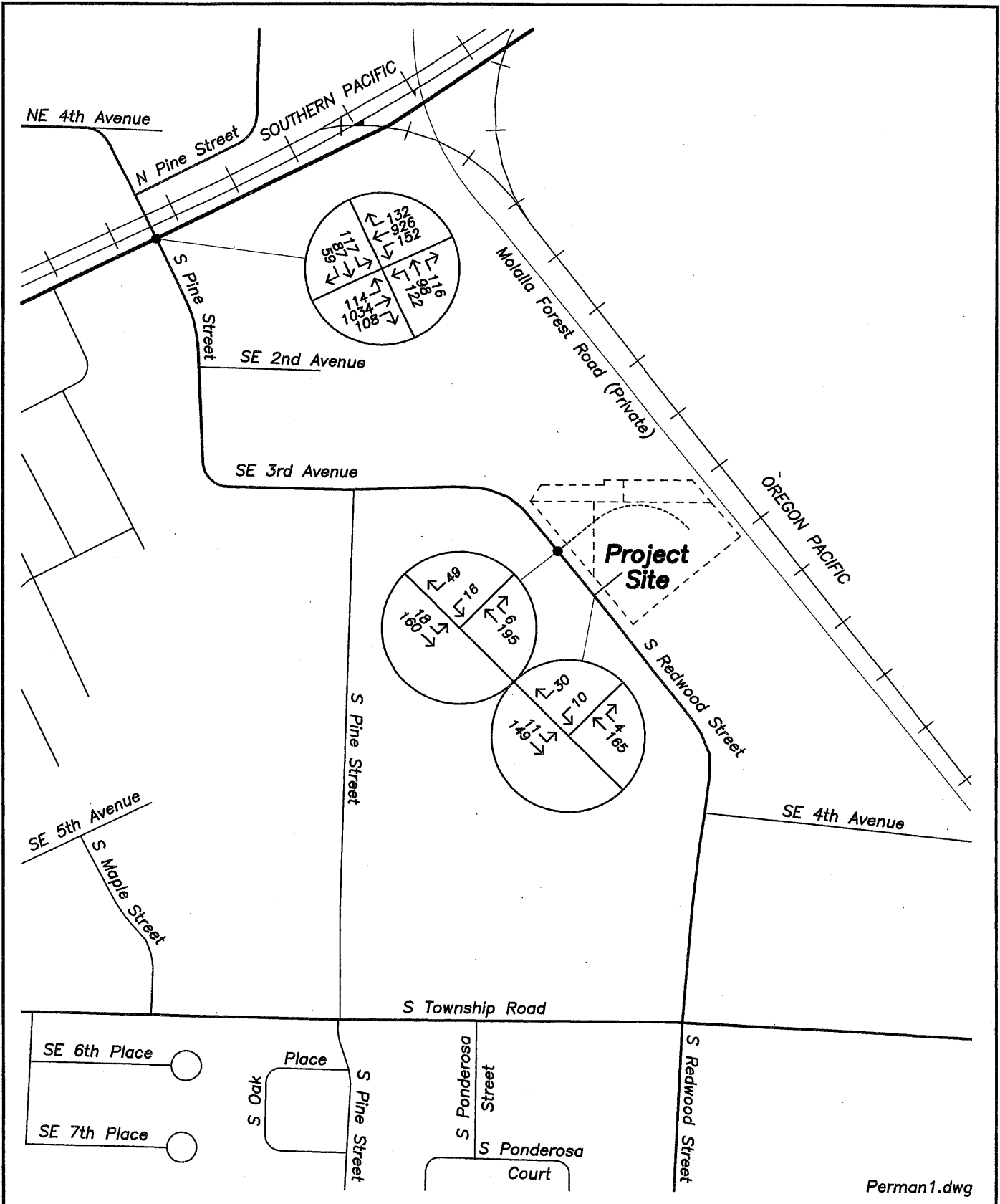
Perman1.dwg

Le

TRAFFIC VOLUMES
 Year 2009 Background plus Site Trips Conditions
 AM Peak Hour



FIGURE
 9
PAGE
 18



Perman1.dwg



TRAFFIC VOLUMES
 Year 2009 Background plus Site Trips Conditions
 PM Peak Hour



FIGURE
 10
PAGE
 19



Capacity Analysis

To determine the level of service at the study area intersections, a capacity analysis was conducted. The level of service can range from A, which indicates very little or no delay, to level F, which indicates a high degree of congestion and delay. The City of Canby has no formally adopted level of service standards, but generally accepts level of service D or better at signalized and unsignalized intersections.

The study area intersections were analyzed using the signalized and unsignalized intersection analysis methods in the *HIGHWAY CAPACITY MANUAL* published in 2000 by the Transportation Research Board. The analysis was made for the morning and evening peak hours for existing, background, and background plus site trips conditions.

The results of the capacity analysis showed the signalized intersection of Highway 99E and Pine Street is operating at level of service C or better during the morning and evening peak hours. The operation becomes C for both peak hours for background conditions and remains C through development of the site.

The unsignalized intersection of Redwood Street and the proposed site access is expected to function between levels of service A and B during both peak hours with development of the site.

The results of the capacity analysis, along with the Levels of Service (LOS) and delay are shown in the following table. Tables showing the relationships between delay and level of service are included in the appendix to this report.



LEVEL OF SERVICE SUMMARY

Perman Health Village

	AM Peak Hour		PM Peak Hour	
	<u>LOS</u>	<u>Delay</u>	<u>LOS</u>	<u>Delay</u>
<i>Highway 99E & Pine Street</i>				
Existing Conditions	B	19	C	23
Background Conditions	C	21	C	23
Background + Site Trips	C	24	C	25
<i>Pine Street & Site Access</i>				
Background + Site Trips	A/B	10	A/B	10

LOS = Level of Service

Delay = Average Delay per Vehicle in Seconds

N Pine Street & S Pine Street

Just north of the signalized Highway 99E/Pine Street intersection is the unsignalized N Pine Street/S Pine Street intersection. During the peak hours, the southbound queues from the traffic signal extend past the unsignalized intersection, occasionally blocking traffic at N Pine Street. These queues make it difficult for drivers on N Pine Street to make a left turn onto S Pine Street, which is the predominant traffic movement at the unsignalized intersection. This can lead to significant queuing on N Pine Street.

To improve the operation of the unsignalized intersection, the City of Canby wants to extend 4th Avenue east to N Pine Street. This would relocate the unsignalized intersection farther from the traffic signal and should place the intersection outside the influence of the southbound queues from the signal. It is recommended that the City construct a new alignment for 4th Avenue that connects to Pine Street as the properties within the future right-of-way redevelop.

Sight Distance

Sight distance was examined at the proposed location of site access onto Redwood Street. In accordance with guidelines in the 2004 Policy on Geometric Design of Highways and Streets, published by the American Association of State Highway and Transportation Offi-



erals (AASHTO), sight distance was measured at a point 15 feet from the edge of the travel lane from a driver's eye height of 3.5 feet to an oncoming driver's eye height of 3.5 feet. The posted speed on Redwood Street is 25 mph, requiring at least 280 feet of sight distance in either direction.

The sight distance measurements assumed the on-site vegetation would be removed with development and replaced with low-growing landscaping. Sight distance was found to be 340 feet to the north and in excess of 500 feet to the south. Sight distance will be adequate when the vegetation has been cleared.

There are rhododendron bushes used as landscaping on the opposite side of Redwood Street to the north of the site access. These bushes appear to have been recently planted and are currently small for rhododendrons. The sight distance measurements assumed the bushes had grown somewhat larger to ensure that sight distance for the exiting site traffic will be adequate in future years as the bushes grow. In order to ensure that sight distance remains adequate for exiting site traffic, it is recommended that the bushes not be allowed to grow within ten feet from the curb line.

The proposed driveway will be located near an existing driveway. In order to reduce the probability of conflicts between drivers exiting both driveways simultaneously, drivers at one driveway need a clear view of exiting vehicles at the adjacent driveway. No obstructions, such as buildings or tall bushes, should be located between the two driveways for a distance of ten feet from the curb line. Landscaping that is less than two feet tall at full growth or trees with no low-hanging branches will be acceptable.

Conclusions and Recommendations

The study area intersections are functioning with low delays and will continue to function with low delays through development of the site. No mitigation is required.



D R A F T

APPENDIX