

AGENDA
CANBY PLANNING COMMISSION

November 22, 2004

City Council Chambers, 155 NW 2nd

I. ROLL CALL

II. CITIZEN INPUT ON NON-AGENDA ITEMS

III. NEW BUSINESS

IV. PUBLIC HEARINGS

MLP 04-03 The applicant is seeking approval to partition one 12,532 square foot parcel into two separate tax lots of approximately 6,275 and 6,278 square feet located on the northeast corner of SW 13th and Cedar Loop. An existing house is proposed to remain on the front lot, creating one buildable lot to the rear of the existing home. The applicant proposes to provide access to a newly created lot by means of a curb cut and access drive off SW 13th Avenue.

V. FINDINGS

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

None

VI. MINUTES

11-8-04

7-12-04

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

City of Canby

CANBY CITY COUNCIL

WORKSHOP NOTICE

December 8, 2004

7:00 PM

Canby Adult Center

This workshop will be attended by the Mayor, City Council, Planning Commission, URD Advisory Committee, Parks & Recreation Advisory Board, Traffic Safety Commission and the Bike & Pedestrian Committee to discuss the Arndt Road Project.

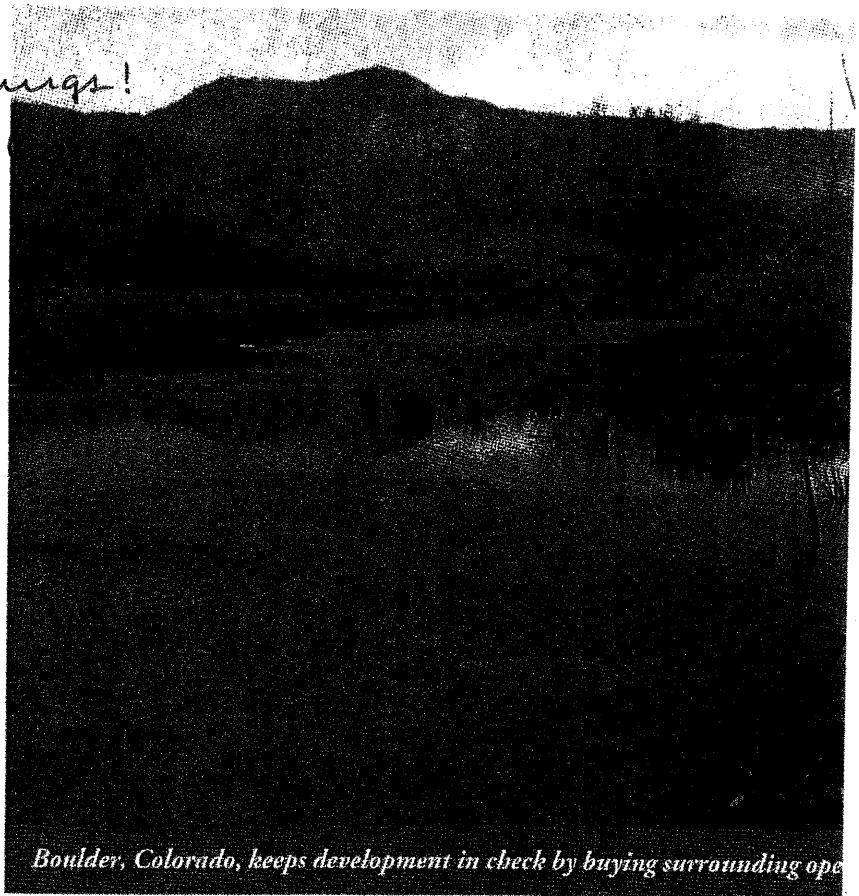
For more information, please call the Canby City Hall at 503.266.4021.

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A different take on things!

Warning: This article may *John*
raise your blood pressure.

You may find it either
dangerously naive or so on
the mark that you want to
charge into a planning
commission meeting
waving it over your head.
Either way, you may want
to question your own
assumptions about growth.



Boulder, Colorado, keeps development in check by buying surrounding open space.

Exploring the No

In the South and West, population growth is fueling a struggle between sprawl and smart growth. Now some people are asking, "Why should we grow at all?"

This is a valid question, and it deserves more than a dismissive answer such as "Growth is inevitable" or "We have a plan to accommodate the projections." The people asking the question understand all too clearly that the real force behind current planning debates is population growth and the congestion and environmental problems that accompany it.

Planners are caught in a vise between the knowledge that growth must occur somewhere and the reality that adding more people doesn't necessarily make better places. On the job, they may feel they have no choice but to accommodate growth—even in communities where residents and elected officials prefer no-growth.

This is hypocrisy, and it's unnecessary. No-growth should be treated as a viable and ethical planning alternative if that's what a community wants.

Growth is perpetual—or is it?

Sprawl and high housing costs would not be in the spotlight today if the U.S. population were not relentlessly booming. Each year, we

add three million people, roughly the equivalent of the population of Chicago.

This annual gain results from international migration, birth rates (largely influenced by recent immigrants), and extended life spans. The growth is not spread evenly, but rather is skewed toward the South and West. According to a December 2003 press release from the U.S. Census Bureau, eight of the 10 states with the highest percentage of population increases between July 2002 and July 2003 were in these two regions of the country (nine of the 10 if Hawaii is counted). Nevada, with a 3.4 percent jump, grew the fastest for the 17th year in a row.

Census Bureau projections point to a nationwide population of 300 million within the next two to three years and 400 million by 2050. Although the nation's percentage of growth was higher during the peak migration period of the late 1800s, today's numbers are bigger.

Does the U.S. government have a policy that would allow the population to grow forever? The answer is yes—in the sense that immigration is supposedly under the control of the federal government and immigration will account for 70 percent of U.S. growth to 2050. Yes, too, because a capitalist economy needs reliable growth to increase the number of its consumers and deflate wage pressures by

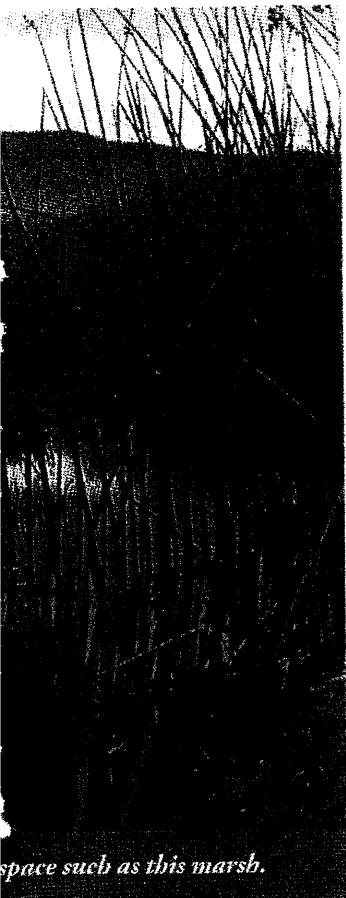
expanding the labor force—especially with eager-to-work immigrants. Among our foreign-born residents, almost half (45 percent) are between the ages of 25 and 44.

The answer is also yes because no one wants to discourage healthy longer lives or to restrict personal decisions on family size.

On the other hand, I know of no official population policy voted on by Congress. Unlike European nations, which explicitly consider population and immigration policies, our nation seems to have a "non-policy" policy of constant growth. The only recent attempt to address the growth question was made by President Richard Nixon's 1972 Commission on Population Growth and the American Future, chaired by Nelson Rockefeller.

In his letter accompanying the commission's report to Congress and the President, Rockefeller noted the following: "We have looked for, and have not found, any convincing argument for continued population growth. The health of the country does not depend on it, nor does the vitality of business nor the welfare of the average person."

That landmark report, written when the oldest baby boomers were entering their child-bearing years, spoke extensively about sprawl, lack of water in the Southwest, crowded schools, and a host of other issues that are still current



© City of Boulder Open Space and Mountain Parks

space such as this marsh.

fair share of regional growth, or reach a population level that supports a higher tax base and a richer mix of cultural activities. Or you may decide to accept immigrants for moral reasons, or because you feel an obligation to implement our national policy (although you may not be able to find it in writing).

On the other hand, if your community really believes in build-out and your general plan aims at creating a stable community, you must consider no-growth as a means to achieve the community vision. Otherwise, the vision is temporary at best and—at worst—a planning lie.

I know your next comment: “We can’t stop growth. It’s better to plan for it than to ignore it.”

You can stop growth

We know that growth can be slowed, diverted, and managed by using a variety

of rounding open space and kept it off-limits to development.

A second method is a growth management system that seeks to pace and locate growth in tandem with public infrastructure. In theory, growth management is a way to guide growth to a more efficient (presumably better) outcome. However, in many locales, growth management has morphed into a policy of limiting the number of building permits issued each year.

Project-level environmental review is often seen as the twin brother of growth management because it often has the same outcome. Both practices have been widely adopted in states and communities where traffic and air quality are substandard and building permits are tied to regional transportation and air quality improvement plans.

A third way to control growth is through

It's possible; it's difficult; it's ethical. By Chris Williamson, AICP

Growth Option

today. That was 88 million people ago. Are we better off in 2004 than in 1972?

What this means to you

For planners, the point is that 20-year local comprehensive plans that try to provide enough housing for current and projected residents—and lower housing costs along the way—almost certainly ensure even more growth in the next planning cycle.

Today, if you are projecting 10,000 new residents between 2005 and 2025, you will still be projecting 10,000 new residents in 2009 for the period 2010 to 2030. If you are currently pushing the public’s limits on smart growth densities in order to house the next 10 years worth of growth, you will have to go back in 10 years and push the envelope again for the following 10 years of growth, some of which you enabled by adding housing in the previous decade.

Until your community becomes undesirable—because of the very growth you are accommodating—perpetual national population growth means perpetual local growth.

Are there reasons to plan for growth? Of course there are. You may want to plan for your population’s natural increase (net births over deaths), or increase the labor force to foster economic development, or take your

of court-tested techniques. Can growth be stopped? That is a hotly debated question.

Perhaps a better question is, “If growth must occur somewhere, need it occur everywhere the market desires?” We already have an answer to that question: “No, there are places where market demand is rejected as accepted public policy.”

We call these places parks, historic areas, sensitive environments, and so on. We agree that these spots have more value as undeveloped (or recreational) resources than as developed areas. So there is a precedent for stopping growth.

Of course, in these instances it helps that governments own the land or that development rights have never been assigned. Can we stop growth in typical communities, where land is privately held, unused development rights exist, and a large portion of the local economy depends on growth?

A 2002 Brookings Institution study called “Holding the Line: Urban Containment in the United States” divided growth management into three broad classes. One method involves open space controls, which prevent or severely limit urban development through outright land purchases or regulations that mandate continued agriculture or some other non-urban use. Boulder, Colorado, provides a famous example because it has bought sur-

rounding open space and kept it off-limits to development.

ballot box zoning—local ballot initiatives that override or replace elected officials’ decisions on land use, either on selected projects, or in total. Initiatives occur only in states that allow them. California is one of those states, and it is the biggest enthusiast. More than 600 ballot measures were proposed there between 1986 and 2000.

In studying these initiatives, a 2002 report by the Solimar Research Group in Ventura concluded the following: California’s ballot measures are deeply embedded in the political culture of coastal communities, but are less popular in inland communities. Over the 15-year period that was studied, slow growth measures were more common and more likely to pass. Elected officials prefer infrastructure adequacy measures, but they don’t always prevail at the ballot box. Voters are likely to adopt urban growth boundaries and prefer direct voter approval of projects. Finally, economic cycles are definitely associated with ballot measure activity. Good economic times bring more no-growth initiatives.

The residents of California’s Napa and Ventura counties have the most powerful growth control measures at their command, as nearly all proposed land-use changes to urban uses outside of urban growth boundaries must have voter approval.

A different future

Is no-growth possible? Yes, but there are any challenges to adopting such a stance.

A no-growth city may need aggressive code enforcement and possibly endure charges of racism. In most cases, housing values in such communities will jump faster than values elsewhere in the region, and average household size will increase. More crowding will occur in low- and moderate-income units, and some property owners will run boarding houses in their single-family residences.

Gradually, the demographics of a no-growth city will shift towards higher income households. However, community change is inevitable either with growth or without it. A no-growth community is simply picking a different future from one based on growth.

Job growth may have to slow down or even stop, depending on the region's ability to support commuting into a no-growth area. Contrary to popular opinion, job growth may not be required to sustain a local economy. That's what Douglass North, who won the 1993 Nobel prize in economics, thought. He identified two distinct types of growth: "extensive growth," in which the number of people and business activity increase, and "intensive growth," or the growth in output per person.

"A society is better off only if it produces more output per person," he wrote in his 1966 book, *Growth and Welfare in the American Past*. In other words, emphasizing extensive growth without intensive growth simply puts stress on public services without increasing actual wealth.

In North's view, some targeted job growth is needed to keep down local unemployment or fill in missing services. However, a community would not collapse economically just because there is zero job growth—despite opinions to the contrary in the real estate, construction, and development sectors. Let's be honest. Any kind of economy can shrink—including one that depends on growth.

A no-growth city needs an active, well-funded land acquisition agency that can grab land whenever it is available in order to develop targeted low- and middle-income housing. It may also benefit from inclusionary housing policies, rent control, and employer-provided housing.

Perhaps most uncomfortable for planners is the possibility that a no-growth city may have to help people and businesses leave town. High-cost states are already exporting residents to lower cost states—and that trend is likely to continue. A no-growth city might consider offering help to newcomers who want

Resources

In print. See Douglass North's *Growth and Welfare in the American Past* (1966). Also: "Population Growth and the American Future," a 1972 report of the commission of the same name, and the Brookings Institution's "Holding the Line: Urban Containment in the United States," by Rolf Pendall, Jonathan Martin, and William Fulton.

On the web. "Tools and Patterns of Growth Management Ballot Measures in California 1986-2000," by Mai Nguyen and William Fulton, is at www.solimar.org. Find the Census Bureau's "Population Estimates (2003)" at <http://www.census.gov> and the United Nations' "International Migration Report 2002" at www.un.org.

to move to a sister city eager for growth. This isn't a radical idea. After all, history is littered with examples of parent cities that established colonies for their growing populations.

A no-growth policy must respect existing property rights. The best no-growth policy freezes rights in place and stops giving away new development rights through general plan amendments and up-zoning. After all, property rights are only those rights recognized as legal at any given moment. Expectation of future upzoning is not a property right, although there may be a good legal case for it if precedents exist. Transferable development rights are a tool to compensate land owners for anticipated future value, but TDRs typically can be used only if some growth is in the cards.

It's the ethical choice

Growth at the local level is market demand—nothing more or less. When a child turns 21 and wants his own apartment, that is market demand. When a retired couple wants to buy a second home in a quiet beach town, that is market demand. When a senior citizen ages in place, that is market demand. When a Brazilian decides to move to the U.S. to work and send money home, that is market demand.

None of these actions is obligatory, and fewer would occur in a no-growth community if housing costs were relatively high and the number of new jobs was not expanding beyond the capacity of the local labor force. Market demand would either go away or go someplace else.

Projections are an expression of past market demand trends extended into the future. Some of these demands may have higher value in your community. But each community facing growth is, in effect, deciding how much and

what kind of market demand to satisfy. The bottom line is this: Your community is not obliged to meet market demand. If, through a valid, fair, and informed democratic process, your community chooses no-growth over growth, that is an ethical planning decision that should be fully respected—both by the planning profession and by pro-growth advocates.

You might answer that local politics is not fair or fully informed. That is true. But what are the choices? If your residents prefer no-growth, would you impose market demand over their wishes? Would you impose "expert" views on the public? Isn't that how we ended up with sprawl to begin with? Would you guide the market with smart growth principles? Okay, but you are still enabling perpetual growth because smart growth enables more growth.

An important criticism of no-growth is that it displaces growth onto other communities—even to some that may be less prepared for it. That is true, too, but there are three disparate answers to that argument.

First, it can be argued that our communities are separate entities, free to set their own agendas without much regard for the impacts on others. Second, one could say that communities have an obligation to consider the effects of their actions on others and to mitigate major negative impacts. Third, it could be claimed that communities have an obligation to avoid negative impacts on their neighbors even to the point of overriding the express wishes of their residents.

I lean toward the second argument. In my view, communities that strongly favor no-growth should negotiate 20-year no-growth assessments that recapture some of the property value gains attributable to their policies. Those gains could be used elsewhere to support growth where it is desired: a neighboring city, county, or state.

You see, there are no right answers about growth. There are only decisions about which problems you will face in the future: sprawl and perpetual growth, smart growth and perpetual growth, or no-growth. It's time to take no-growth seriously, to study its consequences, and to learn how to manage its side effects.

We owe it to those residents who believe in a sustainable environment to show them that they can decide their community's future through the democratic process rather than by relying on market demand or the experts' inclination to miss the point.

Chris Williamson is an associate planner with the city of Oxnard, California. He is an adjunct associate professor of geography and planning at the University of Southern California and was an analyst and special assistant to the director of the U.S. Census Bureau.

Governor must respond quickly

In response to Measure 37, the state should centralize the tracking of claims and look for a way to pay them

Last week, more than a million Oregonians voted to zap inequity in the state's land-use system. You can see the gallantry of what they were trying to do. But in approving Measure 37, what Oregon voters actually did was rent "Fairness: The Video Game."

State and local governments now are left to sort out the complexity, ambiguity and what may be the impossibility of making this measure work.

In the video game, it's all so simple. Swashbuckling voters empower property owners to exact payment from wicked governments if regulations reduce land values. In reality, though, there is no money. There isn't even much of a battle. Many government officials have no idea what to do about Measure 37. Some reacted to its passage last week with a timid, total, un-video-gamelike surrender.

As in: You want waivers of the rules? We'll give you waivers, almost before you've asked. If state and local governments can't pay, Measure 37 authorizes them to break their own rules. A few city officials — we trust, only a few — have considered approving policy statements to automatically grant waivers.

That is called panicking.

At the League of Oregon Cities' annual conference last week, hundreds of city officials were told that panicking is not a good idea. But to sort out this horrendous measure, 240 cities and 36 counties will need help and guidance ASAP from our state's leaders.

The attorney general must quickly clarify some things. For starters: What happens to Oregon's tax breaks for farmers and foresters? Henry Richmond, who campaigned against Measure 37, has calculated conservatively that 80 percent of the privately held land in Oregon benefits from special tax assessments. That's a lot of land.

Over 30 years, Richmond says, Oregon farmers alone have received tax breaks worth more than \$4 billion in today's dollars. That's a lot of compensa-

tion. Today, he says, thanks to strong tax protections, farm land with a real-market value of \$15 billion is valued for tax purposes at \$2.3 billion.

Protecting farm land has been a wonderful investment for Oregon. But seeking money under Measure 37 after getting tax breaks is double-dipping, as farmer Hector Macpherson will tell you. The former state senator, who crafted Senate Bill 100, which created the land-use system, says double dippers better be ready to pay the state back.

Everyone, including Macpherson, acknowledges that the 30-year-old land-use system needs some updating, and a review of it is underway. But it won't be finished in time to help local governments sort out Measure 37.

And here's another question that has to be answered. Under Measure 37, neighbors can be held to different zoning rules, based on the date they bought their property. So how can these neighbors be assured equal protection under the Oregon Constitution?

Fairness under Measure 37 is many-sided, and far more complicated than voters knew. All the more reason for the state to intervene. Only the state can come at fairness from every angle, and make sure every claim is carefully tracked. Gov. Ted Kulongoski should set up a central registry for claims, standardize their processing and help local governments research them. He should also name a commission to advise legislators on other fixes, and look for a source of funds to pay compensation.

Remember, that's what 60 percent of voters said they wanted. True, even that many voters can be wrong. And we understand why state leaders would be reluctant to try to fix something as miserably flawed as Measure 37. But it's also wrong to sit back, allow it to go into effect next month and hope the resulting wreckage teaches voters a lesson.

Voters had only a video-game glimmering of what they voted for last week, but there's no evidence they wanted to wreck Oregon's land-use system.

11-7-04 Oregonian

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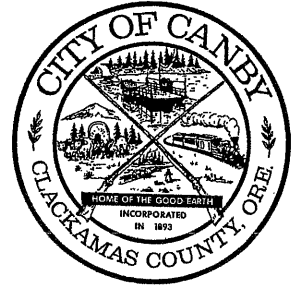
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- STAFF REPORT -

APPLICANT:

Aleksandr Krischenko
1214 S Cedar Loop
Canby, OR 97013

FILE NUMBER:

MLP 04-03
(Krischenko)

OWNER:

Aleksandr Krischenko
1214 S Cedar Loop
Canby, OR 97013

STAFF:

Darren J. Nichols
Associate Planner

LEGAL DESCRIPTION:

Tax Map 4-1E-04CB, Tax Lot 8600

DATE OF REPORT:

November 10, 2004

LOCATION:

Northeast corner of SW 13th and Cedar Loop
Just west of LDS church property

DATE OF HEARING:

November 22, 2004

COMPREHENSIVE PLAN DESIGNATION:

R-1.5 Medium Density Residential

ZONING DESIGNATION:

R-1.5 Medium Density Residential

I. APPLICANT'S REQUEST:

The applicant is seeking approval to partition one 12,532 square foot parcel into two separate tax lots of approximately 6,275 and 6278 SF. An existing house is proposed to remain on the front lot, creating one buildable lot to the rear of the existing home. The applicant proposes to provide access to a newly created lot by means of a curb cut and access drive off SW 13th Avenue. The application meets current zoning and comprehensive plan designations for R-1.5 Medium Density Residential development.

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-1.5 Medium 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 1214 South Cedar Loop. The parcel currently contains one single family residence on the northeast corner of SE 13th Avenue and S Cedar Loop. The existing residence is located toward the Cedar Loop frontage of the parent parcel; one additional residence could be constructed on a newly created lot at the rear of the existing home.

Drawings submitted by the applicant show a curb cut and driveway access from SW 13th Avenue for the proposed new lot. The proposed driveway meets minimum access standards which require a paved drive surface from SW 13th Avenue to any structure. Existing sidewalks are proposed to remain and will be required to be installed and/or maintained along the entire street frontage of the parent parcel.

Neighboring properties to the north, east and south are all zoned for R-1.5 Medium Density Residential. Property to the east is zoned R-1 Low Density Residential and contains the Church of Jesus Christ of Latter Day Saints. Immediately adjacent to the subject parcel is a church parking lot. The properties are separated by a six foot fence.

A portion of the subject parcel is part of the Cedar Ridge PUD initially approved for development in 1992. According to CC&R's adopted by the Cedar Ridge neighborhood association, none of the originally approved Cedar Ridge lots shall be divided. The subject parcel, however, has been amended by a lot line adjustment which transferred approximately 4,800 SF of land from the Rackleff House assisted living facility to the subject parcel. That 4,800 SF portion of the subject parcel was not part of the initial Cedar Ridge PUD and no records are available to indicate that the PUD or CC&R were amended to include that portion of land subsequently transferred.

An adjacent neighbor is concerned that the applicant's proposal violates the CC&R for Cedar Ridge. After reading the language of the CC&R and reviewing previous land use decisions (SUB/PUD and LLA) it is unclear whether or not the restriction applies to this piece of property. Staff understands the neighborhood concerns but City Attorney John Kelley has stated that the City is obligated to accept the application and to make a decision based solely on criteria in the City's Land Development and Planning Ordinance. The CC&R are private regulations enforced by the neighborhood association and settled ultimately in a civil court. For the purposes of considering this application, staff and the Planning Commission should consider only the applicable criteria of Canby's Municipal Code regarding development in the R-1.5 Medium Density Residential Zone.

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 two story home; any new residence 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 would permit additional development of the subject parcel and maximize the efficient use of the property. Lot size standards for the R-1.5 zone are 5000 SF minimum and 6,500 SF maximum. The proposed partition would create two compliant parcels from the existing oversize parcel.

The applicant has not submitted a development proposal for a newly created parcel; access standards and design standards will apply at the time of development.

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

TRANSPORTATION ELEMENT

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

Applicable Policies:

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

Analysis: Existing street and utility improvements are sufficient to support development of the proposed partition. An approved curb cut, approach apron and sidewalks are required to provide drive access to Parcel 2.

One existing driveway provides access to parking area at the Church of Jesus Christ of Latter Day Saints to the east of the subject parcel. The existing driveway is approximately 25 feet from the east property line of the subject parcel along SW 13th Avenue. SW 13th is identified in the Transportation System Plan (TSP) as an eventual arterial, although the existing street does not function as such and requires improvements to meet the standards for an arterial road. The access spacing standard for an arterial is 300 feet for streets and driveways.

The TSP also gives the City permission to approve access points that do not meet spacing standards. Other existing driveways in the same block are already constructed within 60 foot and 30 spacing, well under the recommended 300 feet.

***According to the 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. (Ord. 1043 section 3, 2000)

Because of the existing development accesses on SW 13th and because there are no other access options, staff recommends approving the proposed driveway location.

Condition #14 also requires one street tree on each lot

frontage (three trees total). Existing trees may meet street tree requirements subject to staff approval during the permit process.

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

Analysis: The applicant does not propose to construct new sidewalks; existing sidewalks shall be preserved and/or reconstructed to City standards to provide continuous sidewalks along all street frontages of the parent parcel. Condition 10 requires sidewalks along the full street frontage of the parent parcel.

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

Analysis: The Canby Police Department and Canby Fire District received notice of the proposed partition. 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.

Analysis: All public facility and service providers were sent a "Request for Comments." No concerns were expressed regarding the applicant's proposal.

Neighborhood Comments:

Richard Ball submitted a copy of Cedar Ridge Associates' CC&R language stipulating that no lot within Cedar Ridge shall be divided to create additional building lots. It is not clear how the proposed application fits with the private CC&R. The application however meets City of Canby ordinances regarding lot size and access standards.

Mr. Ball also provided a statement indicating that Mr. Krischenko made a request to the Cedar Ridge Civic Association Board of Directors to waive the Association's CC&R regarding lot partitioning. At the Board's September meeting, the body apparently voted 4-1 to deny Mr. Krischenko's request. In a conversation with Mr. Krischenko, he indicated that he had also canvassed the neighborhood and received majority support for his proposal.

No other neighbors have made comment and no statement has been received from the Cedar Ridge Civic Association.

Any decision made by the Cedar Ridge Civic Association is a private decision and should be enforced privately in a civil arena. The Planning Commission should consider neighbor's comments but should make a decision based solely on the criteria and standards for development in the R-1.5 zone.

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 newly created parcels shall comply with applicable provisions of the City of Canby Land Development and Planning Ordinance, state and local 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, minimum 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-1.5 zone. The issue of spacing along SW 13th Avenue should also be considered for compatibility with existing development and with the City's Transportation System Plan. Staff believes that the access spacing issue is eligible for grant of an exception for this partition only. See page 6 above for an explanation of the Planning Commission's ability to grant an exception to access standards.

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.

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 and will adequately provide building sites, utility easements and access facilities necessary for development of the subject

property without unduly hindering the use or development of adjacent properties.

3. No private roads will be created.
4. 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 AND CONDITIONS

Based on the application and drawings submitted and based on the facts, findings and conclusions of this report but without the benefit of a public hearing, staff recommends that the Planning Commission approve MLP 04-03 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 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. An acceptable stormwater system plan shall be approved by Clackamas County and the Canby Public Works Department.
9. A preconstruction conference is required prior to issuance of any building permits for construction of a dwelling unit on the newly created parcel. The applicant is responsible for scheduling the conference and providing any materials necessary to facilitate the conference.

During Construction:

10. A five (5) foot sidewalk inclusive of curb shall be preserved and/or constructed for the full frontage of the parent parcel along SW 13th and along S Cedar Loop. Where utility poles, mailboxes/newspaper boxes, fire hydrants or other obstructions are located at the curb, sidewalks shall swing away from the curb such that the walkway remains unobstructed for a full five-foot width.
11. The applicant is responsible for all costs associated with the installation and relocation of utilities as necessary to serve existing parcels and any new parcel(s).
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. The applicant shall construct an approved curb cut, approach apron and sidewalk ramps at the drive entrance to each parcel. Access improvements and sidewalks shall be inspected and approved by Canby Public Works prior to installation.
14. The applicant shall plant a minimum of one street tree along the street frontage of each lot (three trees). Street trees shall be placed 11' behind the back of sidewalk. No tree shall be planted within 10 feet of any sewer main line or lateral. Existing trees that meet these criteria may be considered acceptable by the City of Canby Planning Department and Public Works.
15. The construction of homes on newly partitioned lots shall comply with Infill Home

Standards as defined in CMC 16.21.050.

16. Garages shall be set back a minimum of 19 feet from the back of the sidewalk. The distance shall be measured from the garage façade to the nearest edge of the sidewalk. Newly created lots shall provide vehicle access onto newly-created interior streets only; no lot shall access N Locust.

Exhibits:

1. Applicant's Packet (narrative and proposed partition plan)
2. Responses to the Request for Comments
3. Submittal from Neighbors (CC&R and Quitclaim documents)

MINOR LAND PARTITION APPLICATION

FEE \$1,280
PROCESS TYPE III

OWNER

APPLICANT*

Name Alexsandr Krishchewko

Name Alexsandr Krishchewko

Address 1214 S Cedar Loop

Address 1214 S Cedar Loop

City Canby State OR Zip 97013

City Canby State OR Zip 97013

OWNER'S SIGNATURE Krish

PHONE 503 2666449

DESCRIPTION OF PROPERTY:

Address 1214 S Cedar Loop Canby OR 97013

Tax Map 41E04CB Tax Lot(s) 8600 Lot Size 12,532 #
(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 Back Yard

Proposed Use Build a House

Existing Structures Garden Home (tool shed)

ZONING R-1.5

COMPREHENSIVE PLAN DESIGNATION MAR (R-1.5)

PREVIOUS ACTION (If Any) PUB

CEDAR RIDGE SUBDIVISION

FOR CITY USE ONLY	
File #	<u>MLP 04-03</u>
Date Received	<u>6/21/04</u> By <u>DIX</u>
Completeness Date	<u>07/21/04</u>
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.
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 checked="" type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Payment of \$\$1,280, cash or checks only. Checks should be made out to the City of Canby.
<input checked="" type="checkbox"/>	<input checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input checked="" 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: 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.

- 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.

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.

August 9, 2004

Canby Planning
182 N Holly Street
Canby, OR 97013

To whom it may concern:

I, Aleksandr Krishchenko ask the Canby Planning department to postpone the August 9, 2004 hearing until further notice. Also, please waive the 120-day rule. If you have any questions or comments, please contact me or Lana Krishchenko at (503) 936-3267.
Thank you.

Sincerely,



for: Aleksandr Krishchenko

City of Canby
Planning/Building Department
182 N Holly Street
Canby, OR 97013

October 20, 2004

To Whom It May Concern:

I would like to proceed with my minor land partition. Please reactivate my application.

Sincerely,

A handwritten signature in cursive script that reads "Aleksandr Krishchenko".

Aleksandr Krishchenko

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: July 9, 2004

TO:

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

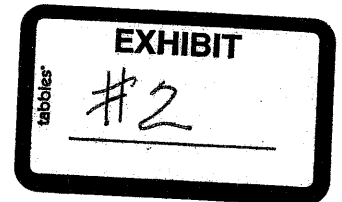
The City has received MLP 04-03 (Krischenko), an application by Aleksandr Krischenko to divide a 12,532 square foot parcel into two lots at 1214 S Cedar Loop. Newly created lots would contain approximately 6,275 and 6,278 SF. The site is located on the southwest corner of the intersection at S Cedar Loop and SW 13th Avenue. (Tax Map 4-1E-04CB, Tax Lot 8600).

Please review the enclosed application and return comments to Darren Nichols no later than 5:00 PM August 9, 2004. Please indicate any conditions you wish the Planning Commission to consider in hearing the application. Thank you!

Comments or Proposed Conditions:

Please check one box:

- 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 Pagano Date: 8-6-04

Title: Chief Agency: Police

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: July 9, 2004

- | | | |
|-----|--|--|
| TO: | <input checked="" type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| | <input checked="" type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| | <input checked="" type="checkbox"/> PUBLIC WORKS | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| | <input checked="" type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| | <input checked="" type="checkbox"/> CANBY WATER | <input checked="" type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| | <input checked="" type="checkbox"/> WWTP | <input checked="" type="checkbox"/> CANBY SCHOOL DISTRICT |
| | <input checked="" type="checkbox"/> CITY ENGINEER | <input checked="" type="checkbox"/> NW NATURAL |
| | <input checked="" type="checkbox"/> CTA | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| | <input checked="" type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> OREGON DEPARTMENT OF REVENUE |
| | <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| | <input type="checkbox"/> LANCASTER ENGINEERING | |

The City has received MLP 04-03 (Krischenko), an application by Aleksandr Krischenko to divide a 12,532 square foot parcel into two lots at 1214 S Cedar Loop. Newly created lots would contain approximately 6,275 and 6,278 SF. The site is located on the southwest corner of the intersection at S Cedar Loop and SW 13th Avenue. (Tax Map 4-1E-04CB, Tax Lot 8600).

Please review the enclosed application and return comments to Darren Nichols no later than 5:00 PM August 9, 2004. Please indicate any conditions you wish the Planning Commission to consider in hearing the application. Thank you!

Comments or Proposed Conditions:

PLEASE SEE ATTACHED FOR DEVELOPMENT FEE.

Please check one box:

- 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: _____

8 - 5 - 2004

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: July 9, 2004

- | | |
|---|---|
| <p>TO:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> FIRE <input checked="" type="checkbox"/> POLICE <input checked="" type="checkbox"/> PUBLIC WORKS <input checked="" type="checkbox"/> CANBY ELECTRIC <input checked="" type="checkbox"/> CANBY WATER <input checked="" type="checkbox"/> WWTP <input checked="" type="checkbox"/> CITY ENGINEER <input checked="" type="checkbox"/> CTA <input checked="" type="checkbox"/> WILLAMETTE BROADBAND <input type="checkbox"/> CANBY DISPOSAL <input type="checkbox"/> LANCASTER ENGINEERING | <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 checked="" type="checkbox"/> CANBY SCHOOL DISTRICT <input checked="" type="checkbox"/> NW NATURAL <input type="checkbox"/> ODOT/REGION 1/DIST 2B <input type="checkbox"/> OREGON DEPARTMENT OF REVENUE <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
|---|---|

The City has received MLP 04-03 (Krischenko), an application by Aleksandr Krischenko to divide a 12,532 square foot parcel into two lots at 1214 S Cedar Loop. Newly created lots would contain approximately 6,275 and 6,278 SF. The site is located on the southwest corner of the intersection at S Cedar Loop and SW 13th Avenue. (Tax Map 4-1E-04CB, Tax Lot 8600).

Please review the enclosed application and return comments to Darren Nichols no later than 5:00 PM August 9, 2004. Please indicate any conditions you wish the Planning Commission to consider in hearing the application. Thank you!

Comments or Proposed Conditions:

Line Extension Fees will apply @ time of development

There is existing underground primary lines along 13th Ave

A Power Vault is located on the SE corner of the property

Please check one box:

- 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: *Bob Stowell*

Date: 8-3-04

Title: Line Foreman

Agency: CANBY UTILITY ELECT.

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-9404

FAX 266-1574

DATE: July 9, 2004

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - WWTP
 - CITY ENGINEER
 - CTA
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 - OREGON DEPARTMENT OF REVENUE
 - CANBY BUSINESS REVITALIZATION

The City has received MLP 04-03 (Krischenko), an application by Aleksandr Krischenko to divide a 12,532 square foot parcel into two lots at 1214 S Cedar Loop. Newly created lots would contain approximately 6,275 and 6,278 SF. The site is located on the southwest corner of the intersection at S Cedar Loop and SW 13th Avenue. (Tax Map 4-1E-04CB, Tax Lot 8600).

Please review the enclosed application and return comments to Darren Nichols no later than 5:00 PM August 9, 2004. Please indicate any conditions you wish the Planning Commission to consider in hearing the application. Thank you!

Comments or Proposed Conditions:

WATER SERVICE FOR NEW LOT CAN BE PLACED @ EASTERN
PROPERTY LINE.

Please check one box:

- 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 Foreman* Date: 8/2/04

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 9, 2004

- TO:
- FIRE
 - POLICE
 - PUBLIC WORKS
 - CANBY ELECTRIC
 - CANBY WATER
 - WWTP
 - CITY ENGINEER
 - CTA
 - WILLAMETTE BROADBAND
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- OREGON DEPARTMENT OF REVENUE
- CANBY BUSINESS REVITALIZATION

The City has received MLP 04-03 (Krischenko), an application by Aleksandr Krischenko to divide a 12,532 square foot parcel into two lots at 1214 S Cedar Loop. Newly created lots would contain approximately 6,275 and 6,278 SF. The site is located on the southwest corner of the intersection at S Cedar Loop and SW 13th Avenue. (Tax Map 4-1E-04CB, Tax Lot 8600).

Please review the enclosed application and return comments to Darren Nichols no later than 5:00 PM August 9, 2004. Please indicate any conditions you wish the Planning Commission to consider in hearing the application. Thank you!

Comments or Proposed Conditions:

Please check one box:

- 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: Ron Harbrough Date: 8-2-04

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: July 9, 2004

- TO:
- | | |
|--|--|
| <input checked="" type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input checked="" type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input checked="" type="checkbox"/> PUBLIC WORKS | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| <input checked="" type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input checked="" type="checkbox"/> CANBY WATER | <input checked="" type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input checked="" type="checkbox"/> WWTP | <input checked="" type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input checked="" type="checkbox"/> CITY ENGINEER | <input checked="" type="checkbox"/> NW NATURAL |
| <input checked="" type="checkbox"/> CTA | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input checked="" type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> OREGON DEPARTMENT OF REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> LANCASTER ENGINEERING | |

The City has received **MLP 04-03 (Krischenko)**, an application by **Aleksandr Krischenko** to divide a 12,532 square foot parcel into two lots at 1214 S Cedar Loop. Newly created lots would contain approximately 6,275 and 6,278 SF. The site is located on the southwest corner of the intersection at S Cedar Loop and SW 13th Avenue. (Tax Map 4-1E-04CB, Tax Lot 8600).

Please review the enclosed application and return comments to **Darren Nichols** no later than 5:00 PM **August 9, 2004**. Please indicate any conditions you wish the Planning Commission to consider in hearing the application. Thank you!

Comments or Proposed Conditions:

Please check one box:

- 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: 8/2/04

Title: Supervisor WWTP Agency: WWTP

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: July 30, 2004

- 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"/> CANBY SCHOOL DISTRICT |
| <input type="checkbox"/> CITY ENGINEER | <input type="checkbox"/> NW NATURAL |
| <input type="checkbox"/> CTA | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> OREGON DEPARTMENT OF REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> LANCASTER ENGINEERING | |

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Please review the enclosed application and return comments to **Darren Nichols** no later than 5:00 PM **August 9, 2004**. Please indicate any conditions you wish the Planning Commission to consider in hearing the application. Thank you!

Comments or Proposed Conditions:

No traffic concerns at this time

Please check one box:

- 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: M. Helen Elmer **Date:** 8-10-04

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

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-9404

FAX 266-1574

DATE: July 9, 2004

- TO:**
- | | |
|--|--|
| <input checked="" type="checkbox"/> FIRE | <input type="checkbox"/> CANBY POST OFFICE |
| <input checked="" type="checkbox"/> POLICE | <input type="checkbox"/> CLACKAMAS COUNTY ASSESSOR |
| <input checked="" type="checkbox"/> PUBLIC WORKS | <input type="checkbox"/> CLACKAMAS COUNTY 911 |
| <input checked="" type="checkbox"/> CANBY ELECTRIC | <input type="checkbox"/> CLACKAMAS COUNTY TRANSPORTATION |
| <input checked="" type="checkbox"/> CANBY WATER | <input checked="" type="checkbox"/> TRAFFIC SAFETY COMMITTEE |
| <input checked="" type="checkbox"/> WWTP | <input checked="" type="checkbox"/> CANBY SCHOOL DISTRICT |
| <input checked="" type="checkbox"/> <u>CITY ENGINEER</u> | <input checked="" type="checkbox"/> NW NATURAL |
| <input checked="" type="checkbox"/> CTA | <input type="checkbox"/> ODOT/REGION 1/DIST 2B |
| <input checked="" type="checkbox"/> WILLAMETTE BROADBAND | <input type="checkbox"/> OREGON DEPARTMENT OF REVENUE |
| <input type="checkbox"/> CANBY DISPOSAL | <input type="checkbox"/> CANBY BUSINESS REVITALIZATION |
| <input type="checkbox"/> LANCASTER ENGINEERING | |

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Please review the enclosed application and return comments to **Darren Nichols** no later than 5:00 PM **August 9, 2004**. Please indicate any conditions you wish the Planning Commission to consider in hearing the application. Thank you!

Comments or Proposed Conditions:

WE RECOMMEND CURBS AND SIDEWALKS TO BE CONSTRUCTED IF THEY DO NOT ALREADY EXIST ALONG THE ENTIRE FRONTAGE.

Please check one box:

- 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 Ibraku* Date: 8/5/04

Title: Project Engineer Agency: Curran McLeod, Inc

11/9/2004

At the regularly scheduled Cedar Ridge
Civic Association's Board of Directors meeting
in September, 2004, Alex Krishchenko's
request for a waiver of our CCA R 101 was
denied by a vote of 4-1.

Richard D. Ball

Board Member

Cedar Ridge Civic Assn.

Canby, OR 97013

RECEIVED

NOV 09 2004

CITY OF CANBY

CHICAGO 1020855 1/4

Darren,

I got this Quitclaim Deed in O.C. this morning. It is the parcel that was added to the Krischenko's lot in Aug 2002. You may wish to add it to your file, MLP 04-03.

Richard Ball
266-5313

d to:

RECORDED IN CLACKAMAS COUNTY
ARDIS STEVENSON, COUNTY CLERK

2002-078562



\$41.00

D-D Cnt=1 Stn=3 MIKE
\$20.00 \$11.00 \$10.00

08/26/2002 01:59:27 PM

QUITCLAIM DEED

THIS QUITCLAIM DEED, executed this 21st day of August, 2002,
by first party, Grantor, Assisted Living Facilities, Inc.
whose post office address is 309 SW 6th Ave., Suite 210; Portland, OR 97204
to second party, Grantee, Aleksandr Krishchenko
whose post office address is 1214 S Cedar Loop; Canby, OR 97013

WITNESSETH, That the said first party, for good consideration and for the sum of NO Dollars (\$0.00) paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said second party forever, all the right, title, interest and claim which the said first party has in and to the following described parcel of land, and improvements and appurtenances thereto in the County of Clackamas, State of Oregon to wit:

TRACT 2

BEGINNING at the NE corner of Lot 1 of the Replat of Cedar Ridge, located in the West 1/2 of Section 4, T.4S., R.1E., WM, City of Canby, Clackamas County, Oregon; thence S00°04'53"E 101.63 feet to the north right of way line of SW 13th Avenue; thence, on said right of way line, on a 425.00 foot radius curve concave northerly, having a central angle of 12°32'02" (which chord bears N83°11'36"W 92.79 feet) an arc length of 92.97 feet to the SE corner of said Lot 1; thence, on the southeasterly line of said Lot 1, N45°25'29" 129.15 feet to the POINT OF BEGINNING.

Said area containing 4,838 square feet more or less.

Subject to easements of record and to any other encumbrances. Transferred as - is, without warranty, covenant or representation.

SAID CONVEYANCE IS PURSUANT TO APPROVED LOT LINE ADJUSTMENT #LAA0202.

CHICAGO TITLE INSURANCE COMPANY OF OREGON
HAS RECORDED THIS INSTRUMENT AS AN ACCOMMODATION ONLY AND ASSUMES NO LIABILITY FOR ERRORS OR OMISSIONS HEREIN, NOR DOES CHICAGO TITLE REPRESENT THAT IT WILL CREATE THE ESTATE OR INTEREST IN REAL PROPERTY WHICH IT PURPORTS TO CREATE.

IN WITNESS WHEREOF, The said first party has signed and sealed these present the day and year first above written.

Assisted Living Facilities, Inc.

By [Signature]
Michael R. DeShane, Secretary

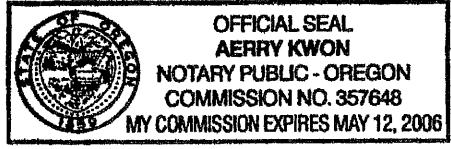
State of Oregon
County of Multnomah

On August 21, 2002 before me, Aerry Kwon
appeared Michael R. DeShane

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
WITNESS my hand and official seal.

[Signature]
Signature of Notary

Affiant Known Produces ID
Type of ID _____
(Seal)



Property Transfer Agreement

This Property Transfer Agreement ("Agreement") is entered into on Aug. 21, 2002 between Assisted Living Facilities, Inc., an Oregon corporation ("ALF") and Alekander Krishchenko ("Recipient").

Recitations

- A. ALF owns a small parcel of property (the "Surplus Property") adjacent to its facility in Canby, Oregon and has determined that ALF has no need for the Surplus Property.
- B. Recipient has need for the Surplus Property.
- C. ALF has agreed to transfer the Surplus Property to Recipient under the terms and conditions set forth in this Agreement.

Operative Provisions

- 1. ALF Agrees to transfer to Recipient by quitclaim deed all of ALF's right, title and interest in the Surplus Property, such deed to be prepared and recorded by Recipient at Recipient's sole cost.
- 2. Recipient shall pay nothing to ALF as the acquisition price for the Surplus Property. Recipient's sole consideration given for the acquisition of the Surplus Property shall be as set forth in this Agreement.
- 3. Recipient shall be responsible for, and shall bear all costs and expenses of transfer of the Surplus Property to Recipient (excluding the fees and costs of ALF's attorneys in preparing this Agreement, which shall be borne by ALF), including but not limited to the costs of preparing and recording the deed and any costs associated with any minor lot adjustment or other regulatory or governmental process, authority or requirement.
- 4. The Surplus Property is transferred to Recipient AS IS, WHERE IS, without exception and without any warranty, covenant or representation whatever. Recipient releases and discharges ALF from any claim or demand of any nature relating to the nature or condition of the Surplus Property existing on the date of transfer of title to Recipient, and shall indemnify and hold harmless ALF and it's officers, agents, directors, employees and shareholders and other parties associated with ALF from and against any claims, costs or demands arising out of or relating to any use of or conditions arising on the Surplus Property on and after the date of transfer of title to Recipient.

Recipient

by 

Alekander Krishchenko

Assisted Living Facilities, Inc

by 

Michael DeShane, Secretary

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING	DELTA
C1	92.97'	425.00'	92.78'	S 83°11'36" E	12°32'02"
C2	220.50'	485.00'	218.61'	S 76°30'45" E	26°02'56"

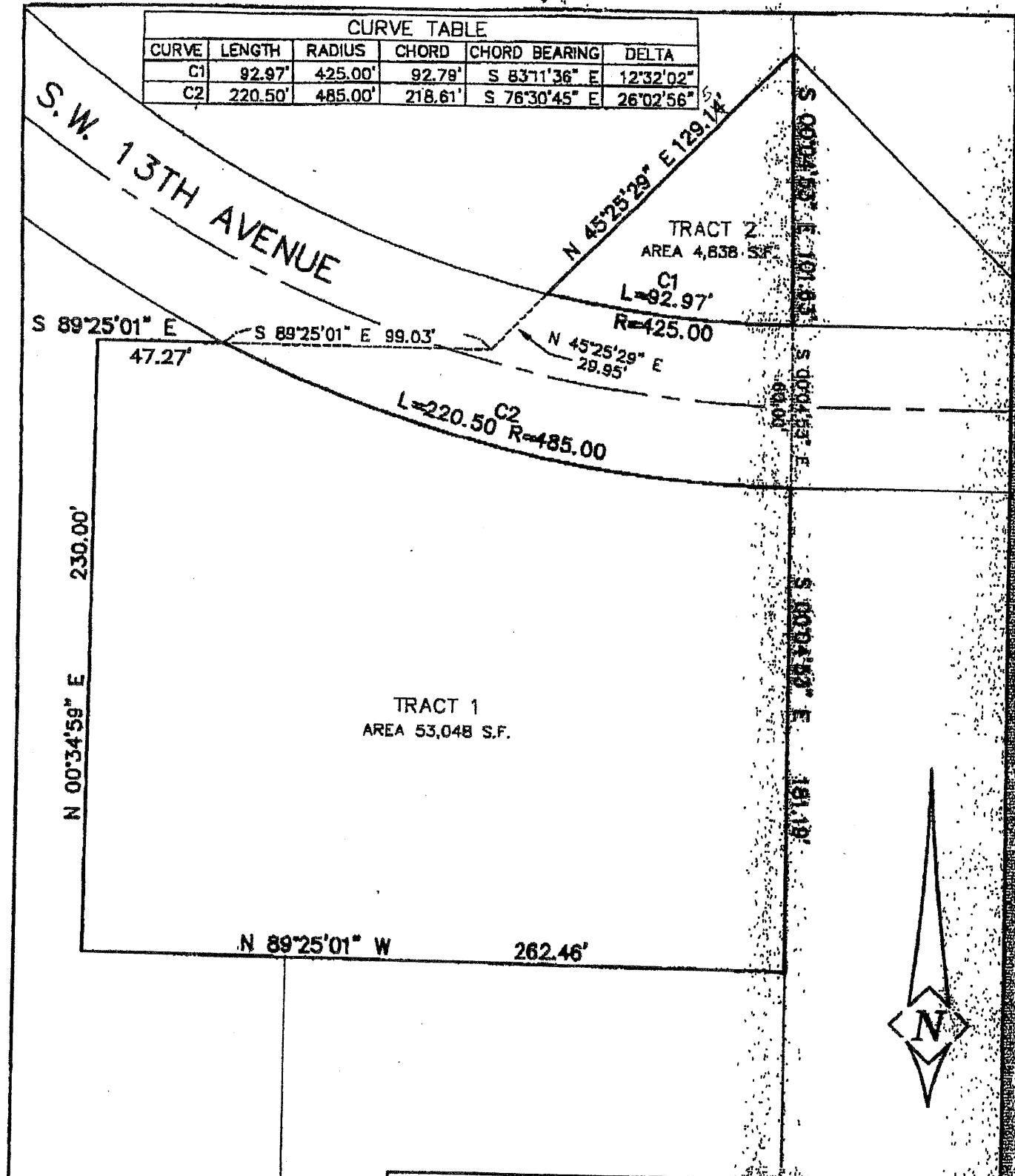


EXHIBIT "B"
 S.W. 1/4 AND N.W. 1/4
 SECTION 4, T.4S, R.1E, W.M.
 CITY OF CANY
 CLACKAMAS COUNTY, OREGON
 MAY 24, 2002
 DRAWN BY: MEG CHECKED BY: WOOD
 SCALE 1"=50' ACCOUNT #
 M:\M\TESODANY

Centurine Concepts Inc.
 640... Gladstone, Oregon 97027
 503 650-0189

(4)

266-6861
John Chapman
Ced. Ridge Civic Assn.
(built Banker)
40 Cypress Ventures, Inc.

Richard Ball
1238 S. Cedar
Canby, OR 9701
266-5313

DECLARATION OF CONDITIONS AND RESTRICTIONS
OF
CEDAR RIDGE ASSOCIATES
A LIMITED PARTNERSHIP

Cedar Ridge Associates, An Oregon Limited Partnership, is "Declarant".

RECEIVED

JUL 15 2004

CITY OF CANBY

Pertaining to and affecting Cedar Ridge, a sub-division, the plat of which is recorded in the Office of the County Clerk for Clackamas County, Oregon, and all other plats contiguous thereto or joined thereto by successive contiguous plats which in the future shall be recorded by Declarant, or its successor in interest, and to which these declared conditions and restrictions shall be made applicable by declaration of the owner or owners or dedicator of any such plat.

TO THE PUBLIC:

KNOW ALL PERSONS BY THESE PRESENTS, that Cedar Ridge Associates, an Oregon Limited Partnership, hereinafter referred to as "Declarant", pursuant to action duly authorized by its General Partner, hereby declares as follows:

Declarant hereby certifies and declares it has established and does hereby establish the following general plan, including, but not limited to, the Conditions and Restrictions herein defined, for the improvement, protection, and benefit of property in Cedar Ridge, a subdivision the plat of which is recorded in the Office of the County Register of Deeds for Clackamas County, Oregon, and all other plats which in the future shall be recorded by Declarant, or its successor in interest, and to which these declared conditions and restrictions shall be made applicable by declaration of the owner or owners or dedicator of any such plat, which plat(s), individually and collectively, are referred to herein as "Cedar Ridge"; does hereby establish the following conditions, restrictions, and covenants subject to which each and all residential lots, single family dwellings, and residential residences of every kind and to any other buildings of any nature or purpose in Cedar Ridge all of which are herein referred to as "Residence", shall be held, used, occupied, leased, sold, or conveyed; each and all of which shall run with the land and shall inure to the benefit of, be imposed upon, and pass to the successor in interest of each and all said residence as a servitude in favor of and enforceable by the owner or owners of any other of such residence.

EXHIBIT
#3

1.0 CONDITIONS, RESTRICTIONS, COVENANTS

*insert practical way
to amend covenants*

1.1 LAND USE. The general plan for location of residence, recreational, and other buildings for public or common use, commercial areas, and recreation areas, offices, and easements shall be as specified in the Cedar Ridge recorded plat(s). No lot within Cedar Ridge may be rezoned or subdivided further to accommodate the construction of additional residences. Only single family dwellings with attached garages, and amenities related to any thereof, shall be constructed or maintained in areas designated for residential purposes only; provided, exceptions or variances may be allowed if first approved in writing as provided in Section 1.11. Provided, however, as long as Declarant or its successor in interest shall own property in Cedar Ridge, it shall be entitled to maintain a sales office and such model homes and apartments as it, in its sole discretion, shall determine to be necessary or helpful to the sale of residence in the development. In no case shall mobile homes be permitted.

1.2 ALTERATIONS AND ADDITIONS, TEMPORARY STRUCTURES, ETC. No exterior alteration or addition shall be made to any premises without the prior written approval of the Declarant or the Association as provided in Section 1.11 and 2.0 et seg. No truck, camper, motor home, trailer, or boat shall be parked on any lot or street other than temporarily (in no case in excess of 24 hours) and solely for the purpose of loading or unloading or a service call except within the garage structure at residence premises. If any truck, camper, trailer, or other vehicle, or any boat is stored or parked in any area designated for that purpose either on the Cedar Ridge premises or elsewhere, such storage or parking shall be solely at the risk of the owner, and neither Declarant nor any other person, firm, or corporation shall have any responsibility therefor, whether or not any fee or charge is made, or paid for the privilege of such storage or parking.

1.3 FENCES, HEDGES, AND WALLS. On all lots no fence, hedge, structure, or wall (other than a necessary retaining wall) shall be constructed or exist between the setback line and the property line without the prior written approval of the Declarant or as provided in Section 1.11. No planting or structure obstructing vision at roadway intersections or driveways, shall be permissible or maintained.

1.4 ANIMALS. No livestock, or poultry of any kind shall be raised, kept or bred on any residence. Other than a maximum of two (2) household pets, no animals or fowl shall be kept or allowed to be kept on any lot or residential premises. Household pets may not be kept, bred, or maintained for a commercial purpose. Dogs shall be controlled as provided by ordinance of the County of Clackamas. Cats and other pets shall be confined to the dwelling or rear portion of the lot and not be permitted to run free or otherwise to be or become a nuisance or source of annoyance to other residents.

.2 - DECLARATION OF CONDITIONS AND RESTRICTIONS OF CEDAR RIDGE ASSOCIATES

1.5 SIGNS. No sign shall be erected or displayed upon any residence or building without prior written permission as provided in Section 1.11; provided, such permission shall not be required for one sign no larger than 6 inches by 24 inches displaying the name and/or address of the occupant; or for one temporary sign no larger than 18 inches by 24 inches advertising the property for sale or rent; or for temporary community decorations, but such signs must be removed upon the sale, rental of the residence, or conclusion of the community project.

1.6 USE OF PROPERTY. No dwelling is to be used for the conduct of business or for any commercial purpose unless prior written approval is obtained as provided in Section 1.11. No oil or gas well, mine or quarry, or equipment therefor and no appliance or structure for business purposes shall be located or operated on any of said property designated as residential premises. Installation of flag poles, radio antennae, satellite dish, exterior-mounted television antennae, exterior machinery for cooling and/or heating, structures detached from the residence are prohibited on or about residence or buildings unless prior written approval is obtained as provided in Section 1.11. Drying lines or apparatus shall be screened from exterior view. Garbage and other waste shall be kept in sanitary containers away from public view and regularly disposed of; and nothing shall be done which may constitute a nuisance or aesthetic burden to the neighborhood or other occupants.

unclear
8/10/99

1.7 LANDSCAPE AND MAINTENANCE. To provide uniformity all front yards of residences shall be landscaped by builder within thirty (30) days of occupancy in a pattern as established by Declarant. Additional landscaping of yards shall be completed within a reasonable time, but in any event, within eight (8) months after building completion and shall conform to the general pattern of others in the community as established in the sole discretion of Declarant. All yards and growth thereof shall be maintained, cultivated, and kept free from insects and diseases.

1.8 SLOPE AND DRAINAGE EASEMENTS. The owner and occupant of a residence will permit access by the owner or occupant of an adjoining or adjacent residence to slopes or drainage-ways on the property of the former to maintain slopes or drainage facilities for the protection and use of such adjoining or adjacent site. Each owner will not block, hinder, or interfere with the established drainage pattern over his land from adjoining or adjacent land.

1.9 RESTRICTIONS ON RESIDENCE AND OWNERS.

A. No clearing, grading, tree cutting or land filling shall take place on any lot until it has been approved in writing by the Cedar Ridge Civic Association as provided in Sections 1-11.

B. Samples of all exterior colors and of all exterior siding, brick, stone or other special materials shall be submitted to the Cedar Ridge Civic Association for approval.

C. No noxious or offensive activity shall be carried on/upon any residence nor shall anything be done, grown or placed upon any lot which interferes with or jeopardizes the enjoyment of other residence owners within this subdivision.

D. No owner shall permit any vehicle which is in an extreme state of disrepair to be abandoned or to remain parked upon any lot or on any street for a period in excess of forty-eight (48) hours. A vehicle shall be deemed to be in an "extreme state of disrepair" when due to its continued inoperability or significant damage it offends the occupants of the neighborhood.

E. All buildings and improvements on any lot shall conform to the following criteria and requirements:

(1) No dwelling shall be permitted if its total floor area, exclusive of porches and garages, is less than 1000 square feet.

(2) All garages shall conform generally in architectural design and exterior materials and finish to the dwellings to which they are appurtenant.

per a. 10/25/94
(3) No outdoor overhead wire or service drop for distribution of electric power or for telecommunication purposes, pole, tower, or other structure supporting outdoor overhead wires, shall be erected, placed or maintained.

(4) No healthy, non-hazardous tree on any lot located outside the residence footprint may be removed without approval of the Cedar Ridge Civic Association.

(5) Any damage to roads or curbs in Cedar Ridge which occurs during the course of a residence owners construction or later shall be the responsibility of that residence owner. Repair of such damage, if not undertaken by the residence owner within 60 days of completion of construction, shall be undertaken by the Cedar Ridge Civic Association. The cost of such repair shall be billed to and borne by the residence owner and shall be payable within thirty days after it becomes due. Failure to pay for any repair billed shall cause the residence owner to be liable for interest and costs of collection and such unpaid amounts shall become a lien on the residence owned by the residence owner.

120/hr.

(6) Easements as shown on the subdivision plat shall be preserved by the respective residence owners. Site improvements shall not be placed so as to interfere with the maintenance of any easement. The owner of any residence which has an easement shall maintain the easement area at his or her expense, except for improvements for which a public authority or utility is responsible.

* (7) The exterior finish of all construction on any lot shall be designed, built and maintained in such a manner as to blend in with the existing structures and landscaping within this subdivision. Exterior colors must be approved by the Cedar Ridge Civic Association. Exterior trim, fences, doors, railings, decks, eaves, gutters and exterior finish on garages and other accessory buildings shall be designed, built and maintained to be compatible with the exterior of the structures they adjoin. Mailbox and newspaper receptacles placed in front of any lot shall be included in a single structure, using the design provided by Declarant, unless otherwise dictated by the U.S. Postal Service.

Vinyl siding

1.11 GRANT OF WAIVERS OR CONSENTS. Jurisdiction and authority to grant or extend exceptions, variances, waivers, and consents contemplated by the foregoing sections 1.1 through 1.10, inclusive, shall be exclusively in the Declarant or its successor as developer, during such period as Declarant or its successor, shall own any real property in Cedar Ridge. Thereafter, the jurisdiction and authority shall be exclusively in the Cedar Ridge Civic Association, acting through its Board of Directors.

2.0 ARCHITECTURAL CONTROL COMMITTEE

* 2.1 ARCHITECTURAL REVIEW. No structure, including storage shelters shall be commenced, erected, placed or altered on any lot until construction plans and specifications and a plat showing the nature, shape, heights, materials, colors and proposed location of the structure or change have been submitted to and approved in writing by the Architectural Control Committee (the Committee). It is the intent and purpose of this covenant to assure quality of workmanship and materials, harmony of external design with the existing structures as to location, topography, and finished grade elevations to avoid plan repetition. In all cases, the Committee's consent is required.

2.1.1 MAJOR CONSTRUCTION. In the case of initial or substantial additional construction of a dwelling, the owner shall prepare and submit to the Committee such plans and specifications for the proposed work as the Committee may require. Materials required by the Committee may include, but not necessarily be limited to, the following:

- A-1 A Plan indicating location of all improvements, including private drainage.
- A-2 Drawings showing elevations, exterior materials and exterior color scheme of all improvements, including the mailbox structure and fencing. *attach 1/7/95*
- A-3 Drawings showing yard landscape design and location including description of plant materials. The parking strip shall be included in the landscaping plan. *minis*

The Committee shall render its decision with respect to the proposal after it has received all required materials.

not tab? 2.1.2 MINOR CONSTRUCTION. In the case of minor additions or remodeling, change of existing exterior color scheme or exterior materials, greenhouse, or swimming pool construction, or any other work not referred to in 2.1.1 above, the owner shall submit to the Committee such plans and specifications for the proposed work as the Committee determines to be necessary to enable it to evaluate the proposal. The Committee shall render its decision with respect to the proposal after it has received all required materials.

2.2 ARCHITECTURAL CONTROL COMMITTEE DECISION. The Committee may, at its sole discretion, withhold consent to any proposed work if the Committee finds that the proposed work would be inappropriate for the particular lot or incompatible with the design standards that Declarant intends for the subdivision. Considerations such as siting, shape, size, color, design, height, impairment of the view from other lots within this subdivision or other effects on the enjoyment or other factors which the Committee reasonably believes to be relevant, say be taken into account by the Committee in determining whether or not to consent to any proposed work.

2.3 MEMBERSHIP; APPOINTMENT AND REMOVAL. The Architectural Control Committee, shall initially consist of Declarant, thereafter the Committee shall consist of as many persons as the Declarant may from time to time appoint. The Declarant shall keep a list of names and addresses of Committee members. A member of the Committee shall not be entitled to any compensation for services performed pursuant to these covenants.

2.4 ACTION. Except as otherwise provided herein, any two members of the Architectural Control Committee shall have power to act on behalf of the Committee, without the necessity of a meeting and without the necessity of consulting the remaining members of the Committee. The Committee must render its decisions in writing.

2.5 NONWAIVER. Consent by the Committee to any matter proposed to it within its jurisdiction under these covenants shall not be deemed to constitute a precedent or waiver impairing its rights to withhold approval as to any similar matter thereafter proposed or submitted to it for consent.

2.6 EFFECTIVE PERIOD OF CONSENT. The Committee's consent to any proposed work shall automatically be revoked one year after issuance unless construction of the work has commenced or the owner has applied for and received an extension of time from the Committee.

3.0 CEDAR RIDGE CIVIC ASSOCIATION. Cedar Ridge Civic Association has been duly formed and incorporated as an Oregon non-profit corporation.

3.1 MEMBERSHIP. Until changed by amendment of its Articles of Incorporation and its Bylaws, memberships in the Cedar Ridge Civic Association are as follows:

3.1.1 Proprietary Members. Each owner of a residential residence in Cedar Ridge shall be a Proprietary Member, subject to the Bylaws; provided, that the purchaser(s) in a contract for the purchase and sale of a residential residence shall be deemed the "owner" of such residential residence for these purposes. Each Proprietary Member shall be entitled to one vote, and the co-owners shall designate in writing filed with the secretary of the Cedar Ridge Civic Association the one of their number who shall exercise the voting rights for such residential residence.

The rights and privileges of a Proprietary Membership shall terminate when the holder of any such Proprietary Membership shall cease to qualify as an owner, and his or her certificate of membership shall thereupon be void.

*any action
in order
force to be enforced* foreclose

3.1.2 Associate Members. Each lessee, renter, or other occupant of a residence in Cedar Ridge not eligible for Proprietary Membership, but who satisfies the conditions of the Bylaws and of these Conditions and Restrictions applicable to Cedar Ridge respecting residency in Cedar Ridge, shall be an Associate Member, which status shall continue in effect during such period as the Associate Member shall be an authorized non-proprietary tenant of a residence in Cedar Ridge. Associate Membership shall carry all the rights and privileges of Proprietary Membership, except the right to vote. At any time an Associate Member shall cease to be an occupant of a residential residence in Cedar Ridge, said member's rights and privileges as an Associate Member shall thereupon terminate.

3.2 ASSESSMENTS, PURPOSE OF ASSESSMENTS, LIENS, AND COLLECTIONS.

3.2.1 Assessments. The Cedar Ridge Civic Association is vested with power and authority to, and shall, assess and collect from time to time from its Proprietary Members: (1) annual assessments or charges, and (2) special assessments for capital improvements, such assessments to be fixed, assessed, and collected as hereinafter provided. Such annual and special assessments shall be chargeable ratably based upon the number of occupants residing in the respective residential residence in Cedar Ridge. Each such assessment, together with interest at the rate of nine (9) percent per annum from the due date on the unpaid balance of the assessment and costs and expenses, and also including a reasonable attorney's fee (whether or not suit is filed, and including any appeal of any decision), incurred in the collection thereof, shall become a charge against the respective residential residence and a continuing lien on the residential residence against which the assessment is made, which lien may be enforced by a suit in equity. Each owner of a residential residence, by acceptance of a deed therefor, whether or not it shall be so expressed in such deed or other conveyance, is deemed to covenant and agree to pay to the Cedar Ridge Civic Association each such annual or special assessment; and each such assessment shall be the personal obligation of the owner of such residential residence as of the date the assessment is declared due as well as a lien against the residential residence. No owner may avoid liability for the assessments provided for herein by non-use of the community facilities by himself or any occupant of the residential residence against which the assessment is levied.

3.2.2 Purpose of Assessments. The assessments levied by the Cedar Ridge Civic Association shall be used exclusively for the purpose of promoting the health, safety, welfare, and protection of the residents in Cedar Ridge and in particular for the improvement and maintenance of Cedar Ridge and the buildings, services, facilities, planted parkways devoted to this purpose, and related to the use and enjoyment of the common areas and facilities in the Cedar Ridge area.

3.2.3 Basis of Annual Assessments. Subject to change as hereinafter provided, the annual assessment shall be Three Hundred Dollars (\$300) per residence. The annual assessment may be increased or decreased effective January 1 or July 1 of each calendar year by action of the Board, without vote of the membership.

3.2.4 Special Assessments for Capital Improvements. In addition to the annual assessments authorized above, the Board may levy, effective January 1 or July 1 of each calendar year, a special assessment for the purpose of defraying in whole or in part the cost of any construction or reconstruction, unexpected repair, maintenance, or replacement of any partial improvement described in the notice of the Board meeting at which such action shall be considered.

3.2.5 Uniform Rate of Assessment. Unless otherwise provided by action of the Board, both annual and special assessments shall be fixed at a uniform rate per occupant of all residential residence and may be collected on an annual basis, or such other basis as the Board shall determine. During any period when the Declarant, or its successors in interest as developers, shall own any real property in Cedar Ridge, any action of the Board fixing any assessment on other than a uniform rate per occupant shall be invalid unless the Declarant, or its successors in interest as developers, shall concur in writing with that action.

3.2.6 Subordination of Lien to Mortgages. The lien of the assessments provided for herein shall be subordinate to the lien of any mortgage encumbering the residence upon which it is levied. Sale or transfer of any residence shall not affect the assessment lien. However, the sale or transfer of any residence which is subject to any mortgage, pursuant to a decree of foreclosure under such mortgage or any proceeding in lieu of foreclosure thereof, shall extinguish the lien of such assessments as to payments thereof which become due prior to such sale or transfer. No sale or transfer shall relieve such residence owner from liability for any assessments thereafter becoming due or from the lien thereof.

D. Craig M. Nelson 263-3601

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3.2.7 Cedar Ridge Civic Association Option to Remedy Violations. The Cedar Ridge Civic Association, at its option, shall have the power and right at all times, after reasonable notice to the owner and any occupant, and for the account of the owner, to abate and correct any violation of these Declarations of Restrictions, to plant or re-plant, trim, cut back, remove, replace, cultivate, or maintain hedges, trees, shrubs, plants, or lawns; and to clean, paint, repair, replace, and generally maintain the exterior of a residence in neat and good order to conform with the general attractive character of the area. Any and all expenses which may be incurred by the Cedar Ridge Civic Association pursuant to this Section 3.2.7 shall be a charge and a lien against the residence involved with a lien enforceable as above provided in this Section 3 and shall be the personal obligation of the owner thereof.

4.0 COMMON FACILITIES

4.1 DEFINITION. Within Cedar Ridge, Declarant proposes to construct certain community facilities for the use, service, or benefit, in common, of the residents of Cedar Ridge, or specific portions thereof. These facilities are herein referred to as "Common Facilities" and may include, outdoor lighting system, roads other than those which shall have been accepted by the County of Clackamas and incorporated into its road system, sidewalks, and pathways; provided, however, that the Common Facilities shall include no facilities or installations which, by any plat, dedication, or announced plan, shall have been, or may in the future be, dedicated to the common ownership of those who, collectively, shall own one or more residence in Cedar Ridge. Until conveyed to the Cedar Ridge Civic Association as contemplated by Section 5.2, the Common Facilities shall be under the authority of the Declarant or its nominee, which may be, but need not be, the Civic Association, to govern use and control the policies of the Common Facilities.

4.2 CONVEYANCE OF COMMON FACILITIES. At such time or times as the Declarant, or its successor as developer, shall deem the Cedar Ridge Civic Association, an Oregon non-profit corporation financially capable of operation of the Common Facilities, it shall convey to the Association some or all of the Common Facilities; provided, that any part so conveyed shall be free of debt encumbrance at the time of conveyance. The Cedar Ridge Civic Association shall accept each such conveyance, and thereupon shall be vested with authority to govern the facility or facilities so conveyed and thereafter shall be entitled to all revenue produced by the facility and shall be responsible to operate, maintain, and support the facility, and the Declarant thereafter shall have no control over, or responsibility for, the facility (except as to directors of the Civic Association) and shall have no obligation or responsibility, financial or otherwise, with respect thereto, except to provide directors in accordance with the Articles and Bylaws of the Cedar Ridge Civic Association.

5.0 GENERAL PROVISIONS

5.1 TERMS. All of the restrictions, covenants, and agreements therein contained shall apply to all residence in Cedar Ridge and shall be binding upon all parties claiming under Declarant until January 1, 2010, at which time they shall automatically extend for successive periods of five (5) years; unless, effective January 1, 2010, or at the end of any such five year (5-year) extension, the membership of the Cedar Ridge Civic Association, by two-thirds (2/3) vote of those present and voting, at a special meeting called for the purpose, shall resolve to terminate these restrictions; provided, that, with the concurrence of Declarant, or its successor as developer, during such period as either shall own any real property in Cedar Ridge, the restrictions may be changed, supplanted, or rescinded in any or all particulars at any time by a vote of two-thirds (2/3) of the Board of Directors of Cedar Ridge Civic Association at any regular or special meeting called for such purpose, whereupon such change shall be binding upon such owners of a residence in Cedar Ridge and their successors in interest and the occupant of such residence.

**violator 1 is attorney fee*

5.2 ENFORCEMENT. Should any covenant or restriction then in effect be violated, or should an attempt be made to violate any such covenant or restriction, any person owning a residence in Cedar Ridge or the Cedar Ridge Civic Association, or Declarant, or its successor, may prosecute any proceedings in law or in equity to restrain or abate such violation against the responsible person. Costs and expenses incurred by the Civic Association pursuant to Section 3.2.7 shall be considered as having been incurred as agent for the responsible person and shall constitute a lien thereon as provided in Sections 87.005 ORS et seq.

5.3 SUBORDINATION. Any breach of the covenants and restrictions contained herein, a re-entry by reason thereof, or judgment or lien resulting therefrom shall be subordinate to any mortgage or deed in trust heretofore or hereafter executed in good faith and for value encumbering a residence, but shall be binding upon and effective against a subsequent purchaser thereof.

A bona fide purchaser for value or mortgagee, without actual or constructive notice of an existing breach of the conditions and restrictions contained herein shall not be bound thereby; provided, the Civic Association, through its Board of Directors, may execute, acknowledge, and record a Notice of Claim of Breach, setting forth the facts thereof with any monetary amount involved, description of the residence against which the lien is claimed, and name or names of the reputed owners thereof. Such notice, recorded in Clackamas County, shall be public notice of such breach, and constructive notice to any subsequent purchaser, but if no action for enforcement thereof has been commenced within one hundred twenty (120) days after recording, such notice shall expire and the breach described presumed to have been remedied.

5.4 SEVERABILITY. Invalidation by judgment or decree of any court of any one or more of these restrictive covenants herein defined or as hereafter duly amended shall in no way affect any of the remaining provisions which shall remain in full force and effect.


5.5 BINDING EFFECT. The provisions contained in this Declaration, as herein defined or as hereafter duly amended, shall bind and inure to the benefit of and be enforceable by, the Declarant, the owner or owners of any residence in Cedar Ridge, and their respective representatives, successors, or assigns.

5.6 AMENDMENTS OR MODIFICATIONS. This Declaration may be amended or modified by the developer with notice to the City Attorney of Canby and to the purchaser of any residence at least ten (10) days in advance of any change to be made, at any time prior to the conveyance of 75% of the lots in Cedar Ridge, to owners. In addition, the developer may amend this Declaration in order to comply with requirements of the Federal Housing Administration, the Veterans' Administration, the Farmer's Home Administration of the United States, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Mortgage Loan Corporation, any department, bureau, board, commission or agency of the United States, the state of Oregon or any corporation wholly owned, directly or indirectly, by the United States or the state of Oregon which insures, guarantees or provides financing for houses or lots. This Declaration may be amended or modified by an instrument signed by the owners of a majority of the lots. If there is more than one owner of a lot, the signature of one owner is sufficient. Any and all amendments or modifications to this Declaration must be in writing and shall be recorded as an amendment or modification to this Declaration in the official and public records of Clackamas County, Oregon.

5.7 NON-WAIVER. Failure or delay to enforce any covenant or restriction shall not be deemed a waiver of the right to do so.

4th day of December, 1992. IN WITNESS WHEREOF, Declarant has executed this instrument this

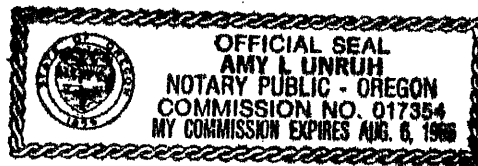
CEDAR RIDGE ASSOCIATES
A Limited Partnership

By 
LOWELL MORSE, President
for General Partner
CYPRESS VENTURES, INC.

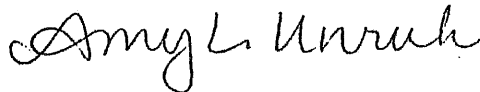
STATE OF OREGON)

County of Multnomah)

SS.



This instrument was acknowledged before me this 4th day of December 1992 by Lowell Morse, President for General Partner Cypress Ventures, Inc., on behalf of Cedar Ridge Associates, a Limited Partnership.



Notary Public for Oregon

My Commission Expires: 8/6/96

MINUTES

CANBY PLANNING COMMISSION

7:00 PM November 08, 2004
City Council Chambers, 155 NW 2nd

I. ROLL CALL

PRESENT: Vice Chairman Geoffrey Manley, Commissioners, Dan Ewert, Tony Helbling, Randy Tessman, John Molamphy Quorum Present

STAFF: John Williams, Community Development and Planning Director,

OTHERS PRESENT:

II. CITIZEN INPUT

None

III. NEW BUSINESS

None

IV. PUBLIC HEARINGS

None

V. FINDINGS

CPA 04-03/ZC 04-04 John Williams advised the Board that he had not been able to contact the owner of the property near Redwood Street. This had been discussed at the Planning Commission public hearing on October 25th. The property in question was close by and zoned similarly to the properties in the proposal, however it had not been included. The Commission suggested that John Williams contact the owner and discuss the possibility of rezoning that property. John asked the Commission if they wished to postpone their findings or make a recommendation to the City Council. John stated he had called the property owner and the owner advised he wished to think about it. The Board stated they wished to go forward with their findings and John could continue to work with that specific property owner. Tony Helbling made a motion to accept the proposal of CPA04-03/ZC04-04 as submitted. Motion seconded by Randy Tessman and carried 4-0 with one abstention.

The Commission reviewed the minutes from the meeting of October 25, 2005. A motion was made by Randy Tessman to approve the minutes as

written. The motion was seconded by Mr. Helbling and carried 4-0 with one abstention.

VI DIRECTOR-S REPORT

John Williams reminded the Commission of the joint workshop scheduled for the Planning Commission and City Council on Monday, November 15th.

John and the Commission discussed the ODOT changes at 99E and Territorial Road.

Other topics discussed included:

- Recent Election Results
 - Annexations
 - Measure 37
 - School Bond
- Arndt Road Workshop Scheduled for December 8, 2004 7:00 PM at the Adult Center
- NE Canby Master Plan

VIII ADJOURNMENT

MINUTES

CANBY PLANNING COMMISSION

7:00 PM July 12, 2004
City Council Chambers, 155 NW 2nd

I. ROLL CALL

PRESENT: Chairman Jim Brown, Commissioners, Geoffrey Manley, Randy Tessman, John Molamphy, Dan Ewert,

STAFF: John Williams, Planning & Community Development Director, Darren Nichols, Associate Planner

OTHERS PRESENT: Denny Larios, Pat Sisul, Bill McCormack, Scott Conroy, Terry N. Tolls, Nancy Carnahan, Allan Patterson, John Esbershadow, Jamie Johnk, Jeffery Stuhr, Don Perman, Gary Giannini, Ben Harrell, Don Jones, Havlin Kemp, Suzanne VanAmburgh, Mark Webber

II. CITIZEN INPUT

None

III. NEW BUSINESS

None

IV. PUBLIC HEARINGS

DR 04-05 VLMK/Burden The applicant is requesting approval to construct two industrial buildings containing 32,574 SF in the Pioneer Industrial Park, on the south side of Sequoia Parkway. No occupants are proposed at this time.

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.

Darren Nichols, Associate Planner presented the staff report. He explained all adjacent parcels are zoned M2 with the only development at this time being Shimadzu to the south. The applicant has not proposed tenants at this time.

Darren explained that there is an access to Shimadzu that bisects these 2 parcels; condition # 21 states that if or when Shimadzu develops their property, the access is to be shared.

The applicant has proposed extra parking, which would allow for flexibility in developing the parcels. Two drive entrances would serve each building; there will be two parking areas and a single loading dock.

Darren explained that the existing landscaping would be removed and replaced with new landscaping and trees. Four street trees will need to be removed but the City anticipated that some trees would be removed upon development to allow for drive accesses to be placed where needed and the trees may be able to be moved to the new phase of the development.

Traffic Safety and Bike and Ped Committees have noted that bicycle racks will be required and condition #9 addresses that issue. The City Engineer stated that services should be provided through existing connections, with no street cuts and that issue is addressed with condition # 3.

Darren stated that the application meets the necessary criteria and staff recommends approval.

Mr. Tessman questioned the shared access issue. It was explained that when Shimadzu was planned Sequoia Parkway would go along the Shimadzu property which would have guaranteed access for their undeveloped parcel to the rear of their property. When Sequoia Parkway was moved, this access was established.

Mr. Molamphy questioned what guarantees the City would have that the access would be shared. John stated the condition is worded that if future development of Shimadzu takes place the Planning Commission would have the ability to require that the accesses be consolidated.

Mr. Brown stated it looked liked the streetlights were within feet of the wings of the curb cuts. Darren explained the were lights were already installed and that if they needed to be moved it would be at the applicant's expense.

Mr. Brown questioned the small lot on the northeast corner of the property. Darren explained that Canby Telephone is working on establishing a lot for their switching equipment and the Planning Commission will be seeing that application in about a month.

APPLICANT:

Bill McCormack, Trent Construction stated they were glad to be the first applicant for the Pioneer Industrial Park. He explained that these are small buildings that will give the industrial park a jump-start. If everything goes right there will be 8 more built to the east.

Mr. McCormack stated he has had conversations with Mr. Jim Zupancic representative for Shimadzu regarding working out the shared access. The basic plan would be that when Shimadzu develops their roadway, they would connect onto it through easements then close up their driveways, but there is no timeframe; they just

want the ability to connect up with Sequoia Parkway.

Mr. McCormack asked that the Planning Commission approve the application in all aspects, and to allow them to come back in 2 weeks with a proposal on how the shared access will work.

Havlin Kemp, VLMK Consulting Engineers addressed the Commission. He explained that there had been some changes since the application was originally submitted. They have gone to a 3X3 scoring pattern in the sidewalk, park benches have been added to both buildings adjacent to the public sidewalk with the required bicycle parking creating a concrete plaza at the entrances. The storefronts will be facing Sequoia with plantings around the perimeter of the parking and loading areas.

Mr. Kemp presented elevations for the large building, which will be a beige/gray color with clear aluminum storefront system and eclipse green glass with recessed panels on the large building.

Mr. Ewert questioned if the applicant had proposed signage. Mr. Kemp stated they did not have a sign program at this time. John explained that there is a condition which states anything proposed within 2 years must come back to the Commission. John explained there is some language in the overlay zone regarding signage.

Mr. Molamphy questioned if there was adequate lighting for the parking lot and the loading dock. Mr. Kemp stated the height that the lights are mounted at it would be adequate for parking adjacent to the building.

Mr. Ewert questioned when Shimadzu's access is implemented, would the lighting still be adequate and would there be an emergency access. Mr. Kemp believed that there would be adequate lighting and access. Mr. Ewert suggested that when the access is installed there needs to be lighting on the drive.

PROPOSERS:

Jim Zupancic, Representing Shimadzu addressed the Commission. He stated he had been working with the Burden Family regarding the future access to Shimadzu's property onto Sequoia Parkway. He believes a shared access agreement could be arranged and would work with Mr. McCormick to expedite the process.

Jamie Johnk, Canby Business Revitalization stated she supports the application. This project would address a tangible market and could be a catalyst for additional Industrial development.

OPPONENTS:

None

REBUTTAL:

None

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

Mr. Brown suggested that one bicycle rack providing 2 bicycle parking spaces be added in front of each unit to address the Bike and Ped Committee recommendation.

Mr. Brown stated he would prefer not to have wall pack lights on the wall. He suggested using a softer lighting system at the dock and at the soffets over the doors at the dock and office locations. Bring the lights from the top band of the west elevation and place it in the third band directly above the doors.

Mr. Brown suggested continuing the hearing until the access issue could be resolved and having the findings ready at the next hearing so there would be no delay for the applicant. John stated that would not change the timeline if there were oral and written decisions were approved at the same meeting.

The Commission agreed that there were several issues, such as adequate access for emergency vehicles if a truck is at the dock, lighting on the access drive, and to provide room for the possible signage that may be used in the future.

Mr. Brown continued the hearing for DR 04-05 until July 12th, 2004.

CPA 04-02/ZC 04-03 (Perman) The applicant is seeking to amend the Comprehensive Plan Land Use Map and Zoning Designation from light industrial to heavy commercial manufacturing for two parcels located on the east side of S. Redwood Street, north of SE 4th Avenue. The new zoning would allow development of a "healthcare village" and would be accompanied by a condition limiting future uses of the property to "business and professional offices", including medical, dental, and other similar healthcare uses.

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, Mr. Helbling stated he was present at the Chamber of Commerce meeting when Dr. Perman asked for their support on this application, he was also present when Dr. Perman spoke with CBRD but left the room and had not participated. Mr. Helbling stated he planned on participating in this discussion. No other Commissioner had ex-parte contact. No questions were asked of the Commission.

John Williams, Community Development & Planning Director presented the staff report. He explained this application would amend the Comprehensive Plan and change the zoning designation from light industrial to heavy commercial manufacturing for two parcels. To the east is the Logging Road Trail, to the west is Redwood St., there is a pedestrian pathway that runs along the north edge of the properties that goes to the Logging Road and on the south there is industrial property.

The applicant is seeking to amend the Comprehensive Plan Land Use Map and zoning designation from light industrial to heavy commercial manufacturing for two

parcels located on the east side of S. Redwood Street, north of SE 4th Avenue. The new zoning would allow development of a "healthcare village" and would be accompanied by a condition limiting future uses of the property to "business and professional offices, including medical, dental, and other similar healthcare uses. A binding agreement would be placed on the properties that would prevent occupants of the property from complaining about noise, traffic or other aspects of the surrounding industrial uses.

John stated that Dr. Perman has had a difficult time finding property in the downtown zone that would accommodate this type of development. John explained that there has always been a mix of uses in this area, with Club Fit (which used to be a gymnastics center) the retail development, with the more intense industrial uses to the south.

John explained that industries prefer to be around other industries where they can run their business operations without worrying about complaints from neighbors. John stated a letter had been received from some industrial users expressing concerns about this proposal. John stated he had encouraged Dr. Perman to work with the industrial neighbors since there are restrictions placed on development to show that there will not be a conflict between users.

John stated that letters from Don Jones and Doug Pollock were included in the Commissioners packet, a revised letter was received this afternoon with 2 additional signatures on it, Fred Kahut from Canby Transfer and Wilson Corcoran from Spectrum Woodworking. The letter expressed their concerns regarding what they perceive as a "creeping derogation" of the Pioneer Industrial Park, the area is changing from an industrial zone to a mixed use/commercial industrial zone. John explained one of the issues that needs to be addressed is what the major concerns are and how the applicant is going to address those concerns.

John stated that the only environmental concern is open space and the proximity to the Logging Rd. The applicant believes this makes a better site for less intensive uses instead of more intensive uses. John explained that under the transportation element, the frontage is fully improved with sidewalks and bike lanes. Under the economic element there is policy language that says Canby shall promote increased industrial development at appropriate locations and that future industrial elements shall be protected from encroachment of incompatible uses, so the Planning Commission needs to determine if this is an incompatible use.

John added that in the past there has been a need to preserve industrial land, but with the development of the industrial park there is a large supply at this time. This is an oddly configured lot next to the pedestrian path so it may not be a premiere industrial site although there has been a lot of construction in this area in the last year or so.

John presented the Commission with a fax that had been received from DLCD. He explained that since the Governor's initiative to protect and conserve industrial land, DLCD has commented on any application that reduces the industrial land supply. The

fax included a letter from Steven Santos stating it did not appear that this application violated Goal 9 of the state wide planning goals, since there is more industrial land than the land needs study shows. Mr. Santos stated there could be a transportation impact, which John did not believe was an issue since there is a light at Redwood. Mr. Santos stated that Canby should consider the issue of commercial encroachment into industrial areas and cautions that if the adjacent commercial and retail services aren't compatible or that they would compete for transportation capacity, a decline in the marketability and function of the industrial area could result.

John explained the second policy is that Canby shall encourage further commercial development and redevelopment at appropriate locations. The Planning Commission has discussed the commercial land supply in the City and is aware that there is a shortage of commercial property. But the city has not started a program to decide if there is a need for more supply of commercial property and where it would be located.

John explained that most of the land supply in the commercial category comes from redevelopment. The Comp Plan talks about extensive redevelopment of the downtown and highway commercial zones over time to make them more densely commercial. That is the goal, to focus people into downtown but it takes a special project since there are 5,000 square foot lots and it is difficult to consolidate parcels to accommodate larger developments.

John stated there are some sites on Hwy 99E but this is not the type of project that needs highway exposure. The applicant stated this site was selected based on its location next to existing commercial sites and the Logging Rd Trail, which could be used to access the site.

John stated the related concern is whether this project would drain business from downtown and make the downtown weaker. The applicant has stated that the majority of people are interested in this project and does not believe it would negatively impact the downtown area.

John stated a policy decision needs to be made as to whether the City should deny applications in other areas in order to force redevelopment of the downtown area.

John stated the third policy is that Canby shall encourage projects that lead to an increase in local employment opportunities. This proposal could be more job intensive than a comparable industrial proposal. This district does not have a minimum employment category like the Canby Pioneer Industrial Park does, so there could be a project with very few employees on this land.

John summarized that this project could bring higher wage jobs to Canby, it is located on a developed street and has transportation and pedestrian accesses, there will be development restrictions to limit complaints regarding industrial use, the surrounding uses are mainly low intensity industrial and most of the area is built out so this development will set the tone for the park, but there are some concerns regarding the neighboring property owners, conflict with industrial uses and this project, the loss

of the industrial land and concerns regarding negative impacts on the existing downtown.

John stated that if the City had an ample supply of commercial sites in appropriate locations the Commission wouldn't be seeing this application. The first decision for the Commission is whether they should contemplate allowing commercial developments in other places at all or should we attempt to force redevelopment downtown even at the risk of sending some businesses out of town. This is a policy decision that should be made by the Commission and the Council.

John stated he is of the opinion that the parcels are probably suitable with the proposed development restrictions if there is an interest in allowing commercial uses there. The proposed restrictions would prevent any interference with neighboring uses. The public hearing will be critical to find out what the objections are and what the applicant proposes to do to temper those objections.

Mr. Brown states that staff recommended approval of the application with the proposed conditions. He questioned how this change would meet the public need better than any other change, is the lack of commercially developable land so great that we need a development like this, and is this the best possible way to overcome that problem. John stated it hinged on the decision the Commission makes on the policy issue. The Commission needs to hear specifically about objections and the possible solutions to them. He stated he was not convinced that this is the best use for the property, but it is the application that is before the Commission.

John stated the Commission could deny this application and an industrial user could put a giant warehouse there with only 4 employees. Would that be a better use than this? He stated that as Sequoia Parkway develops these sites could be heavily favored. This parcel is a little unique; its configuration is strange and has a notch cut out for Harrell Medical, pedestrian pathways on both sides and a commercial building right next door.

Mr. Brown asked how a complaint about the industrial uses would be handled. John stated the person would be told that our code protects industrial uses.

Mr. Tessman asked why on page 7 of the staff report John talked about how commercial development in the S. Redwood area could be compatible with light industrial use and then states that the text is 20 years old and refers to a different set of conditions. Yet there is a report from DLCDC saying the same thing, strongly encouraging Canby to take steps to insure that development on the subject parcels are compatible with and does not impact surrounding industry. He asked how John reached the conclusion that it is different now than it was 20 years ago. John stated that he just wanted to make it clear the section of code he was quoting was 20 years old and may not be pertinent any longer.

John explained that when the text was written there was virtually nothing south of Hwy 99E, so they were looking at the whole area when they determined it could be an industrial park with compatible uses. John explained that there have been subdivisions

and partitions and the whole area is totally different. He wanted to give the Commission the text of the Comp Plan that is applicable but let them know that it is not up dated. He believes that when there are cases like this, and there are many since this is a 200-page document and it hasn't all been updated. His recommendation to the Commission is to use their best judgment using current conditions and based on the intent of the Comprehensive Plan and the current code.

Mr. Tessman questioned if it was a prerequisite with the Pioneer Industrial Park that the businesses support living wage jobs. Mr. Brown explained it was an expectation but was not part of the code.

APPLICANT:

Dr. Ron Perman addressed the Commission. He stated he has been in Canby since 1993 when he bought a business next to Wait Park. He explained his business has continued to grow and has revamped the working space in. He is at the point now where he needs more space but does not want to put another \$150,000 into space he is renting. He stated he has looked for other options to stay in downtown Canby but there is not a lot of available space there.

Dr. Perman stated another dentist purchased a house in the downtown area had the home removed and built an office, but the problem is that parking is tight and very limited in space; there is only 10 feet between buildings.

Mr. Perman stated that most vacancies downtown are rental spaces in older buildings. So his options are to rent a space or buy a small lot and make it work or find a location outside the downtown core. He believes Canby is going to grow from Fred Meyers towards Mulino.

Dr. Perman explained that health care providers do better when they develop in clumps so they can help each other in their development by feeding off each other's patients. He stated that he loves the downtown but there is not a large selection of property. He stated that there had been talk of the Clackamas County Fairgrounds moving, but now they have put more money into the fairgrounds and he didn't believe they would be moving anytime soon. Dr. Perman stated he worked hard to bring the industrial park annexation into Canby, and believes it is important to try and increase the business tax base.

Dr. Perman stated he has contacted other healthcare providers and has had people from the Oregon City Woman's Health Care Clinic and from Salem Hospital along with many others state they are interested in bringing their businesses to Canby.

Dr. Perman stressed that the new privacy act has had an impact on healthcare providers by requiring they have enough space to allow private conversations. He explained that he has tried for years to purchase the building his business is in, but the owners would not sell, his only options are the Fred Meyer development, but the prime locations there are for lease or purchasing this property or developing his own healthcare facility.

Dr. Perman stated there could be conflicts with truck traffic but he has truck traffic on 3rd St. now and does not believe it would be an issue since they would have access from the east side and from Hwy 99E. He has spoken with many members of the community who believe this is a good location for a healthcare clinic, the question is if this is the best location, he believes this is the best location available.

Dr. Perman stated he had spoken with Shimadzu and some local industries who have told him they like this project and the idea of having the healthcare available to their employees. He stated he would do his best to address the concerns of other industrial area businesses.

Dr. Perman clarified that Jamie Johnk from CBRD had phoned him and asked him to address the Board, he had not asked for the meeting nor had he asked for approval from the board.

Mr. Brown stated that the Planning Commission was in agreement that a medical type facility was needed in Canby, the Commission's responsibility is to determine if this is the right location for the healthcare center. Dr. Perman believed this is the right area since it is a mixed use industrial area. Dr. Perman stated that Canby is limited in health care options at this time and he has spoken with the Woman's Health Care Center regarding putting a satellite office in Canby and women are ecstatic about the possibility of not having to go to Oregon City.

Mr. Brown questioned how a condition imposed on occupants of the facility regarding complaining about the industrial uses would help. Dr. Perman stated it should allow JVNW to feel more confident that there would be no complaints regarding their operation. Mr. Brown believed it was possible JVNW could be impacted by negative comments from neighbors by trying to mitigate the concerns on their own. Dr. Perman stated that it would be at the health care providers risk for buying into the industrial area.

Jeff Stohr, Hollst Architectural presented the Commission a conceptual design of what the healthcare center would look like. The main entrance would be off of S. Redwood and would work with the City regarding the street design and there has been some discussions with Harrell Medical regarding a secondary access.

Mr. Stohr stated the conceptual plan is for 10 parcels with varying building sizes to accommodate various medical needs, it is not the final design, but is based on the interest he has had on the project. Mr. Stohr stated they would work with the natural landscape to take advantage of the path and trail.

PROPONENTS:

Suzan Van Amburgh and **Mark Webber** representing the Board of Directors for the Chamber of Commerce. Ms. Van Amburgh stated they had invited Dr. Perman to address the Board of Directors and to talk about his plan, she stated they are in favor of this sort of development, it would be good for business, good for Canby, and good for

the Canby area Chamber of Commerce.

Dan Ewert questioned what impacts the Chamber of Commerce saw to the downtown revitalization efforts if this project was approved. Ms. Van Amburgh stated they are very concerned about growth, runoff and businesses closing. But they think this is an opportunity to preserve a business that has been in town for a long time. Dr. Perman has been growing his business and providing good service for Canby and do not want Dr. Perman to find somewhere else to purchase real estate and leave Canby.

Ms. Van Amburgh stated it would provide an opportunity for leasing so another person can come into the downtown area and that the downtown revitalization is very important to the Chamber.

Mr. Brown questioned if the model for the downtown revitalization was to lose people to create openings for new businesses. Ms. Van Amburgh stated they just do not want to lose anybody and they hope people would come in to fill the vacant spot. She stated that Canby is growing and the Chamber wants to see businesses grow and thrive to provide service here in town, and they believe that is what Dr. Perman's idea does.

Ms. Van Amburgh stated when they moved to Canby they had a hard time locating healthcare and had to go outside of Canby. She stated she has had employees who have expressed concerns about where to get good health care. As Canby grows so will the need for continued healthcare. Mr. Brown questioned if the need was so great that the facility needs to be located in the middle of the industrial park. Ms. Van Amburgh stated that representing the Chamber of Commerce, whose goal is to support business and provide a place for businesses to join and have the ability to thrive, it is the Chambers opinion that this is a good spot for this type of growth for now and for the future.

Mr. Webber added that the board had lengthy discussions regarding this issue, and this idea pretty much had unanimous support. Mr. Brown asked if it was the idea of the healthcare village that was intriguing or was it the fact it was located in the industrial park. Mr. Webber stated they liked the idea of the mix of the businesses and the location. This seems to be a good fit and a good location for the community especially where the community has grown.

Mr. Ewert stated this committee has spent hours discussing how to save downtown, now we have the Chamber of Commerce representing a project of this size and type that will not do anything for the downtown area. He stated this is a big contradiction and is somewhat stunned. Ms. Van Amburgh explained that the mix of Board members now is different than the mix that was on the Board at that time. It is a different organization and the community is a different community.

Ms. Van Amburgh stated she couldn't speak for the past Chamber or explain why they had voted in certain ways. But the present Board has sent them to explain that they don't just have members from the downtown core area, not that the downtown members are not important, all members are important, but there was a lengthy

discussion on whether this proposal was good for Canby. It may not be good for every single member, but they felt this request for support, generally speaking, was going to support business in Canby. She explained that the Chamber has to encompass all the businesses in Canby. She hoped that cleared up any confusion as to why the Chamber was here and why they may not have been here in the past.

Mr. Webber explained that the Chamber membership has doubled in the last 2 years. The needs and concerns that are brought to them on a daily basis are ever changing and they try to do the best they can to evolve with that. Mr. Brown suggested the Chamber revisit the Downtown Master Plan to see if it still meets the Chamber's needs because the City has spent a lot of time working on it.

Scott Conroy, Administrator Woman's Health Clinic addressed the Commission. He stated he had been asked to come and was happy to come and speak in favor of this project. He explained that they have targeted Canby as the next spot to put a clinic, they have two physicians practicing half days here and their schedules are full.

Mr. Conroy stated they have recently started the process of looking for a location and the first thing they ran into was the availability of space in which to put their operation. They have not decided to build to own or lease to purchase but they have found very few options available to them.

Mr. Conroy stated that access is important to a healthcare facility, but it does not have to be highway access, it just needs to be easy access and this facility would fit that need.

Mr. Conroy explained that one of their concerns is that the surrounding uses be conducive to their use, so far they have not found that the surrounding uses would be unconducive. He did not believe this is the best place for their office but he did not believe there is a "best place" left for a Woman's Health Clinic. He added that as for the building site it is important that complementary services, such as dentists and pediatricians be present.

R. J. Larios, Real Estate Agent addressed the Commission. He stated he has his eye on the market daily and he sees the lack of commercial property in Canby. He stated he spends a lot of time in that area on the walking path and does not believe that noise would be an issue.

Mr. Larios stated that this is both commercial and industrial land, the two have to meet up somewhere and this plan meets up well. The lot configurations are weird and not really set up for pad sites, the plan the applicant has come up with fits the area well.

Mr. Brown questioned that a donut hole in the center of the industrial zone is an appropriate mixed use. Mr. Larios stated that this is next to the Bento restaurant and believed it would be appropriate there.

Kyle Lescho, Physical Therapist addressed the Commission. He stated there was a need for health care in the area and did not believe the noise would be an issue.

John Esbenshade, Pediatrician, Salem stated he had received a letter from Dr. Perman and was interested since he has been looking for a piece of land to build on. He stated he has watched West Salem grow and has watched the planning process, there were supposed to be little islands where offices could go next to the new high school, but it is very hard to get any office space there, the lots that he looked 10 years ago have increased in their costs 10 to 20 times. He stated he leases and would like to invest in a town where he could better direct where he could build his practices, by knowing what the overhead will be.

Dr. Esbenshade stated this is his first visit here and would like to see how the town is going to support their healthcare providers and if the land will be affordable. He explained that people don't mind commuting to work, but they want to stay in town for their health care. He believed this could be a successful spot and that there could be some very nice structures built there to be conducive to be a kind of place you would want to go for your health care.

Dr. Esbenshade stated he had spoken with Willamette Falls Hospital and urged them to have some type of urgent care here so there would be x-ray and lab available. He stated if it looked good he would say goodbye to Salem.

Denny Larios addressed the Commission. He stated that with modern building techniques the noise issue is pretty much mitigated. He stated the noise in the vicinity of JVNW is minimal. He believes Canby has a need for an urgent care facility.

OPPONENTS:

Don Jones, JVNW stated that he is not opposed to growth, expansion and improvement in Canby. He explained that 10 years ago the City of Canby decided to institute an industrial park, they solicited industries and JVNW decided to relocate here from Wilsonville. He explained he was also representing Spectrum Woodworking, Canby Transfer and SMS Automotive who are all industrial users and represent over 20 acres of the industrial park. He stated none of them would have moved in to the industrial park if they had known it would have been rezoned to commercial uses. He stated that for the short term there are people who are in favor of this project, but in the long term this would be a mistake for Canby to rezone an area that is intended for industrial use.

Mr. Brown asked Mr. Jones to explain why rezoning these parcels were a concern to the industrial users in the area. Mr. Jones stated that none of the industrial parks between here and Sherwood have doctor's offices in them. There is a selection process that an industrial user goes through when selecting an area to move to. Having a doctor's office in the site would be a negative to any large industrial user. Mr. Jones stated that none of the businesses he represents would have located there if they had known a medical center would be allowed.

Mr. Brown asked if having the condition that no other type of businesses (except medical offices) could be located there made him less concerned. Mr. Jones

responded that it did not, he explained that prior to moving to Canby they were located in an industrial park in Wilsonville that allowed their type of use. A tenant moved in next door and sued them because they were making too much noise. It cost him and the insurance company about \$50,000. He stated you can't look into the future, it is an industrial park and you don't know who will move there. Mr. Brown asked if the voluntary condition that would preclude such complaints make it any more comfortable. Mr. Jones stated it did not.

Mr. Ewert stated he did not understand exactly why having the healthcare center there would be a negative. He believed having drug testing close by or an urgent care center for emergencies would be a positive for a business. Mr. Jones asked why does Canby have zoning? Those decisions were made for a reason, with a purpose. He explained that there is 23 acres of industrial park users that would not be there had they known it would become a commercial park.

Mr. Tessman questioned if Mr. Jones or JVNW was a member of the Chamber of Commerce. Mr. Jones stated they were not members

REBUTTAL:

Dr. Perman stated that under the light industrial code, if he was a veterinarian he could build there now. A professional office space seeing dogs and cats would be allowed under the existing code. He did not see a big difference between a veterinarian working in a private health care office space on this land verses a medical or dental use. He questioned how this development would be detrimental to JVNW or any of the other business located there. He stated he had spoken with Spectrum and they are neutral on this issue, Beau has concerns but he is very positive of the healthcare village being there and thinks it is a good idea, but he is concerned about the industrial site.

Dr. Perman stated he had spoken with Shimadzu and they loved the idea of the healthcare being available for their employees, there are several businesses that have concerns regarding this project, but there is only one business represented at the meeting and he believes he has addressed there concerns about noise factors and encroachment.

Mr. Molamphy asked if they are planning on maintaining ownership or if he would sell off the parcels. Dr. Perman stated they planned on selling the parcels.

Mr. Tessman questioned how this project would be compatible with existing industrial uses, would there be drug testing facilities or emergency services. Dr. Perman stated he has been contacted by a representative from Willamette Falls Hospital and has discussed an outpatient clinic being placed there. Dr. Perman explained that he has an associate working in his downtown location who does not plan on leaving that spot. So this would just be an addition.

Mr. Helbling questioned if there would be any negative impact on the industrial users by this project. Dr. Perman did not believe there would be a negative impact. Mr. Helbling asked how many cars would go in and out of his office. Dr. Perman replied

that with staff there would be about 30 cars a day. Mr. Helbling stated there are 10 sites that would mean approximately 300 vehicle trips per day.

Mr. Brown questioned John if this was the only mechanism for allowing the application. John explained the conditional uses that would be allowed were heavy commercial or light industrial, neither allowed this type of use. Darren explained that they had considered doing a text amendment but it would have changed the conditional uses for all industrial zones, and it was decided that was too far reaching.

Mr. Ewert questioned what would prevent someone from purchasing a piece of property 5 –10 years from now and putting a different use in. John stated it couldn't go in unless the Planning Commission approves it. There would be deed restrictions on the title.

Mr. Brown stated he was very torn about this application. The idea of taking the most vulnerable citizens Canby has and placing them in the center of the industrial zone is preposterous as a planning decision. On the other hand we know what the neighboring uses are except for a couple of pieces that if they come in as an industrial user such as JVNW, then this does become a donut hole, an island in the center of the industrial area.

Mr. Brown stated that this use would probably create family wage jobs, if it were developed as warehouse it is possible there would be less jobs created. He explained that the more intensive the industrial use the more they like isolation from commercial type uses. The user that is impacted the most is JVNW.

Mr. Brown stated one issue to think about is should the redevelopment of downtown be forced. Getting owners to join together to create properties of sufficient size is difficult and it will not get easier.

Mr. Brown explained that the original idea of the industrial park was to create a tax base that would be able to fix the infrastructure of downtown and then new development would take place. If it is difficult to have redevelopment take place, and if we make it easy for development to take place everywhere else, then who is ever going to redevelop the downtown.

Mr. Tessman stated the staff report deals with the compatibility of this application with the industrial park. He stated there is an existing industrial area with industrial uses. There are members of that industrial park who have signed a letter indicating this type of application is not compatible with their uses. He believed it made more sense to put this development in Pioneer Park where there is already existing commercial uses across the street.

Mr. Ewert questioned the statement that this is the only available piece. He believes there are other options. He did not believe the zoning should be changed, he cited the industrial park that was built and now there is a battery plant right in the middle of town. He believes there are other areas that would be very suited for this type of development instead of diluting the industrial park.

Mr. Molamphy stated the zoning was put there for a reason. There is a new industrial park coming in and there has been a discussion of having one corner of the park being conducive for this type of endeavor. He does not believe the zoning should be changed at this time. He agreed that it is a use that Canby needs, but this is not the right spot. Mr. Molamphy stated the only thing this site has going for it is its unusual shape and questioned if there would be another buyer for the property.

Mr. Ewert stated there are situations that could be put in there that would fit the zoning, something that would support the industries that are already there.

Mr. Helbling stated there seems to be an excess of industrial property. That excess was obtained by a lot of hard work from a lot of people, and he believed that Dr. Perman was part of that process. He questioned if the city wants to step on the slippery slope of working hard to get industrial property, recruiting and helping industrial businesses locate into those properties and essentially making a covenant with them to attract them into Canby by saying this is an industrial park and you have a fair expectation that you will be able to operate your business in its capacity in that industrial park. He gave the example of the businesses that have located in the industrial park along NW 3rd and are now having to cope with the mixed use.

Mr. Helbling explained that using the applicant's vehicle trip numbers, there is the potential conflict between cars and heavy trucks there every 2 minutes. He stated there is a value in this project and he loved the way it looks but if they change the zoning now how will that look to potential users of the new industrial park. Once, as a community the decision is made to make an industrial park, we as an organization have a responsibility to live up to it.

Mr. Ewert agreed with Mr. Helbling's comment and was unwilling to set a precedent with this application. He believes there are other areas for this type of development. He commented that mixing senior citizens with semi-trucks is not a good idea.

Mr. Manley stated when he looked at this application he was excited about the medical village. He explained that the need for an urgent care facility has been discussed at several Planning Commission workshops. He explained that changing the zoning is not something to do lightly. He stated there is land available in the Pioneer Park and he believed this area should be left industrial to continue to attract industrial users.

Mr. Tessman stated he agreed with most everything that was said. In concept he likes the idea and there is a need for a medical plaza. Unfortunately there is a land use compatibility issue that has been brought before the Commission and he would like to see this area remain industrial. He believes this development would be a better fit at the Pioneer industrial park.

Mr. Brown stated that Canby has a serious problem with not having sufficient, developable land to be used as developers want to use it. He agreed with Dr. Perman

that Canby will continue to grow to the northeast direction. The interests of JVNW and the other companies that were sought out are just as important as the people who want to develop now.

Mr. Brown stated he is concerned about how to get consistent development in areas that are already developed and have properties on them. How do we actually grow downtown when there is no land to build upon.

Mr. Brown explained that the Planning Commission will make a recommendation to the City Council, he stated he was not trying to be cynical but the Council looks at different issues than the Planning Commission does and the application will be evaluated in a different light.

It was moved by Mr. Manley to recommend denial of CPA 04-02 to the City Council due to not meeting policy #1, and recommend denial of ZC 04-03 due to not being in alignment with the comprehensive plan. Seconded by Mr. Ewert. Motion carried 6-0.

Mr. Brown stated that everyone will have a chance to address the City Council and they have the final word.

V FINDINGS

DR 04-05 (VLMK/Burden) 5-0-1-1 with Mr. Ewert abstaining and Mr. Able absent.

ANN 04-02 (Mandan LLC) It was moved by Mr. Ewert to approve the Findings for ANN 04-02 as written. Seconded by Mr. Molalmpthy. 4-2-0-1 with Mr. Manley and Mr. Tessman voting no and Mr. Able absent.

ANN 04-05 (Allen Manuel) It was moved by Mr. Manley to approve the Findings for ANN 04-05 as written. Seconded by Mr. Tessman. Motion carried 5-0-1-1 with Mr. Helbling abstaining and Mr. Able absent.

VI DIRECTOR'S REPORT

John explained that the Dupont subdivision hearing was rescheduled until July 26, 2004. There were still some issue that needed to be worked out. That means there will be 4 public hearings at the next meeting.

The Commission discussed the possibility of using time limits to make the meeting more manageable. John stated that there will be a stop watch available to time testimony.

John stated that the master planning for the northeast section of Canby has been scheduled to start with organizational meetings beginning in August, with public meetings starting in the fall.

John explained that Darren will begin working on the N Redwood master plan and it will probably be managed in house. There is a limited number of property owners there and there is only a few way to work things out there. He added the neighborhood association has stated they want to be involved.

John stated he has sent a notice to the State that there will be a zone change to the south side of Township Rd. It will be down zoned from R 2 to R 1.5 following our conversation a couple of meetings ago. He explained there will be public meetings.

John stated the City Council will be having a work shop at their July 21st meeting regarding the Ardnt Rd issue. He stated he will ask the Council to decide if there should be SDCs set aside for the project, how many resources are they willing to commit to get matching funds.

John stated there was a public meeting for the Territorial and Hwy 99E project. It was his understanding that the folks who showed up were folks that will be inconvenienced by the interim process. He explained that the State believes this is a good interim plan, but they will ask the City Council if they are sure they want to do this before the State spends \$50,000 on the project. The Planning Commission agreed that as long as phase II of the project is done they are in favor of phase I.

VIII ADJOURNMENT

AGENDA

CANBY CITY COUNCIL MEETING

November 3, 2004, 7:30 P.M.

Council Chambers
155 NW 2nd Avenue

Mayor Melody Thompson

Councilor Teresa Blackwell
Council President Randy Carson
Councilor Walt Daniels

Councilor Georgia Newton
Councilor Wayne Oliver

WORKSHOP

6:30 P.M.

City Hall Conference Room
182 N Holly

The City Council will be meeting in a workshop session to review the Quality of Life Survey.

CITY COUNCIL MEETING

1. CALL TO ORDER

- A. Pledge of Allegiance and Moment of Silence
- B. Introduction of Court Bailiffs
- C. Swearing In of Two Police Officers and One Reserve Officer
- D. Employee of the Month Presentation for September
- E. Presentation to Council from Police Chief

Pg. 1

2. COMMUNICATIONS

3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

(This is an opportunity for visitors to address the City Council on items not on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Each citizen will be given 3 minutes to give testimony. Citizens are first required to fill out a testimony/comment card prior to speaking and hand it to the City Recorder. These forms are available by the sign-in podium. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter.)

4. MAYOR'S BUSINESS

5. COUNCILOR COMMENTS & LIAISON REPORTS

6. CONSENT AGENDA

(This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.)

- A. Approval of Accounts Payable \$474,085.31
- B. Approval of Minutes - October 13, 2004 City Council Workshop

- C. Approval of Minutes - October 20, 2004 City Council Workshop and Regular Meeting
- D. Approval of Minutes - October 27, 2004 City Council Special Meeting and Workshop
- E. Los Dorados, Mexican Restaurant Liquor License Application (Change of Ownership) Pg. 2

7. RESOLUTIONS & ORDINANCES

- A. Ord. 1156, Authorizing Contract with Bruce Chevrolet for the Purchase of one 2005 Chevrolet Silverado ¾ Ton Truck for the Canby Parks Department (2nd Reading) Pg. 4
- B. Ord. 1157, Amending Title 16 of Canby Municipal Code Adopting Park Dedication Standards and Procedures for All New Residential, Industrial and Commercial Construction (2nd Reading) Pg. 6
- C. Ord. 1163, Authorizing Contract with Gresham Ford for the Purchase of a 2005 Ford Extended Cab ½ Ton Pickup Truck for the Canby Fleet Services Dept. (2nd Reading) Pg. 15
- D. Ord. 1164, Authorizing Contract with Murray Chevrolet of Gresham for Purchase of one 2005 Chevrolet Astro Van for the Canby Building Department (2nd Reading) Pg. 17

8. NEW BUSINESS

9. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

10. CITIZEN INPUT

11. ACTION REVIEW

12. EXECUTIVE SESSION: ORS 192.660(2)(h) PENDING LITIGATION

13. ADJOURN

*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 Kim Scheafer at 503.266.4021 ext. 233.

**CANBY CITY COUNCIL
WORKSHOP
October 13, 2004**

Present: Mayor Melody Thompson, Councilors Walt Daniels, Georgia Newton, Wayne Oliver, Randy Carson and Teresa Blackwell, City Administrator Mark Adcock, Library & Parks Director Beth Saul, Project Planner Matilda Deas, City Recorder Pro Tem Kim Scheafer, Mark Triebwasser, Randy Tessman, and David Howell

Mayor Thompson called the session to order at 7:03 p.m.

The City Council met in a workshop session in the City Hall Conference Room to discuss the Willamette Wayside Management Plan and Park Dedication Ordinance.

Library & Parks Director Beth Saul gave an overview of the Willamette Wayside Management Plan. Ms. Saul summarized the community and technical process for developing the plan, along with how the three phases of the plan could be implemented. The concept plan is a guiding document to give an idea of how the City could measure and pace development. The Park and Recreation Board will look at the plan and give the Council their priorities in development and restoration at budget time.

Ms. Saul said the first job would be to work with the Traffic Safety Commission to develop a safe crossing on Territorial Road. Project Planner Matilda Deas said they had negotiated with the Willamette Country Club that the park would be closed twice yearly so that maintenance could be done by the Parks Department and country club.

City Administrator Adcock said that the plan could be put in the Program of Work document in January. Between January and budget time the phasing could be more defined. The City will continue to go after grants for the project.

Councilor Daniels thought there should be a placard showing the conceptual design. This would show people what is planned.

Ms. Deas reviewed the text amendments for parkland dedication and how parkland is accepted. Ms. Saul said there was an overall acquisition plan which has already been adopted and this is part of the plan that deals with subdivisions and how the City will deal with that.

Ms. Deas said by 2020 they want 140 acres for developed parks. The SDC's and this dedication ordinance cannot make up the deficit. The Wayside Property is considered open space and not a developed park. Ms. Saul said the park standards were for developed parks not open space areas. Ms. Deas said this was one piece they could do as land applications come in so they can make sure there is access for neighborhood parks.

Discussions took place regarding a parks and a recreation district. Ms. Deas said the Quality of Life Survey will help with finding out what people who live both inside and outside the City limits want for recreational facilities. Mr. Adcock said a workshop would be scheduled with the Council prior to the survey being sent to citizens.

Mayor Thompson said she wanted to make sure conversations and plans that took place at the Council level got back to the Planning Commission. She wanted to set up a retreat with the Planning Commission to discuss defined topics. They are looking for policy direction from the Council.

Mayor Thompson said that a lot of groups will benefit in the analysis of the survey. Councilor Daniels suggested having a meeting with several groups in February to review the survey results.

Mayor Thompson adjourned the session at 8:10 p.m.

Kimberly Scheafer
City Recorder Pro Tem

Melody Thompson
Mayor

**CANBY CITY COUNCIL
WORKSHOP
October 20, 2004**

Present: Mayor Melody Thompson, Councilors Georgia Newton, Wayne Oliver, Randy Carson, and Teresa Blackwell, Transit & General Services Director Margaret Yochem, Finance & Court Services Director Chaunee Seifried, City Recorder Pro Tem Kim Scheafer, Lila & Curtis Gottman, Doug Saylor, Rhonda Hutchinson, Bob Watson, and Charles Blackwell. Councilor Daniels absent.

Mayor Thompson called the session to order at 6:34 p.m. A light dinner was served.

The Council and General Canby Day Committee met in the City Hall Conference Room to discuss how the transition to a non-profit committee would take place. General Canby Day Committee Chair Lila Gottman said the committee was waiting until after October 25 to fill out the paperwork since the IRS is making new forms and changing their process. Becoming non-profit (501(c)3) will allow them to write grant applications and accept gifts and tax-deductible donations.

Discussions took place regarding changing General Canby Day from a one-day to a two-day event, revolving around several proposed activities.

There was a discussion as to how the General Canby Day King and Queen have been chosen.

Councilor Newton said she would like the books to be kept in an accounting approved format, an audit of the books performed, and to be bonded. Committee member Charles Blackwell said that there are two signers on the account and any money that comes in is double or triple documented. Ms. Gottman said the accounting would be moved to Peachtree Accounting Software. Wilcox, Arredondo & Co. has agreed to donate their accounting services as outside auditors to them.

A decision was made to have questions put on the Quality of Life Survey regarding General Canby Day to find out how citizens feel about it.

Councilor Newton said she would be more comfortable with the non-profit status if there was clear definition regarding the roll of the City, and what the committee is responsible for.

Mayor Thompson said the Council would like General Canby Day clearly defined as being separate. They needed to meet again to further discuss the non-profit issue.

Mayor Thompson adjourned the session at 7:31 p.m.

**CANBY CITY COUNCIL
REGULAR SESSION
October 20, 2004**

Mayor Melody Thompson presiding. Council members present: Georgia Newton, Wayne Oliver, Randy Carson, and Teresa Blackwell. Councilor Walt Daniels absent.

Also present: City Attorney John Kelley, Transit & General Services Director Margaret Yochem, Library & Parks Director Beth Saul, Finance & Court Services Director Chauncey Seifried, Police Lieutenant Greg Kroepelin, Code Enforcement Officer Don Hemstreet, Project Planner Matilda Deas, Senior Mechanic Joe Witt, City Recorder Pro Tem Kim Scheafer, County Commissioner Martha Schrader, Dirk Borges, Roger Harris, Kathryn Davis and David Howell.

CALL TO ORDER: Mayor Thompson called the regular session to order at 7:34 p.m., followed by the opening ceremonies.

Presentation to Canby Public Library by Clackamas County Commissioner Martha Schrader in memory of Donna Borges – Commissioner Schrader presented a Newberry Award winner book in honor of Ms. Borges. Ms. Saul read the inscription.

COMMUNICATIONS: None.

CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS: None.

MAYOR'S BUSINESS: None.

COUNCILOR COMMENTS & LIAISON REPORTS: Councilor Blackwell thanked the Council for the workshop with the General Canby Day Committee they had earlier that evening.

Councilor Oliver invited everyone to the dedication of the 13th Avenue Park on Saturday at 10 a.m.

Councilor Newton reported that the library volunteers were up and circulations were up. New artwork was on display and she encouraged citizens to vote for the library levy.

CONSENT AGENDA: **Councilor Carson moved to approve Accounts Payable of \$342,654.31 and the Minutes of the October 6, 2004 City Council Meeting. Motion was seconded by Councilor Blackwell and passed 4-0.

RESOLUTIONS & ORDINANCES:

Resolution 884 – Mayor Thompson asked if the rates had changed. Ms. Yochem said there was \$13,000 in labor costs, but because the Fire District had received a grant, were retiring one of their oldest vehicles and bringing in a new one, they renegotiated to take off \$1,500. Councilor Carson asked if the time on other vehicles was increasing, how would they renegotiate for that?

Ms. Yochem said there was a clause in the agreement that they could renegotiate at any time or give 30 day notice.

****Councilor Carson moved to approve Resolution 884, A RESOLUTION ADOPTING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF CANBY (CITY) AND THE CANBY RURAL FIRE PROTECTION DISTRICT (DISTRICT) REGARDING SHARING RESOURCES AND SERVICES FOR FLEET MAINTENANCE. Motion seconded by Councilor Blackwell and passed 4-0.**

Resolution 885 – ****Councilor Blackwell moved to approve Resolution 885, A RESOLUTION ADOPTING THE WILLAMETTE WAYSIDE MANAGEMENT PLAN FOR THE FUTURE DEVELOPMENT OF THE PROPERTIES FORMERLY KNOWN AS THE LOG BOOM, FISH EDDY, AND ECO PARK. Motion seconded by Councilor Oliver.**

Ms. Saul explained where the log boom, fish eddy, and Eco Park were. This would be a guiding document that would help them in the future as resources were available for development. It would be a natural area, but there would be paving of the road, and signage. Councilor Carson said that part of the land was given to them by the State.

Motion passed 4-0.

Ordinance 1156 – Ms. Yochem said they hoped to get another year out of this vehicle, but it needed to be retired. Councilor Carson thanked Joe Witt, City Mechanic, for keeping up the vehicles for as long as he did.

****Councilor Carson moved to approve Ordinance 1156, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH BRUCE CHEVROLET OF HILLSBORO, OREGON FOR THE PURCHASE OF ONE 2005 CHEVROLET SILVERADO ¾ TON TRUCK FOR THE CANBY PARKS DEPARTMENT; AND DECLARING AN EMERGENCY to come up for second reading on November 3, 2004. Motion was seconded by Councilor Blackwell and passed 4-0 on first reading.**

Ordinance 1157 – Project Planner Matilda Deas said this was the final step in the Parks Acquisition Plan. This ordinance set forth criteria and standards for land dedication for parks in applications for new development in Canby and gave them the opportunity to negotiate with applicants to dedicate park land in lieu of SDC's or use SDC's or a combination of both. It set the process for implementing it and criteria for approval.

****Councilor Newton moved to approve Ordinance 1157, AN ORDINANCE AMENDING TITLE 16 OF CANBY MUNICIPAL CODE ADOPTING PARK DEDICATION STANDARDS AND PROCEDURES FOR ALL NEW RESIDENTIAL, INDUSTRIAL, AND COMMERCIAL CONSTRUCTION to come up for second reading on November 3, 2004. Motion seconded by Councilor Carson and passed 4-0 on first reading.**

Ordinance 1159 - ****Councilor Carson moved to approve Ordinance 1159, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY RECORDER TO EXECUTIVE CHANGE ORDER NUMBER 3 WITH PARKER NORTHWEST PAVING COMPANY FOR CONSTRUCTION OF SEQUOIA PARKWAY ROADWAY IMPROVEMENTS STAGE III; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Blackwell and passed 4-0 by roll call vote.**

Ordinance 1160 - ****Councilor Newton moved to approve Ordinance 1160, AN ORDINANCE AMENDING SECTION 6 AND SECTION 8 OF ORDINANCE NO. 1113 REGARDING CHANGES IN THE EID ANNUAL ASSESSMENTS FINAL REPORT FOR FYE 2003-2008 AND CHANGES TO THE DISBURSEMENT SCHEDULE FOR PAYING COLLECTED FUNDS TO THE CANBY BUSINESS REVITALIZATION GROUP (CBR); AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Oliver and passed 4-0 by roll call vote.**

Ordinance 1161 – ****Councilor Carson moved to approve Ordinance 1161, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH MCBRIDE'S INDUSTRIAL COATINGS AND CONSTRUCTION OF HILLSBORO, OREGON FOR THE INSTALLATION OF POOL DECK SURFACING FOR THE CANBY SWIM CENTER; AND DECLARING AN EMERGENCY. Motion was seconded by Councilor Blackwell and passed 4-0 by roll call vote.**

Ordinance 1163 – Ms. Yochem said this would replace a 1974 GMC Van with a Ford truck with an extended cab to haul tools. Mayor Thompson said they had a few capital purchases that night, and it was through good planning that they had reserves in their accounts to make these purchases.

****Councilor Carson moved to approve Ordinance 1163, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH GRESHAM FORD OF GRESHAM, OREGON FOR THE PURCHASE OF A 2005 FORD EXTENDED CAB ½ TON PICKUP TRUCK FOR THE CANBY FLEET SERVICES DEPARTMENT; AND DECLARING AN EMERGENCY to come up for second reading on November 3, 2004. Motion seconded by Councilor Blackwell and passed 4-0 on first reading.**

Ordinance 1164 – Ms. Yochem said this was to purchase a vehicle for the building official whose car was in an accident and was totaled. They would be purchasing it off the State bid. Mayor Thompson said the building fund was separate from the general fund and was not allowed to be used for other expenses. Councilor Blackwell said Building Officials were trained in a rapid response in the event of a catastrophe.

****Councilor Carson moved to approve Ordinance 1164, AN ORDINANCE AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH MURRAY CHEVROLET OF GRESHAM, OREGON FOR THE PURCHASE OF ONE 2005 CHEVROLET ASTRO VAN VEHICLE TO THE CANBY**

BUILDING DEPARTMENT; AND DECLARING AN EMERGENCY to come up for second reading on November 3, 2004. Motion seconded by Councilor Blackwell and passed 4-0 on first reading.

NEW BUSINESS: None.

CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS: Project Planner Matilda Deas said this Saturday was the national Make A Difference Day, and they intended to work on Canby Community Park. Starbucks was donating \$10 an hour per person to the fund for native plants and they would use the money to buy plants for the high school agricultural program. They would be planting, putting down mulch, and doing general clean up.

CITIZEN INPUT: None.

ACTION REVIEW:

1. Approving the consent agenda.
2. Approving Resolutions 884 and 885.
3. Approving Ordinances 1156, 1157, 1163, and 1164 to come up for second reading on November 3, 2004.
4. Approving Ordinance 1159, 1160, and 1161 on second reading.

Mayor Thompson asked about following up on the workshop they had earlier that day with the General Canby Day Committee. Councilor Newton thought they needed to define the roles and responsibilities. Councilor Blackwell thought they should meet again in a month and in the interim ask the committee to work on the new roles.

There was no executive session.

Mayor Thompson adjourned the regular session at 8:10 p.m.

Kimberly Scheafer
City Recorder Pro Tem

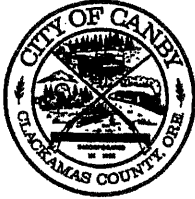
Melody Thompson
Mayor

Assisted in Preparation of Minutes – Susan Wood

S	M	T	W	T	F	S
			1	2	3	4
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
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21	22	23	24	25	26	27
28	29	30				

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
October 2004						
24	25 Ⓞ (7:00 PM) Planning Commission (Chambers)	26 Ⓞ (7:30 AM) CBRD (Fire Station) Ⓞ (7:30 PM) CUB Mtg.	27 Ⓞ (6:30 PM) <i>Special City Council Mtg.</i> (CAC) OECD Loan Ⓞ (7:00 PM) <i>Council Workshop</i> (CAC) Graffiti Ord.	28 Ⓞ (7:00 PM) Facility Comm. Mtg. (City Hall Conf. Room)	29	30
31	1	2 Ⓞ (11:30 AM) Chamber Lunch (Hope Village)	3 Ⓞ (6:30 PM) <i>Council Workshop</i> (City Hall Conf. Rm.) Quality of Life Survey Ⓞ (7:30 PM) <i>City Council Mtg.</i> (Chambers)	4	5	6
November 2004						
7	8 Ⓞ (7:00 PM) Planning Commission (Chambers)	9 Ⓞ (7:30 PM) CUB Meeting	10	11 Ⓞ (7:00 PM) Gen. Canby Day Comm. (CAC) ● HOLIDAY (City Hall Closed)	12	13
14	15 Ⓞ (7:00 PM) <i>Council Workshop w/Planning Comm.</i> (CHS Omni Room)	16 Ⓞ (4:00 PM) Library Board (Library) Ⓞ (6:30 PM) Bike & Ped. Committee (CAC) Ⓞ (7:00 PM) Parks & Rec. Board (CAC)	17 Ⓞ (6:30 PM) <i>Workshop w/Gen. Canby Day Comm.</i> (City Hall Conf. Room) Review New Roles of City & Gen. Canby Day Comm. Ⓞ (7:30 PM) <i>City Council Meeting</i> (Council Chambers)	18 Ⓞ (12:00 PM) Traffic Safety Comm. (CUB) Ⓞ (7:00 PM) Facility Committee Mtg. (City Hall Conf. Room)	19	20



CITY OF CANBY COMMENT FORM

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Please send comments

By mail: Planning Department, PO Box 930, Canby, OR 97013
In person: City Hall at 182 N. Holly Street
E-mail: nicholsd@ci.canby.or.us.

Written comments must be received prior to the hearing at 7:00 PM November 22, 2004.

APPLICATION: Minor Land Partition (Request to create 2 lots from 1 parcel)

APPLICANT: Aleksandr Krischenko

CITY FILE #: MLP 04-03

COMMENTS: *Mr. Aleksandr Krischenko*
stated that the city had approved
a second home to be built because he
had a double lot, which was misleading.
He could easily add a couple rooms
to his home.

YOUR NAME: *Lee E. Flory*

ORGANIZATION or BUSINESS (if any): _____

ADDRESS: *1346 So. Cedar Dr.*

PHONE # (optional): _____

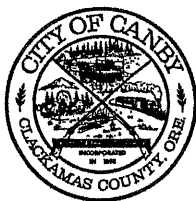
DATE: *11-21-04*

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NOV 22 2004

CITY OF CANBY

Thank you!



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APPLICATION: Minor Land Partition (Request to create 2 lots from 1 parcel)

APPLICANT: Aleksandr Krischenko

CITY FILE #: MLP 04-03

COMMENTS: I am a resident of Cedar Ridge. Mr. Krischenko recently paid me a visit asking me to sign his petition to support his plan to subdivide his lot + build a house. He clearly stated that he had the approval of the City of Canby & described the lot sizes once divided, etc. I did ask him just to make sure I had heard him correctly, if he did in fact have City approval + he again said, "yes." He claimed that all he now needed was neighbor support from the home owners of Cedar Ridge. I declined to sign & have not heard from him since. Today I learned that he deceived me about 'city approval'. My hope is that others who may have signed did not base their decision on his 'word'. My husband and I do NOT support Mr. Krischenko's request.

YOUR NAME: Linda K Brown - Linda K Brown

ORGANIZATION or BUSINESS (if any): _____

ADDRESS: 1357 S Baywood Ct. Canby, OR

PHONE # (optional): 503/266 7606

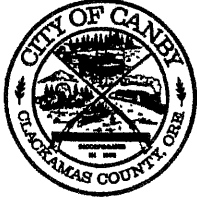
DATE: 7-22-04

Thank you!

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APPLICATION: Minor Land Partition (Request to create 2 lots from 1 parcel)

APPLICANT: Aleksandr Krischenko

CITY FILE #: MLP 04-03

COMMENTS: As a homeowner in the Cedar Ridge neighborhood I oppose Mr. Krischenko's plan to put a house behind his existing house. Mr. Krischenko's house is the first house you see as you enter our neighborhood, I think it would be an eyesore to put another house behind his house because of the shape and size of the lot. I don't see how it can be done without it looking like it's in his backyard. In addition to bringing down the property values with an eyesore, the fact that Mr. Krischenko wants to do this and then sell both properties shows little regard for those of us who invest time and money keeping our property attractive. His idea goes against what a Homeowners Association is all about, retaining the value of your investment.

YOUR NAME: Chris Faulhaber

ORGANIZATION or BUSINESS (if any): _____

ADDRESS: 1201 S. Aspen Way

PHONE # (optional): (503) 266-9008

DATE: 11/19/04

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NOV 22 2004

CITY OF CANBY

Thank you!



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APPLICATION: Minor Land Partition (Request to create 2 lots from 1 parcel)

APPLICANT: Aleksandr Krischenko

CITY FILE #: MLP 04-03

COMMENTS:

Please see attached letter.

Thanks!

YOUR NAME:

Jennifer Dorsey

ORGANIZATION or BUSINESS (if any):

ADDRESS:

1337 S. Birch Ct.

PHONE # (optional):

DATE:

11/20/04

Thank you!

Dear Planning Department Members,

November 19, 2004

I am writing this in response to the application by Mr. Krischenko to partition his land on 1214 S. Cedar Loop. I do not support it!

My husband and I are very concerned with what is currently happening on several levels. First of all, we moved to the Canby community in July so that our children could benefit from the strong public schools. We purchased our home in the Cedar Ridge subdivision for two reasons. The first was the look of the neighborhood, clean, neat, well tended, no trailers or boats parked in driveways etc. The second was lot size. We looked at homes for sale in Township Village and Sequoia Place and the lots were quite a bit smaller. The reason why we purchased our home in the Cedar Ridge subdivision was because of these factors.

The homeowners association rules help maintain the quality of life of our neighborhood along with the property values and **directly influenced** our decision to purchase a home in the Cedar Ridge neighborhood.

Our board of directors did not approve Mr. Krischenko's request to subdivide his property so he is trying a "back door" approach to get his way.

Please let me remind you that our board of directors are **elected representatives** of the home owners. My family was prepared to follow the homeowner association rules and reviewed them before purchasing our home. If we did not want to follow the rules we would not have bought the property, pretty simple.

Please do not override the decision of our elected board. It sets a poor precedent. If you don't like the rules just go around them to the city planning department. What other rules are next? **Please respect the decision of our elected board of directors and deny Mr. Krischenko's request.**

Thank you for your time!



Jennifer Dorsey
1337 S. Birch Ct.
Canby



MSN Home | My MSN | Hotmail | Shopping | Money | People & Chat

Sign Out

Web Search: Go

Hotmail Today Mail Calendar Contacts

rdball@hotmail.com Messenger: Offline

Free Newsletters |

Reply | Reply All | Forward | Delete | Junk | Put in Folder | Print View | Save Address

From: Eric S Knutson <ejhknutson@web-ster.com>
 Reply-To: "Eric S Knutson" <ejhknutson@web-ster.com>
 Sent: Tuesday, November 9, 2004 12:48 AM
 To: "Richard Ball" <rdball@hotmail.com>
 Subject: Re: Subdivision of lot 1 petition

I am strongly opposed to an additional house being built on this lot for several reasons. (I've already signed your petition.) My questions are:

1. What is the likelihood that the city will approve this when it is in strict violation of the CC&R's that the home owner signed?
2. If approved, what kind of an increase to our annual dues are we looking at?

I've heard that this owner has told others that he plans to sell the residence once he builds on. This will allow him to financially profit at our expense. (A rather sore spot with me.) I can't help but wonder if so many residents would have signed his petition if they had known that it would affect their annual dues or had known he was not telling the truth when he advised others that he had the city approval on this. (He told me this as well.) By the way, when he came to my house asking for a signature, he argued with me when I told him I wouldn't sign it. In fact, I had to ask him several times to leave. A very pushy man. I suspect some folks signed his petition just to get him out of their hair.

Jayne Knutson

1455 S. Birch Ct. ; 503-263-8027

Original Message

From: Richard Ball
 To: ajbird@wwdb.org ; am04@canby.com ; brassbird@earthlink.net ; c.d.gonzalez@worldnet.att.net ; cjholbrook@peoplepc.com ; coachshelby@canby.com ; colen@canby.com ; convel30@yahoo.com ; dorseyj@canby.k12.or.us ; ejhknutson@web-ster.com ; gearyk@canby.com ; jbogardus78@hotmail.com ; jeffbranson@excite.com ; joni@pacwall.com ; kazebee@sterlink.net ; leeadi@hevanet.com ; lin1932@aol.com ; m_thompson@cablerocket.com ; mbigjohn@cablerocket.com ; mikehiggs@integrity.com ; Ocampo1961@aol.com ; pbrock9612@web-ster.com ; rdelwalker@msn.com ; rdevore@canby.com ; reederjl@aol.com ; rodc@homestead-mtg.com ; Rodneycorb@yahoo.com ; rrpmmotors@aol.com ; sandylp@cablerocket.com ; service@rosecitypool.com ; suprmaum@worldnet.att.net ; trimble@canby.com ; weimertec@canby.com ; wisely@canby.com ; zfarms@web-ster.com ; zzzom@aol.com
 Sent: Friday, November 19, 2004 3:36 PM
 Subject: Subdivision of lot 1 petition

RECEIVED

NOV 22 2004

CITY OF CANBY

A request was made to the board of directors of Cedar Ridge to allow for the portioning and subdivision of lot #1 in order to create lot and constructing an additional residence on the new lot. The board convened as required by the CC&R's and have voted to oppose any subdivision of that particular lot. Many factors played a role in the final decision including safety concerns of adding an additional lot at that location, jurisdictional concerns of adding or deleting land currently within the boundaries of Cedar Ridge, the economic impact on the Association which are inherited by each homeowner in higher assessments, personal concerns of members as to the aesthetic nature of an additional structure on the property and administrative burdens placed on CRCA. Each item was carefully considered in order to evaluate the issue prior to rendering a final decision.

The Cedar Ridge Civic Association has been very insistent on the adherence to all of the rules and has shown prudent flexibility when the need has arisen to accommodate all of the neighbors of our community. This is what long time and new residents have come to depend on and expect. To allow the rules to be circumvented or only partially adhered to by some and not others decimates the very objective that a planned unit was there to achieve. Our CC&R's Sec. 1.1 clearly covers this issue in detail and the Board of Directors have rendered a decision not to approve the waiver for subdivision.

The application has now been scheduled for a hearing on Monday November 22, 2004 with the Canby Planning Commission. The Board of Directors has voiced opposition to this proposal and plan on testifying as to our opposition to allowing such a subdivision to take place. We are asking Proprietary Members (owners not renters) of Cedar Ridge to support the decision of the Board in requesting that the City of Canby Planning Department deny the application to subdivide that lot.

By signing this letter you are acknowledging that you support the action of the Board Of Directors to request that the Subdivision be denied by the City of Canby.

Board of Directors, Cedar Ridge Civic Association

Anyone wishing to sign the above document should contact our board president, Joni Heller, at 503 263 3975, or board member, Richard Ball, at 503 266 5313. We will, then, bring the petition to you to sign at your convenience.



Get the latest updates from MSN

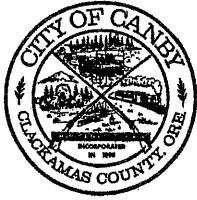
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NOV 22 2004

CITY OF CANBY



CITY OF CANBY COMMENT FORM

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Please send comments

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In person: City Hall at 182 N. Holly Street
E-mail: nicholsd@ci.canby.or.us.

Written comments must be received prior to the hearing at 7:00 PM November 22, 2004.

APPLICATION: Minor Land Partition (Request to create 2 lots from 1 parcel)

APPLICANT: Aleksandr Krischenko

CITY FILE #: MLP 04-03

COMMENTS: As long as a single family home is placed then I do not see the land partition as being a problem.

Unfortunately since I have not attended meetings either for or against the issue I do not have a clear idea of the partition or additional issues surrounding the land division

I elect to vote impartial at this time. I do not have enough information to vote either way.

YOUR NAME: Jacqui Keeler

ORGANIZATION or BUSINESS (if any): _____

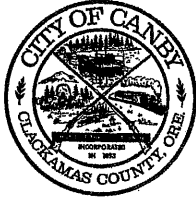
ADDRESS: 1321 S. Birch Ct.

PHONE # (optional): _____

DATE: 11-22-04

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NOV 22 2004
CITY OF CANBY

Thank you!



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APPLICATION: Minor Land Partition (Request to create 2 lots from 1 parcel)

APPLICANT: Aleksandr Krischenko

CITY FILE #: MLP 04-03

COMMENTS: This application will have minimal impact on the
_____ school district.

YOUR NAME: Deborah Sommer

ORGANIZATION or BUSINESS (if any): Canby School District

ADDRESS: 1110 S. Ivy, Canby

PHONE # (optional): 503-266-7861

DATE: 11/8/04

Thank you!

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NOV 18 2004

CITY OF CANBY

From: Constance Kealey <convel30@yahoo.com>
To: <nicholsd@ci.canby.or.us>
Date: 11/21/04 1:17PM
Subject: Aleksandr Krischenko- city file # MLP 04-03

Mr Nichols, as a homeowner in the Cedar Ridge sub-division I do not feel it if beneficial to our community for Mr Krischenko to build another house on his land. My understanding is that it would cause more traffic problems and increase our taxes. If he is allowed to build he plans to sell both houses and move on. I also feel that the Cedar Ridge Association By-laws are there for all to follow and that this petition should be denied.

Constance Kealey
1334 S Cedar Dr.
Canby, Or. 97013
(503)651-3781

Do you Yahoo!?
The all-new My Yahoo! - Get yours free!
<http://my.yahoo.com>

September 18 2004

August 26, 2004

List of Cedar Ridge residents who agree with the waiver on the subdivision of the lot at

1214 S Cedar Loop.

NAME	ADDRESS
Megan Brygham-Miller	1317 S Cedar Dr Carby OR 97013
Missa Cleburne	1318 S CEDAR DR CARBY OR 97013
Jodie Smith	1348 S CEDAR DR. 503 5375009
Karen Smith	1303 S Birch Ct Carby 503 2665188
Mike Haggis	1325 S Birch Ct. Carby 503-266-3125
Jenny Denny	1337 S Birch Ct. Carby
Matt Trumbulo	1414 S Birch Ct. Carby 503-551-1175
Vicki Scott	1489 S ASPEN way Carby
Buddie & Bobbi	1416 S Birch Ct Carby
Alex Kricheldorf	1214 S Cedar Loop.
Jodie Hydstre	1345 S Cedar DR. 503 651 3267
Jodie Hydstre	1409 S Birch Ct
Jodie Hydstre	1385 S Birch Ct
Jodie Hydstre	1349 S Birch Ct
Jodie Hydstre	1322 S Birch Ct 503 651 3267
Janeke Hydstre	1311 S. Fagwood Ct. 503 266-9059
Michelle Hydstre	1323 S Birch Dr.
Jeff Jolley	1334 S Birch Ct

LIBRARY

Matt To Hubbard, OR 97032
6090 Hubbard, OR 97032

August 26, 2004

September 18 2004

List of Cedar Ridge residents who agree with the waiver on the subdivision of the lot at 1214 S Cedar Loop.

NAME

ADDRESS

Jim Wisely 1250 S Cedar Loop

Yel Wilson W 1262 S Cedar Loop

Kick Reeder 1286 S Cedar Loop

Janet Folbark 1315 S Cedar Dr

Jo Cornett 1327 S Cedar Dr

Connie Kraly 1334 S Cedar Dr

Lee Foley 1346 So. Cedar Dr

Earl Ziemer 1307 S Birch Ct

Mark Thompson 1351 S Birch Ct

Lucia Montoya 1397 S Birch Ct

Earl Ziemer 1430 S Birch Ct

Sandra Kenagy 1435 S Birch Ct

Pat Bar 1428 S Birch Ct

Jeff Branson 1343 S Baywood Ct

Josefina 1273 S Aspen Way

Cherry Faulhaber 1201 S Aspen Way

Edith Connally 1155 S Aspen Way

Kyle Berglund 1339 S Baywood

Rod + Lori Craig 1304 S Birch Ct., Canby 97013

WA-MAY
Cornett

LOWEY
TALLEY
MARK
THOMPSON

EARL
WEIMER

RICK
BAARSCH

November 12, 2004 (Friday)

Neighborhood Meeting Minutes

In attendance:

Richard & Florence Ball, Vikky Nees, Alex & Lana Krishchenko

Mr. Ball's Questions and Comments (1238 S Cedar Loop)

Q: CC&R's contract restricts in section 1.1 to "subdivide land for further construction of additional residence." You may build addition to your house, but not subdivide land.

A: I will not be constructing an additional residence, like for example a "mother-in-law" type of house in the backyard. It will be a "single family dwelling" with an attached garage, which CC&R's does not restrict.

Q/Comment: Your house will block my view/vision.

A: By the city code, a one story house will be 15 feet away from the property line and a two story house is 20 feet. On the other hand, an addition to the existing house is only supposed to be 7 feet away from the property line, which will block more views/visions.

Q/Comment: You will be taking away 1400sq ft of land from the subdivision.

A: CC&R rules do not control any land amounts or state anything about that, whatsoever. However, even if we will subdivide the lot, the remaining 6,200sq ft will be more than some of the houses have at the time, in the subdivision. I also have 38 signatures of the residents in my subdivision who agree with my minor land partition, which in fact further proves that the CC&R do not restrict it.

Q/Comment: Will this new house belong to the subdivision?

A: That land that was given to me does not belong to the subdivision.

Vikky Nees Questions and Comments (613 SW 13th Ave)

Q/Comment: How long will it take to build the house and when will it be started? I am worried about the noise.

A: Usually it takes about six months to build a house. We will start any construction after we obtain all the necessary permits and a house plan. I don't think it will be very noisy, after most of the framing will be completed. Which framing only takes a few days, and after that most of the jobs will be inside.

There are traffic concerns with the change of the intersection at Territorial and 99E. More people will be using Pine and Redwood.

Chief Pagano stated the Police Department has already received complaints. Chairman Marlene reminded us this is a temporary measure until the traffic light is installed at the intersection which is scheduled for 2006.

2. A request for painting crosswalks on S. Redwood near 11th Loop and at 13th at Redwood.

Curtis Gottman stated he wished we would not rubber stamp crosswalks. No action or further discussion on this matter.

New Business.

We received a request from the Planning Department to revisit a request from Aleksandr Krishenko to divide a 12,532 square foot parcel into two lots at 1214 S. Cedar Loop. We had previously addressed this issue last August and, at that time, this committee had no traffic concerns.

Richard Ball stated he is a neighbor of Mr. Krishenko and had talked to him about the division of the property which is against the rules of the Cedar Ridge Association. Mr. Ball stated he was on the Board of Directors of the Association and had helped Mr. Krishenko with an appeal to waive the rule. The Board voted 4-1 against approving the waiver. They have concerns with the traffic flow especially when Berg Parkway is punched through and 13th becomes a truck route. Mr. Ball also quoted from page 4-30 of the Canby Transportation Plan which states there shall not be a driveway onto 13th which services less than 5 dwellings. Mr. Krishenko's drive would be for only one house. He also inquired whether or not there had been a traffic study made on 13th.

Barbara Kirwan and Curtis Gottman both stated the commission could not make any further recommendations.

Chief Pagano told Mrs. Freeman that if someone wants to have a neighborhood meeting, they would have an officer there.

Mrs. Freeman stated there would always be someone in the neighborhood who had several cars.

Barbara Kirwan stated the house on the corner has 6 to 8 cars that park just past the yellow curb markings.

Don Hemstreet stated he has talked to the owner of the house on the corner and he seems cooperative. Don also stated he has given the city attorney several recommendations for ordinances that may help with the problem.

Darren Nichols stated he had just come from a meeting with the architects for the new middle school to be built at Township and Redwood.

Announcements.

MINUTES
of
TRAFFIC SAFETY COMMISSION MEETING
NOVEMBER 18, 2004

Members in attendance:

Marlene Elmore, Chairman; Curtis Gottman; Barbara Kirwan; Betty Ramey; Laurie Sandsness. Doug Gingerich late arrival excused.

Excused member:

Don Staehely.

City Staff Members in attendance:

Chief Ken Pagano; Lt. Greg Kroeplin; Officers Jason Deason and Don Hemstreet; Fire Marshall Ron Yarbrough.

Darren Nichols of the Planning Department arrived late.

Guests:

Richard and Florence Ball; Lucy Freeman; Ken Kirwan.

Chairman Marlene Elmore called the meeting to order at 12:05 PM in the conference room at Canby Utility.

Curtis Gottman moved the minutes of the September 9, 2004 meeting be accepted as printed and distributed. Motion seconded and carried.

Barbara Kirwan moved the minutes of the October 14, 2004 meeting be accepted as printed and distributed. Motion seconded and carried. Curtis Gottman abstained.

Old Business.

1. Up-date on painting of curbs on S. 13th.

Chairman Marlene reported the painting is done and that Roy Hester had advised they extended the yellow into the entrance into the new park.

2. Up-date from Planning Department on Bike Lanes on S. 13th.

Chairman Marlene stated we are not doing anything on this.

3. Traffic concerns on NW Aspen Ct. off Knights Bridge Road just past Birch St.

Chairman Marlene advised the yellow curb markings have been painted.

Mrs. Freeman stated she has seen a few violations since the painting has been in place.

Chairman Marlene advised that Roy Hester the City Street Supervisor had been asked to do a traffic study but he is not here today with the report.

Laurie Sandsness stated that until we get the traffic study, we can't make a decision.

Barbara Kirwan said she was speaking as a citizen, not a committee member. Since the curbs have been painted, she has made a point of going there and has seen no violations.

Dear Planning Department Members

November 19, 2004

I am writing this in response to the application by Mr. Krischenko to partition his land on 1214 S. Cedar Loop. I do not support it!

My husband and I are very concerned with what is currently happening on several levels. First of all, we moved to the Canby community in July so that our children could benefit from the strong public schools. We purchased our home in the Cedar Ridge subdivision for two reasons. The first was the look of the neighborhood, clean, neat, well tended, no trailers or boats parked in driveways etc. The second was lot size. We looked at homes for sale in Township Village and Sequoia Place and the lots were quite a bit smaller. The reason why we purchased our home in the Cedar Ridge subdivision was because of these factors.

The homeowners association rules help maintain the quality of life of our neighborhood along with the property values and **directly influenced** our decision to purchase a home in the Cedar Ridge neighborhood.

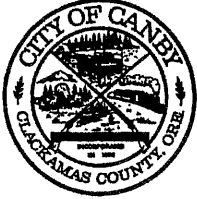
Our board of directors did not approve Mr. Krischenko's request to subdivide his property so he is trying a "back door" approach to get his way.

Please let me remind you that our board of directors are **elected representatives** of the home owners. My family was prepared to follow the homeowner association rules and reviewed them before purchasing our home. If we did not want to follow the rules we would not have bought the property, pretty simple.

Please do not override the decision of our elected board. It sets a poor precedent. If you don't like the rules just go around them to the city planning department. What other rules are next? **Please respect the decision of our elected board of directors and deny Mr. Krischenko's request.**

Thank you for your time!

Jennifer Dorsey
1337 S. Birch Ct.
Canby



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: City Hall at 182 N. Holly Street
E-mail: nicholsd@ci.canby.or.us.

Written comments must be received prior to the hearing at 7:00 PM November 22, 2004.

APPLICATION: Minor Land Partition (Request to create 2 lots from 1 parcel)

APPLICANT: Aleksandr Krischenko

CITY FILE #: MLP 04-03

COMMENTS: *I do not want Mr Krischenko's property divided into two separate lots if it is going to compromise the rules and regulations of Cedar Ridge Neighborhood Association.*

YOUR NAME: *Esther Connolly*

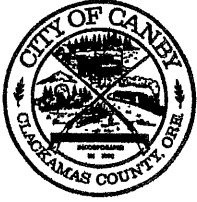
ORGANIZATION or BUSINESS (if any): _____

ADDRESS: *1155 S. Aspen Way, Canby*

PHONE # (optional): _____

DATE: *11-22-04*

Thank you!



CITY OF CANBY COMMENT FORM

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APPLICATION: Minor Land Partition (Request to create 2 lots from 1 parcel)

APPLICANT: Aleksandr Krischenko

CITY FILE #: MLP 04-03

COMMENTS: I agree with the cedar Ridge Board that the Krischenko's property is part of our subdivision: rules: dues so he does not have permission to subdivide and build in his back yard.

YOUR NAME: Alan Bird

ORGANIZATION or BUSINESS (if any):

ADDRESS: 1320 S. Cedar Dr.

PHONE # (optional): 503 266-5269

DATE: 11/2/04

Thank you!

Sorry 2 yr old

A request was made to the board of directors of Cedar Ridge to allow for the portioning and subdivision of lot # 1 in order to create lot and constructing an additional residence on the new lot. The board convened as required by the CC&R's and have voted to oppose any subdivision of that particular lot. Many factors played a role in the final decision including safety concerns of adding an additional lot at that location, jurisdictional concerns of adding or deleting land currently within the boundaries of Cedar Ridge, the economic impact on the Association which are inherited by each homeowner in higher assessments, personal concerns of members as to the aesthetic nature of an additional structure on the property and administrative burdens placed on CRCA. Each item was carefully considered in order to evaluate the issue prior to rendering a final decision.

The Cedar Ridge Civic Association has been very insistent on the adherence to all of the rules and has shown prudent flexibility when the need has arisen to accommodate all of the neighbors of our community. This is what long time and new residents have come to depend on and expect. To allow the rules to be circumvented or only partially adhered to by some and not others decimates the very objective that a planned unit was there to achieve. Our CC&R's Sec. 1.1 clearly covers this issue in detail and the Board of Directors have rendered a decision not to approve the waiver for subdivision.

The application has now been scheduled for a hearing on Monday November 22, 2004 with the Canby Planning Commission. The Board of Directors has voiced opposition to this proposal and plan on testifying as to our opposition to allowing such a subdivision to take place. We are asking Proprietary Members of Cedar Ridge to support the decision of the Board in requesting that the City of Canby Planning Department deny the application to subdivide that lot.

By signing this letter you are acknowledging you support for the action of the Board Of Directors to request that the Subdivision be denied by the City of Canby.

Name	Address	Signature
Mark Deller	1423 S. Birch Ct	Mark Deller 11/20/04
JAYNE KNUDSON	1455 S. BIRCH CT	Jayne Knudson 11-20-04
MICHELLE BAARSCH	1428 S. BIRCH CT	Michelle F Baarsch 11/20/04
Russell DeVore	1416 S. Birch Court	Russell DeVore 11/20/2004
Jennifer Dorsey	1337 S. Birch Ct.	Jennifer Dorsey 11/20/04
Mike Higgs	1325 S. Birch Ct.	Mike Higgs 11/20/04
Karen Landis	1303 S Birch Ct	Karen Landis
Phil Rivall	1353 S. Baywood Ct.	Phil Rivall 11/20/04
Josefina Ocampo	1223 S Aspen way	Josefina Ocampo 11/20/04
Jana Holbrook	1315 S Cedar Dr	Jana Holbrook 11-20-04
Ginnifer Realey	1334 S Cedar Dr	Ginnifer Realey 11-20-04
Jay E. Gilroy	1346 S Cedar Dr	Jay E. Gilroy 11-20-04
LUCIA MONTROYA	1397 S. Birch Ct.	Lucia Montroya 11-20-04

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Name	Address	Signature
DON WENTWORTH	1452 S. Birch Ct	Don Wentworth 11/20/04
Earl Weimer	1430 S. Birch Ct	Earl Weimer 11/20/04
Chris Faulhaber	1201 S. Aspen Way	Chris Faulhaber
Lorraine Hellman	1133 S. Aspen Way	Lorraine Hellman 11/20/04
KYLE BOSARDUS	1339 S. BAYWOOD CT	Kyle Bogardus 11/20/04
Rodney Corbin	1331 S BAYWOOD	Rodney D. Corbin
Richard Ball	1238 S. Cedar Lp.	Richard D. Ball 11/20/04
CHRISTIAN SMITH	1310 S Birch Ct	Christian Smith 11/20/04
Judith K Brown	1357 S Baywood Ct	Judith K Brown 11-20-04
Esther Connolly	1155 S. Birch Ct	Esther Connolly 11-20-04
Rod Craig	1301 S. Birch Ct.	Rod Craig
Janette Bivd	1320 S. Cedar Dr.	Janette Bivd 11/21/04
Joni Heller	1303 S. Birch Ct.	Joni Heller 11/21/04

CEDAR RIDGE CIVIC ASSOCIATION

Mr. Chairman and Members of the Board.

Thank you for this opportunity to be heard on the petition for a land sub division.

At this time on behalf of the Board of Directors representing the homeowners of Cedar Ridge we respectfully oppose the subdivision of the proposed lot.

The Cedar Ridge Civic Association (CRCA) is the homeowners association that was legally formed per state law upon the departure of the original developer in 1994. At that time all management documents were turned over to the Association after being legally filed so that the (CRCA) association could now take full responsibility of management and administration of the lands located within the Cedar Ridge Planned Development. It is the responsibility of Board of Directors (Board) among other things to insure that the Covenants, Conditions and Restrictions (CC&R's) of the development are adhered to by each lot owner. In addition, the Board and neighbors within the subdivision have been very active in the promoting of other social activities that benefit the families of the development. Summer/Spring "get to know your neighbor" picnic, holiday parties for our children and crime prevention programs are just a few examples.

Many of our residents have mentioned to myself and other members that the deciding factor for purchasing a home in Cedar Ridge above other properties in Canby was the active participation of the neighbors in the adherence of the CC & R's. The requirements for the maintenance and conformity of each property, restriction of storing vehicles in disrepair and the use or alteration of each lot are just a few reasons why the majority of residents of our neighborhood believe that their investment into this development will be protected and create a safe and desirable neighborhood. It is with this goal and understanding that I and so many of my neighbors volunteer so much time.

The 1989 Oregon Legislature appears to have understood some the issues facing homeowners associations within Oregon and took steps in amending or creating the Planned Community Act to address these issues. In the Legislative Finding Summary of the act it states "This inexperience often leads to difficulties for the association when it assumes responsibility for the administration of the planned development because usually neither the developer who drafted the documents not the local jurisdiction which may have reviewed them has realized the long term management implications of the restrictions imposed by the documents" The findings go on to identify that "Of almost equal importance is the lack of disclosure of significant differences this pattern of ownership imposes on the homeowner and the restrictions on choice that must be accepted." The legislature was also concerned that the "Legislative Assembly address problems with homeowner associations in order to make this kind of homeownership pattern an acceptable choice" and "assure proper maintenance of the projects projects so that the investment of the owners and the appearance of Oregon communities are protected."

CEDAR RIDGE CIVIC ASSOCIATION

The Planned Community Act Sec. 94.550-94.783 go on to explain the duties, requirements and many of the responsibilities on a homeowners association such as CRCA. Our overall interpretation of these sections illustrate, not only how the Homeowners Association will be formed and it's function but that the CC&R's affecting each property of the planned development shall be accepted and adhered to by all members. The Board of Directors which is duly elected by vote of the members owning property in the planned development are obligated to work in the best interest of the entire development and shall be given greatest weight in the final decision affecting properties within its jurisdiction. Furthermore, additional information contained within the statute appear to state that not only is it incumbent of the Homeowners Association to enforce the CC&R's in the best interest of the members but failing to do so could result in legal action against the Board by any aggrieved member. This is the reason we feel compelled to come before you this evening.

In regards to this particular request to subdivide the existing lot in order to create an additional lot utilizing only part of the land currently under the management and restriction of CRCA. The board convened as required by the CC&R's and have voted to oppose any subdivision of that particular lot. Many factors played a role in the final decision including safety concerns of adding an additional lot at that location, jurisdictional concerns of adding or deleting land currently within the boundaries of Cedar Ridge, the economic impact on the Association which are inherited by each homeowner in higher assessments, personal concerns of members as to the aesthetic nature of an additional structure on the property and administrative burdens placed on CRCA. Each item was carefully considered in order to evaluate the issue prior to rendering a final decision.

The Cedar Ridge Civic Association has been very insistent on the adherence to all of the rules and has shown prudent flexibility when the need has arisen to accommodate all of the neighbors of our community. This is what long time and new residents have come to depend on and expect. To allow the rules to be circumvented or only partially adhered to by some and not others decimates the very objective that a planned unit was there to achieve. Our CC&R's Sec. 1.1 clearly covers this issue in detail and the Board of Directors have rendered a decision not to approve the waiver for subdivision.

While I am sure that you will give careful consideration to the application I sincerely hope that you will support the decision of the Board of Cedar Ridge Civic Association.

We as the Board of Directors respectfully request that you to serve the best interests of our neighborhood and deny the application for the subdivision of lot _____

Respectfully,

Joni Heller
President Cedar Ridge Civic Association

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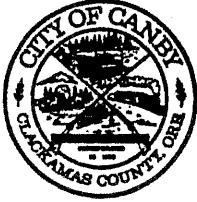
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President Cedar Ridge Civic Association



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Written comments must be received prior to the hearing at 7:00 PM November 22, 2004.

APPLICATION: Minor Land Partition (Request to create 2 lots from 1 parcel)

APPLICANT: Aleksandr Krischenko

CITY FILE #: MLP 04-03

COMMENTS: I, Brett Lancy, signed Mr. Krischenko's petition in favor of splitting his current lot on Sunday 11-21. After learning all of the facts, I now wish to recind my support for Mr. Krischenko's petition. Mr. Krischenko led me to believe that the City of Canby had already accepted his proposal, that Cedar Ridge had allowed a lot to be split before and that he had the majority support of the Cedar Ridge Board. I no longer support Mr. Krischenko's proposal. I believe the Cedar Ridge EC and R's are clear on this matter. Mr. Krischenko should NOT be allowed to split his lot.

YOUR NAME: Brett Lancy

ORGANIZATION or BUSINESS (if any): _____

ADDRESS: 1334 South Birch Ct

PHONE # (optional): (503) 266-5012

DATE: 11/22/04

Thank you!

Re: MLP 04-03

Mr. Chairman and Members,

As a homeowner and Proprietary member of Cedar Ridge I oppose the proposed subdivision and respectfully request the planning commission support the Board of Directors of the Cedar Ridge Civic Association and deny the application to subdivide the lot that currently resides within the boundaries of Cedar Ridge Planned Development.

My wife, daughter and I have lived in Cedar Ridge for the past 11 years and I was the President of the Association when it was originally turned over to the homeowners from the developer. Since that time, I have been active and supportive to the activities of the Board of Directors. When we initially purchased our home in October of 1993, I was unfamiliar with the purpose and the process involved in a Planned Development. But with time, I have come to understand the true value of such an organization and the benefit it can serve on behalf of all of the homeowners within its boundaries.

I am aware of several events in which the representation provided by the Board of Directors have directly contributed to the benefits of it's members including the repair of roadways, correction of drainages that posed potential flooding hazards on certain lots, a playground enhancement program to provide a safe environment for our Children to play and general area enhancement activities for the benefit of all of the residents of Cedar Ridge. These activities were made possible by the unselfish efforts of volunteer homeowners seeking to enhance their own neighborhood and would not be possible or effective if they did not have the homeowners association.

I am aware that the board has analyzed the issue at hand through active debate, discussion and thought. There is no doubt that the Board of Directors considered the entire neighborhood as to the long and short term affects of such a proposal would have. In their judgment they believe that this would not positively serve the interests of the Neighborhood.

I have come to believe the Board of Directors of Cedar Ridge, who all live in the very neighborhood in which they volunteer their time to represent their neighbors have and will continue to be the best representatives for what would be in the best interest of our part of the Canby Community. I hope that you choose to support their efforts and decision by denying the application for subdivision.

Respectfully,

Rod Craig
1304 S. Birch Ct.
Canby, OR 97013
(503)266-6917

Joni Heller

From: [REDACTED]
Sent: Friday, November 19, 2004 5:26 PM
To: Joni Heller
Subject: RE: Subdivision of lot 1 petition

Hi Joni,

Thank you for letting us remain anonymous! It is very much appreciated!

Yes, we would love to sign a petition to deny the Krishanko's building another house on their lot. He came by to have us sign to approve it and when Geary said that he was not in agreement, he became a little "agitated" with Geary for not signing. We do not feel that they should be able to subdivide their lot and build another house. Let me know what time on Sunday would be a good time for you, and we will make sure that we are available to sign the petition.

Thank you again,

[REDACTED]

Joni Heller

From: RxFBall@cs.com
Sent: Sunday, November 21, 2004 9:21 PM
To: Joni Heller; trimble@canby.com; lee@westernpartition.com; rodc@homestead-mtg.com
Subject: Jayne Knutson's email

I just wanted to share this email with you all. I have already called Jayne and responded to her raised questions. She said we could turn this email in to the Planning Department along with any other "comment forms" we have received. I'll do that tomorrow morning. We'll be going to the Planning Department to check out the equipment they have available for my "Power Point" presentation. See you all tomorrow night. Richard (503 266 5313)

From : Eric S Knutson <ejhknutson@web-ster.com>
To : "Richard Ball" <rdball@hotmail.com>
Subject : Re: Subdivision of lot 1 petition

I am strongly opposed to an additional house being built on this lot for several reasons. (I've already signed your petition.) My questions are:

1. What is the likelihood that the city will approve this when it is in strict violation of the CC&R's that the home owner signed?
2. If approved, what kind of an increase to our annual dues are we looking at?

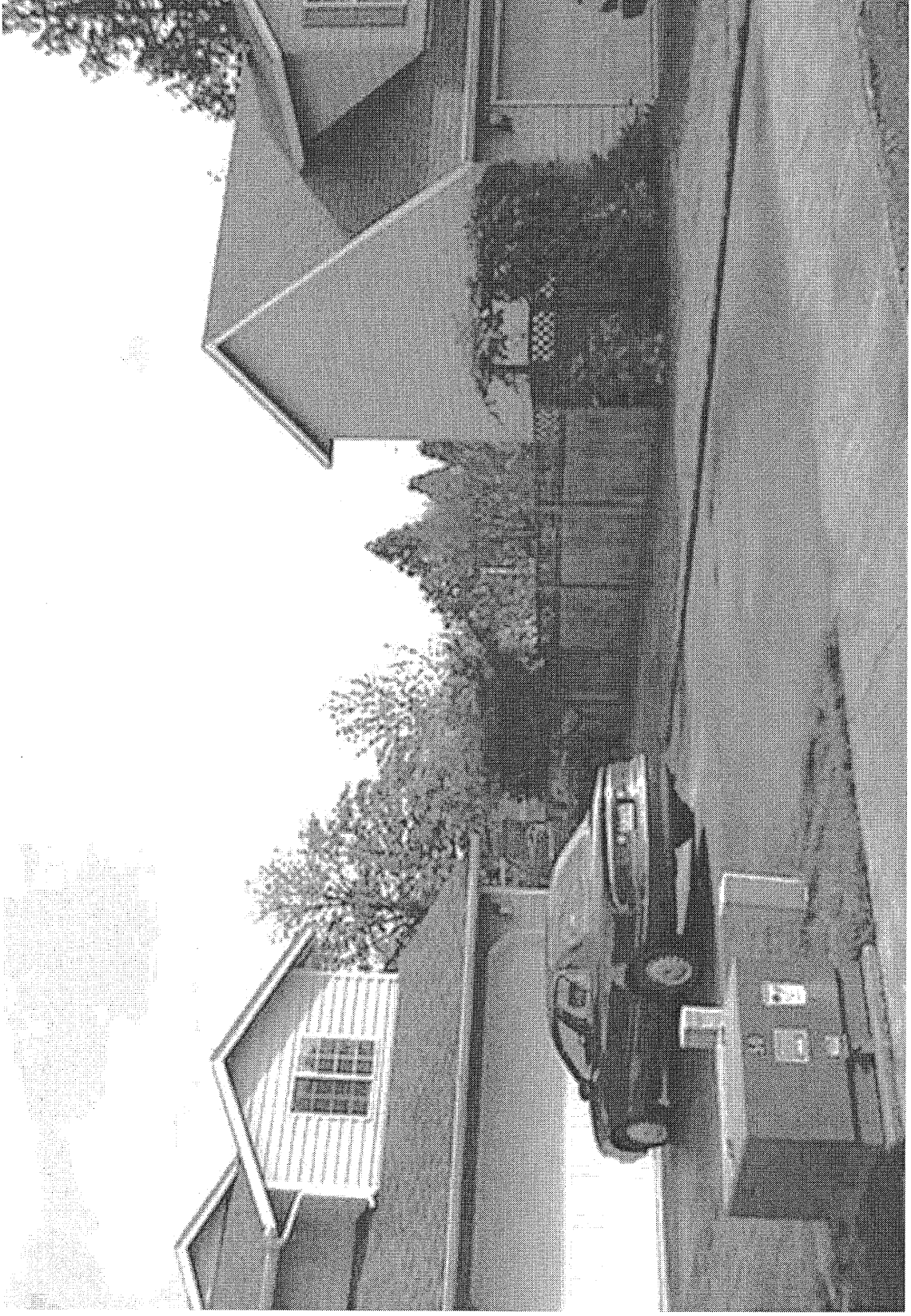
I've heard that this owner has told others that he plans to sell the residence once he builds on. This will allow him to financially profit at our expense. (A rather sore spot with me.) I can't help but wonder if so many residents would have signed his petition if they had known that it would affect their annual dues or had known he was not telling the truth when he advised others that he had the city approval on this. (He told me this as well.) By the way, when he came to my house asking for a signature, he argued with me when I told him I wouldn't sign it. In fact, I had to ask him several times to leave. A very pushy man. I suspect some folks signed his petition just to get him out of their hair.

Jayne Knutson

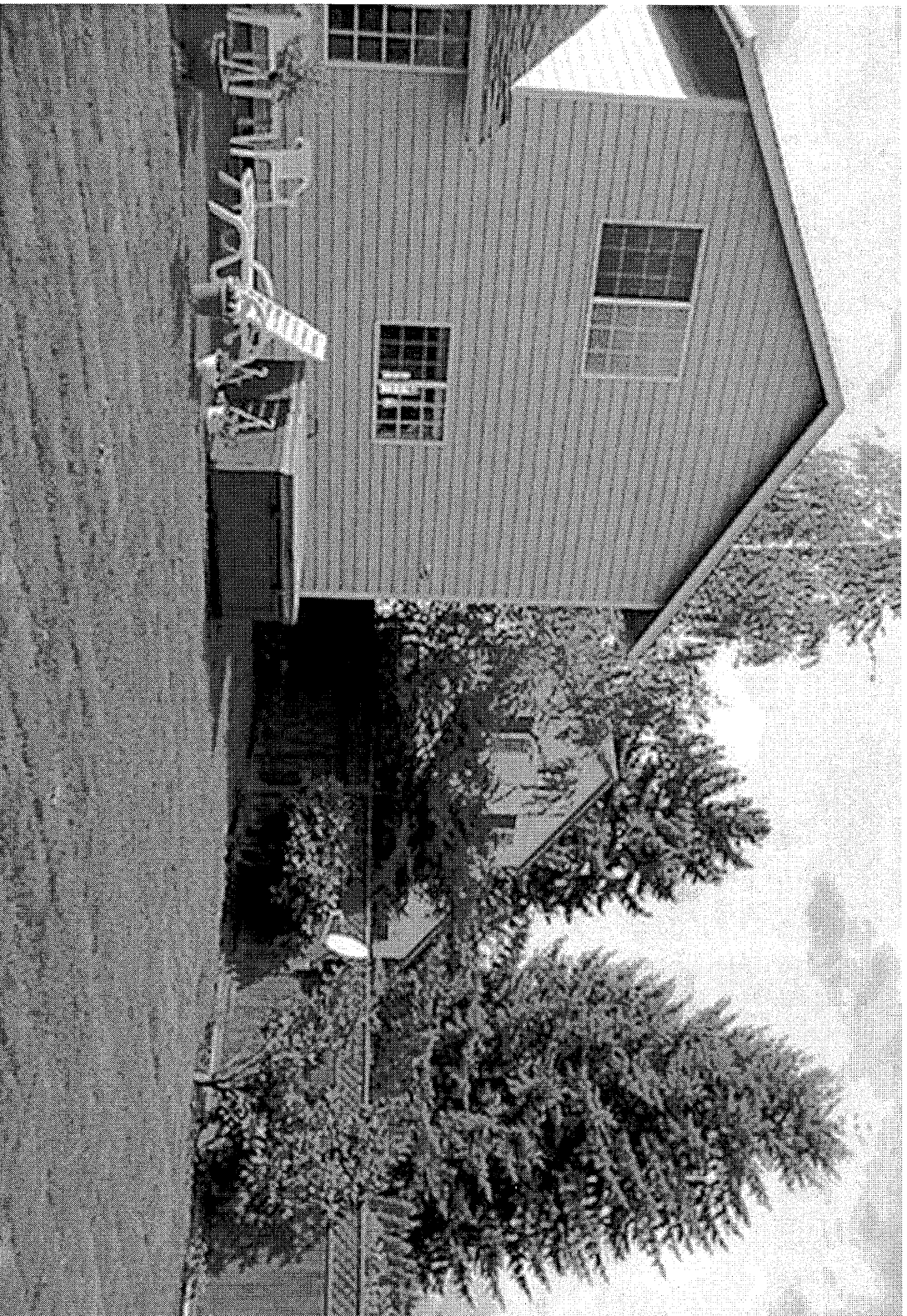
1 Overall view of NE Cedar Ridge



2 Front of Ball & Krishchenko homes



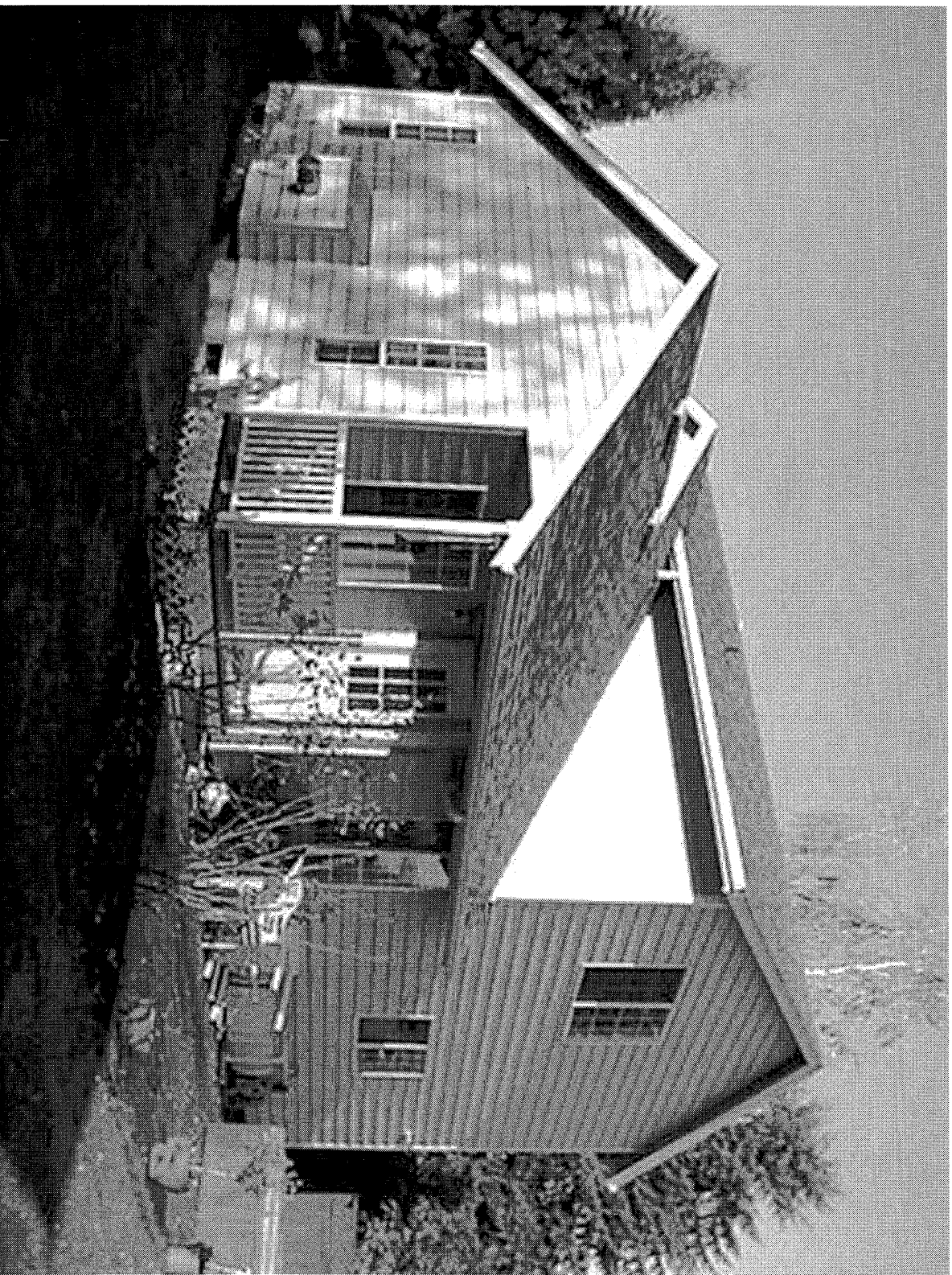
3 West view from Ball's back yard



4 Ball's back yard looking North



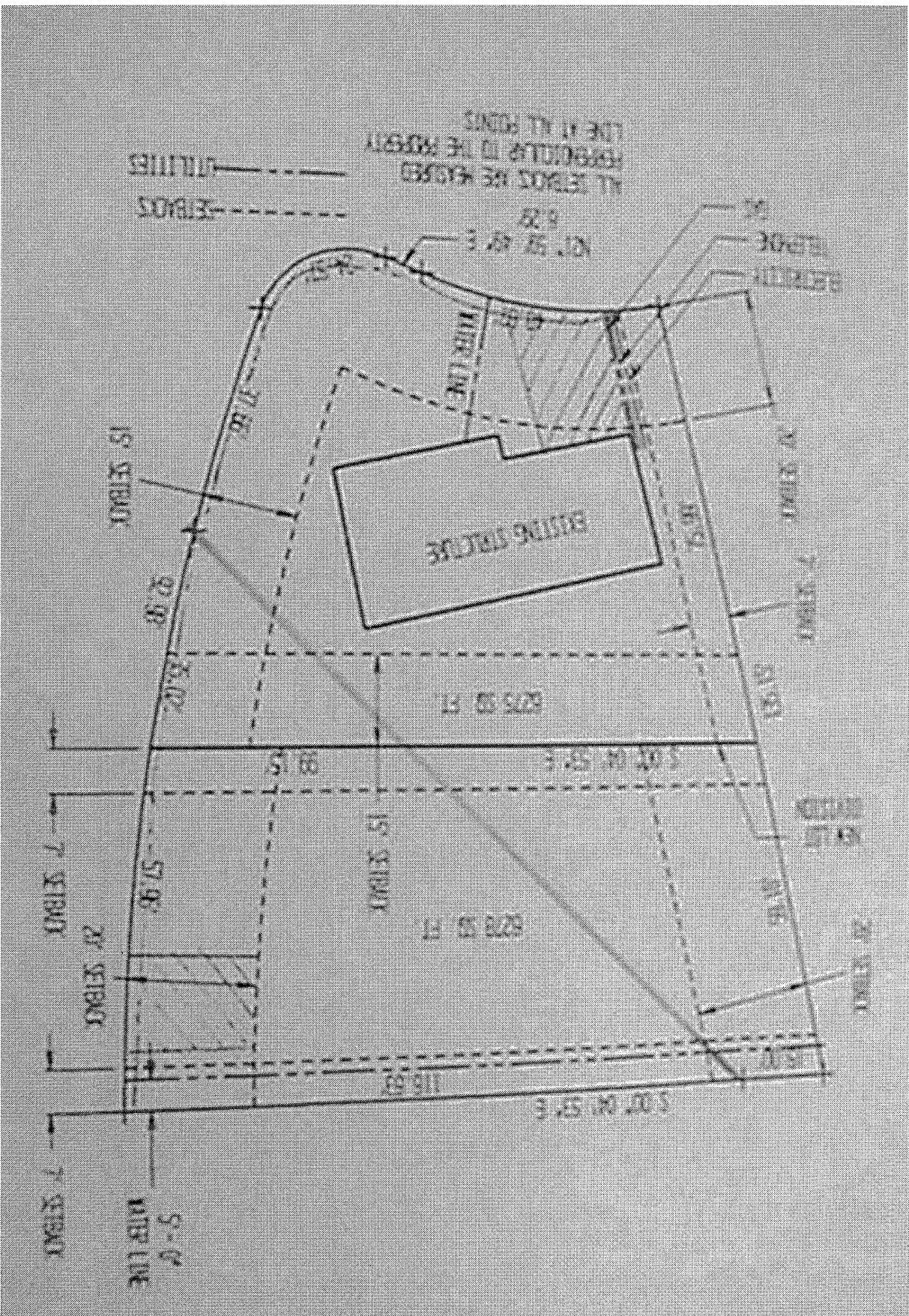
5 Ball's custom home with viewing windows





6 Ball's back yard looking South

7 Krishchenko's lot map



8 Valley Farms, no driveways onto 13th



9 Tofte Farms, no driveways onto 13th



10 North side of 13th, Ivy to Elm--built before
“truck route”





11 Hope Village on South side of 13th (Ivy to Fir)
no driveways

12 No driveways onto 13th--Fir to Cedar Ridge



13 From Fir to Cedar Ridge, the driveways are located on the S side of the homes, **not onto 13th**



14 City of Canby Transportation System Plan

(page 4-30)

Functional Classification

13th Street is an **arterial** street

Residential Use

No direct access for private drives
serving **fewer than 5** dwellings

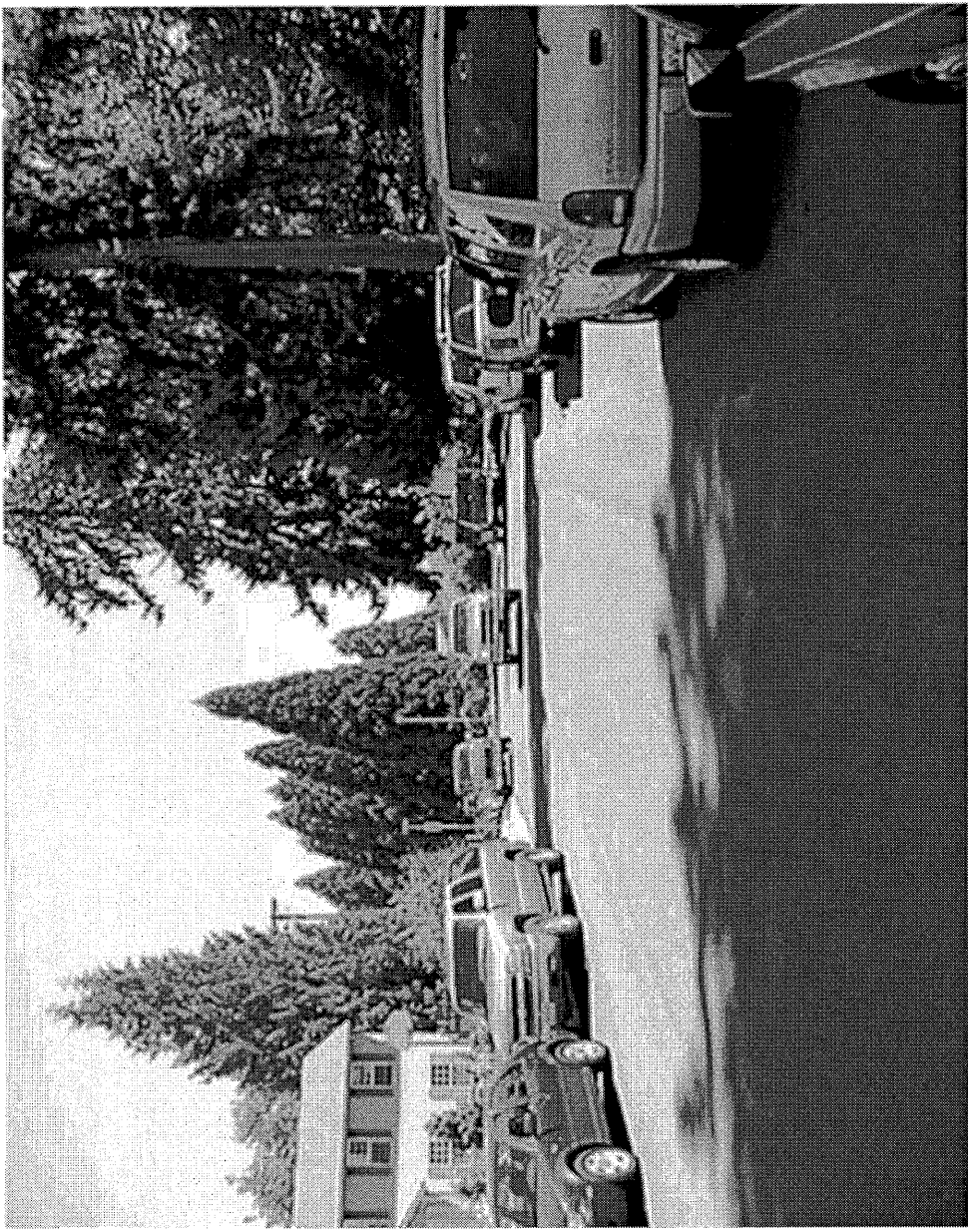
15 Entrance to Cedar Ridge along 13th



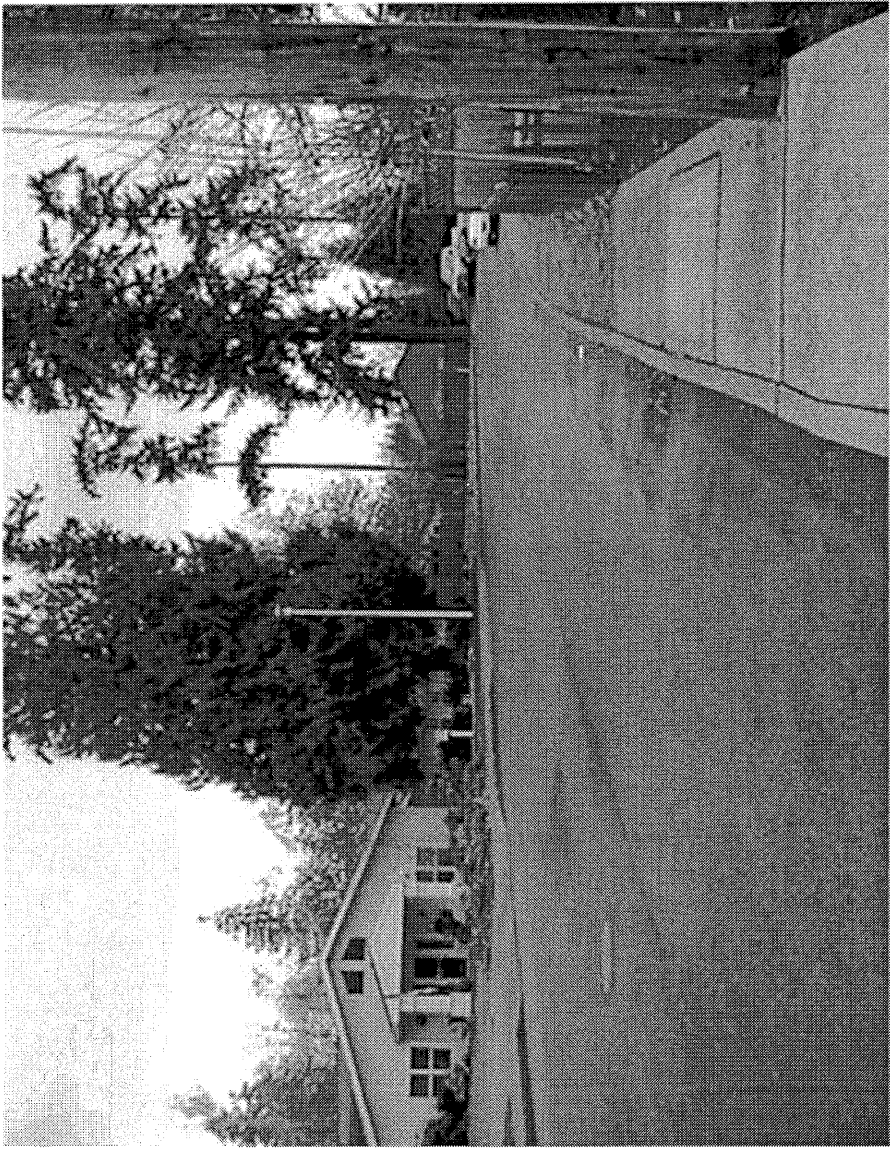


16 SISCO truck delivering food to Rackleff House
(the proposed driveway will be located to the right)

17 Curvature of 13th in front of S. Cedar Loop



18 Impaired view at location of Krishchenko's
proposed driveway



19 I recommend the Planning Commission not approve this proposed minor lot partition for the following reasons:

1. Is an invasion of our **privacy**
2. Is a **hindrance to our enjoyment of life**
3. It may result in a **decline in our property value**
4. It is a **violation of Cedar Ridge CC&R 1.1**, “no lot within Cedar Ridge may be subdivided further to accommodate the construction of additional residences”
5. Cedar Ridge’s **Board denied request for a waiver**
6. It **violates Canby’s Transportation System Plan**
7. **Heavy traffic** from **C.H.S. sports**, the **L.D.S. Church**, **Rackleff House**, and 13th St. being an **arterial “truck route”**
8. A **safety** issue do to the **impaired vision** from proposed driveway location

BEFORE THE PLANNING COMMISSION OF THE CITY OF CANBY

APPLICATION FOR APPROVAL)
OF A MINOR PARTITION OF)
LOT 1, CEDAR RIDGE PUD.)

MLP 04-03

OPPOSITION OF LOT 2

Richard and Florence Ball are the owners of Lot 2, Cedar Ridge PUD, and, by and through their attorney, Mary W. Johnson, respectfully request that the Planning Commission deny this application for minor partition of Lot 1 because the proposal violates the 1992 conditions of approval of Cedar Ridge PUD and the City's Transportation System Plan.

1. **The City is obligated to preserve and enforce Condition No. 2 of Cedar Ridge and therefore must deny further division of Lot 1 as prohibited by the CC&Rs.**

This application requests a further subdivision of Lot 1 of Cedar Ridge, a PUD approved by this planning commission in 1992, subject to conditions, as SUB 92-03/PUD 92-01. The purpose of this application is to accommodate the construction of an additional residence on a portion of Lot 1.

Condition No. 2 of the final decision approving Cedar Ridge imposed CC&Rs as a deed restriction against all lots, including Lot 1. This planning commission also required the CC&Rs and the by-laws to be reviewed and approved by the City Attorney prior to recordation, "to assure continued

conformity with City Code provisions and the conditions of approval.” Thus, the City has the duty to preserve and enforce the conditions of approval of Cedar Ridge.

NO.

Section 1.1 of the CC&Rs recorded against Lot 1 provide that “[n]o lot within Cedar Ridge may be rezoned or subdivided further to accommodate the construction of additional residences.”

In 2002, the applicant added a strip of land to Lot 1 by way of a lot line adjustment, LLA 02-02. The purpose of the lot line adjustment, according to the applicant, was to “add to existing homeowners yard.”

Now the same applicant has changed position, and proposes to use the strip as part of a new lot, contrary to the purpose for which the lot line adjustment was approved. The proposal is to transform the enlarged yard into an additional lot, by dividing Lot 1 and the strip into two lots. One proposed lot would be part of Lot 1, and the second lot is proposed to consist of another part of Lot 1 and the strip. The proposed partition is contrary to the deed restriction against further division of Lot 1.

Section 1.1 of the CC&Rs provides further that “exceptions or variances [to the prohibition on further subdivision] may be allowed if first approved in writing as provided in Section 1.11.”

Section 1.11 provides that the jurisdiction and authority to grant or extend an exception or a variance to Section 1.1 is exclusively in the HOA, acting through its board of directors. Here, the applicant requested an exception or variance to Section 1.1, but the HOA denied the request.

While the planning commission has the general authority to allow partition of property pursuant to applicable code provisions, the City does not have the jurisdiction or authority to:

1. Modify the final conditions of approval of Cedar Ridge PUD, (*i.e.* the CC&Rs), because no such application is before the commission, and, any such amendment would violate its duty stated in the conditions to assure continued conformity of derivative development with City Code provisions and conditions of approval;
2. Grant or deny an exception or variance to the CC&Rs it imposed on Cedar Ridge PUD, because exclusive jurisdiction and authority is vested in the HOA pursuant to the conditions of approval and the CC&Rs;
3. Affirmatively usurp the jurisdiction and authority of the HOA and permit the applicant to further subdivide Lot 1, because to do so would violate of the deed restrictions of the CC&Rs against Lot 1; or

4. Otherwise act to lessen the Cedar Ridge lot owners' and the HOA's contractual obligations under the deed restrictions of the CC&Rs, because to do so would violate state and federal constitutional prohibitions against impairment of contracts. *Colby v. City of Medford*, 167 P 487 (1917).

Accordingly, some of the findings of Staff are error:

1. Staff Report, pages 3 and 8. Staff found that "it is unclear whether or not the restriction [against further subdivision in the CC&Rs] applies to this piece of property." The property includes all of Lot 1, and there is no question that the CC&Rs apply to Lot 1, as deed restrictions and a condition of approval of Cedar Ridge PUD. The CC&Rs do not apply to the strip added to Lot 1 by lot line adjustment, but adding a strip to Lot 1 by adjustment did not nullify the conditions of approval of Cedar Ridge or lessen the deed restriction against further subdivision of Lot 1. The application clearly proposes to partition off a portion of Lot 1 and add it to the strip to create an additional lot to accommodate the construction of an additional residence, in direct violation of Condition No. 2 of Cedar Ridge PUD and Section 1 of the CC&Rs.

2. Staff Report, pages 3 and 8. Staff found also that the decision on this application must be based *solely* on criteria in the City's Land Development and Planning Ordinance. This finding is plainly wrong. The City is obligated to preserve and enforce the 1992 conditions of approval of Cedar Ridge, and specifically, the restriction against further subdivision and the delegation of jurisdiction as to exceptions to the HOA. The City's authority is further restricted by constitutional limitations; it may not impair private contractual obligations by quasi-judicial or legislative fiat.

2. **The City may not grant an exception to the Transportation System Plan to allow direct access onto an arterial for a private driveway serving one dwelling.**

SE 13th Avenue is classified in the comprehensive plan as an arterial street. Chapter 4 of the Transportation System Plan provides that the "primary function of arterial streets is to provide through movement of traffic ... and access is limited in order to minimize interruption." Table 4-1 of the TSP Access Management Standards provides that for arterial streets, (1) "no direct access" is allowed "for private drives serving fewer than five dwellings;" (2) the minimum spacing between driveways is 300 feet; and (3) if the spacing standard is not met, shared access driveways are required.

An exception to the TSP to allow direct access, as proposed, onto an arterial for a new driveway serving one new dwelling may not be granted under MCC

Chapter 16.46.070 for the following reasons:

1. An application for an exception or variance to the TSP was not contained in the notice of public hearing. Accordingly, the statutory notice is defective and prejudices the substantial rights of all property owners who were entitled to notice as of right.
2. The applicant has not met the burden of proof of unique or special conditions that make application of the TSP impractical, as follows:
 - i. The property (Lot 1 and the strip) abuts S Cedar Loop, a local street, and therefore access to a local street can be obtained.
 - ii. There is no evidence that there no reasonable engineering or construction measure is available to provide access via S Cedar Loop.
 - iii. There is no evidence that access to S Cedar Loop or some other collector or local street is not available.
 - iv. Allowing one new dwelling access onto an arterial street is not in conformance or harmony with the purpose and intent of the TSP, the Comprehensive Plan, or applicable Code provisions,

because it would interrupt the flow of traffic and violate Condition No. 11 of Cedar Ridge PUD, which disallowed backing movements onto SE 13th Avenue twelve years ago.

- v. There is no evidence that every feasible option for meeting access standards is explored. The file contains no exploration of access via the existing driveway onto S Cedar Loop, or via the existing driveway 25 feet to the east of the property.
- vi. There is no “hardship” because the property that is the subject of this application abuts S Cedar Loop, a local street. The unspecified “hardship” claimed by the applicant to necessitate access onto the arterial was self-created by the applicant by acquiring a strip of land east of Lot 1, and obtaining a lot line adjustment to enlarge Lot 1, for the stated purpose of enlarging the yard without disclosing his intent to further divide Lot 1.
- vii. There is no evidence that the proposed driveway onto SE 13th Avenue would have adequate sight distance, given the horizontal curve of SE 13th Avenue to the west of the proposed driveway.

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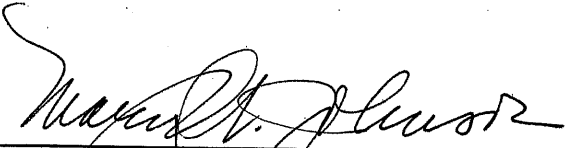
3. **Approving the application may expose the City to a Measure 37 liability.**

Richard and Florence Ball's investment-backed expectation, pursuant to the conditions of approval of Cedar Ridge PUD is that the lots would not be further divided, unless the HOA granted an exception, which the board has declined to do. Approval of the proposed partition would subject the Balls to a reduction in the privacy and quiet enjoyment of their home and backyard occasioned by another dwelling being built in the backyard of Lot 1, and may render the City liable to pay them the corresponding reduction in value of Lot 2.

For these reasons, Richard and Florence Ball respectfully request that the Planning Commission deny MLP 04-03.

DATED this 27th day of November, 2004.

MARY EBEL JOHNSON, P.C.



Mary W. Johnson, OSB 84384
Attorney for Richard and Florence Ball
Owners of Lot 2, Cedar Ridge

BEFORE THE PLANNING COMMISSION

Approved: 9/28/1992
IN

**OF THE
CITY OF CANBY**

A REQUEST FOR APPROVAL OF) FINDINGS, CONCLUSIONS & ORDER
A REPLAT FOR CEDAR CREEK) SUB 92-03/PUD 92-01
SUBDIVISION) (Cedar Ridge Subdivision Replat)

NATURE OF APPLICATION

This application is a proposed replat of the previously approved Cedar Ridge Subdivision. The applicant is requesting approval of a 56-unit Tentative Subdivision Plat/Planned Unit Development. The property is located at the end of 13th Avenue, west of Elm Street. The applicant is proposing to eliminate the senior citizen only limitation and replat with fewer, but larger, lots. The site is located at the end of S.W. 13th Avenue, west of S. Elm Street (Tax Lots 100-8200 of Tax Map 4-1E-4CB).

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of September 14, 1992.

CRITERIA AND STANDARDS

This is a quasi-judicial land use application.

Applications for a subdivision shall be evaluated based upon the following standards and criteria:

- i. Conformance with the text and applicable maps of the Comprehensive Plan.
- ii. Conformance with other applicable requirements of the land development and planning ordinance.

- iii. 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.

16.40.018 - Subdivisions, Partitions and Lot Line Adjustments

In approving applications for subdivisions, land partitions and lot line adjustments in "H" Overlay Zones, it must be found that the proposed development will:

- A. Be consistent with the need to minimize flood damage, based upon accurate base flood elevations data;
- B. Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. Have adequate drainage to reduce exposure to flood damage.

16.76.030 - Standards and Criteria

Additional to the standards and criteria listed in Divisions III and IV, which are applicable to Planned Unit Development, the following standards and criteria shall apply:

- A. The site approval, as acted upon by the Commission, shall be binding upon the developer and variations from the plan shall be subject to approval by the Commission.

- B. All land within the Planned Unit Development may be subject to contractual agreements with the City and to recorded covenants providing for compliance with the City's requirements.
- C. The development of the property, in the manner proposed, will be in keeping with the requirements of this title, other than those provisions allowing for special treatment of PUD's.
- D. The plan for the proposed development shall present a unified and organized arrangement of buildings and service facilities.
- E. The development must be designed so that the land areas and buildings around the perimeter of the project do not conflict with the adjoining properties. The Commission may establish special conditions for the perimeter of the development to minimize or mitigate potential conflicts.
- F. Each Planned Unit Development shall be a complete development considering all previous requirements. The Commission may, in addition, require the inclusion of facilities such as special curbs, sidewalks, street lights, storm drainage, sanitary sewers, underground power and telephone lines, landscaping and adequate easements for utilities.
- G. Land which is not intended for physical development, such as buildings or street uses, may be required to remain in open space usage perpetually. Maintenance of such open space areas shall remain the responsibility of the individual owner or owners' association, in a manner outlined in the by-laws of such association.

- H. The manner in which any open space or park and recreational area are to be maintained shall be presented along with the preliminary copy of the proposed owners' association by-laws, and contractual agreements shall be submitted with the preliminary subdivision. In the case of an individual owner, the Commission may impose special requirements to assure long-term maintenance.
- I. The Planning Commission may, and in the case of single story or townhouse structures, shall, require the separation of utilities from one unit to the next.
- J. In reviewing an application for the conversion of existing residential units to condominiums, the Commission shall utilize the general standards as are applied to the new construction of Planned Unit Developments. A proposed conversion which is not found to meet the standards customarily applied to Planned Unit Developments will not be approved.
- K. In reviewing an application for the conversion of existing residential units to condominiums, the Planning Commission shall consider the vacancy rates of multiple-family rental units throughout the City at the time of the application. It is the intent of the City to assure that there is at least one suitable rental unit available and vacant for each unit converted to condominium ownership.

CONCLUSION

The Planning Commission concludes that SUB 92-03/PUD 92-01 replat can be made to comply with all applicable criteria by the application of certain conditions.

FINDINGS AND REASONS

The Planning Commission incorporates the August 14, 1992 staff report, testimony at the September 14, 1992 hearing, and Commission deliberations at the September 14, 1992 hearing as support for its decision, supplemented by the following:

1. The marketability issue, which is the reason the applicant gave for asking that the senior restriction be removed. Russell Newhouse, a broker, explained that most interested parties consider the seniors-only provision as a restriction for resale purposes.
2. The reasons for considering this application under PUD criteria. This application is considered under PUD criteria partially because the applicant applied for it and partly because the existing streets have been constructed as private roadways and are slightly narrower than streets built to City standards. Additionally, the utilities will be privately owned under separate associations. Lot sizes, in some cases, are smaller than what the subdivision ordinance requires.
3. Sidewalks along 13th Avenue. The Commission discussed the need for sidewalks along the open space on 13th Avenue, which have not been constructed yet. Proposed Condition #21 includes this.
4. New geotechnical report, which has been accepted by the City. The new report was reviewed by the writers of the original report, who concurred with the findings. Proposed Condition #4 covers this.
5. The development of the trail. The Commission agreed that weather conditions could wash away the gravel, and that adding 4x4 pressure treated borders along the trail at the top of the bluff, making the trails more resistant to erosion and danger. Proposed Condition #22 includes this.
6. The relocation of the tot lot to Lot #12 is preferable. The Commission expressed concern that the tot lot, as proposed, was too small. It was suggested that since RV parking is not usually a needed use in residential zones, to use the area reserved for RVs as new lots, and then convert lots elsewhere, to a tot lot. Mr. Morse said the

area reserved for RV parking was on the wrong side of the street and could not be accessed easily. The Commission discussed permitting the developer to build one or two homes in the RV area and approving the reduced setbacks on all lots, if the tot lot was larger. Mr. Morse was concerned about extending the sewer to the RV parking area. He explained he was willing to expand the tot lot to include the abutting lot. Proposed Conditions #15 and 20 address these issues.

7. The Commission requested that a condition be attached to ensure that the shrubbery is maintained and that building permits be reviewed, such that none were issued if the plantings are not maintained for a two year period after initial installation. After that, a landscape contract would be renewed annually until full occupancy occurs. Mr. Hoffman explained that there is a subdivision association already set up and registered with the County, which covers maintenance for common open space and other non-public areas, and that City-owned land will be maintained by the City. Proposed Condition #8 was revised to include this.
8. The Commission discussed the request for better buffering from Canby Disposal. Proposed Condition #9 was revised to include replanting of dead and/or dying trees.
9. The Commission requested that a condition be attached that prior to the final building permit being issued, the pagoda be built. Proposed Condition #18 includes this.
10. The Commission expressed concern about the reduced setbacks, wanting to ensure adequate yards for families with children.
11. The existing trails were discussed. Mr. Hoffman pointed out an area of steep slopes, where the applicant requested that he not be required to build a trail. The City was not aware of this until after the plat was recorded. The geotechnical report requests that no more trails be built on the slope. The way the plat is filed, there is no way to

build the trail without tearing up the hillside. The difference between what was actually platted and what the Commission approved, appeared when the engineering survey was done and a lesser dimension was found to exist, after the plat was recorded. In the future, steep slope areas will be more carefully scrutinized. The Commission requested that a condition be attached regarding the 10 foot access strip behind proposed Lots 38 and 39, to access Tract "A". Proposed Condition #17 incorporates this.

12. The hard-surfacing of the RV area. Proposed condition #16 addresses this.
13. A buffer between this development and ALF. Proposed condition #14 addresses this issue.
14. A 10 foot access strip dedication at the very end of 13th Avenue for park and open space use. This is addressed in proposed Condition #13.
15. The condition addressing the tot lot should include provisions for landscape maintenance and irrigation.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that SUB 92-03/PUD 92-01 replat is approved, including the proposed tentative plat dated 7/92 (Revised), subject to the following conditions:


1. Revised utility easements shall be provided, to the satisfaction of the Canby Utility Board (CUB), North Willamette Telecom, and the Canby Telephone Association for all replatted lots.

2. The following shall apply with regard to the revised covenants, conditions and restrictions:
 - a. Such covenants, conditions and restrictions and homeowner association by-laws shall be filed with the County Register of Deeds and shall provide for notice to the City Attorney and to the purchaser of any lot at least ten (10) days in advance of any change to be made, if such change is made prior to the sale of 75% of all lots in the development. The "Housing for the Elderly" provision may be removed from the original CC&Rs.
 - b. Such covenants, conditions and restrictions shall assure the continued maintenance of water, sanitary and storm sewers, and streets (with the exception of 13th Avenue) by a homeowners' association created thereunder.
 - c. All covenants, conditions and restrictions and homeowner association by-laws adopted thereunder shall be reviewed and approved by the City Attorney to assure continued conformity with City Code provisions and the conditions of this approval.
3. All recommendations of other agencies shall be regarded as conditions of approval.
4. The recommendations of the October 5, 1990 Geotechnical Study of Rittenhouse-Zeman and Associates, Inc., as submitted, and as revised by John Ferguson, P.E., of Deep River, in July, 1991, shall be evaluated by staff with regard to the area along the bluff. Recommendations of the study shall be followed. The storm drainage system shall be by drywell system, designed to the satisfaction of the Director of Public Works. Drywells shall be located as far from the edge of the slope as possible.

5. The cost of revised facility and/or revised utility improvements to the site shall be borne by the developer.
6. The Applicant shall provide a proportional contribution to any needed traffic control improvements at 13th and Ivy and at Elm and 99-E. The proportion shall be related to the development's share of improvement needs at such intersection. The applicant shall sign a waiver of remonstrance to the formation of a Local Improvement District (LID) to construct such traffic control improvements.
7. For any site revisions, the applicant shall attend a pre-construction conference with City staff, CUB, the Fire District, etc., to resolve all service needs.
8. A revised landscape plan, especially for the new common areas, prepared by a registered landscape architect, shall be submitted for final approval by the Planning Director. Replanting of all dead or dying vegetation placed as part of the previous plan shall be accomplished. Maintenance shall be provided by a landscape contract for at least a two year period after initial installation, to be renewed annually until full occupancy occurs.
9. The lots abutting the Recycling Plant shall be buffered with heavy landscape treatment, to the satisfaction of the Planning Director, and replanted since previously planted trees have died.
10. Due to the limited access to river frontage and potential for drainage problems below the subject property, the City of Canby requires that the applicant provide drywells for disposal of collected storm water runoff on the site.
11. Prior to undergoing a plan check for construction, all proposed residential development shall undergo a site plan review to be conducted by staff. The Planning Director shall

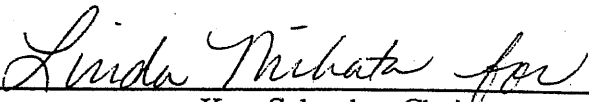
approve such plans for consistency with the approval under the PUD application. The driveways of new Lots 41, 42 and 43 shall be configured such that no backing maneuvers are required to access S.W. 13th Avenue. *

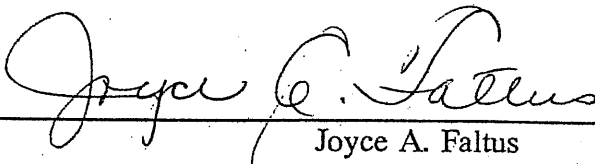
12. Guest parking shall be designated and shown on the final plat in the amount of 1 space/5 units. If on-street, they shall **not** be on 13th Avenue, and shall be clearly signed for guests/visitors. If separate lots, they shall be clearly signed for guests/visitors.
13. At the time of final plat approvals, the applicant shall dedicate a 10 foot access strip at the very end of 13th Avenue, adjacent to Lot 43, to the City of Canby for park and open space use. *done*
14. Prior to plat approval, a fence shall be provided to separate the Assisted Living Facility from proposed Lots 6-15, since these lots will be occupied by families, many of which will have children. *done*
15. A "Tot Lot" shall be constructed on proposed Lots 12 and 13 to provide a place for a small childrens' play area. No home shall be constructed on these lots, and it shall be maintained as part of the "Common Area" and landscaped and irrigated and maintained. A small portion of proposed Lot 13 shall be distributed to Lots 14 through 18. Total area of the Tot Lot shall be at least 8,000 square feet. *done*
16. Prior to use, the reduced size proposed recreational vehicle storage area shall be hard surfaced and paved asphalt or concrete surface. *done*
17. A 10 foot wide access strip and walkway shall be provided along the top of the embankment at the rear of proposed Lot 38, and southeast corner of proposed Lot 39, to provide access to the upper portion of Tract "A". Such walkway to continue out the 10 foot access easement to 13th Avenue. *done*

18. Prior to the issuance of the last building permit or bonding, the pagoda, previously approved, shall be built in conjunction with development of the trail and park system, at the bottom of the embankment area, or a bond established or financial contribution made to the Park SDC fund.
19. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor, or his authorized Deputy, including, but not necessarily limited to, various matters related to land surveying, land title, plat security, and plat recordation. OK
-  20. One or two new lots may be provided at the north end of Aspen if the sewer service can be provided for these lots. If so, the RV lot may be reduced in size. 1/11
21. Sidewalks shall be provided for the new common areas located at S. Birch and 13th Avenue prior to occupancy of any new homes with building permits approved after September 21, 1992.
22. All trails shall be appropriately surfaced to minimize maintenance costs and shall include permanent edging and drainage at least equal to 4x4 pressure-treated wood edges.

I CERTIFY THAT THIS ORDER approving SUB 92-03/PUD 92-01 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 28th day of September, 1992.


Kurt Schrader, Chairman
Canby Planning Commission


Joyce A. Faltus
Secretary

ATTEST:

ORAL DECISION - September 14, 1992

AYES: Schrader, Mihata, Maher, Fenske, Wiegand

NOES: None

ABSTAIN: None

ABSENT: Gustafson, Zieg

WRITTEN FINDINGS - September 28, 1992

AYES: Maher, Mihata, Wiegand, Fenske

NOES: Schrader

ABSTAIN: Gustafson

ABSENT: Zieg

Ray Turner → *Larry Chapman* 266-6861
Cedar Ridge Civic Assn. (*Coldwell Banker*)
40 Cypress Ventures, Inc.

Richard Ball
1238 S. Cedar,
Canby, OR 9701
266-5313

DECLARATION OF CONDITIONS AND RESTRICTIONS
OF
CEDAR RIDGE ASSOCIATES
A LIMITED PARTNERSHIP

Cedar Ridge Associates, An Oregon Limited Partnership, is "Declarant".

Pertaining to and affecting Cedar Ridge, a sub-division, the plat of which is recorded in the Office of the County Clerk for Clackamas County, Oregon, and all other plats contiguous thereto or joined thereto by successive contiguous plats which in the future shall be recorded by Declarant, or its successor in interest, and to which these declared conditions and restrictions shall be made applicable by declaration of the owner or owners or dedicator of any such plat.

TO THE PUBLIC:

KNOW ALL PERSONS BY THESE PRESENTS, that Cedar Ridge Associates, an Oregon Limited Partnership, hereinafter referred to as "Declarant", pursuant to action duly authorized by its General Partner, hereby declares as follows:

Declarant hereby certifies and declares it has established and does hereby establish the following general plan, including, but not limited to, the Conditions and Restrictions herein defined, for the improvement, protection, and benefit of property in Cedar Ridge, a subdivision the plat of which is recorded in the Office of the County Register of Deeds for Clackamas County, Oregon, and all other plats which in the future shall be recorded by Declarant, or its successor in interest, and to which these declared conditions and restrictions shall be made applicable by declaration of the owner or owners or dedicator of any such plat, which plat(s), individually and collectively, are referred to herein as "Cedar Ridge"; does hereby establish the following conditions, restrictions, and covenants subject to which each and all residential lots, single family dwellings, and residential residences of every kind and to any other buildings of any nature or purpose in Cedar Ridge all of which are herein referred to as "Residence", shall be held, used, occupied, leased, sold, or conveyed; each and all of which shall run with the land and shall inure to the benefit of, be imposed upon, and pass to the successor in interest of each and all said residence as a servitude in favor of and enforceable by the owner or owners of any other of such residence.

lot line adjustment

Reg. No. 286-3456
0.001

1.0 CONDITIONS, RESTRICTIONS, COVENANTS

1.1 **LAND USE.** The general plan for location of residence, recreational, and other buildings for public or common use, commercial areas, and recreation areas, offices, and easements shall be as specified in the Cedar Ridge recorded plat(s). No lot within Cedar Ridge may be rezoned or subdivided further to accommodate the construction of additional residences. Only single family dwellings with attached garages, and amenities related to any thereof, shall be constructed or maintained in areas designated for residential purposes only; provided, exceptions or variances may be allowed if first approved in writing as provided in Section 1.11. Provided, however, as long as Declarant or its successor in interest shall own property in Cedar Ridge, it shall be entitled to maintain a sales office and such model homes and apartments as it, in its sole discretion, shall determine to be necessary or helpful to the sale of residence in the development. In no case shall mobile homes be permitted.

1.2 **ALTERATIONS AND ADDITIONS, TEMPORARY STRUCTURES, ETC.** No exterior alteration or addition shall be made to any premises without the prior written approval of the Declarant or the Association as provided in Section 1.11 and 2.0 et seq. No truck, camper, motor home, trailer, or boat shall be parked on any lot or street other than temporarily (in no case in excess of 24 hours) and solely for the purpose of loading or unloading or a service call except within the garage structure at residence premises. If any truck, camper, trailer, or other vehicle, or any boat is stored or parked in any area designated for that purpose either on the Cedar Ridge premises or elsewhere, such storage or parking shall be solely at the risk of the owner, and neither Declarant nor any other person, firm, or corporation shall have any responsibility therefor, whether or not any fee or charge is made, or paid for the privilege of such storage or parking.

concealed
in back
yard

1.3 **FENCES, HEDGES, AND WALLS.** On all lots no fence, hedge, structure, or wall (other than a necessary retaining wall) shall be constructed or exist between the setback line and the property line without the prior written approval of the Declarant or as provided in Section 1.11. No planting or structure obstructing vision at roadway intersections or driveways, shall be permissible or maintained.

1.4 **ANIMALS.** No livestock, or poultry of any kind shall be raised, kept or bred on any residence. Other than a maximum of two (2) household pets, no animals or fowl shall be kept or allowed to be kept on any lot or residential premises. Household pets may not be kept, bred, or maintained for a commercial purpose. Dogs shall be controlled as provided by ordinance of the County of Clackamas. Cats and other pets shall be confined to the dwelling or rear portion of the lot and not be permitted to run free or otherwise to be or become a nuisance or source of annoyance to other residents.

2 - DECLARATION OF CONDITIONS AND RESTRICTIONS OF CEDAR RIDGE ASSOCIATES

1.5 SIGNS. No sign shall be erected or displayed upon any residence or building without prior written permission as provided in Section 1.11; provided, such permission shall not be required for one sign no larger than 6 inches by 24 inches displaying the name and/or address of the occupant; or for one temporary sign no larger than 18 inches by 24 inches advertising the property for sale or rent; or for temporary community decorations, but such signs must be removed upon the sale, rental of the residence, or conclusion of the community project.

1.6 USE OF PROPERTY. ~~No dwelling is to be used for the conduct of business or for any commercial purpose unless prior written approval is obtained as provided in Section 1.11.~~ No oil or gas well, mine or quarry, or equipment therefor and no appliance or structure for business purposes shall be located or operated on any of said property designated as residential premises. Installation of flag poles, radio antennae, satellite dish, exterior-mounted television antennae, exterior machinery for cooling and/or heating, structures detached from the residence are prohibited on or about residence or buildings unless prior written approval is obtained as provided in Section 1.11. Drying lines or apparatus shall be screened from exterior view. Garbage and other waste shall be kept in sanitary containers away from public view and regularly disposed of; and nothing shall be done which may constitute a nuisance or aesthetic burden to the neighborhood or other occupants.

uncler
8/4/99
Kittler

↓
detract from beauty of

1.7 LANDSCAPE AND MAINTENANCE. To provide uniformity all front yards of residences shall be landscaped by builder within thirty (30) days of occupancy in a pattern as established by Declarant. Additional landscaping of yards shall be completed within a reasonable time, but in any event, within eight (8) months after building completion and shall conform to the general pattern of others in the community as established in the sole discretion of Declarant. All yards and growth thereof shall be maintained, cultivated, and kept free from insects and diseases.

1.8 SLOPE AND DRAINAGE EASEMENTS. The owner and occupant of a residence will permit access by the owner or occupant of an adjoining or adjacent residence to slopes or drainage-ways on the property of the former to maintain slopes or drainage facilities for the protection and use of such adjoining or adjacent site. Each owner will not block, hinder, or interfere with the established drainage pattern over his land from adjoining or adjacent land.

1.9 RESTRICTIONS ON RESIDENCE AND OWNERS.

A. No clearing, grading, tree cutting or land filling shall take place on any lot until it has been approved in writing by the Cedar Ridge Civic Association as provided in Sections 1-11.

B. Samples of all exterior colors and of all exterior siding, brick, stone or other special materials shall be submitted to the Cedar Ridge Civic Association for approval.

C. No noxious or offensive activity shall be carried on/upon any residence nor shall anything be done, grown or placed upon any lot which interferes with or jeopardizes the enjoyment of other residence owners within this subdivision.

D. No owner shall permit any vehicle which is in an extreme state of disrepair to be abandoned or to remain parked upon any lot or on any street for a period in excess of forty-eight (48) hours. A vehicle shall be deemed to be in an "extreme state of disrepair" when due to its continued inoperability or significant damage it offends the occupants of the neighborhood.

E. All buildings and improvements on any lot shall conform to the following criteria and requirements:

(1) No dwelling shall be permitted if its total floor area, exclusive of porches and garages, is less than 1000 square feet.

(2) All garages shall conform generally in architectural design and exterior materials and finish to the dwellings to which they are appurtenant.

via 10/25/94 (3) No outdoor overhead wire or service drop for distribution of electric power or for telecommunication purposes, pole, tower, or other structure supporting outdoor overhead wires, shall be erected, placed or maintained.

(4) No healthy, non-hazardous tree on any lot located outside the residence footprint may be removed without approval of the Cedar Ridge Civic Association.

(5) Any damage to roads or curbs in Cedar Ridge which occurs during the course of a residence owners construction or later shall be the responsibility of that residence owner. Repair of such damage, if not undertaken by the residence owner within 60 days of completion of construction, shall be undertaken by the Cedar Ridge Civic Association. The cost of such repair shall be billed to and borne by the residence owner and shall be payable within thirty days after it becomes due. Failure to pay for any repair billed shall cause the residence owner to be liable for interest and costs of collection and such unpaid amounts shall become a lien on the residence owned by the residence owner.

120/hr.

(6) Easements as shown on the subdivision plat shall be preserved by the respective residence owners. Site improvements shall not be placed so as to interfere with the maintenance of any easement. The owner of any residence which has an easement shall maintain the easement area at his or her expense, except for improvements for which a public authority or utility is responsible.

* (7) The exterior finish of all construction on any lot shall be designed, built and maintained in such a manner as to blend in with the existing structures and landscaping within this subdivision. Exterior colors must be approved by the Cedar Ridge Civic Association. Exterior trim, fences, doors, railings, decks, eaves, gutters and exterior finish on garages and other accessory buildings shall be designed, built and maintained to be compatible with the exterior of the structures they adjoin. Mailbox and newspaper receptacles placed in front of any lot shall be included in a single structure, using the design provided by Declarant, unless otherwise dictated by the U.S. Postal Service.

Vinyl siding

1.11 GRANT OF WAIVERS OR CONSENTS. Jurisdiction and authority to grant or extend exceptions, variances, waivers, and consents contemplated by the foregoing sections 1.1 through 1.10, inclusive, shall be exclusively in the Declarant or its successor as developer, during such period as Declarant or its successor, shall own any real property in Cedar Ridge. Thereafter, the jurisdiction and authority shall be exclusively in the Cedar Ridge Civic Association, acting through its Board of Directors.

*
*
*

2.0 ARCHITECTURAL CONTROL COMMITTEE

* 2.1 ARCHITECTURAL REVIEW. No structure, including storage shelters shall be commenced, erected, placed or altered on any lot until construction plans and specifications and a plat showing the nature, shape, heights, materials, colors and proposed location of the structure or change have been submitted to and approved in writing by the Architectural Control Committee (the Committee). It is the intent and purpose of this covenant to assure quality of workmanship and materials, harmony of external design with the existing structures as to location, topography, and finished grade elevations to avoid plan repetition. In all cases, the Committee's consent is required.

*
*

2.1.1 MAJOR CONSTRUCTION. In the case of initial or substantial additional construction of a dwelling, the owner shall prepare and submit to the Committee such plans and specifications for the proposed work as the Committee may require. Materials required by the Committee may include, but not necessarily be limited to, the following:

- A-1 A Plan indicating location of all improvements, including private drainage.
- A-2 Drawings showing elevations, exterior materials and exterior color scheme of all improvements, including the mailbox structure and fencing. *attach 7/7/95*
- A-3 Drawings showing yard landscape design and location including description of plant materials. The parking strip shall be included in the landscaping plan.

The Committee shall render its decision with respect to the proposal after it has received all required materials.

hot tub? 2.1.2 MINOR CONSTRUCTION. In the case of minor additions or remodeling, change of existing exterior color scheme or exterior materials, greenhouse, or swimming pool construction, or any other work not referred to in 2.1.1 above, the owner shall submit to the Committee such plans and specifications for the proposed work as the Committee determines to be necessary to enable it to evaluate the proposal. The Committee shall render its decision with respect to the proposal after it has received all required materials. *X*

2.2 ARCHITECTURAL CONTROL COMMITTEE DECISION. The Committee may, at its sole discretion, withhold consent to any proposed work if the Committee finds that the proposed work would be inappropriate for the particular lot or incompatible with the design standards that Declarant intends for the subdivision. Considerations such as siting, shape, size, color, design, height, impairment of the view from other lots within this subdivision or other effects on the enjoyment or other factors which the Committee reasonably believes to be relevant, say be taken into account by the Committee in determining whether or not to consent to any proposed work.

2.3 MEMBERSHIP; APPOINTMENT AND REMOVAL. The Architectural Control Committee, shall initially consist of Declarant, thereafter the Committee shall consist of as many persons as the Declarant may from time to time appoint. The Declarant shall keep a list of names and addresses of Committee members. A member of the Committee shall not be entitled to any compensation for services performed pursuant to these covenants.

2.4 ACTION. Except as otherwise provided herein, any two members of the Architectural Control Committee shall have power to act on behalf of the Committee, without the necessity of a meeting and without the necessity of consulting the remaining members of the Committee. The Committee must render its decisions in writing.

2.5 NONWAIVER. Consent by the Committee to any matter proposed to it within its jurisdiction under these covenants shall not be deemed to constitute a precedent or waiver impairing its rights to withhold approval as to any similar matter thereafter proposed or submitted to it for consent.

2.6 EFFECTIVE PERIOD OF CONSENT. The Committee's consent to any proposed work shall automatically be revoked one year after issuance unless construction of the work has commenced or the owner has applied for and received an extension of time from the Committee.

3.0 CEDAR RIDGE CIVIC ASSOCIATION. Cedar Ridge Civic Association has been duly formed and incorporated as an Oregon non-profit corporation.

3.1 MEMBERSHIP. Until changed by amendment of its Articles of Incorporation and its Bylaws, memberships in the Cedar Ridge Civic Association are as follows:

3.1.1 Proprietary Members. Each owner of a residential residence in Cedar Ridge shall be a Proprietary Member, subject to the Bylaws; provided, that the purchaser(s) in a contract for the purchase and sale of a residential residence shall be deemed the "owner" of such residential residence for these purposes. Each Proprietary Member shall be entitled to one vote, and the co-owners shall designate in writing filed with the secretary of the Cedar Ridge Civic Association the one of their number who shall exercise the voting rights for such residential residence.

The rights and privileges of a Proprietary Membership shall terminate when the holder of any such Proprietary Membership shall cease to qualify as an owner, and his or her certificate of membership shall thereupon be void.

*injunction
court order
force to be enforced* *foreclose*

3.1.2 Associate Members. Each lessee, renter, or other occupant of a residence in Cedar Ridge not eligible for Proprietary Membership, but who satisfies the conditions of the Bylaws and of these Conditions and Restrictions applicable to Cedar Ridge respecting residency in Cedar Ridge, shall be an Associate Member, which status shall continue in effect during such period as the Associate Member shall be an authorized non-proprietary tenant of a residence in Cedar Ridge. Associate Membership shall carry all the rights and privileges of Proprietary Membership, except the right to vote. At any time an Associate Member shall cease to be an occupant of a residential residence in Cedar Ridge, said member's rights and privileges as an Associate Member shall thereupon terminate.

3.2 ASSESSMENTS, PURPOSE OF ASSESSMENTS, LIENS, AND COLLECTIONS.

3.2.1 Assessments. The Cedar Ridge Civic Association is vested with power and authority to, and shall, assess and collect from time to time from its Proprietary Members: (1) annual assessments or charges, and (2) special assessments for capital improvements, such assessments to be fixed, assessed, and collected as hereinafter provided. Such annual and special assessments shall be chargeable ratably based upon the number of occupants residing in the respective residential residence in Cedar Ridge. Each such assessment, together with interest at the rate of nine (9) percent per annum from the due date on the unpaid balance of the assessment and costs and expenses, and also including a reasonable attorney's fee (whether or not suit is filed, and including any appeal of any decision), incurred in the collection thereof, shall become a charge against the respective residential residence and a continuing lien on the residential residence against which the assessment is made, which lien may be enforced by a suit in equity. Each owner of a residential residence, by acceptance of a deed therefor, whether or not it shall be so expressed in such deed or other conveyance, is deemed to covenant and agree to pay to the Cedar Ridge Civic Association each such annual or special assessment; and each such assessment shall be the personal obligation of the owner of such residential residence as of the date the assessment is declared due as well as a lien against the residential residence. No owner may avoid liability for the assessments provided for herein by non-use of the community facilities by himself or any occupant of the residential residence against which the assessment is levied.

3.2.2 Purpose of Assessments. The assessments levied by the Cedar Ridge Civic Association shall be used exclusively for the purpose of promoting the health, safety, welfare, and protection of the residents in Cedar Ridge and in particular for the improvement and maintenance of Cedar Ridge and the buildings, services, facilities, planted parkways devoted to this purpose, and related to the use and enjoyment of the common areas and facilities in the Cedar Ridge area.

3.2.3 Basis of Annual Assessments. Subject to change as hereinafter provided, the annual assessment shall be Three Hundred Dollars (\$300) per residence. The annual assessment may be increased or decreased effective January 1 or July 1 of each calendar year by action of the Board, without vote of the membership.

3.2.4 Special Assessments for Capital Improvements. In addition to the annual assessments authorized above, the Board may levy, effective January 1 or July 1 of each calendar year, a special assessment for the purpose of defraying in whole or in part the cost of any construction or reconstruction, unexpected repair, maintenance, or replacement of any partial improvement described in the notice of the Board meeting at which such action shall be considered.

3.2.5 Uniform Rate of Assessment. Unless otherwise provided by action of the Board, both annual and special assessments shall be fixed at a uniform rate per occupant of all residential residence and may be collected on an annual basis, or such other basis as the Board shall determine. During any period when the Declarant, or its successors in interest as developers, shall own any real property in Cedar Ridge, any action of the Board fixing any assessment on other than a uniform rate per occupant shall be invalid unless the Declarant, or its successors in interest as developers, shall concur in writing with that action.

3.2.6 Subordination of Lien to Mortgages. The lien of the assessments provided for herein shall be subordinate to the lien of any mortgage encumbering the residence upon which it is levied. Sale or transfer of any residence shall not affect the assessment lien. However, the sale or transfer of any residence which is subject to any mortgage, pursuant to a decree of foreclosure under such mortgage or any proceeding in lieu of foreclosure thereof, shall extinguish the lien of such assessments as to payments thereof which become due prior to such sale or transfer. No sale or transfer shall relieve such residence owner from liability for any assessments thereafter becoming due or from the lien thereof.

D. Craig Mikkelsen 263-3621

By accessing files 15000?

3.2.7 Cedar Ridge Civic Association Option to Remedy Violations. The Cedar Ridge Civic Association, at its option, shall have the power and right at all times, after reasonable notice to the owner and any occupant, and for the account of the owner, to abate and correct any violation of these Declarations of Restrictions, to plant or re-plant, trim, cut back, remove, replace, cultivate, or maintain hedges, trees, shrubs, plants, or lawns; and to clean, paint, repair, replace, and generally maintain the exterior of a residence in neat and good order to conform with the general attractive character of the area. Any and all expenses which may be incurred by the Cedar Ridge Civic Association pursuant to this Section 3.2.7 shall be a charge and a lien against the residence involved with a lien enforceable as above provided in this Section 3 and shall be the personal obligation of the owner thereof.

To ensure compliance the area well. several a year

to ensure compliance the area well. several a year

at junction of account... force to be enforced... foreclose

*★
A
abate
liability
put an
end
to*

4.0 COMMON FACILITIES

4.1 DEFINITION. Within Cedar Ridge, Declarant proposes to construct certain community facilities for the use, service, or benefit, in common, of the residents of Cedar Ridge, or specific portions thereof. These facilities are herein referred to as "Common Facilities" and may include, outdoor lighting system, roads other than those which shall have been accepted by the County of Clackamas and incorporated into its road system, sidewalks, and pathways; provided, however, that the Common Facilities shall include no facilities or installations which, by any plat, dedication, or announced plan, shall have been, or may in the future be, dedicated to the common ownership of those who, collectively, shall own one or more residence in Cedar Ridge. Until conveyed to the Cedar Ridge Civic Association as contemplated by Section 5.2, the Common Facilities shall be under the authority of the Declarant or its nominee, which may be, but need not be, the Civic Association, to govern use and control the policies of the Common Facilities.

4.2 CONVEYANCE OF COMMON FACILITIES. At such time or times as the Declarant, or its successor as developer, shall deem the Cedar Ridge Civic Association, an Oregon non-profit corporation financially capable of operation of the Common Facilities, it shall convey to the Association some or all of the Common Facilities; provided, that any part so conveyed shall be free of debt encumbrance at the time of conveyance. The Cedar Ridge Civic Association shall accept each such conveyance, and thereupon shall be vested with authority to govern the facility or facilities so conveyed and thereafter shall be entitled to all revenue produced by the facility and shall be responsible to operate, maintain, and support the facility, and the Declarant thereafter shall have no control over, or responsibility for, the facility (except as to directors of the Civic Association) and shall have no obligation or responsibility, financial or otherwise, with respect thereto, except to provide directors in accordance with the Articles and Bylaws of the Cedar Ridge Civic Association.

5.0 GENERAL PROVISIONS

* 5.1 TERMS. All of the restrictions, covenants, and agreements therein contained shall apply to all residence in Cedar Ridge and shall be binding upon all parties claiming under Declarant until January 1, 2010, at which time they shall automatically extend for successive periods of five (5) years; unless, effective January 1, 2010, or at the end of any such five year (5-year) extension, the membership of the Cedar Ridge Civic Association, by two-thirds (2/3) vote of those present and voting, at a special meeting called for the purpose, shall resolve to terminate these restrictions; provided, that, with the concurrence of Declarant, or its successor as developer, during such period as either shall own any real property in Cedar Ridge, the restrictions may be changed, supplanted, or rescinded in any or all particulars at any time by a vote of two-thirds (2/3) of the Board of Directors of Cedar Ridge Civic Association at any regular or special meeting called for such purpose, whereupon such change shall be binding upon such owners of a residence in Cedar Ridge and their successors in interest and the occupant of such residence.

Violator pays attorney fees

* 5.2 ENFORCEMENT. Should any covenant or restriction then in effect be violated, or should an attempt be made to violate any such covenant or restriction, any person owning a residence in Cedar Ridge or the Cedar Ridge Civic Association, or Declarant, or its successor, may prosecute any proceedings in law or in equity to restrain or abate such violation against the responsible person. Costs and expenses incurred by the Civic Association pursuant to Section 3.2.7 shall be considered as having been incurred as agent for the responsible person and shall constitute a lien thereon as provided in Sections 87.005 ORS et seq.

5.3 SUBORDINATION. Any breach of the covenants and restrictions contained herein, a re-entry by reason thereof, or judgment or lien resulting therefrom shall be subordinate to any mortgage or deed in trust heretofore or hereafter executed in good faith and for value encumbering a residence, but shall be binding upon and effective against a subsequent purchaser thereof. *

A bona fide purchaser for value or mortgagee, without actual or constructive notice of an existing breach of the conditions and restrictions contained herein shall not be bound thereby; provided, the Civic Association, through its Board of Directors, may execute, acknowledge, and record a Notice of Claim of Breach, setting forth the facts thereof with any monetary amount involved, description of the residence against which the lien is claimed, and name or names of the reputed owners thereof. Such notice, recorded in Clackamas County, shall be public notice of such breach, and constructive notice to any subsequent purchaser, but if no action for enforcement thereof has been commenced within one hundred twenty (120) days after recording, such notice shall expire and the breach described presumed to have been remedied. *

5.4 SEVERABILITY. Invalidation by judgment or decree of any court of any one or more of these restrictive covenants herein defined or as hereafter duly amended shall in no way affect any of the remaining provisions which shall remain in full force and effect.

5.5 BINDING EFFECT. The provisions contained in this Declaration, as herein defined or as hereafter duly amended, shall bind and inure to the benefit of and be enforceable by, the Declarant, the owner or owners of any residence in Cedar Ridge, and their respective representatives, successors, or assigns.

5.6 AMENDMENTS OR MODIFICATIONS. This Declaration may be amended or modified by the developer with notice to the City Attorney of Canby and to the purchaser of any residence at least ten (10) days in advance of any change to be made, at any time prior to the conveyance of 75% of the lots in Cedar Ridge, to owners. In addition, the developer may amend this Declaration in order to comply with requirements of the Federal Housing Administration, the Veterans' Administration, the Farmer's Home Administration of the United States, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Mortgage Loan Corporation, any department, bureau, board, commission or agency of the United States, the state of Oregon or any corporation wholly owned, directly or indirectly, by the United States or the state of Oregon which insures, guarantees or provides financing for houses or lots. This Declaration may be amended or modified by an instrument signed by the owners of a majority of the lots. If there is more than one owner of a lot, the signature of one owner is sufficient. Any and all amendments or modifications to this Declaration must be in writing and shall be recorded as an amendment or modification to this Declaration in the official and public records of Clackamas County, Oregon.

5.7 NON-WAIVER. Failure or delay to enforce any covenant or restriction shall not be deemed a waiver of the right to do so.

initial Planning Comm approval
9/28/92

649-1018
752-8202
312-8139

IN WITNESS WHEREOF, Declarant has executed this instrument this 4th day of December, 1992.

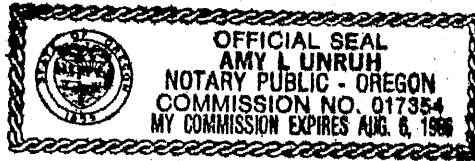
CEDAR RIDGE ASSOCIATES
A Limited Partnership

By [Signature]
LOWELL MORSE, President
for General Partner
CYPRESS VENTURES, INC.

570-11870

STATE OF OREGON)
County of Multnomah)

ss.



This instrument was acknowledged before me this 4th day of December 1992 by Lowell Morse, President for General Partner Cypress Ventures, Inc., on behalf of Cedar Ridge Associates, a Limited Partnership.

[Signature]

Notary Public for Oregon
My Commission Expires: 8/6/96

LOT LINE ADJUSTMENT APPLICATION

FEE \$520.00
PROCESS TYPE II

OWNER

APPLICANT*

Name same

Name Alexander Krishuentz

Address _____

Address 1214 S Cedar Loop

City _____ State _____ Zip _____

City Canby State OR Zip 97013

SIGNATURE _____

[Signature] - PHONE 503 266 6449

DESCRIPTION OF PROPERTY:

wt 503 936 3268

Tax Map 41E04CB Tax Lot(s) 08300 Lot Size ~ 5,000 #
(Acres/Sq. Ft.)

PROPERTY OWNERSHIP LIST

Attach a list of the names and addresses of the owners of properties located within 100 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 be 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.

USE OF PROPERTY

Existing vacant

Proposed add to existing home owners yard

Existing Structures none

ZONING R1.5 COMPREHENSIVE PLAN DESIGNATION MDR

PREVIOUS ACTION (If Any) PLACED OFF HOUSE

FOR CITY USE ONLY	
File #	<u>02.0 LLA 02-02</u>
Date Received	<u>6/12/01</u> By <u>CJA</u>
Completeness Date	_____
Pre-App Meeting	_____
Hearing Date	<u>NA</u>

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

INSTRUCTIONS TO APPLICANTS

1. The applicant may request, or the City Planner may determine, that a pre-application conference is necessary after the application has been discussed, or upon receipt of the application by the City.

2. If a pre-application conference is necessary, the applicant completes and returns the completed pre-application form to the City and a conference is scheduled.

3. An application for a lot line adjustment shall be filed with the City Planner on forms prescribed for the purpose, typed or printed. Such application shall include;
 - A. Signatures, or letters of authorization for filing an application, from the owners of all properties involved in the lot line adjustment.
 - B. Narrative explaining the need for the change in the property line(s).
 - C. List of property owners within 100 feet of the subject property, on mailing labels (1" x 2-5/8").
 - D. Plot plan, drawn to scale (not greater than 1"=40'), indicating: If the plot plan is larger than 11" x 17", twenty-five (25) copies shall be submitted with the application.
 1. The location of existing buildings (if any);
 2. The location of streets, sewer, water, electric, and other utility services;
 3. Major topographic and landscape features;
 4. The existing and proposed property line configuration;
 5. The proposed property line configuration;
 6. Dimensions and sizes of the existing and proposed lots, and of the area to be transferred between the properties involved.

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.

6. The staff's decision is mailed to property owners within 100 feet of the affected properties and opportunity is given for an appeal request. An appeal must be requested, in writing, within 10 days of the mailing of the decision.

7. If the request involves a hearing before the Planning Commission, places a public notice in the newspaper, notifies surrounding property owners, and makes all facts relating to the request available to the Planning Commission and all interested parties.

8. If a hearing is requested, an additional \$600.00 application fee is required for processing the application.

9. The Planning Commission holds a public hearing approximately thirty (30) days after a hearing has been requested. The staff report is presented. Testimony is presented by the applicant, proponents and opposition, followed by rebuttal from the applicant.

INSTRUCTIONS TO APPLICANTS (CONT.)

10. The Commission then issues findings of the fact which support approval, modification or denial of the application. A decision may be appealed to the City Council.
11. 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 hearings(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 City 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.

LOT LINE ADJUSTMENT CRITERIA

The Planning Commission shall determine whether the following criteria have been met:

- A. Each of the remaining parcels and any structures located thereon shall be in full compliance with all regulations of this title, including the setback requirements of Division III. Except, however, that lot line adjustments are permitted on nonconforming lots and lots with nonconforming lots and structures will be no less in conformity as a result of the lot line adjustment.
- B. No new lots or parcels will be created as a result of the lot line adjustment without receiving approval as a partition or subdivision.
- C. If the Planning Commission deems it necessary to assure the accuracy of recorded information, a survey may be required of the applicant. Such a survey will be at the applicant's cost.
- D. Lot line adjustments shall not be permitted where the result will be the creation of additional building sites unknown hazardous locations or where the appropriate development or extension of public facilities will be impaired as a result.



7694
- 6275

1419 decr
in Ced Rid
lot size

7694 6120
+ 4838 399

12532

CITY OF CANBY NOTICE OF PUBLIC HEARING

The City has received a renewed application from Aleksandr Krischenko requesting to divide a 12,532 square foot parcel into two separate lots at 1214 S Cedar Loop.

The Canby Planning Commission will hold a public hearing on this application beginning at 7:00 PM November 22, 2004 in the City Council Chambers at 155 NW 2nd Avenue.

We encourage you to attend the hearing and to provide testimony to the Planning Commission. If you are not able to attend the hearing, you may provide written comments in a letter or on the attached form.

Basic information on the proposal is listed below. More information is available weekdays from 8 AM to 5 PM at the Canby Planning Department - 182 N. Holly Street. The staff report on this application will be available for inspection at no cost starting November 12, 2004 at the Canby Planning Department and at the Canby Public Library. Copies are available at \$.10 per page.

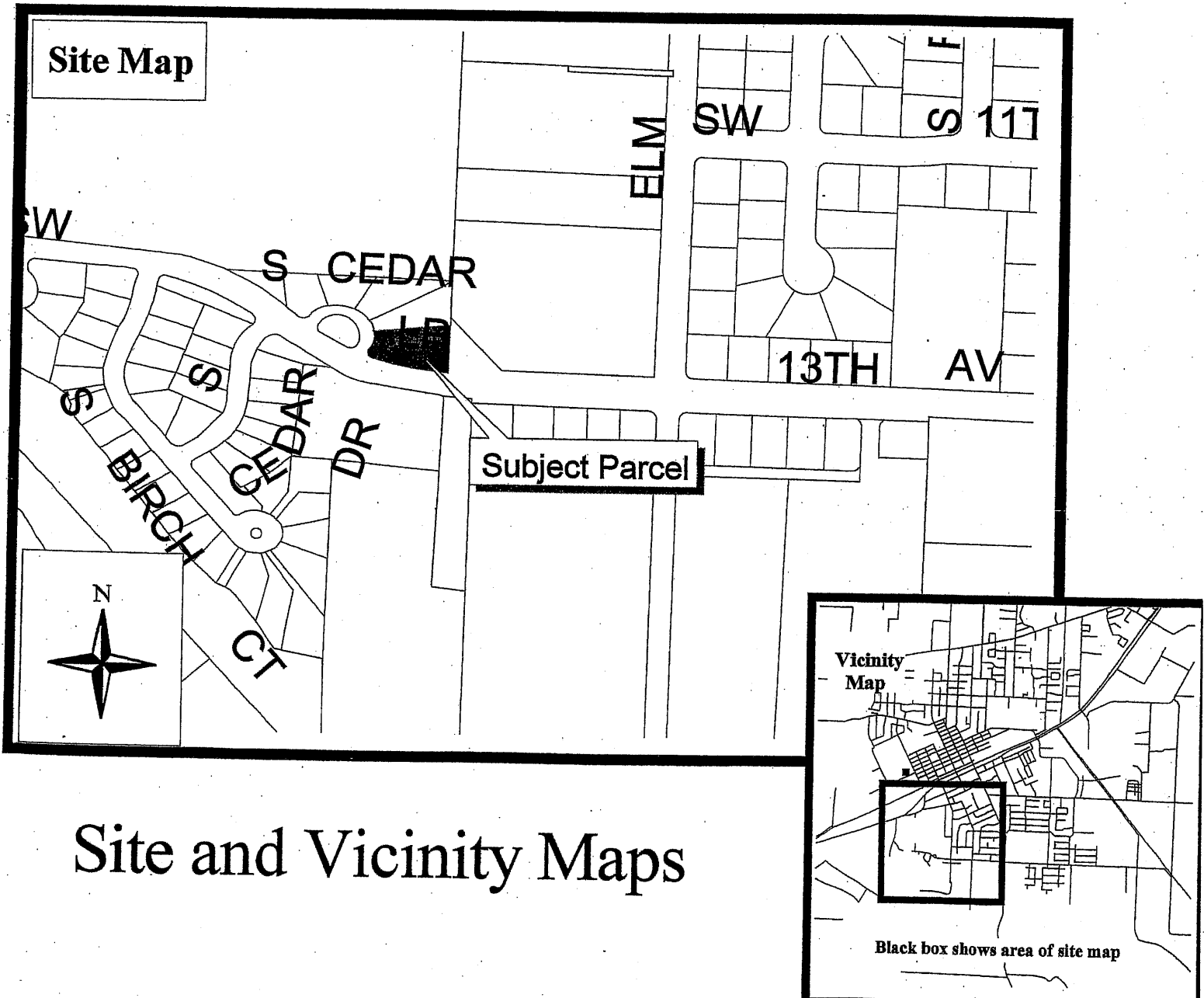
Please contact Darren Nichols at (503) 266-9404 with any questions.

APPLICATION:	To partition one 12,532 square foot parcel into two separate tax lots. One existing house will remain, creating one buildable lot at the rear of the parent parcel.
LOCATION:	1214 S Cedar Loop – north side of SE 13 th Avenue at Cedar Loop.
LOT SIZE AND ZONING:	The parcel currently contains 12,532 square feet zoned R-1.5 Medium Density Residential. Newly created lots would retain R-1.5 zoning, containing 6,278 and 6,275 square feet.
APPLICANT/OWNER:	Aleksandr Krischenko 1214 S Cedar Loop Canby, OR 97013
APPLICATION TYPE:	Minor Land Partition (to create two lots from one parcel)
CITY FILE #:	MLP 04-03
DECISION PROCESS:	The Canby Planning Commission will make a decision after the public hearing (see the other side of this page for process details). Following the public hearing, the Planning Commission's decision may be appealed to the Canby City Council.
HEARING INFORMATION:	November 22, 2004, 7:00 PM Canby City Council Chambers 155 NW 2 nd Avenue

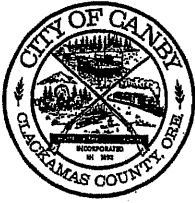
DATE OF THIS NOTICE: October 22, 2004

DETAILS ON THE HEARING PROCESS

- The approval criteria for Minor Land Partition applications are found in Section 16.60 of the Canby Municipal Code. All testimony and evidence must be directed to applicable criteria. The criteria are available online at www.ci.canby.or.us or from the Planning Department at 182 N. Holly Street. Copies are available at \$.10 per page.
- Anyone wishing to comment on an application may do so by submitting written or oral testimony. Failure to raise an issue in writing or at a hearing, accompanied by statements or evidence of sufficient specificity to afford the Planning Commission an opportunity to respond to the issue, precludes appeal of that issue to the Land Use Board of Appeals.
- A copy of the application and all documents and evidence submitted by or on behalf of the applicant are available for inspection, at no cost, in the office of the Canby Planning Department from 8 AM to 5 PM weekdays, and at the Canby Public Library. Copies will be provided at \$.10 per page at the Canby Planning Department.
- Copies of this notice have been mailed to property owners and residents within 200 feet of the subject property. The notice will be published in the Canby Herald and will be posted at City Hall, the Post Office, and the Public Library.



Site and Vicinity Maps



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: City Hall at 182 N. Holly Street
E-mail: nicholsd@ci.canby.or.us.

Written comments must be received prior to the hearing at 7:00 PM November 22, 2004.

APPLICATION: Minor Land Partition (Request to create 2 lots from 1 parcel)

APPLICANT: Aleksandr Krischenko

CITY FILE #: MLP 04-03

COMMENTS: _____

YOUR NAME: _____

ORGANIZATION or BUSINESS (if any): _____

ADDRESS: _____

PHONE # (optional): _____

DATE: _____

Thank you!

A.

STREET FUNCTIONAL CLASSIFICATION Policy Considerations

The existing City Street Functional Classification Guideline descriptions are revised to include a new class - *Neighborhood Connector*. A complete description of the recommended Street Functional Classification follows:

→ Arterial Streets

The primary function of arterial streets is to provide through movement of traffic, distributing it to collector and connector streets. A secondary function of providing land access is limited in order to minimize interruption of the primary function. The streets are characterized by a five-lane (Highway 99E only), a three-lane street section, or (in lower-volume cases) a two-lane section with three lanes at intersection approaches where extra width is necessary to accommodate turning traffic. Bicycle lanes, sidewalks, and planting strips are to be provided on all arterials. Signalization may be provided at intersections with other arterials and collector streets, as warranted.

Collector Streets¹

The primary function of collector streets is to move traffic between arterials and local streets, with a secondary function of providing access to adjacent land uses. The collector street is characterized by a two or three-lane street section. Parking may be provided on one or both sides. Bike lanes should be provided. Sidewalks should be provided on both sides of the street, and should be separated from the paved surface by a planting strip. Intersections with arterials may be signalized, if warranted.

Neighborhood Connector

Neighborhood Connectors provide local access to adjacent properties as well as facilitating movement into and out of a neighborhood or travel between neighborhoods. Neighborhood connectors are characterized by two 11-foot wide travel lanes, with adjacent seven-foot parking lanes, where parking is desired. These streets should have sidewalks on both sides of the street, separated from the paved surface by a planting strip. Neighborhood Connectors are intended to be low speed, relatively low volume neighborhood streets, and thus are anticipated to function best with vehicles and bicycles sharing the travel lane.

¹

The 1998 Industrial Area Master Plan identifies street standards for the industrial area, including a Parkway Collector with different standards than other collectors.



**Table 4-1
Access Management Standards**

Functional Classification	Minimum Spacing	Residential Use	Commercial and Industrial Use
Highway 99E	As summarized in Appendix G.		
→ Arterial	300 feet	No direct access for private drives serving fewer than five dwellings	Shared access driveways required if spacing standard not met; encouraged otherwise. Major street left turn lanes determined through review.
Collector	150 feet	Shared access driveways are encouraged where appropriate to meet spacing standards.	Shared access driveways are encouraged. Major street left turn lanes determined through review.
Neighborhood Connector	One access per lot	Shared access driveways are encouraged	Maximum of one 45-foot wide access per 200 foot of frontage or fraction thereof.

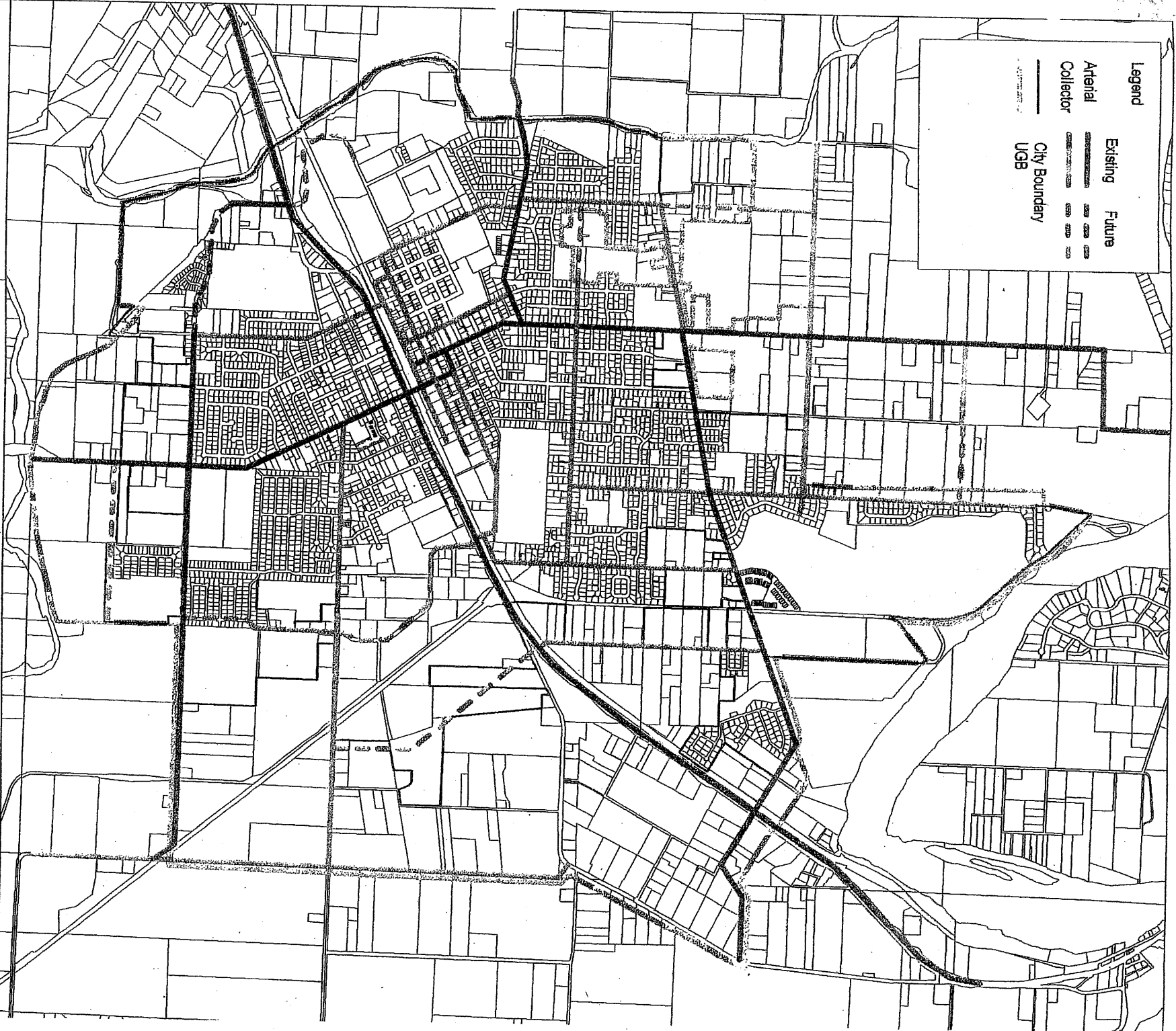
Note that the table includes no restrictions on access to local streets.

General Access Policies

The existing *legal* driveway connections, public street intersections and other accesses to the street system *are not required* to meet the spacing standards of the assigned category immediately upon adoption of this access management plan. However, existing permitted connections not conforming to the design goals and objectives of the street classification will be upgraded as circumstances permit and during redevelopment. At any time, an approach street may need to be modified due to a safety problem or a capacity issue that exists or becomes apparent. By statute, ODOT is required to ensure that all safety and/or capacity issues are addressed on State Highways.

Conditional access approval may be issued by the City of Canby and/or ODOT (as appropriate) for a single connection to a property that cannot be accessed in a manner consistent with the spacing standards (shown in Table 4-1). These conditions would apply to properties that either have no reasonable access or cannot obtain reasonable alternative access to the public street system. The approval may carry a condition that the access may be closed at such time that reasonable access becomes available to a local public street. In addition, conditional approval might require City- or ODOT-approved turning movement design standards to ensure safety and managed access. Under special circumstances, ODOT may be required to purchase property in order to prevent safety conflicts on Highway 99E.





City of Canby
Transportation System Plan

May 1999

Figure 1-1
City of Canby Comprehensive Plan *
Collector / Arterial Street System

*As of August 1994



A.

STREET FUNCTIONAL CLASSIFICATION Policy Considerations

The existing City Street Functional Classification Guideline descriptions are revised to include a new class - *Neighborhood Connector*. A complete description of the recommended Street Functional Classification follows:

Arterial Streets

The primary function of arterial streets is to provide through movement of traffic, distributing it to collector and connector streets. A secondary function of providing land access is limited in order to minimize interruption of the primary function. The streets are characterized by a five-lane (Highway 99E only), a three-lane street section, or (in lower-volume cases) a two-lane section with three lanes at intersection approaches where extra width is necessary to accommodate turning traffic. Bicycle lanes, sidewalks, and planting strips are to be provided on all arterials. Signalization may be provided at intersections with other arterials and collector streets, as warranted.

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November 12, 2004 (Friday)

Neighborhood Meeting Minutes

In attendance:

Richard & Florence Ball, Vikky Nees, Alex & Lana Krishchenko

Mr. Ball's Questions and Comments (1238 S Cedar Loop)

Q: CC&R's contract restricts in section 1.1 to "subdivide land for further construction of additional residence." You may build addition to your house, but not subdivide land.

A: I will not be constructing an additional residence, like for example a "mother-in-law" type of house in the backyard. It will be a "single family dwelling" with an attached garage, which CC&R's does not restrict.

Q/Comment: Your house will block my view/vision.

A: By the city code, a one story house will be 15 feet away from the property line and a two story house is 20 feet. On the other hand, an addition to the existing house is only supposed to be 7 feet away from the property line, which will block more views/visions.

Q/Comment: You will be taking away 1400sq ft of land from the subdivision.

A: CC&R rules do not control any land amounts or state anything about that, whatsoever. However, even if we will subdivide the lot, the remaining 6,200sq ft will be more than some of the houses have at the time, in the subdivision. I also have 38 signatures of the residents in my subdivision who agree with my minor land partition, which in fact further proves that the CC&R do not restrict it.

Q/Comment: Will this new house belong to the subdivision?

A: That land that was given to me does not belong to the subdivision.

Vikky Nees Questions and Comments (613 SW 13th Ave)

Q/Comment: How long will it take to build the house and when will it be started? I am worried about the noise.

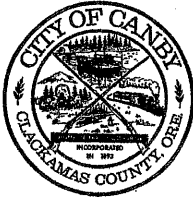
A: Usually it takes about six months to build a house. We will start any construction after we obtain all the necessary permits and a house plan. I don't think it will be very noisy, after most of the framing will be completed. Which framing only takes a few days, and after that most of the jobs will be inside.

From: Constance Kealey <convel30@yahoo.com>
To: <nicholsd@ci.canby.or.us>
Date: 11/21/04 1:17PM
Subject: Aleksandr Krischenko- city file # MLP 04-03

Mr Nichols, as a homeowner in the Cedar Ridge sub-division I do not feel it is beneficial to our community for Mr Krischenko to build another house on his land. My understanding is that it would cause more traffic problems and increase our taxes. If he is allowed to build he plans to sell both houses and move on. I also feel that the Cedar Ridge Association By-laws are there for all to follow and that this petition should be denied.

Constance Kealey
1334 S Cedar Dr.
Canby, Or. 97013
(503)651-3781

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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: City Hall at 182 N. Holly Street
E-mail: nicholsd@ci.canby.or.us

Written comments must be received prior to the hearing at 7:00 PM November 22, 2004.

APPLICATION: Minor Land Partition (Request to create 2 lots from 1 parcel)

APPLICANT: Aleksandr Krischenko

CITY FILE #: MLP 04-03

COMMENTS: This application will have minimal impact on the
school district.

YOUR NAME: Deborah Sommer

ORGANIZATION or BUSINESS (if any): Canby School District

ADDRESS: 1110 S. Ivy, Canby

PHONE # (optional): 503-266-7861

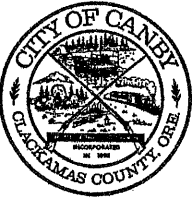
DATE: 11/8/04

Thank you!

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COMMENTS: As long as a single family home is placed then I do not see the land partition as being a problem.

Unfortunately since I have not attended meeting either for or against the issue I do not have a clear idea of the partition or additional issues surrounding the land division

I elect to vote impartial at this time. I do not have enough information to vote either way.

YOUR NAME: Jackie Reeder

ORGANIZATION or BUSINESS (if any): _____

ADDRESS: 1321 S. Birch Ct.

PHONE # (optional): _____

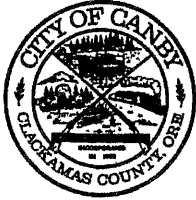
DATE: 11-22-04

Thank you!

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APPLICANT: Aleksandr Krischenko

CITY FILE #: MLP 04-03

COMMENTS:

Mr. Aleksandr Krischenko

stated that the city had approved

a second home to be built because he

had a double lot, which was misleading

He could easily add a couple rooms

to his home.

YOUR NAME:

Lee E. Flory

ORGANIZATION or BUSINESS (if any):

ADDRESS:

1346 So. Cedar Dr.

PHONE # (optional):

DATE:

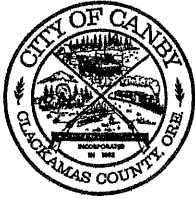
11-21-04

Thank you!

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APPLICANT: Aleksandr Krischenko

CITY FILE #: MLP 04-03

COMMENTS: I am a resident of Cedar Ridge. Mr. Krischenko recently paid me a visit asking me to sign his petition to support his plan to subdivide his lot + build a house. He clearly stated that he had the approval of the City of Canby & described the lot sizes once divided, etc. I did ask him just to make sure I had heard him correctly, if he did in fact have City approval + he again said, "yes." He claimed that all he now needed was neighbor support from the home owners of Cedar Ridge. I declined to sign & have not heard from him since. Today I learned that he deceived me about 'city approval'. My hope is that others who may have signed did not base their decision on his 'word.' My husband and I do NOT support Mr. Krischenko's request.

YOUR NAME: Linda K Brown • Dana K Brown

ORGANIZATION or BUSINESS (if any): _____

ADDRESS: 1357 S Baywood Ct. Canby, OR

PHONE # (optional): 503/266 7606

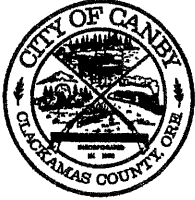
DATE: 7-22-04

Thank you!

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APPLICATION: Minor Land Partition (Request to create 2 lots from 1 parcel)

APPLICANT: Aleksandr Krischenko

CITY FILE #: MLP 04-03

COMMENTS: As a homeowner in the Cedar Ridge neighborhood I oppose Mr. Krischenko's plan to put a house behind his existing house. Mr. Krischenko's house is the first house you see as you enter our neighborhood, I think it would be an eyesore to put another house behind his house because of the shape and size of the lot. I don't see how it can be done without it looking like it's in his backyard. In addition to bringing down the property values with an eyesore, the fact that Mr. Krischenko wants to do this and then sell both properties shows little regard for those of us who invest time and money keeping our property attractive. His idea goes against what a Homeowners Association is all about, retaining the value of your investment.

YOUR NAME: Chris Faulhaber

ORGANIZATION or BUSINESS (if any): _____

ADDRESS: 1201 S. Aspen Way

PHONE # (optional): (503) 266-9008

DATE: 11/19/04

Thank you!

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APPLICATION: Minor Land Partition (Request to create 2 lots from 1 parcel)

APPLICANT: Aleksandr Krischenko

CITY FILE #: MLP 04-03

COMMENTS:

Please see attached letter.

Thanks!

YOUR NAME:

Jennifer Dorsey

ORGANIZATION or BUSINESS (if any):

ADDRESS:

1337 S. Birch Ct.

PHONE # (optional):

DATE:

11/20/04

Thank you!

Dear Planning Department Members,

November 19, 2004

I am writing this in response to the application by Mr. Krischenko to partition his land on 1214 S. Cedar Loop. I do not support it!

My husband and I are very concerned with what is currently happening on several levels. First of all, we moved to the Canby community in July so that our children could benefit from the strong public schools. We purchased our home in the Cedar Ridge subdivision for two reasons. The first was the look of the neighborhood, clean, neat, well tended, no trailers or boats parked in driveways etc. The second was lot size. We looked at homes for sale in Township Village and Sequoia Place and the lots were quite a bit smaller. The reason why we purchased our home in the Cedar Ridge subdivision was because of these factors.

The homeowners association rules help maintain the quality of life of our neighborhood along with the property values and **directly influenced** our decision to purchase a home in the Cedar Ridge neighborhood.

Our board of directors did not approve Mr. Krischenko's request to subdivide his property so he is trying a "back door" approach to get his way.

Please let me remind you that our board of directors are **elected representatives** of the home owners. My family was prepared to follow the homeowner association rules and reviewed them before purchasing our home. If we did not want to follow the rules we would not have bought the property, pretty simple.

Please do not override the decision of our elected board. It sets a poor precedent. If you don't like the rules just go around them to the city planning department. What other rules are next? **Please respect the decision of our elected board of directors and deny Mr. Krischenko's request.**

Thank you for your time!



Jennifer Dorsey
1337 S. Birch Ct.
Canby



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rdball@hotmail.com Messenger: Offline

Free Newsletters |

Reply | Reply All | Forward | Delete | Junk | Put in Folder | Print View | Save Address

From: Eric S Knutson <ejhknutson@web-ster.com>
Reply-To: "Eric S Knutson" <ejhknutson@web-ster.com>
Sent: Tuesday, November 9, 2004 12:48 AM
To: "Richard Ball" <rdball@hotmail.com>
Subject: Re: Subdivision of lot 1 petition

I am strongly opposed to an additional house being built on this lot for several reasons. (I've already signed your petition.) My questions are:

- 1. What is the likelihood that the city will approve this when it is in strict violation of the CC&R's that the home owner signed?
2. If approved, what kind of an increase to our annual dues are we looking at?

I've heard that this owner has told others that he plans to sell the residence once he builds on. This will allow him to financially profit at our expense. (A rather sore spot with me.) I can't help but wonder if so many residents would have signed his petition if they had known that it would affect their annual dues or had known he was not telling the truth when he advised others that he had the city approval on this. (He told me this as well.) By the way, when he came to my house asking for a signature, he argued with me when I told him I wouldn't sign it. In fact, I had to ask him several times to leave. A very pushy man. I suspect some folks signed his petition just to get him out of their hair.

Jayne Knutson

1455 S. Birch Ct. ; 503-263-8027

Original Message

From: Richard Ball
To: ajbird@wwdb.org ; am04@canby.com ; brassbird@earthlink.net ; c.d.gonzalez@worldnet.att.net ; cjholbrook@peoplepc.com ; coachshelby@canby.com ; colen@canby.com ; convel30@yahoo.com ; dorseyj@canby.k12.or.us ; ejhknutson@web-ster.com ; gearyk@canby.com ; jbogardus78@hotmail.com ; jeffbranson@excite.com ; joni@pacwall.com ; kazebee@sterlink.net ; leadi@hevanet.com ; lin1932@aol.com ; m_thompson@cablerocket.com ; mbigjohn@cablerocket.com ; mikehiggs@integrity.com ; Ocampo1961@aol.com ; pbrock9612@web-ster.com ; rdelwalker@msn.com ; rdevore@canby.com ; reederjl@aol.com ; rodc@homestead-mtg.com ; Rodneycorb@yahoo.com ; rrpmmotors@aol.com ; sandylp@cablerocket.com ; service@rosecitypool.com ; supрмаum@worldnet.att.net ; trimble@canby.com ; weimertec@canby.com ; wisely@canby.com ; zfarms@web-ster.com ; zzzorn@aol.com
Sent: Friday, November 19, 2004 3:36 PM
Subject: Subdivision of lot 1 petition

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A request was made to the board of directors of Cedar Ridge to allow for the portioning and subdivision of lot #1 in order to create lot and constructing an additional residence on the new lot. The board convened as required by the CC&R's and have voted to oppose any subdivision of that particular lot. Many factors played a role in the final decision including safety concerns of adding an additional lot at that location, jurisdictional concerns of adding or deleting land currently within the boundaries of Cedar Ridge, the economic impact on the Association which are inherited by each homeowner in higher assessments, personal concerns of members as to the aesthetic nature of an additional structure on the property and administrative burdens placed on CRCA. Each item was carefully considered in order to evaluate the issue prior to rendering a final decision.

The Cedar Ridge Civic Association has been very insistent on the adherence to all of the rules and has shown prudent flexibility when the need has arisen to accommodate all of the neighbors of our community. This is what long time and new residents have come to depend on and expect. To allow the rules to be circumvented or only partially adhered to by some and not others decimates the very objective that a planned unit was there to achieve. Our CC&R's Sec. 1.1 clearly covers this issue in detail and the Board of Directors have rendered a decision not to approve the waiver for subdivision.

The application has now been scheduled for a hearing on Monday November 22, 2004 with the Canby Planning Commission. The Board of Directors has voiced opposition to this proposal and plan on testifying as to our opposition to allowing such a subdivision to take place. We are asking Proprietary Members (owners not renters) of Cedar Ridge to support the decision of the Board in requesting that the City of Canby Planning Department deny the application to subdivide that lot.

By signing this letter you are acknowledging that you support the action of the Board Of Directors to request that the Subdivision be denied by the City of Canby.

Board of Directors, Cedar Ridge Civic Association

Anyone wishing to sign the above document should contact our board president, Joni Heller, at 503 263 3975, or board member, Richard Ball, at 503 266 5313. We will, then, bring the petition to you to sign at your convenience.



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NOV 22 2004

CITY OF CANBY

MINUTES
of
TRAFFIC SAFETY COMMISSION MEETING
NOVEMBER 18, 2004

Members in attendance:

Marlene Elmore, Chairman; Curtis Gottman; Barbara Kirwan; Betty Ramey; Laurie Sandsness. Doug Gingerich late arrival excused.

Excused member:

Don Staehely.

City Staff Members in attendance:

Chief Ken Pagano; Lt. Greg Kroepelin; Officers Jason Deason and Don Hemstreet; Fire Marshall Ron Yarbrough.

Darren Nichols of the Planning Department arrived late.

Guests:

Richard and Florence Ball; Lucy Freeman; Ken Kirwan.

Chairman Marlene Elmore called the meeting to order at 12:05 PM in the conference room at Canby Utility.

Curtis Gottman moved the minutes of the September 9, 2004 meeting be accepted as printed and distributed. Motion seconded and carried.

Barbara Kirwan moved the minutes of the October 14, 2004 meeting be accepted as printed and distributed. Motion seconded and carried. Curtis Gottman abstained.

Old Business.

1. Up-date on painting of curbs on S. 13th.

Chairman Marlene reported the painting is done and that Roy Hester had advised they extended the yellow into the entrance into the new park.

2. Up-date from Planning Department on Bike Lanes on S. 13th.

Chairman Marlene stated we are not doing anything on this.

3. Traffic concerns on NW Aspen Ct. off Knights Bridge Road just past Birch St.

Chairman Marlene advised the yellow curb markings have been painted.

Mrs. Freeman stated she has seen a few violations since the painting has been in place.

Chairman Marlene advised that Roy Hester the City Street Supervisor had been asked to do a traffic study but he is not here today with the report.

Laurie Sandsness stated that until we get the traffic study, we can't make a decision.

Barbara Kirwan said she was speaking as a citizen, not a committee member. Since the curbs have been painted, she has made a point of going there and has seen no violations.

The painting has made a considerable improvement and she sees no problem turning right or left and no problem with people coming into town. The biggest problem is about 7:30 AM and in getting off Cedar onto Knights Bridge Road in the evening.

Officer Deason reported he has had just a few violations since the curbs were painted. Laurie Sandsness said there will always be higher traffic during the commuter hours. Curtis Gottman stated he was opposed to closing the road off as a safety issue -- just forces traffic onto the next street.

Ron Yarbrough of the Fire Department stated they were concerned about response time when a street is closed -- having to make two extra corners takes more time. He drew a demonstration of the problem cutting off a street creates and stated that if we don't have to create a problem, don't want to.

Barbara Kirwan stated the street is wide enough if no one parks there.

Chairman Marlene stated that when the Dupont property is developed, the contract will mandate they used 9th or 10th avenues to access the development.

Mrs. Freeman stated it is safer now with the curbs painted and the shrubs are cut back. It did take away parking for 3 or 4 cars. It is still too tight with pickups or SUVs. She has looked at the traffic study and understands Birch is a connector and when they punch 10th through, there will still be concerns.

Chairman Marlene stated that if it was agreeable with the other committee members, we will table this issue until next month when we hope to have the other traffic study. We want to have all the facts before submitting anything to the City Council.

Tabling a decision until next month was agreeable with all the commission members present.

4. Traffic concerns on N. Birch and Territorial.

Chairman Marlene advised that Pat from ODOT has talked to Darren Nichols in the Planning Department about a workshop on ways to slow down traffic on Birch. The workshop will probably be in January. We might consider bump-outs but we need to get the traffic through.

5. Report from Don Staehely on speed bumps.

Don not present so no report.

6. Up-date on "No Parking" sign on N. Aspen and painting of curb.

The painting has been done. Barbara Kirwan said there was no sense in putting up the "No Parking" sign as it just disappears.

Correspondence.

Chairman Marlene advised we had received a copy of a letter from City Administrator Mark Adock about two concerns.

1. Roger Harris has requested a stop sign at 4th and N. Pine.

Because of the Fair Grounds, this would involve the county.

There are traffic concerns with the change of the intersection at Territorial and 99E. More people will be using Pine and Redwood.

Chief Pagano stated the Police Department has already received complaints. Chairman Marlene reminded us this is a temporary measure until the traffic light is installed at the intersection which is scheduled for 2006.

2. A request for painting crosswalks on S. Redwood near 11th Loop and at 13th at Redwood.

Curtis Gottman stated he wished we would not rubber stamp crosswalks. No action or further discussion on this matter.

New Business.

We received a request from the Planning Department to revisit a request from Aleksandr Krishenko to divide a 12,532 square foot parcel into two lots at 1214 S. Cedar Loop. We had previously addressed this issue last August and, at that time, this committee had no traffic concerns.

Richard Ball stated he is a neighbor of Mr. Krishenko and had talked to him about the division of the property which is against the rules of the Cedar Ridge Association. Mr. Ball stated he was on the Board of Directors of the Association and had helped Mr. Krishenko with an appeal to waive the rule. The Board voted 4-1 against approving the waiver. They have concerns with the traffic flow especially when Berg Parkway is punched through and 13th becomes a truck route. Mr. Ball also quoted from page 4-30 of the Canby Transportation Plan which states there shall not be a driveway onto 13th which services less than 5 dwellings. Mr. Krishenko's drive would be for only one house. He also inquired whether or not there had been a traffic study made on 13th.

Barbara Kirwan and Curtis Gottman both stated the commission could not make any further recommendations.

Chief Pagano told Mrs. Freeman that if someone wants to have a neighborhood meeting, they would have an officer there.

Mrs. Freeman stated there would always be someone in the neighborhood who had several cars.

Barbara Kirwan stated the house on the corner has 6 to 8 cars that park just past the yellow curb markings.

Don Hemstreet stated he has talked to the owner of the house on the corner and he seems cooperative. Don also stated he has given the city attorney several recommendations for ordinances that may help with the problem.

Darren Nichols stated he had just come from a meeting with the architects for the new middle school to be built at Township and Redwood.

Announcements.

Page 4. Minutes of the Traffic Safety Commission Meeting, November 18, 2004

Chairman Marlene announced there will be a workshop on December 8th at 7:00 PM at the Adult Center to discuss the Arndt Road Project. The Mayor, City Council, Planning Commission, URD Advisory Committee, Parks & Recreation Advisory Board, Traffic Safety Commission and the Bike & Pedestrian Committee are asked to attend this workshop.

As there was no further business to come before the meeting, we adjourned at 1:03 PM.

PAGE 2	PARAGRAPH 7	REMOVE THE FIRST "WERE"
PAGE 4	PARAGRAPH 5	REMOVE "THERE WERE"
PAGE 5	PARAGRAPH 1	ADD QUOTES AFTER USES
PAGE 6	PARAGRAPH 8	INSERT THE WORD "NOT"
PAGE 8	PARAGRAPH 1	REMOVE SPACE BETWEEN "UP" AND "DATE"
	PARAGRAPH 3	DELETE THE WORD "IN"
	PARAGRAPH 8	REPLACE "OR" WITH "AND"
PAGE 10	PARAGRAPH 4	INSERT AN APOSTROPHY IN "CHAMBER'S"
	PARAGRAPH 5	CAPATALIZE THE WORD "BOARD"
PAGE 11	PARAGRAPH 1	INSERT A "T" TO MAKE "NO" "NOT"
	PARAGRAPH 7	BOLD NAME
PAGE 13	PARAGRAPH 5	CHANGE "THERE" TO "THEIR"
PAGE 16	PARAGRAPH 9	CHANGE "ISSUE" TO "ISSUES"

These are corrections
 I made to the 7-12-04
 minutes. Sorry I didn't
 catch them earlier.
 Carla