

AGENDA
CANBY PLANNING COMMISSION

December 13, 2004
City Council Chambers, 155 NW 2nd

* **AMENDED** *

I. ROLL CALL

II. CITIZEN INPUT ON NON-AGENDA ITEMS

III. PUBLIC HEARINGS

MOD 04-04 Willamette Valley Country Club, located at 900 Country Club Place. The applicant is requesting permission to expand their membership to 200 social members while limiting their "golf membership" to 500. Current membership is limited at 500 members total (note: the applicants contend that this was intended to apply only to full members).

IV. NEW BUSINESS

MOD 04-06 Perman an application to modify Dr. Perman's CPA/ZC approval.

Apollo Homes review of wall design

Discussion of N. Aspen Ct

V. FINDINGS

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

MLP 04-03 Krishchenko

VI. MINUTES

November 22, 2004

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*

MOTIONS

FILE # Minutes 11/22/04 DATE _____

FINDINGS _____ MINUTES

MOTION BY Ewert SECOND Molamphy

To Approve _____ To Deny _____

As Written _____ As Amended _____

Comments _____

COMMISSIONER	YES	NO	ABSTAIN	ABSENT
Brown	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Manley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ewert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Molamphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Helbling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tessman	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

MOTIONS

FILE # MLP 04-03 DATE Dec 13, 2004

FINDINGS ✓ MINUTES _____

MOTION BY EWERT SECOND HELBLING

To Approve ✓ To Deny _____

As Written ✓ As Amended _____

Comments _____

COMMISSIONER	YES	NO	ABSTAIN	ABSENT
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Brown	_____	<u>✓</u>	_____	_____
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Manley	_____	_____	<u>✓</u>	_____
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Ewert	<u>✓</u>	_____	_____	_____
-------	----------	-------	-------	-------

Molamphy	<u>✓</u>	_____	_____	_____
----------	----------	-------	-------	-------

Helbling	<u>✓</u>	_____	_____	_____
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Tessman	_____	_____	<u>✓</u>	_____
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MOTIONS

FILE # MOD 04-06 DATE DEC 13, 2004
(AS NEW BUSINESS ITEM)

FINDINGS _____ MINUTES _____

MOTION BY MANLEY SECOND EWERT

To Approve _____ To Deny _____

As Written _____ As Amended _____

Comments _____

COMMISSIONER	YES	NO	ABSTAIN	ABSENT
Brown	<input checked="" type="checkbox"/>	_____	_____	_____
Manley	<input checked="" type="checkbox"/>	_____	_____	_____
Ewert	<input checked="" type="checkbox"/>	_____	_____	_____
Molamphy	<input checked="" type="checkbox"/>	_____	_____	_____
Helbling	_____	<input checked="" type="checkbox"/>	_____	_____
Tessman	<input checked="" type="checkbox"/>	_____	_____	_____

MOTIONS

FILE # MOD 04-04 DATE 12/13/2004

FINDINGS _____ MINUTES _____

MOTION BY MANLEY SECOND Molampy

To Approve MANLEY ✓ To Deny _____

As Written _____ As Amended _____

Comments _____

COMMISSIONER	YES	NO	ABSTAIN	ABSENT
Brown	<u>✓</u>	_____	_____	_____
Manley	<u>✓</u>	_____	_____	_____
Ewert	<u>✓</u>	_____	_____	_____
Molampy	<u>✓</u>	_____	_____	_____
Helbling	<u>✓</u>	_____	_____	_____
Tessman	<u>✓</u>	_____	_____	_____

**City of Canby
Planning Commission Meeting**

December 13, 2004

Testimony Sign in Sheet

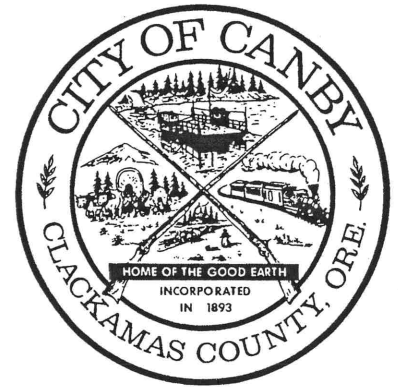
1. *KEITH CALICE*
2. *BILL GOULD*
3. *WAYNE SPENCER*
4. *SEAN BOWEN*
5. *Don Fernan*
- 6.
- 7.
- 8.
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**City of Canby
Planning Commission Meeting**

December 13, 2004

Sign in Sheet

1. RYAN ZYGAR
2. TOM FERREN
3. KEITH GALICZ
4. Richard K Freeman
5. Ron Tatone
6. Don Perman
7. Melody Thompson
8. Bill Gould
9. SEAN BOWEN
10. Darla Cole-Bowen
11. TERESA BLACKWELL
12. RANDY CARSON
- 13.
- 14.
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.



STAFF REPORT

TO: *Planning Commission*
FROM: *John Williams*
DATE: *December 3, 2004*
RE: *MOD 04-04: Willamette Valley Country Club*

On October 11, the Planning Commission considered and approved a request by the Willamette Valley Country Club to expand their membership. After this initial approval, we mailed out notice to 261 affected properties owners and interested persons, giving them the opportunity to request a public hearing. We received one request to do so and have therefore scheduled this hearing for December 13.

Following is the original staff report containing a summary of the request, the process to be used in this case, and an analysis of the criteria.

Request

The applicant is requesting permission to expand their membership to 200 social members while limiting their “golf membership” to 500. Current membership is limited at 500 members total (note: the applicants contend that this was intended to apply only to full members).

In 1996, the Planning Commission reviewed a Site and Design Review and Conditional Use Permit application to expand the existing club house. At the time, the Club had no intention of expanding their membership beyond the existing 500 member cap. The findings for that application (DR 96-10/CUP 96-03) state:

“The Planning Commission finds that the country club membership will not increase with the new clubhouse facility. It will continue to operate with no more than 500 members....The Planning Commission finds that an increase in membership would have an adverse effect on the local traffic and would require the Conditional Use Permit to be revisited.”

In 2001, the Club applied for a conditional use permit (CUP 02-03) to construct a swimming pool and expand the number of memberships. This application was denied, on grounds mostly related to the noise impacts from the swimming pool. However, the Commission did find that:

“N. Maple Street is inadequate in width and cannot safely support additional traffic in its current condition.”

This finding was not based on a traffic study or other data, rather it was based on citizen testimony expressing concerns about speeding and pedestrian safety on N. Maple Street.

The current request does not include construction of any additional recreation facilities.

Process

When the applicants came into our office with the concept behind this application, I explained that the City would require a new Conditional Use Permit application unless they had traffic data showing that the impact to N. Maple Street would be relatively minor. The applicants agreed to pay for a traffic study from our engineer. After reviewing this study, staff determined that this request could be termed an intermediate modification.

As such, it was dealt with by the Planning Commission as a new business item. We then mailed notice to neighboring property owners and any others with standing from the last public hearing process. Mr. Sean Bowen and Ms. Darla Cole-Bowen of 2555 N. Maple Court filed a request to be heard and therefore we have scheduled a public hearing at the applicant's expense.

Criteria

The criteria for this application are the same as for any conditional use permit, as follows:

16.50.010 Authorization to Grant or Deny Conditional Uses

In judging whether or not a conditional use permit shall be approved or denied, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the location proposed and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

Background

The Country Club property is located on the east side of N. Maple Street, north of NE 23rd Avenue and N. Maple Court. To the south is single family residential property fronting onto NE 23rd Avenue. To the north is single family residential property fronting on N. Maple Ct.

The club has two types of membership: full members are allowed unlimited use of facilities while social members are allowed only limited use of golf course and restaurant. Currently there are about 430 full members and 70 social members. The proposal would allow a gradual expansion of membership to 500 full members and 200 social members.

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 use of the property for a country club is allowed conditionally, allowing for review by the planning Commission to determine compatibility.

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 has no effect on urban sprawl.

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

Analysis: The main issue here is traffic generation and the ability of N. Maple Street to handle it. See discussion below.

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

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

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

Analysis: The parcel is currently zoned Low Density Residential with Private Recreation facilities being a conditional use. Therefore, any proposed change to previous

conditions of approval or findings requires revisiting the Conditional Use Permit.

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

Analysis: The property is not located in an "area of special concern" designated in the Canby Comprehensive Plan.

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.

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

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

Analysis: The main problem is the existing pavement condition and the potential pedestrian safety conditions.

Sidewalks currently exist in front of this property. However, sidewalks do not exist on the east side of the street from the Country Club to NE Territorial Road. There are sidewalks on the west side of the street from the Country Club to NE 22nd Avenue, but none from Territorial Road to NE 22nd.

Street width from NE Territorial to NE 21st Avenue is only 22 feet. This width is adequate for two travel lanes only with no parking on either side. No sidewalks are present from NW Territorial Road to NE 22nd Avenue, although unpaved shoulders exist allowing pedestrian movement and refuge.

Pavement condition is poor on N. Maple Street, which may at least slow traffic down a little.

Currently, N. Maple Street is listed as a street that needs widening and upgrading from NE 10th Avenue to NE 22nd Avenue. This project is listed in the Transportation System Plan as a 6 to 10 year project with an estimated cost of approximately \$640,000 in year 2000 dollars (not accounting for inflation). Of that \$640,000, 50% of that cost is attributable to SDCs and 50% to new development.

When the Planning Commission considered the Design Review and Conditional Use Permit for the expansion of the club house (DR 96-10/CUP 96-03) the Commission found "that an increase in membership would have an adverse effect on the local traffic."

The applicant has funded a traffic study to address this issue. Based on existing usage of the club and traffic counts performed at the Club's driveway, Lancaster Engineering has projected the traffic impact that would be generated from the proposed change. The maximum impact would be 98 trip ends per day (that is, 49 cars entering and leaving per day); this would be on Sundays. Weekday traffic generation is projected to be 74 trip ends (37 cars entering and leaving). Existing traffic generation by the club is 546 trip ends on weekdays and 626 trip ends on Sundays. Total weekday traffic on N. Maple Street at Territorial Road would increase from approximately 1,350 trips to 1,420 trips, an increase of about 5%

As stated in the engineering report, traffic loads of 2,000 to 5,000 trips per day are standard on streets classified as Neighborhood Connectors, as is N. Maple Street. The N.

Maple Street intersection does not experience noticeable wait times. Most traffic generation from the club tends to be at non-peak hours.

Based on this, staff felt comfortable categorizing this as an Intermediate Modification. At the October 11 review, the Planning Commission agreed that the impacts would be fairly minor, and approved the request.

The main problem on N. Maple is not traffic volume, but lack of sidewalks. The paved area is a minimum of 22' wide in places, but fairly wide unpaved shoulders allow for pedestrian refuges. In addition, there is a perception of speeding. These issues should be addressed separately by the Traffic Safety Committee and Police Department Traffic enforcement.

Implementation measure C of this Comprehensive Plan policy states "Encourage property owners to form Local Improvement Districts for the purpose of upgrading roads, whether or not they are part of the prioritized list. If funding constraints develop, follow the priorities established in the Capital Improvement Program." The City's Transportation System Plan lists the upgrading of N. Maple Street as a 6-10 year project, and therefore in the second tier of prioritization behind the 1-5 year projects.

The City currently has between 50 and 60 feet of right of way for the entire section from the Country Club to NE Territorial Road. Because of higher priority projects, SDC funds are not available in the near future to assist with this road upgrade. The LID mechanism is probably the best way to address residents' concerns if they feel that safety is an issue in this area.

Canby's parking standards are based on square footage of use, thus this application does not require any additional parking areas.

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 site has adequate access in place for emergency access.*

Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.

Analysis: N. Maple Street is designated to be developed at neighborhood connector standards. Neighborhood connector streets do not have dedicated bicycle lanes.

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: This application will not require any increased utility services. The main issue is traffic generation.

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

Analysis: Approval of this application would allow the Country Club to expand their membership and allow 200 families to take advantage of this private recreation opportunity.

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 conditional use is consistent with Canby's Comprehensive Plan.

Evaluation Regarding Conditional Use Approval Criteria

A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.

With the application of certain conditions, this application can meet the requirements of the Comprehensive Plan.

- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.

The site is already urbanized and the applicant is not proposing to change any exterior features of the site.

- C. All required public facilities and services exist to adequately meet the needs of the proposed development.

Needed services already exist on the site. The Planning Commission has discussed traffic concerns previously, finding that although N. Maple Street is not ideal, the application will not have a significant impact on the road and any possible solutions should be addressed by the city separate from this application.

- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

The proposed use will not have an effect on the surrounding areas except for traffic generation, as discussed above.

Conclusion

1. Staff concludes that the conditional use can be made to conform with the City's Comprehensive Plan and the Zoning Ordinance.
2. Staff concludes that the site can accommodate the proposed use.
3. Staff concludes that public service and utility provision to the site is available or can be made available through future improvements.
4. Staff concludes that the conditional use is consistent with the current use of the property of the neighborhood.

Recommendation

Most of the comments at the 2001 public hearing related to the impact of the pool. That item is not part of the current application. Nevertheless, a variety of people expressed concerns regarding traffic at that meeting. The Planning Commission made a decision on that application based on citizen input rather than traffic data.

At the October 11 meeting the Planning Commission discussed this issue in detail, finding that the traffic concerns on N. Maple Street would not be greatly changed by this application and that any concerns should be addressed by the City and neighboring property owners separately from the current application.

Therefore, based on the traffic data detailed in the study and previous Commission discussion and decision, staff recommends approval of the modification request. Staff does not wish to minimize the traffic concerns in this area though: they are real. The street is somewhat narrow and does not have sidewalks. The intersection of N. Maple and Territorial should also be improved. As outlined in the Comprehensive Plan, the City has always worked with affected areas to set up Local Improvement Districts to allow residents to address these concerns. The Country Club may be willing to participate in such discussions, however, they have completed all required frontage improvements on their property. The proposed application is not likely to generate additional pedestrian traffic.

Staff envisions working with the Traffic Safety Committee to review concerns in this area and make recommendations to the Council.

Exhibits:

1. Application, applicant's narrative, vicinity map.
2. Lancaster Engineering traffic study.
3. Public comments received as of 12/3/2004.
4. Minutes from October 11, 2004 Planning Commission hearing.

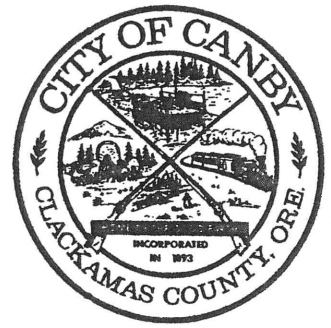
MODIFICATION APPLICATION

FEES:

Minor Modification: \$100

Intermediate Modification: \$320

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



OWNER

Name _____

Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____

Email _____

Signature _____

APPLICANT (if not owner)*

Name Tom Ferrin

Address 900 Country Club Place

City Canby State OR Zip 97013

Phone 503 266 4066 Fax 503 266 7663

Email tomf@willamettevalleycc.com

Signature* Tom Ferrin

DESCRIPTION OF PROPOSAL:

Property address/location 900 Country Club Place, on the east side of N. Maple St on the north side of Territorial *

Current zoning R-1 Comprehensive Plan zoning _____

File number of previous land use decision to be modified CUP 96-03 & CUP 02-03

Summary of proposal See attached exhibit "A"

FOR CITY USE ONLY	
File #	<u>MOD 04-04 of CUP 02-03</u>
Date Received	<u>9/17/04</u> By <u>cja</u>
Completeness Date	_____
Hearing Date	_____

* Tax lots: 190, 200, 203 and 210 of TAX MAPS 3-1E-28 and 3-1E-28A.

*If the applicant is not the property owner, owner must sign this form or applicant must



Exhibit "A"

Introduction

This application through the intermediate process is to modify CUP 02-03. The purpose is to separate the swimming pool issue and request the existing 500 member limitation to include an additional 200 social members.

Background

The conditional use permit (CUP 96-03) allowing the construction of a 23,000 square foot clubhouse facility was approved by the planning commission on October 14, 1996.

A part of the Findings and Reasons stated in the approval considered that Willamette Valley Country club (WVCC) would continue to operate with no more than 500 members.

Request

The WVCC Board of Directors and Club management find an increasing demand from the local and surrounding communities to use the facilities as a social center.

At the present time there is solicitation by twenty or more applicants desiring to become Social members.

Our request is to meet the social needs of the community by allowing additional Social members.

Existing Use and Investigation

Since the completion of the clubhouse in 1997, management together with the Board of Directors have experience that the additional social space provided can and will accommodate efficiently social members and activities not envisioned at the time of the initial application.

At the present time the golfing regular members together with the approximately 70 social members are at or near the cap of 500.

Prior to this application it was deemed advisable to conduct a Traffic study to determine the vehicular impact social members would have on North Maple Street.

Social Member usage for the months of May and June, as recorded from the Club's records, were submitted to the City as a supplement to the Traffic study.

The traffic study, by Lancaster engineering was conducted at the drive entrance to WVCC from North Maple Street during the month of July.

Their finding, which includes the volume of trips generated by 200 Social members together with existing vehicle neighborhood use, is within acceptable standards for North Maple Street.

The report further finds that WVCC does not generate significant pedestrian volumes. Existing unpaved shoulders north of Territorial Road are adequate to avoid conflicts with vehicular traffic.

A copy of the Traffic Report is enclosed as part of this application.

Summary

The existing clubhouse can efficiently accommodate the proposed additional 200 social members.

The expanded membership will provide and allow access to the residential, business and commercial members of the community and surrounding areas.

The vehicular impact on North Maple Street has been determined by city traffic engineers to be well within accepted standards for the designated classification.

The generation of pedestrian traffic created by Social members had been found to be insignificant and has no adverse impact on existing use.

Social Member Usage -June 2004

Member #	# of Visits in June 2004
73	0
207	2
213	4
227	3
290	1
350	5
401	1
701	2
706	1
707	0
709	1
710	1
714	1
716	0
717	4
718	1
719	2
720	0
721	1
725	1
727	2
729	0
731	0
733	1
735	2
738	2
739	0
740	0
742	6
745	3
746	0
747	2
749	1
750	2
751	1
752	4
753	1
756	1
759	1
761	0
763	1
764	1
765	1
766	2
784	2
785	0
787	2

Member #	# of Visits in June 2004
788	1
789	5
790	1
791	4
795	0
797	3
798	6
799	1
800	0
801	4
803	1
805	0
806	1
807	1
808	1
809	1
810	0
811	0
812	0
813	6
816	1
817	3
818	0
819	1
820	0

1.5 Average Visits to the Club

72	Members
110	Visits to the Club

Social Member Usage - May 2004

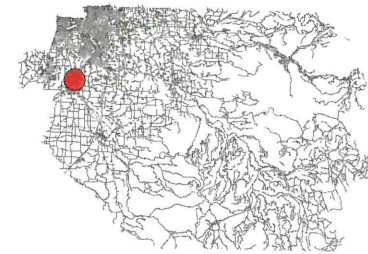
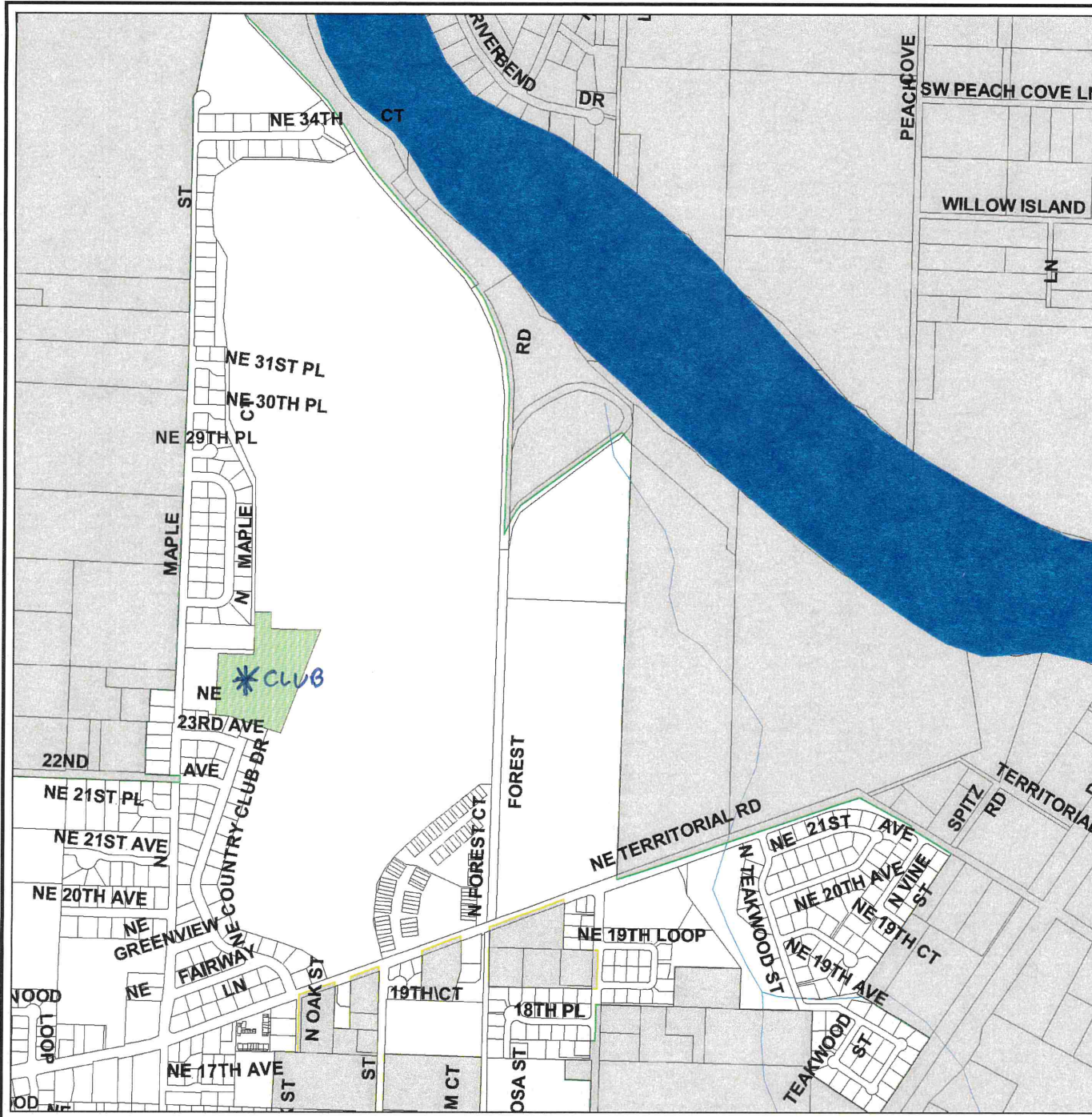
<u>Member #</u>	<u># of Visits in May 2004</u>
207	2
213	7
227	2
290	5
350	5
401	2
701	3
706	4
707	0
709	1
710	0
714	3
716	1
717	1
718	2
719	2
720	1
721	1
725	3
727	2
729	1
731	1
733	0
735	2
738	1
739	0
740	1
742	5
745	2
746	0
747	0
749	0
750	3
751	1
752	3
753	3
756	1
759	2
761	0
763	3
764	0
765	0
766	3
784	1
785	1
787	3

<u>Member #</u>	<u># of Visits in May 2004</u>
789	1
790	2
791	3
795	1
797	3
798	11
799	0
800	2
801	0
803	4
805	0
806	2
807	4
808	1
809	3
810	1
811	1
812	0
813	4
816	1
817	0
818	2
819	1
820	0

1.9 **Average Visits to the Club**

71	Members
133	Visits to the Club

MOD 04-04 vicinity map



Clackamas County

Geographic Information Systems
121 Library Court
Oregon City, OR 97045

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

October 1, 2004 04:44 PM



September 10, 2004

John Williams
City of Canby
182 N Holly Street
Canby, OR 97013

RE: Willamette Valley Country Club Traffic Report

Dear John:

As you requested, we have completed our analysis of the membership expansion for the Willamette Valley Country Club project. The number of memberships is currently restricted to 500 members and the Club is proposing to expand the cap to 700 members. This letter analyzes the impact of the increase in membership on Maple Street. Supporting data is attached at the end of this letter.

The Willamette Valley Country Club has two types of memberships, full members and social members. The full membership allows unlimited use of the facilities and there are currently about 430 full members of the club. The social membership allows limited use of the golf course and restaurant and there are currently about 70 social members. The Country Club is proposing to increase the number of memberships to about 500 full memberships and 200 social memberships.

The Country Club is located east of Maple Street and north of Territorial Road. The driveway to the Club is located off of Maple Street between NE 23rd Avenue and N Maple Loop. There are some maintenance access points to the Club, but the driveway off of Maple Street is the main driveway. Trips at this driveway represent the patronage of the site.

While there are trip rates for a golf course in *TRIP GENERATION*, the ITE rates are based on the number of holes in the course and the Club is not proposing to expand the facilities. There are no rates based on number of users of the course. In order to determine the impact of the increase in membership, driveway counts were taken over a one-week period and trip rates were derived from the counts.





John Williams
September 10, 2004
Page 2 of 4

Some data for the social members was obtained from the Club. The data showed the number of social members during the months of May and June as well as the number of times each social member visited the Club. The data showed an average of three visits per day for all of the social members during an average weekday, four visits per day on Saturday and six visits per day on Sunday.

The count data was separated into weekday, Saturday and Sunday counts. The weekday data was averaged over the Monday through Friday period to obtain average weekday information. There were an average of 546 weekday trips, with 668 Saturday trips and 626 Sunday trips.

Using just the weekday data to illustrate the rates, the count data showed an average of 546 trips during the day. This number includes the social and full member trips. The membership data showed an average of three visits to the Club for all of the social members. Because a "trip" represents a vehicle traveling in one direction, one visit comprises two trips: one trip is going to the Club and one trip is leaving the Club. Therefore all of the social members presently account for about six trips during an average weekday or about 1.1 percent of the total daily trips. It can be assumed the remaining 540 trips are attributed to the full members.

Using six trips for the social members and about 70 social members, each social membership can be expected to generate about 0.09 weekday trips per social member. Saturday rates were calculated to be about 0.11 trips per social member and Sunday rates were 0.17 trips per social member.

Removing the social member trips left 540 trips during an average weekday, 660 trips during Saturday and 614 trips during Sunday. With an average of 540 trips for all of the full members and assuming 430 full members, each full membership can be expected to generate about 1.26 weekday trips per full member. The Saturday and Sunday rates were 1.53 trips per full member and 1.43 trips per full member, respectively.



John Williams
September 10, 2004
Page 3 of 4

TRIP GENERATION SUMMARY			
Willamette Valley Country Club			
	<u>Entering</u> <u>Trips</u>	<u>Exiting</u> <u>Trips</u>	<u>Total</u> <u>Trips</u>
<i>130 Social and 70 Full Members</i>			
Weekday	37	37	74
Saturday	47	47	94
Sunday	49	49	98

An increase of 130 social members and 70 full members would produce an increase of about 74 trips per weekday on Maple Street, 94 trips per day for an average Saturday and 98 trips per day on an average Sunday. While there is no traffic data for this section of the road, a previous traffic study showed an estimated 1,350 trips per weekday on Maple Street at Territorial Road. Since about half of the homes are located north of the driveway, the expected volume on Maple Street near the site driveway would be about 700 vehicles per weekday.

The increase in memberships would lead to an increase of about 75 vehicles per weekday on Maple Street for a total volume of about 775 vehicles per day near the site driveway and about 1,425 vehicles per day near Territorial Road. The City's Transportation System Plan recommends reclassifying Maple Street from a Collector to a Neighborhood Connector, which is a lower classification than a Collector. Most jurisdictions allow for up to 2,000 to 5,000 vehicles per day on the functional equivalent of a Neighborhood Connector and would consider these volumes to be within acceptable standards for this type of functional classification.

Pedestrian Facilities

Sidewalks have been installed along the site frontage for the Country Club, which would accommodate the pedestrian users of the site. However outside of the site frontage, Maple Street, north of Territorial Road, has unpaved shoulders on both sides of the road. These shoulders are typically more than six feet wide, so that pedestrians would be able to avoid most conflicts with cars on the road.



John Williams
September 10, 2004
Page 4 of 4

The Country Club does not generate significant pedestrian volumes. While multiple observations have shown several pedestrians in the vicinity of the site, it appears the Country Club is not their origin or destination; they are residents in the area out for a walk.

As has been previously shown, the Country Club would not greatly increase the number of vehicles on Maple Street as compared to the existing volumes and therefore should not significantly increase the number of pedestrian/vehicular conflicts. For this reason, it is our opinion that the Country Club need not provide sidewalks for pedestrians in the area outside of the site frontage.

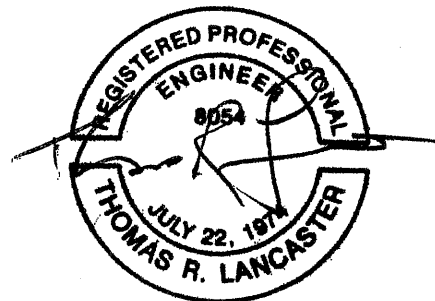
If the residents are concerned about the pedestrian facilities, there are available options, such as forming a Local Improvement District for the purpose of installing sidewalks.

If you have any questions about this report, please do not hesitate to call me.

Yours truly,

Catriona Sumrain
Engineering Technician

Attachments: Trip Rate worksheets



12-04

Membership Data

	May	June		
Weekdays	21	22		
Visits	63	78		
Visits/Day	3.0	3.5	avg visits/day	3.3 visits/day
Saturdays	5	4		
Visits	22	15		
Visits/Day	4.4	3.8	avg visits/day	4.1 visits/day
Sundays	5	4		
Visits	38	17		
Visits/Day	7.6	4.3	avg visits/day	5.9 visits/day

Count Data

				AM Peak				Noon Peak				PM Peak			
	IN	OUT	TOTAL	IN	OUT	TOTAL	HOUR	IN	OUT	TOTAL	HOUR	IN	OUT	TOTAL	HOUR
Monday	222	220	442	28	4	32	8-9	15	27	42	12-1	13	33	46	5-6
Tuesday	233	239	472	36	4	40	8-9	42	10	52	11-12	25	44	69	5-6
Wednesday	271	272	543	30	4	34	7-8	60	13	73	11-12	18	24	42	5-6
Thursday	253	253	506	48	4	52	7-8	24	14	38	12-1	27	18	45	5-6
Friday	386	385	771	30	3	33	7-8	28	24	52	12-1	40	20	60	5-6
			546	34	4	38		34	18	51		25	28	52	
				90%	10%			66%	34%			47%	53%		
Saturday	336	331	667	24	2	26	5-6	32	20	52	11-12	63	19	82	6-7
				92%	8%			62%	38%			77%	23%		
Sunday	314	312	626	23	0	23	6-7	32	26	58	11-12	52	13	65	6-7
				100%	0%			55%	45%			80%	20%		

Trip Rates

Weekday				
	Trips	Memberships	ADT trip rate	Proposed
Social members	6	70	0.09	12
Full members	540	430	1.26	62
total increase in trips				74

Saturday				
	Trips	Memberships	ADT trip rate	Proposed
Social members	8	70	0.11	18
Full members	660	430	1.53	76
total increase in trips				94

Sunday				
	Trips	Memberships	ADT trip rate	Proposed
Social members	12	70	0.17	26
Full members	614	430	1.43	72
total increase in trips				98

From: "Xavier Rueda" <X@slxarchitects.com>
To: <williamsj@ci.canby.or.us>
Date: 12/1/04 10:38AM
Subject: WVCC Conditional Use Modification

APPLICATION: CONDITONAL USE MODIFICATION

APPLICANT: WILLAMETTE VALLEY COUNTRY CLUB

CITY FILE: MOD 04-04

COMMENTS: OUR FAMILY MOVED TO CANBY FROM TIGARD LAST YEAR AND WE ARE ENJOYING THE PEOPLE AND THE COMMUNITY AROUND US. WE HAVE FOUND THAT THE WVCC IS A GOOD NEIGHBOR AND THAT THE TRAFFIC GENERATED BY THE CLUB IS NOT OBJECTIONALBE. THE INCREASE OF MEMBERSHIP SHOULD NOT AFFECT THE QUALITY OF LIVING IN THE AREA. OUR FAMILY SUPPORTS THE CHANGE IN ZONING TO ALLOW THE INCREASE IN MEMBERSHIP.

Xavier E. Rueda, Architect

Architects SLX

2200 N.E. Country Club Drive

Canby, Oregon

Home: 503-266-5922

Office: 503-224-0173

1 December 2004

Thank You!

CC: <srueda@earthlink.net>



RECEIVED

NOV 22 2004

CITY OF CANBY

November 22, 2004

Mr. John Williams
Planning Dept.
City of Canby
182 N. Holly St.
Canby, OR 97013

RE: Willamette Valley Country Club

Dear Mr. Williams:

I am submitting this letter in support of the country club's application for increasing their membership for the future. My family has lived on NE 23rd for the past 19 years and the club has been a good neighbor. I would also mention that I am not a member, either private or social member of Willamette Valley Country Club.

In past years I have seen signs the club is struggling and feel the increased membership, both private and social, will benefit this organization. This will increase traffic on an under developed street (Maple) and I feel the city would need to take steps in the near future to improve this street and make it safe for everyone's concern, and not delay or burden the country club with this decision.

Sincerely,



Shawn P. Carroll
810 NE 23rd
Canby, OR 97013

Cc: Keith Galitz

Planning Commission,

I received a letter pertaining to the increase of membership at the Willamette Country Club and have concerns about the additional traffic that will be generated. In addition, within the past month we also have had notification of a housing development on 20th St. that will be in the picture in the near future as well. The cumulative effect of those new expansions results in major concerns about the heavy traffic on the narrow part of Maple Street, especially at the corner of 20th St. and Maple Street.

We have quite a lot of congestion along this section of Maple Street on a daily basis, due to large vehicles, pedestrians, neighborhood traffic and not to mention the Country Club Clientele. Delivery trucks who service the Club travel top speed through the neighborhood, as well as past the Christian School that is located just prior to where 20th intersects Maple Street. We have many neighborhood children who live right at this point as well, who are out in the streets playing and use the church facilities for activities in the gym after school. Have you ever thought of designating this School Zone as a School Zone? The school children use Maple Street for a Phys. Ed. walking route and to access Maple Street Park for the same reason. I think the conscious slowing down of traffic at this point would alleviate the impending danger just a short distance ahead at the intersection of 20th Street and Maple Street.

I wonder if the traffic study you performed was for full days for a full week? The Country Club services special occasions and at times we have a constant stream of traffic. These events are usually wedding receptions where there is an element of celebration along with alcohol... We also have farm machinery periodically from Montecucco Farms as well as a large number of landscaping business trucks that service many of the homes the length of this part of North Maple. Now, we will have the construction traffic that will begin shortly for the new development on 20th Street. Cars have to stop to allow for larger vehicles, pedestrians, and kids at this point. Please consider a School Zone for the Baptist Christian School. It would make this area, and many children safer in the future.

Sincerely,
Elan Langridge

1947 N. Maple Street

Canby

RECEIVED

OCT 25 2004

CITY OF CANBY

The first part of the paper is devoted to the study of the asymptotic behaviour of the eigenvalues of the Dirac operator on a Riemannian manifold with boundary. The second part is devoted to the study of the asymptotic behaviour of the eigenvalues of the Dirac operator on a Riemannian manifold with boundary. The third part is devoted to the study of the asymptotic behaviour of the eigenvalues of the Dirac operator on a Riemannian manifold with boundary.

The fourth part of the paper is devoted to the study of the asymptotic behaviour of the eigenvalues of the Dirac operator on a Riemannian manifold with boundary. The fifth part is devoted to the study of the asymptotic behaviour of the eigenvalues of the Dirac operator on a Riemannian manifold with boundary. The sixth part is devoted to the study of the asymptotic behaviour of the eigenvalues of the Dirac operator on a Riemannian manifold with boundary. The seventh part is devoted to the study of the asymptotic behaviour of the eigenvalues of the Dirac operator on a Riemannian manifold with boundary.

The eighth part of the paper is devoted to the study of the asymptotic behaviour of the eigenvalues of the Dirac operator on a Riemannian manifold with boundary. The ninth part is devoted to the study of the asymptotic behaviour of the eigenvalues of the Dirac operator on a Riemannian manifold with boundary. The tenth part is devoted to the study of the asymptotic behaviour of the eigenvalues of the Dirac operator on a Riemannian manifold with boundary. The eleventh part is devoted to the study of the asymptotic behaviour of the eigenvalues of the Dirac operator on a Riemannian manifold with boundary.

Department of Mathematics, University of Cambridge
Cambridge CB2 1RU, United Kingdom



Mr. Sean R. Bowen and Ms. Darla Cole-Bowen
2555 N Maple Court, Canby, Oregon 97013
Phone: 503.263.2555 Cell: 503.701.9661

fax

October 25, 2004

City of Canby
Planning Department
182 North Holly
Canby, Oregon 97013

To whom it may concern

We would like to request a public hearing before the Planning commission with regards to the approval to modify the membership of the Willamette Valley Country Club.

We would also like to know if there was a noise analysis study done, and if so could you provide the findings from that study? Also, could you provide the documentation for the traffic study as well.

Thank you.

Sincerely,

Mr. Sean R. Bowen and Ms. Darla Cole-Bowen

RECEIVED

OCT 25 2004

CITY OF CANBY

Ne Dubis... domi fo ger

MINUTES CANBY PLANNING COMMISSION

October 11, 2004
7:00pm Regular Meeting
City Council Chambers, 155 NW 2nd

I. ROLL CALL

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

STAFF: John Williams, Planning & Community Development Director, Carla Ahl, Planning Staff

OTHERS PRESENT: Keith Galitz, Ron Tatone, Michelle Dahl, Justin Mott, Jerry Simonson, Marilyn Simonson, Tom Ferrin, Roger Harris, Kevin Batridge

II. CITIZEN INPUT

None

III. NEW BUSINESS

MOD 04-04 Willamette Valley Country Club The applicant is requesting to expand their membership to 200 social members while limiting their "golf memberships to 500. Current membership is limited at 500 members total.

John Williams, Community Development and Planning Director explained that the modification process was created to allow modified versions of applications that were not substantial enough to warrant new public hearings. There are two types minor, such as changing the type of street tree that is required and intermediate modifications that don't change the entire application but are still worthy of public review.

John explained that in 1996 the Planning Commission approved an application for a clubhouse with the condition that membership would not increase with the new facility. The Commission found that an increase in membership would have an adverse effect upon local traffic.

In 2001 the Club applied for a Conditional use permit, which would have allowed an increase the number of memberships and to build a swimming pool at the facility. John stated most neighbors who testified were concerned about the amount of noise that would come from the pool and that it would negatively impact their quality of life. Some people who were concerned about the added traffic on Maple. The Commission



found that North Maple St. was inadequate in width and could not safely support more traffic in its current condition. John explained that there had not been a traffic study done at that time the decision was made based on citizens input.

John explained the applicant would like to modify the 1996 conditions of approval so they could increase their membership to 500 full golf members and 200 social members for a total of 700 members. He explained that social members have limited use of the club and the golfing facilities and would generate less traffic.

John asked the applicant to complete a traffic study for this modification and based on the result of that study he decided to move ahead with the intermediate process. He explained that the Planning Commission will make a decision on the modification and if approved, notice would be sent out to the full radius area. If a request for a public hearing is received the applicant will be required to pay for the full notice process to be done.

John explained the Commission would use the same criteria that was used for the original application, that all public services and facilities be in place and that the use will not alter the character of the surrounding neighborhood or substantially limit or preclude the use of surrounding property.

John explained that there are approximately 430 golf members and 70 social members at this time. So there will be an increase of 70 full golf memberships and 130 social memberships. Those are the numbers that the traffic study worked with.

John stated the traffic study deals with volume, but volume is not the problem with Maple St., the problem is that Maple St. is in substandard condition and the lack of sidewalks. He explained that Maple St. is listed in the TSP as a street that needs widening and upgrades, but it is not funded at this time. John explained that it is the existing homes that do not have sidewalks are what causes the street to be substandard. One solution is to create an LID for property fronting onto Maple St to pay for the improvements. It is not a popular solution but if pedestrian safety is the main issue, it might be the most viable option.

John stated the traffic study determined the maximum impact from this application would be 98 trips a day. He explained that the peak hours from the Country Club would not be the same as peak hours from a subdivision. The total weekday traffic at the intersection of Maple and Territorial would increase about 5%, from 1350 to 1420 trips per day. The traffic states that the traffic load is not above standard for a neighborhood connector street.

John stated that the right-of-way exists and the issue is how to fund the street improvements. Other than traffic generation and traffic concerns there are no other impacts to the neighbors.

Mr. Brown questioned if the Planning Commission could condition a modification application. John believes that it could be conditioned.

Mr. Tessman stated at the last meeting residents were not as concerned about the volume of traffic as they were the speed of the traffic. John stated that speeding has become a problem in many areas around Canby. The Commission could decide that the problem needs to be solved before there could be extra traffic added to the area, or decide that there are options to help reduce the speed in the area at this time.

Mr. Molamphy questioned if the traffic study had taken into consideration the social events that are held at the Clubhouse. He stated that there could be 200 to 300 guests invited to these events. John stated that the traffic study only looked at the addition of 200 social members. Mr. Molamphy questioned if the traffic study was based on subdivision standards or on social standards. John explained the study was based on existing membership use of the facility, road tubes had been used in the driveway to accurately count the exact number of vehicles in and out of the club.

Keith Galitz, Board of Directors for the Country Club. He explained that older members of the Country Club are looking to change the status of their memberships from active golf members to social members. This would be a drastic change in revenue that the Club can't afford. He explained that there is a waiting list at this time of approximately 15 people who are waiting for social memberships to become available.

Mr. Galitz explained that an increase in social memberships would increase the use of the food and beverage facilities of the restaurant. He stated that the traffic counts were taken at the driveway of the club over a period of weeks and it would have reflected the traffic from social events, golf players, wedding guests and restaurant patrons.

Mr. Galitz explained that there are also 10 nonresident members who are only at the club every couple of months and there are current members who would like to convert to nonresident memberships. But the club cannot afford to diminish the total number of full paying memberships to add to the number of social memberships. That is why they are asking to increase the total number of social memberships to 200.

Mr. Brown stated that nationally golf clubs have had financial problems since the change in tax policies several years ago. He stated that the Willamette Valley Country Club is marketing heavily for new members. Mr. Galitz explained they are trying to keep their full membership level up especially during the winter months.

Mr. Brown asked if Mr. Galitz had noticed that improvements from Territorial to the club are spotty. Mr. Galitz explained that the traffic study shows the traffic volume does not even come close to what the streets are designed for, but saw the comments regarding sidewalks. He stated the entire club frontage has the only sidewalk in the immediate area. He questioned why there was a brand-new housing development across the street that has no sidewalks at all. Mr. Brown asked if there were any sections that had a full curb-to-curb width. John believed there might be one section.

Kevin Batridge stated he lives on the corner of Maple and Territorial and is impacted daily by the vehicles zooming by his property. He was concerned about the

safety issue of not having sidewalks up and down Maple. He also has seen a lot of near misses making a left turn from eastbound Territorial to northbound Maple. He believes the intersection is unusually wide and suggested the intersection be restriped and relined to assist people through the intersection.

Mr. Molamphy questioned the process for this type of process. John explained that if the Commission approves this request, notice would be sent to the surrounding properties. If anyone requests a public hearing then a full public hearing process would be held

John stated that he has had conversations with the Public Works Supervisor who would like to improve the intersection, install the sidewalks and narrow the road to help reduce the speed from Territorial to the Club House, but he hasn't priced out each element.

Mr. Brown stated that the Country Club is a fantastic facility, it would be a shame to lose the investments they have out there. It is difficult to keep it full, especially during this time of year, and they need every membership they can get, on that level it doesn't seem unreasonable to ask for a modification, especially based on the level of traffic that was reported in the traffic report. He suggested linking the expansion of memberships to the completion of the improvements on Maple Street. Mr. Brown explained that the reason for denial at the last modification hearing was the inadequacies of Maple St. and questioned how the Commission could approve a modification now with Maple Street in the same condition. John explained that the previous decision was made without hard numbers from the a study.

Mr. Molamphy stated that the intersection is a mess; it needs new striping, a new stop sign and possibly a streetlight. He stated that if you drive that road at night, it suddenly turns into a 4-lane road without striping so you don't know where everything is. Mr. Brown stated that it just needs to be fixed, and they are not asking the Country Club to pay for it, just to organize it. Mr. Brown questioned where in the 20-year plan this project was listed. John explained it was listed as a 0-6 year project costing \$641,000 and would possibly be delayed by the building of the bridge over Molalla.

John stated that the Commission's decision seemed to be based on criteria C, that all public services are not available. Mr. Brown stated he would like to figure out a way to make this happen, and suggested continuing this discussion until the next meeting to give the applicant the opportunity to look at some options for making the improvements on Maple.

Mr. Galitz informed the Commission that they are not a wealthy club and have recently increased the memberships a little bit, but part of the reason they want the increase in the social memberships is to try and stabilize what has been a disastrous financial situation. Mr. Brown stated the Commission is not asking the club to pay for 600' of road, just to delay the membership increase until improvements could be organized. Mr. Galitz stated he felt they would be held blackmail by the residents to do something that the club does not have the resources to do.

Ron Tatone addressed the Commission. He asked the Commission to consider the traffic study that was done for this application. It states that 200 social members are not going to make a change to the pedestrian traffic and will only increase vehicular traffic by 5%. He believes there would be no significant increase to the traffic volume.

Mr. Tatone stated the Club has all the facilities to accommodate 200 social members, but the Clubhouse will not support more than 500 golf memberships. He explained that the social members do not normally use the club at peak hours so there would not be a significant impact on pedestrian or vehicle traffic.

Mr. Tatone stated he understood the problems with the width of Maple St. He questioned why a subdivision on the west side of Maple that was not required to put in sidewalks when it would have helped the situation.

Mr. Brown agrees there are benefits the club would bring and that there is a need to increase membership. The Commission's concern is that there is a less than ideal situation that could be fixed by this application.

Mr. Tessman stated that if this modification were approved by the Commission there is a large possibility a public hearing would be requested. He suggested there could be some solutions brought to the Commission by the neighbors.

Mr. Manley stated that while he agrees adding social members does not increase pedestrian traffic, adding additional cars creates more hazards for pedestrians who are walking on an inadequate street. The traffic study says yes the street can handle more cars, but it does not make it safer for pedestrians.

John explained that the challenge is, if an LID is the only funding option then the property owners are able to say yes or no since a majority can defeat it. Do we as a city prevent the Country Club from moving forward if the neighbors are the ones who walk on the streets and it's their homes that do not have sidewalks? He believes this is a policy decision.

Mr. Helbling stated the Country Club is an employer in Canby and provides jobs for the community and believed this modification would enhance their ability to stay in business. Mr. Brown questioned one the Country Club gets their approval what incentive would there be to do the improvements.

John stated when he wrote the report he tried to separate out the caused problems caused by this application from the problems that exist, such as the speeding. The Planning Commission and the Traffic Safety Committee could probably work on something that would solve that problem, so the question for the Commission would be if this application would make the situation less safe. He believes the City has some responsibility to fix some of these problems that exist there.

Mr. Molamphy stated that the adding of the additional members is not going to happen over night, it will happen gradually. He did not believe the Country Club should be held hostage because one subdivision does not have sidewalks, or because there is

a bad street, the traffic study shows the street has enough capacity.

It was moved by Mr. Molamphy to approve MOD 04-04 to increase the golf memberships from 430 members to 500 members and the social by 70 members to equal 500 full golf members and 200 social members. Seconded by Mr. Tessman. Motion carried 5-0.

Nonconforming Structure

John asked the Commission for an interpretation regarding allowing rebuilding or expansion of nonconforming structures. He explained that in the past they have not been allowed and the process was used for approving expansions that met the city code.

John explained that there is an owner of an existing home that has a garage and carport that are only 18" from his property line, there is a building permit in the file for the carport, which was built in 1968, so it is unclear how the code was interpreted at that time. The carport is leaking and nonfunctional and the owners want to expand the garage towards the street and attach it to the house. The problem is that if it is built matching the existing structure it would not conform to the zone. John believed the code was written to allow houses like this to be expanded and to allow nonconforming additions.

John explained there are a lot of old homes around town that people would like to replace or rebuild but won't do it because they can't do it on the current footprint. He believes that the nonconforming structure section should be used for cases like this.

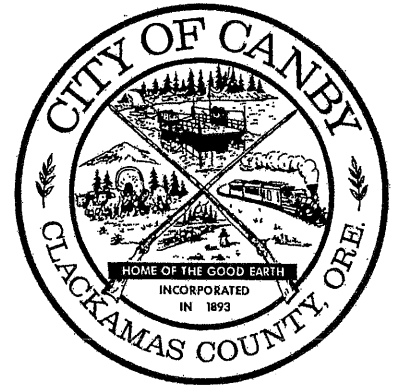
John stated he would like an interpretation on whether the code can be used to replace structures that don't conform to setbacks and whether an structure can be expanded along the existing setbacks with the notification set to the neighbors.

Mr. Brown questioned why the City would want to expand a nonconforming structure. John stated the expansion would be a little different than the replacement, if people weren't allowed to replace structures, houses will eventually sink into the ground.

John stated he does have a little concern that one owner would be allowed to expand the carport 18" from the property line but someone else wouldn't be allowed because the house wasn't set up like that now. John stated this would be one way to be a little more flexible if the Planning Commission believes it is appropriate.

Mr. Justin Mott addressed the Commission. He presented the Commission with a photograph of a property in Canby that illustrated what he intended to do with his carport. He explained that there is an existing detached garage connected to the house by way of this carport. He explained that the carports roof leak and it needs repairs but the structure is unsound and he does not want to put money into it.

Mr. Mott stated currently there is an enclosed mudroom in the carport that is



STAFF REPORT

TO: *Planning Commission*
FROM: *John Williams*
DATE: *December 7, 2004*
RE: *MOD 04-06: Perman*

We've received an application from the Dr. Donald Perman to modify his CPA/ZC approval and have scheduled your review for December 13 as a new business item. Following is a summary of the request, the process to be used in this case, and an analysis of the criteria.

Request

Dr. Perman received approval earlier this year to change the comprehensive plan and current zoning designation for 2.4 acres located on S. Redwood Street. His zoning was changed from M-1 (light industrial) to C-M (heavy commercial manufacturing). This was approved with a condition that limited future development to only medical and dental offices. Unfortunately, this left a thin strip of land (approximately 70 feet by 575 feet) *north* of his parcels zoned M-1 (see attached map).

The current request is to clean up the zoning by changing the remaining M-1 area north of Dr. Perman's property to C-M as well. The area is approximately 1 acre in size. Approximately $\frac{1}{2}$ of the property is owned by Dave Anderson and makes up the pathway and landscaping in front of his commercial building. The remainder is owned by the City and is used for the pathway and natural area.

Dr. Perman has approached both the City and Mr. Anderson with a plan to expand his use into this area. The proposed modification would be required before this would be allowed. Dr. Perman's proposal (which is not part of the current application) would utilize the subject property for his offices while taking over landscape and pathway maintenance from the city.

Process

This intermediate modification will be dealt with by the Planning Commission as a new business item. If the request is approved, we will mail notice to neighboring property owners and any others who have standing from the last public hearing process. Any of these individuals may request a public hearing *at the applicant's expense* by filing a written request within 10 days.

If no objections are received, the change would be adopted by the City Council by ordinance without public hearing. If the Planning Commission denies the application, the application is denied and the applicant's only recourse is to file an appeal to the City Council.

Criteria

The criteria for this application are the same as for the original application, as follows:

**16.54.040 - Amendments to the Zoning Map
Standards and Criteria**

In judging whether or not the zoning map should be amended or changed, the Planning Commission and City Council shall consider:

- A. The Comprehensive Plan of the City, giving special attention to Policy 6 of the Land Use Element and implementation measures therefor, and the plans and policies of the County, state and local districts in order to preserve functions and local aspects of land conservation and development;
- B. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

**Section 16.88.180 - General Standards and Procedures
Comprehensive Plan Amendments**

This is a quasi-judicial land use application. The application covers several parcels affecting a limited area. In judging whether a quasi-judicial plan amendment shall be approved, the Planning Commission and City Council shall consider:

- A. The remainder of the Comprehensive Plan of the City, as well as the plans and policies of the county, state or any local school or service districts which may be affected by the amendment;
- B. Whether all required public facilities and services exist, or will be provided concurrent with the anticipated development of the area. (Ord. 740, Section 10.8.80, 1984)

IV. FINDINGS:

A. Background and Relationships

The areas involved include parts of two parcels and total approximately 1.0 acres, and consist of landscaping and pedestrian pathway. All surrounding properties are zoned C-M.

If the CPA and ZC are approved, the applicant intends to subdivide the parcel and make lots available for construction of medical and dental offices to make up what he calls a "healthcare village." The application states that such a development is needed due to a shortage of available parcels in existing commercial zones. Of course, the specifics of any future development are outside the scope of this application and staff report.

B. Comprehensive Plan Consistency Analysis

ii. URBAN GROWTH

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

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

Analysis: *The property is inside the City limits and is committed to urban level development. All necessary utilities are available on or abutting the property and will be provided during subsequent redevelopment.*

iii. LAND USE

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

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

Analysis: *This was an area of significant discussion in the original hearing. However, now that the zoning on Dr. Perman's property has been changed it is only logical to extend the zoning to this thin strip, which is now surrounded by commercial zoning. No industrial development is feasible on the subject area, which is only 70 feet wide, consists of*

landscaping and pathway areas, and is half publicly owned anyway.

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

Analysis: *This CPA/ZC application will have no effect on public service providers. Future development of the parcel may but is not covered by the current application.*

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

Analysis: *The area is not within an identified hazard area.*

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

Analysis: *The property is not identified as an "area of special concern" by the Comprehensive Plan (it was in 1984, referring to what was at the time a large vacant area between OR 99E and Township Road, but this designation was deleted in 2003, having long since become obsolete).*

iv. ENVIRONMENTAL CONCERNS

GOALS: TO PREVENT IDENTIFIED NATURAL AND HISTORIC RESOURCES.

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

TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

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

Analysis: *The proposed zoning change includes areas currently used*

as pathways and open space. These areas will not be negatively impacted by the proposal.

v. **TRANSPORTATION**

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

Analysis: *The property's frontage on S. Redwood Street has already been improved with full travel lanes, sidewalks, and bike lanes. No other improvements are needed. The application is not expected to have an impact on nearby intersections, all of which are functional. Canby Area Transit bus service is available.*

vi. **PUBLIC FACILITIES AND SERVICES**

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

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

Analysis: *As noted above, this application is not expected to have an impact on public facilities and services. We will work with service providers during the development process.*

vii. **ECONOMIC**

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

Policy #1: Canby shall promote increased industrial development at appropriate locations.

Policy #2: Canby shall encourage further commercial development and redevelopment at appropriate locations.

Policy #3: Canby shall encourage economic programs and projects which will lead to an increase in local employment

opportunities.

Analysis: This is another area that the Planning Commission and Council debated extensively in their decision-making process on the original application. However, the current application should not have a significant impact on the economy of the city. The parcels are not developable currently and could only be developed along with Dr. Perman's property.

viii. HOUSING

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

The application will have no impact on housing in Canby.

ix. ENERGY CONSERVATION

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

The application will have no direct impact on energy conservation.

Conclusion

16.54.040 - Amendments to the Zoning Map Standards and Criteria

In judging whether or not the zoning map should be amended or changed, the Planning Commission and City Council shall consider:

- A. The Comprehensive Plan of the City, giving special attention to Policy 6 of the Land Use Element and implementation measures therefor, and the plans and policies of the County, state and local districts in order to preserve functions and local aspects of land conservation and development;
Staff concludes that the proposed amendment is in conformance with the Comprehensive Plan of the City and the plans and policies of the County, state, and local districts.
- B. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

Staff concludes that all required public facilities and services exist or will be provided concurrent with development.

Section 16.88.180 - General Standards and Procedures

Comprehensive Plan Amendments

This is a quasi-judicial land use application. The application covers several parcels affecting a limited area. In judging whether a quasi-judicial plan amendment shall be approved, the Planning Commission and City Council shall consider:

- A. The remainder of the Comprehensive Plan of the City, as well as the plans and policies of the county, state or any local school or service districts which may be affected by the amendment;

Staff concludes that the proposed amendment is in conformance with the Comprehensive Plan of the City and the plans and policies of the County, state, and local districts.

- B. Whether all required public facilities and services exist, or will be provided concurrent with the anticipated development of the area. (Ord. 740, Section 10.8.80, 1984)

Staff concludes that all required public facilities and services exist or will be provided concurrent with development.

Recommendation

Based on the findings and conclusions presented in this report, and without benefit of a public hearing, staff recommends that the Planning Commission approve MOD 04-06. The previous approval included a condition that a use limitation be recorded along with a limitation on complaints due to neighboring industrial uses. Staff does not recommend that the same condition be adopted for this application since the property is currently used for a pathway and half is publicly owned.

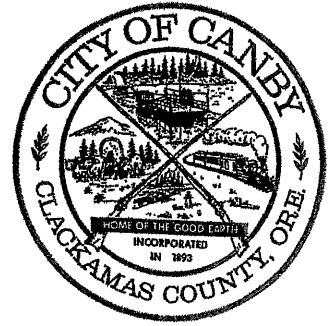
Exhibits:

1. Application, vicinity map.

MODIFICATION APPLICATION

FEES:

Minor Modification: \$100
✓ Intermediate Modification: \$320
Extra charge for public hearing (if required): \$460



OWNER

Name Don Perman
Address 249 NW 3rd
City Canby State OR Zip 97013
Phone 266-2033 Fax 263-2568
Email dperman@canby.com
Signature Don Perman

APPLICANT (if not owner)*

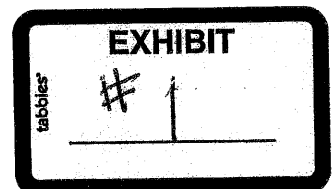
Name _____
Address _____
City _____ State _____ Zip _____
Phone _____ Fax _____
Email _____
Signature* _____

DESCRIPTION OF PROPOSAL:

Property address/location SE Redwood Dr.
Current zoning Light Ind. Comprehensive Plan zoning _____
File number of previous land use decision to be modified _____

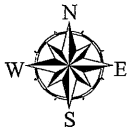
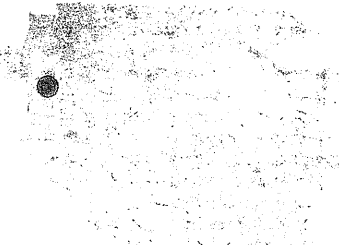
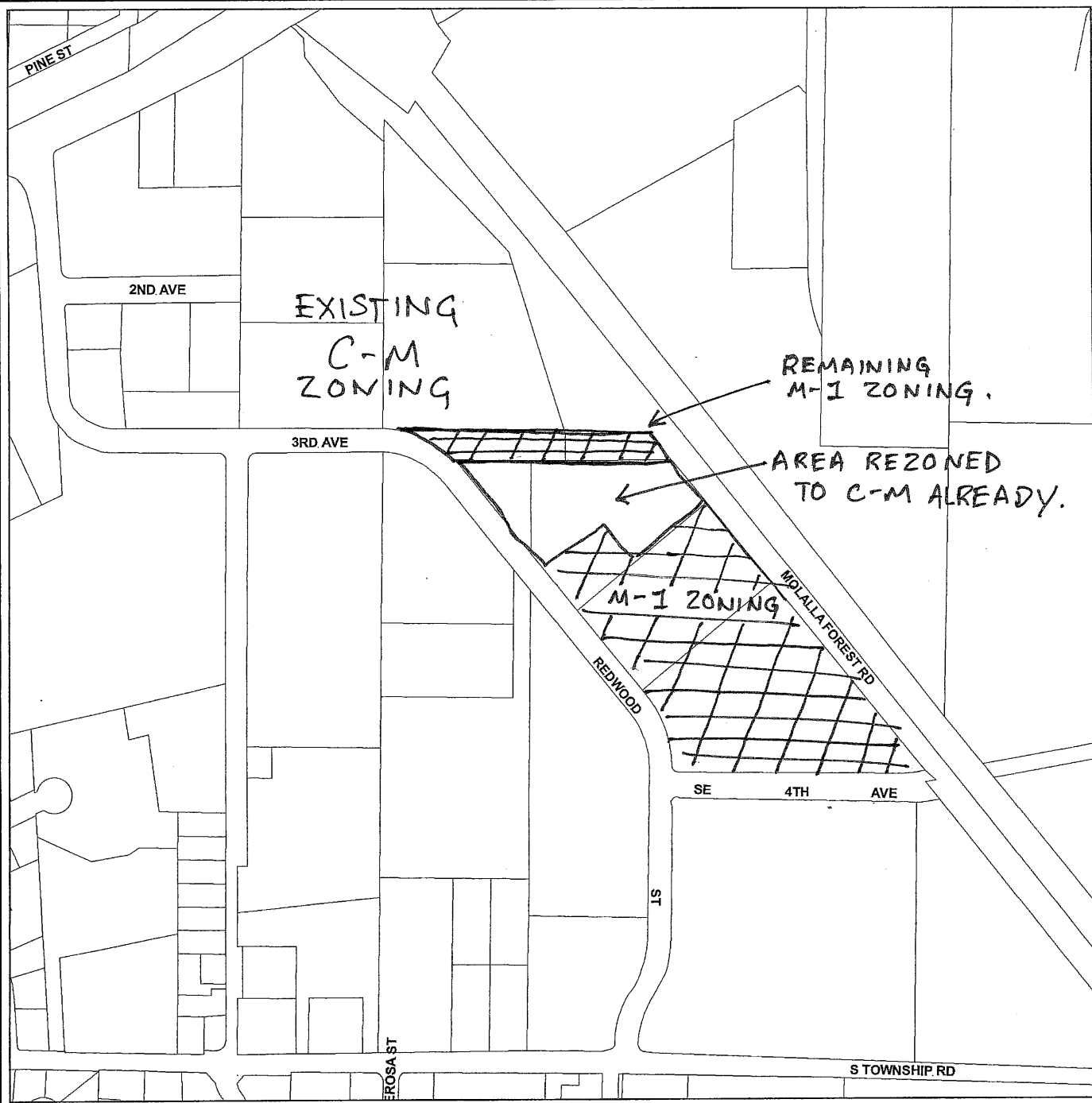
Summary of proposal To add two small parcels that are zoned Light Ind. to the newly converted property owned by Don Perman. Convert them to CM zone.

FOR CITY USE ONLY	
File #	<u>MOD 04-06 / CPA 04-02</u> <u>ZC 04-03</u>
Date Received	<u>11-23-04</u> By <u>CJA</u>
Completeness Date	_____
Hearing Date	<u>12/13/04</u>



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

MOD 04-06 vicinity map



Geographic Information Systems
121 Library Court
Oregon City, OR 97045

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

December 7, 2004 09:56 AM



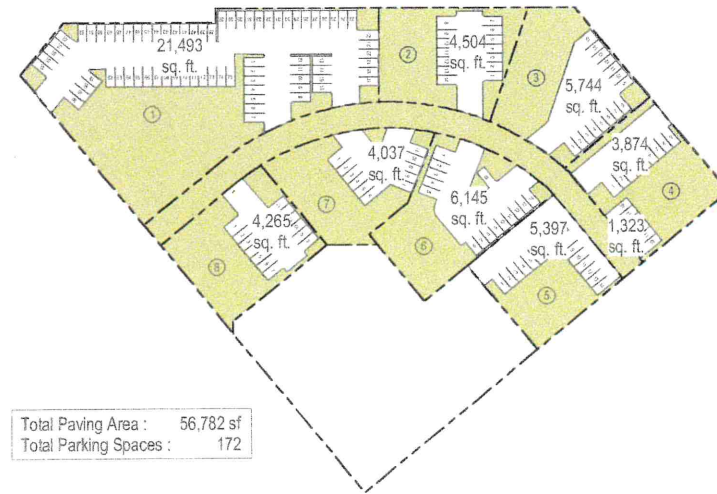
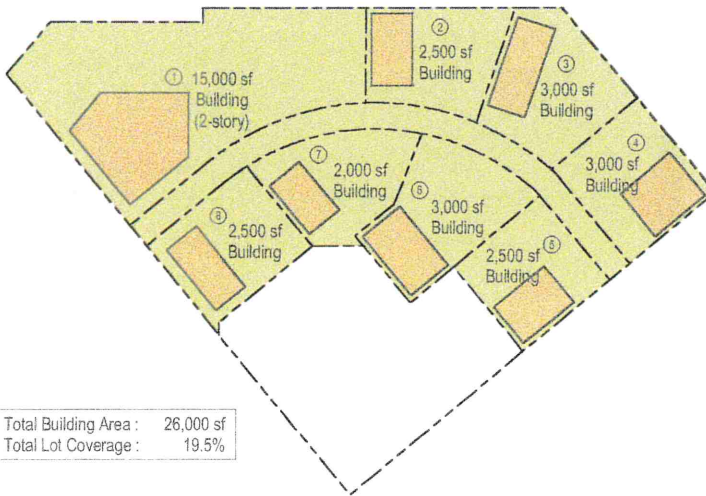
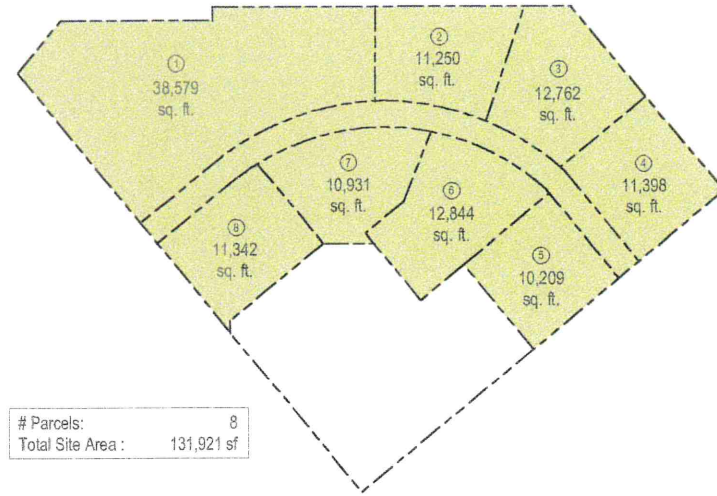
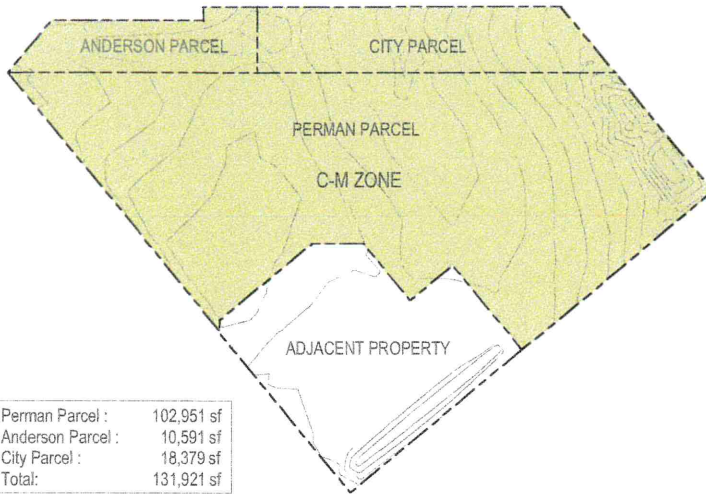
PROPOSED SITE PLAN
SCALE: 1"=50'

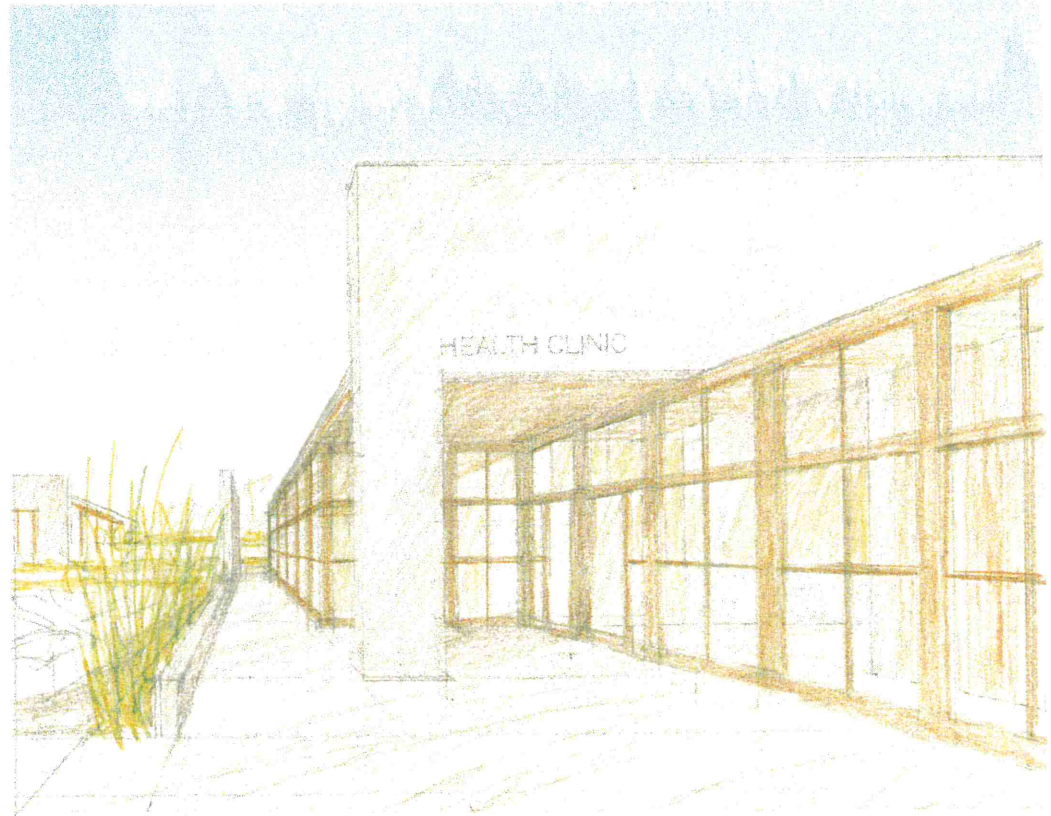
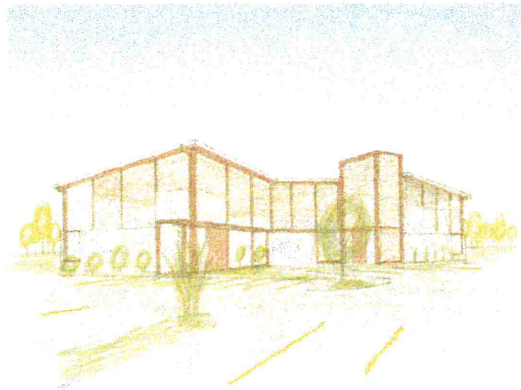
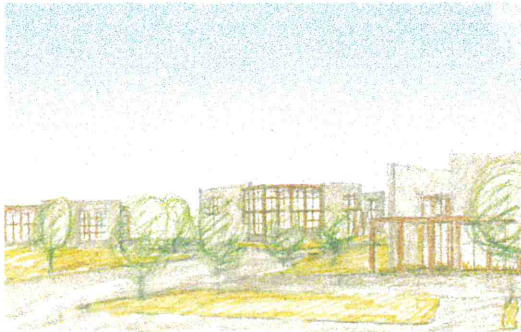


canopy health village
dated: 11.19.04

SITE PLAN







canby health village
date: 11.19.09

CONCEPTUAL DESIGN

2009-2010
11.19.09
11.19.09



SITE PHOTOS

VIEW AT NORTHEAST CORNER



VIEW ACROSS FRONTAGE STREET



VIEW FROM NORTHWEST CORNER



VIEW AT STREET FRONTAGE



VIEW LOOKING SOUTH





COMPASS ENGINEERING

ENGINEERING - SURVEYING - PLANNING

6564 SE Lake Road
Milwaukie, Oregon 97222

503/653-9093
FAX 503/653-9095

e-mail: bruceg@compass-engineering.com

December 13, 2004

Mr. Ryan Zygar
Apollo Custom Homes
931 SW King Avenue
Portland, Oregon 97205

RECEIVED
DEC 14 2004
CITY OF CANBY

**RE: Apollo Subdivision-Canby
Construction Summary #4**

Dear Mr. Zygar:

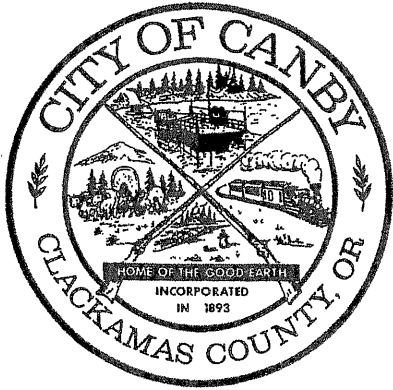
For the week ending December 11, 2004, the contractor has started the installation of the public sanitary sewer. Two pipe crews were on site most of this past week. Work on the sanitary sewer main and service laterals was in progress. The site is very wet and the contractor activities have made the site very muddy. The contractor advised that the project was short of material but their original calculations indicated a probable balance. Compass Engineering had projected a short fall in materials and work provided contractors with that analysis during the bidding process. Granular 3/4" - 0" bedding and pipe zone material is being installed and appears adequate.

If you have any questions or require additional information, please contact our office.

Sincerely,

Bruce D. Goldson, P.E.

BDG/ta
P:\5300\5388.2\Admin\Construction Summary\121304 Construction Summary #4 BG.doc
Enclosure
Copy: City of Canby



City of Canby

Planning and Building Department

December 16, 2004

Ryan J. Zygar
Apollo Homes, Inc.
931 SW King Avenue
Portland, OR 97205

Re: Planning Commission approval of proposed sound wall design

Dear Ryan,

Thank you for your submittal of a sound wall proposal for the Apollo Homes subdivision. This letter is to confirm the Planning Commission's review and approval of the proposed sound wall to be located at the south property line of Apollo Homes' project in Canby.

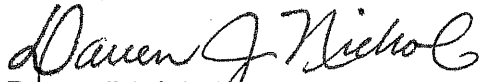
On December 13, 2004, the Commission reviewed materials presented by Compass Engineering on behalf of Apollo Homes. The subject materials proposed a "Verti-Crete" brand concrete wall to meet the requirements of Condition # 19, which states:

The developer shall construct an 8' tall, non-combustible wall for the full frontage of the subdivision along railroad property to the south. The wall shall be placed at the southernmost property boundary. Wall materials shall not include wood, metal or plastic and shall be approved by the Planning Commission prior to installation. As part of wall construction, the developer shall also provide continuous, unhindered emergency vehicle access to open space between the wall and homes along the wall. Access shall be constructed to the satisfaction of the Fire Marshal and shall include at a minimum a 20 foot wide access drive constructed of an acceptable material (concrete, asphalt, gravel, grass-crete, pavers, etc.).

The Commission concluded that the proposed 8 foot tall wall design, placed at the southern property boundary of the subdivision along with a proposed berm, *meets the intent of the condition of approval.*

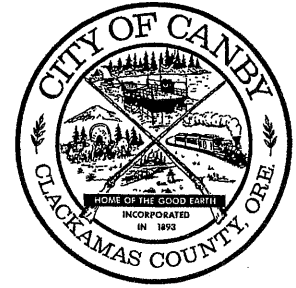
In order to begin construction of the wall, please submit the appropriate application, plans and fees to obtain a building permit. Forms may be downloaded from the City of Canby website at www.ci.canby.or.us. If you have any questions about the Planning Commission's decision or about the required permits, please call the City of Canby Planning Department at 503.266.9404.

Thank you,



Darren J. Nichols
Associate Planner

Cc: Stacy New, Compass Engineering
Mike Lyda, Canby Excavating



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

**A REQUEST FOR APPROVAL)
TO SUBDIVIDE ONE TAX LOT)
INTO 136 BUILDING LOTS FOR)
RESIDENTIAL CONSTRUCTION)**

**FINDINGS, CONCLUSION & FINAL ORDER
SUB 03-05 (Revised)
(Apollo Homes)**

NATURE OF APPLICATION

The applicant is seeking approval to subdivide one 15 acre parcel into 136 lots for the construction of single family residences, duplexes and townhomes. The applicant proposes to construct 74 single family homes with 24 duplex units and 38 townhomes.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of February 23, 2004.

CRITERIA AND STANDARDS

SUBDIVISIONS - CMC 16.62.020

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

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

FINDINGS AND REASONS

The Planning Commission deliberated on all testimony presented at the February 23, 2004 public hearing. The Commission incorporates the February 13, 2004 Staff Report along with written and oral testimony and Commission deliberations as support for its decision. The Planning Commission hereby accepts and incorporates the findings in the February 13, 2004 staff report insofar as they do not conflict with the following findings:

1. The subdivision, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan:
 - *The Planning Commission finds that Comprehensive Plan policies and implementation measures regarding public services and land use compatibility can be met with the application of recommended conditions.*

2. The subdivision, with appropriate conditions, is considered to be in conformance with applicable requirements of the Land Development and Planning Ordinance as noted:
 - *The Commission finds that the proposed design meets minimum density requirements;*
 - *The Planning Commission expressed a desire for more creative development on the subject property. In an attempt to demonstrate the aesthetic quality of the proposed development, the applicant provided photos of similar homes and offered to construct a comparable product in this development. The Planning Commission finds that strict adherence to the submitted design proposal will provide appropriate aesthetic impact on surrounding development, including the Downtown Commercial zone (see Condition 16);*
 - *The Planning Commission discussed the need for lighting to provide safety and security along all pedestrian walkways. The Commission finds that lighting needs will be met by installing lighting bollards along all non-vehicular access ways within the development (see Condition 12);*
 - *The Commission finds that additional measures are required to protect residents from accessing an adjacent stormwater management facility and requires construction of a "transparent" fence along the westernmost boundary of the property (Condition 18).*

3. The overall design and arrangement of the proposed parcels will be functional and will adequately provide building sites, utility easements, and access facilities necessary for the development of the subject property without unduly hindering the use or development of adjacent properties:
 - *The Planning Commission discussed concerns about the impact of the proposed subdivision on the surrounding community, noting that the proposal is in a high-visibility location adjacent to the downtown, a city park, and an industrial park. The City of Canby is committed to enhancing the business climate in the downtown core as part of larger efforts to provide jobs and livability to the Canby community. The Planning Commission expressed a desire for more creative development on such a crucial piece of property. The Planning Commission finds that strict adherence to design standards will provide an appropriate aesthetic impact on surrounding development (see Condition 16);*

- *The Commission discussed the location of the property in relation to the railroad. Concerns were expressed that a proposed “fence” or “barrier” was not specific enough to adequately address issues of pedestrian safety. Therefore, the Planning Commission finds that an 8’ wall must be provided for the full length of the boundary between the proposed subdivision and railroad property to the south in order to ensure pedestrian safety and to discourage pedestrian traffic on adjacent properties. The Commission finds that the wall should be constructed of a non-combustible material but shall not be constructed of wood or metal (Condition 19).*
4. All necessary public services will become available through the development of the property, to adequately meet the needs of the proposed land division for the following reasons:
- *The Commission discussed the need for emergency vehicle access to landscaped areas between the residential development and railroad property. The Commission finds that access can be provided through the development process and requires the developer to obtain approval from emergency services (fire and police) regarding the number and type of accesses (see Condition 19); and*
 - *The Commission discussed concerns about the compatibility of a proposed stormwater management system with the adjacent dump site and its proximity to the City of Canby’s supply of drinking water. The Planning Commission finds that the applicant’s stormwater design adequately provides stormwater management for the proposed building sites. The Commission finds that DEQ approval and approval by the City Engineer and Canby Public Works will adequately protect subject properties, adjacent properties, and the City’s drinking water supply.*

CONCLUSION

The Planning Commission of the City of Canby concludes that, based on the findings and conclusions stated above and contained in the February 13, 2004 staff report, and based on written and oral testimony presented at the February 23, 2004 public hearing and Commission deliberations, subdivision application SUB 03-05 (Revised) complies with applicable criteria A, B, C and D of Canby Municipal Code Chapter 16.62.020.

The Planning Commission concludes that:

1. The subdivision, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan;
2. The subdivision, with appropriate conditions, is considered to be in conformance with other applicable requirements of the Land Development and Planning Ordinance;
3. With the recommended conditions, the overall design and arrangement of the proposed parcels will be functional and will adequately provide building sites, utility easements, and access facilities which are necessary for the development of the subject property without unduly hindering the use or development of adjacent properties; and

4. With recommended conditions, necessary public services will become available through the development of the property to adequately meet the needs of the proposed land division.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that application **SUB 03-05 - Appeal (Apollo Homes)** is **APPROVED, subject to the following conditions:**

For the Final Plat:

1. The final plat shall reference this land use application:
(City of Canby, File No. SUB 03-05)
and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of recording shall be provided to the Canby Planning Department prior to the issuance of building permits.
2. The final plat mylars must contain, in the form specified, all information necessary to the satisfaction of the Clackamas County Surveyor or his authorized Deputy, including, but not limited to, matters related to land surveying, land title, plat security, and plat recordation.
3. Easements shall be recorded as follows:
 - Six (6) foot wide public utility easements along all interior lot lines.
 - Ten (10) foot wide public utility easements along non-street exterior property lines.
 - Twelve (12) foot wide public utility and tree planting easements along all street frontages.

Prior to the signing of the Final Plat:

4. The land divider shall follow the provisions of Section 16.64.070 Improvements, in particular, but not limited to, subparagraph (O) Bonds, which requires a surety bond, personal bond, or cash bond for subdivision improvements for any improvement not completed prior to the signing of the final plat. The bond or surety instrument shall provide for the City of Canby to fully complete all required improvements and recover the full cost of the improvements.
- ⑤ The developer shall establish a Home Owners Association for the maintenance of all common areas, parks, infrastructure and open spaces and for the enforcement of additional CC&Rs. At a minimum, the Home Owners Association shall be responsible for maintaining all walls and fences, pedestrian accessways, and lighting. The association shall also maintain open spaces and landscaping along the railroad, on the ridge and in the park area. A copy of the CC&Rs that will be filed with the subdivision shall be submitted to satisfaction of the City Planning Department, prior to the signing of the final plat, and shall include at a minimum:

- A statement notifying home owners of their responsibilities to maintain all walls, fences, infrastructure, parks and equipment, access paths, access lighting and open spaces.
 - A statement of the requirement to provide one street tree per lot frontage.
6. Streets within the subdivision shall follow the existing pattern of street names in Canby. From west to east, streets with a north-south axis shall be named Aspen and Birch. Streets on the east-west axis shall be named 1st Avenue and 2nd Avenue as they would align with existing City streets. Street naming shall be reviewed and approved by the Canby Planning Director prior to signing the final plat.
- ⑦. A contract between the developer and a certified landscape contractor must be approved by the City prior to the signing of the final plat. The landscape contractor must be licensed in all phases of landscape contracting by the Oregon Landscape Contractors Board.

Prior to construction:

- ✓ 8. A pre-construction conference is required. The design, location, and planned installation of all utilities, including but not limited to water, electric, sanitary sewer, natural gas, telephone, and cable television shall be approved by each utility provider. Final approval of site and utility plans is required prior to the issuance of any building permit. To facilitate this, thirteen (13) copies of pre-construction plans shall be given to the City of Canby – Public Works Department to be reviewed and approved by the Canby Utility Board, the Canby Telephone Association, the City, and other required utility providers prior to the pre-construction conference. Construction plans shall include the street design, storm water, sewer, water, electric, telephone, gas, street lights, mail boxes and street trees.
- ⑨. Storm water system plans must be approved by DEQ, Canby’s Public Works Supervisor and the City Engineer. Stormwater must be managed onsite and onsite disposal must be approved by the Oregon Department of Environmental Quality.
10. In no case shall the City of Canby accept responsibility for ownership, development, or maintenance of open space in this subdivision. However, a landscaping plan for the open spaces shall be reviewed and approved by City of Canby Planning Staff, Parks and Recreation and the Canby Fire District prior to the start of construction.

As a part of construction:

- ⑪. Half street improvements are required at NW 3rd and at N Cedar. For the improvement of collector streets, travel surfaces must meet a CBE of 17. For the portion of N Cedar between NW 1st and NW 2nd, 20’ of travel surface with 5’ curbtight sidewalk is required to meet the City’s minimum access standards for a local street.

ONLY

- (12) A 12' paved pedestrian accessway shall be constructed on the southern edge of the property from N Cedar Street to the southern terminus of N Birch within the development. A 12' public access easement shall also be recorded to provide for the eventual construction of a paved pedestrian accessway from the southwest corner of the development to adjacent City property and a proposed park. 12' foot wide pavement and bollard lighting shall be installed by the developer along all pedestrian walkways, not including curbtight sidewalks.
13. Traffic control signs shall be provided at the developer's expense as required by the City of Canby - Director of Public Works.
14. Erosion control permits are required prior to the issuance of building permits. All City of Canby erosion control regulations shall be followed during construction (as specified by the Canby Municipal Code).
15. City standards will apply to all access easements. 40' streets shall be paved to City street standards with 36' of travel surface and 5' sidewalks along all street frontages.
16. Residential design standards shall comply with photographic evidence submitted to the Planning Commission. Design elements shall include at a minimum:
- Gabled roof frontages with a minimum of 16" relief in the façade.
 - Decorative façade and/or belly trim at the base of all gables and walls.
 - Minimum 4" wide wood trim at all window and door openings.
 - Minimum 36" of stone or stone veneer wainscot at base of exterior façade.
 - Lap siding with maximum 6" exposure on all remaining wall surfaces.
 - Architectural-style composition roofing with minimum 25 year warranty.
 - Decorative support struts (6" minimum) at maximum 8 feet on center and/or 2" belly banding (10" minimum) at all second story overhangs.
 - Covered porch entries with decorative columns on stone bases (stone to match wainscotting). Columns shall be 8" minimum diameter.
 - Windows shall include grid patterns and/or panes.
 - Fencing shall be installed along N Cedar Street and along NW 3rd Avenue:
Fencing on N Cedar shall be constructed of 36" high iron fencing between 42" high brick pilasters at 96 – 144" on center.
Fencing on NW 3rd Avenue shall be constructed of 72" cedar panels between 72" high pilasters to match material and spacing on N Cedar.
- Design standards shall be submitted to the satisfaction of City Planning Staff prior to the issuance of building permits. For all lots in the subdivision, residential designs shall comply with this condition and with Canby Municipal Code, Chapter 16.21.

- (17) 5' sidewalks (tight to curb) are required along NW 3rd Avenue and along N Cedar Street and on both sides of all interior streets. All interior sidewalks shall be constructed tight to curb and shall be 5 feet in width inclusive of curb. Sidewalks shall swing around obstructions such as mailboxes, newspaper boxes, and fire hydrants, such that they are unobstructed for their full width.

- 18) The developer shall construct a 6' fence for the full frontage of westernmost property line in order to prohibit residents from accessing stormwater swales on City property adjacent to the subject parcel. The fence shall be "transparent" so as to provide unhindered view access and to create eyes on the open space along City property. Fence materials shall include wrought iron or chain link or similar, but shall not be constructed of wood or plastic. Homeowners shall be notified of their obligation to maintain the transparency of the fence structure.
- 19) The developer shall construct an 8' tall, non-combustible wall for the full frontage of the subdivision along railroad property to the south. The wall shall be placed at the southernmost property boundary. Wall materials shall not include wood, metal or plastic and shall be approved by the Planning Commission prior to installation. As part of wall construction, the developer shall also provide continuous, unhindered emergency vehicle access to open space between the wall and homes along the wall. Access shall be constructed to the satisfaction of the Fire Marshal and shall include at a minimum a 20 foot wide access drive constructed of an acceptable material (concrete, asphalt, gravel, grass-crete, pavers, etc.).
20. Garages shall be set back a minimum of 19 feet from the back of the sidewalk. The distance shall be measured from the closest edge of the sidewalk at the driveway.
21. One street tree is required per lot frontage. Corner lots shall have one tree per frontage. All trees shall be placed 11 feet behind curb and shall not be planted within 10' of sewer laterals.

After construction:

22. "As-built" drawings shall be submitted to the City within sixty (60) days of completion. A copy of the "as-built" drawings shall be submitted on a CD in AutoCAD format.
23. The final plat must be submitted to the City within one (1) year of the approval of the preliminary plat according to Section 16.68.020.
24. The approval of this application will be null and void if the final plat is not submitted to the County within six (6) months after signing of the plat by the chairman of the Planning Commission (Section 16.68.070).
25. Any relocation of existing utilities required due to construction of the development shall be done at the expense of the applicant.
26. Applicant is granted an exemption for City of Canby solar access requirements for this subdivision only.
27. Soils assessment shall be provided to the satisfaction of Canby Planning and Building Department, the City Engineer and the Canby Public Works Department. Soils reports shall confirm soils compatibility with environmental regulations and soil stability

I CERTIFY THAT THIS ORDER approving **SUB 03-05 (Revised)** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 12th day of April, 2004.

James R. Brown, Chairman
Canby Planning Commission

Darren J. Nichols
Associate Planner

ATTEST:

ORAL DECISION – February 23, 2004

AYES: Able, Ewert, Molamphy, Tessman

NOES: Brown, Helbling, Manley

ABSTAIN: None

ABSENT: None

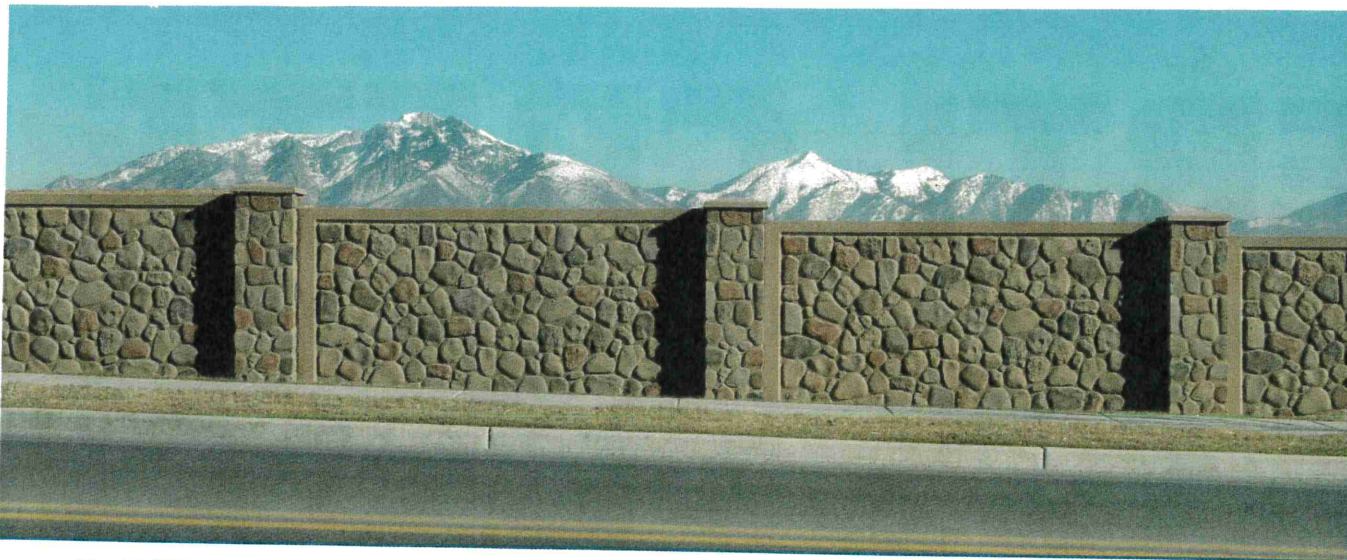
WRITTEN FINDINGS – April 12, 2004

AYES:

NOES:

ABSTAIN:

ABSENT:

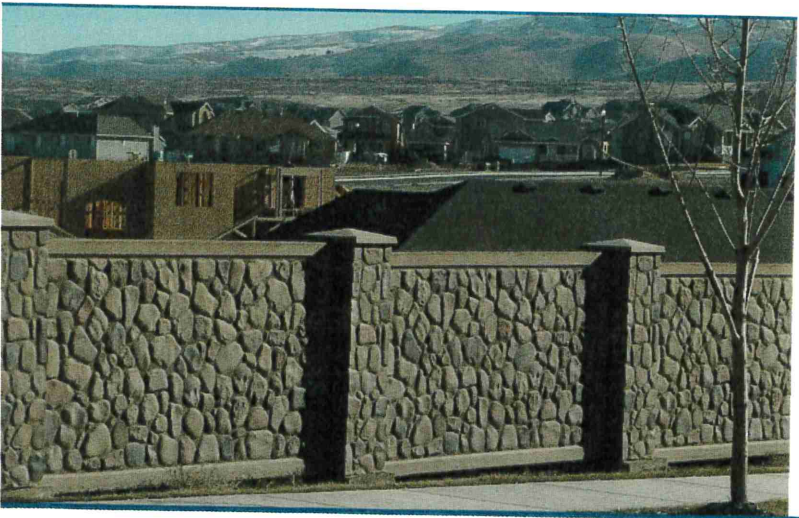


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- Attractive cobbles architectural finish
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Vancouver Harbor, Vancouver BC.
Block steps provide the perfect transition between the pedestrian walkway and the water front.



Evergreen Wall Project, Vancouver, WA.
Quarry Stone, wedge blocks allow for a wall radius.

INSTALLATION TIPS

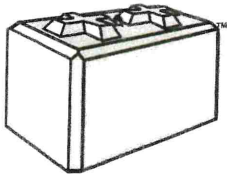
1. Always start with a smooth base, joint lines in the wall can only be as straight as the base on which they are placed. A six inch blanket of granular material, compacted and raked or screeded smooth is normally a sufficient base.
2. If possible, prepare the entire base before placing blocks so that a visual inspection can be made to minimize bumps and hollows.
3. If the location is not level or has a stepped bottom surface, place the lowest blocks first, taking care to align the front face of the wall.
4. As the surface finish of the blocks is variable, the best face of the block should be turned out.

5. IMPORTANT - Begin placing the second layer after no more than 5 or 6 bottom layer blocks have been placed, again taking care to align the front face of the wall. (remember, there is approximately 1/2" of clearance in every direction in the fit of the keyways)

6. Should the clearance become tight for the second row of blocks, merely place the next block along the bottom row, with a slight gap (1/4"), the second and subsequent rows will then have sufficient clearance. Continue placing subsequent rows, taking care to align the front face.

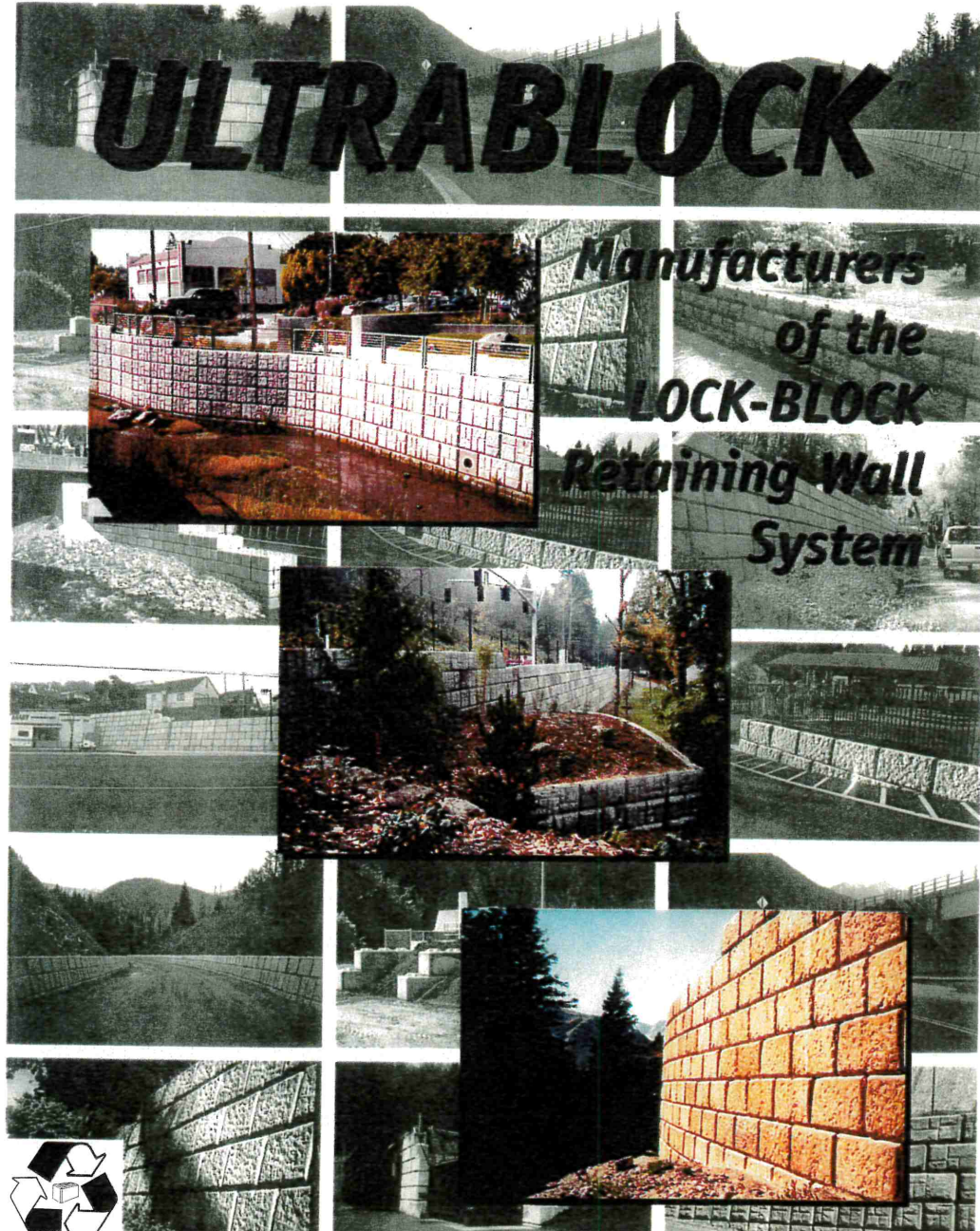
7. Non right-angle corners, or corners where walls have different batters are achieved more easily by building the 2 walls independantly and pouring the corner afterwards. Chamfer strips attached to the inside of the formwork will blend the corner in with the rest of the wall.
8. If desired, the wall can be curved either vertically, horizontally, or both.
9. For speed & convenience a track mounted hydraulic excavator is the best machine to place the blocks.
10. **Pressure washing & sealing the surface will minimize algae growth and prolong new appearance.**
11. Some useful tools to have on the job-site include:

- A transit to lay out a level base. - Shovels and rakes for base preparation.
- A lifting jig to hold blocks at the correct batter.
- A broom to clean the keyways before placing the next layer.
- One or more 5 foot pry bars for jostling the blocks into position.



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Manufacturers of the
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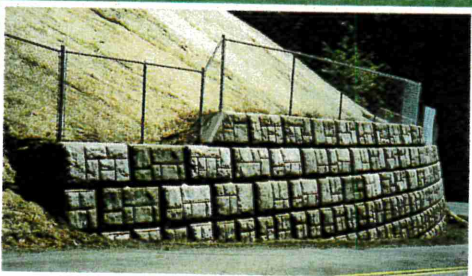


Maryhill Winery, Goldendale, Wa.
Quarry Stone, MSE Design, supporting the outdoor visitor's wine tasting area and surrounding amphitheater.

Nevada D.O.T. Maintenance Yard
Virginia City, NV.
Quarry Stone, MSE wall built to expand storage area.



WARNING
No construction should be undertaken without professionally engineered specifications for the site and issuance of proper permits



Thompson Road Slide Repair, Portland Or.
Cut stone, wall reinforces the toe of a 1.5 to 1 back slope with a steel fence catchment.

STANDARD LOCK-BLOCK® CONFIGURATION

Blocks are normally available for immediate delivery, however, some configurations may not be in stock and will therefore require advanced notice. Alternate facing may be added to block face upon request.

SIZE 29.5" x 29.5" x 59", (750mm x 750mm x 1500mm) approx. 2.5' x 2.5' x 5'

WEIGHT 4320 lbs. (1960 kg)

CLEARANCE AROUND KEY 1/2" (12mm) The chamfered corners provide approximately 8 in² of drainage area per block.

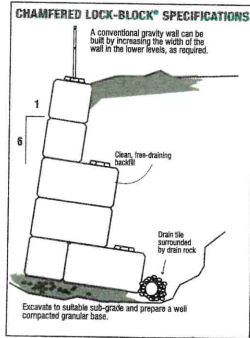
LIFTING PROVISION A standard 7 strand steel loop at top center of each block.

MINIMUM RADIUS OF CURVATURE 100' (30m) for walls one block thick. Call for special blocks to do tighter radii.

SURFACE FINISH
Standard Grade: 1 full face without large blemishes, shade of concrete may vary.
Utility: All faces may contain large surface blemishes such as honeycomb, chips, etc.
Architectural Face: cutstone, quarried stone.

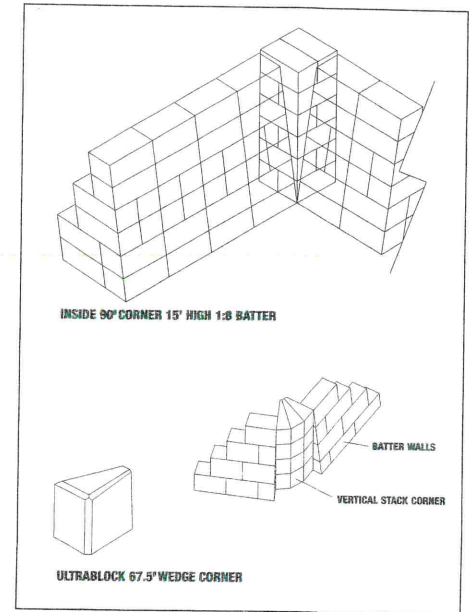
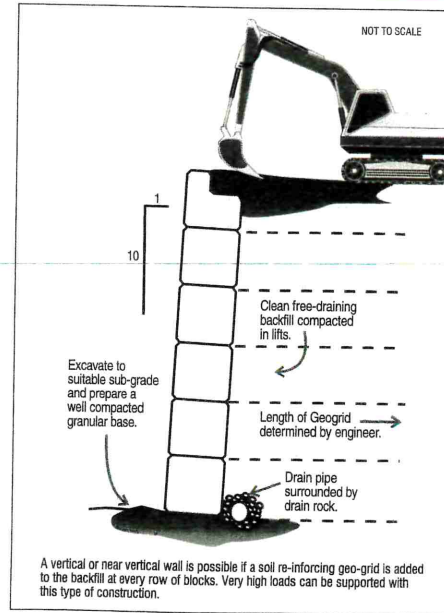
CONCRETE STRENGTH Blocks are manufactured with return concrete and strength levels will vary. Extra charges will be quoted for guaranteed concrete strength, if required.

AVERAGE PLACING TIME 10 blocks per hour (bottom row), 20 blocks per hour (other rows).



MINIMUM DESIGN CONSIDERATIONS FOR QUALIFIED ENGINEERS INCLUDE:

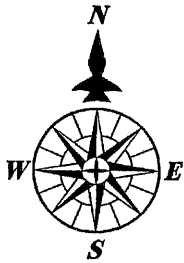
1. Always use free draining gravel or sand and gravel backfill to allow drainage. Where high groundwater conditions occur in the native ground, chimney or blanket drains may be required.
2. Coulomb (sliding wedges) or Rankine (earth pressure) analysis can be used to determine adequate resistance to sliding and overturning of the blocks.
3. Analysis must include additional loading effects of sloping backfill.
4. Additional transient or permanent loads behind the wall.
5. Bearing capacity of foundations including additional loads from backfill on wall should be considered.
6. Prevent migration of fines through wall by use of filter material.
7. Prevent migration of subgrade into backfill.
8. Consider overall stability of retaining wall, backfill and subgrade.



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6564 SE Lake Road
Milwaukie, Oregon 97222

503/653-9093
FAX 503/653-9095
e-mail: bruceg@compass-engineering.com

December 6, 2004

RECEIVED

DEC 08 2004

CITY OF CANBY

Mr. Ryan Zygar
Apollo Custom Homes
931 SW King Avenue
Portland, Oregon 97205

**RE: Apollo Subdivision-Canby
Construction Summary #3**

Dear Mr. Zygar:

For the week ending December 4, 2004, the contractor has started the installation of the public sanitary sewer. A second pipe crew was on site for a portion of this week. Sandy material requires the contractor to excavate inside the trench box. Granular 3/4" - 0" bedding and pipe zone material is being installed and appears adequate.

If you have any questions or require additional information, please contact our office.

Sincerely,

Bruce D. Goldson, P.E.

BDG/ta
P:\5300\5388.2\Admin\Construction Summary\120604 Construction Summary #3 BG.doc
Enclosure
Copy: City of Canby



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ENGINEERING - SURVEYING - PLANNING

6564 SE Lake Road
Milwaukie, Oregon 97222

503/653-9093
FAX 503/653-9095
e-mail: bruceg@compass-engineering.com

November 29, 2004

Mr. Ryan Zygar
Apollo Custom Homes
931 SW King Avenue
Portland, Oregon 97205

RECEIVED
DEC 02 2004
CITY OF CANBY

**RE: Apollo Subdivision-Canby
Construction Summary #2**

Dear Mr. Zygar:

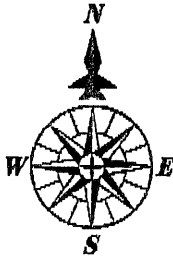
For the week ending November 27, 2004, the contractor has started the installation of the public sanitary sewer. Progress slow due to very sandy materials. Granular $\frac{3}{4}$ "-0" is being used in the pipe zone and granular reject material above the pipe zone as approved.

If you have any questions or require additional information, please contact our office.

Sincerely,

Bruce D. Goldson, P.E.

BDG/jk
P:\5300\5388.2\Admin\Construction Summary\112904 Construction Summary #2 BG.doc
Enclosure
Copy: City of Canby



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6564 SE Lake Road
Milwaukie, Oregon 97222

503/653-9093
FAX 503/653-9095
e-mail: compass@compass-engineering.com

FAX COVER LETTER

PLEASE DELIVER THE FOLLOWING PAGES TO:

Name: Darren Nichols

Date: December 1, 2004

Firm: City of Canby

Time: 11:25 AM

Fax No.: (503) 266-1574

Project No.: 5388.1/Apollo

From: Stacy New, E.I.T.

No. of pages following: 1

ORIGINALS WILL NOT BE SENT

COMMENTS:

Attached please find the approval letter from the Department of Human Services for the Apollo Subdivision project water mains.



Oregon

Theodore R. Kulongoski, Governor

Department of Human Services

Health Services

800 NE Oregon Street

Portland, OR 97232-2162

(503) 731-4030 - Emergency

(503) 731-4899

(503) 731-4077 - FAX

(503) 731-4031 - TTY-Nonvoice

November 29, 2004

Bruce Goldson
Compass Engineering
6564 SE Lake Road
Milwaukie OR 97222

Re: Apollo Subdivision, City of Canby PR# 265-2004

Dear Mr. Goldson:

We have received the plans and review fee for the above referenced project. We have completed the review and approve the plans for construction subject to the following conditions:

1. NSF Certification for all material in contact with the water. OAR 333-061-0087.
2. Sewer and waterline crossings must meet the requirements of OAR 333-061-0050(9).

When the project is complete the engineer must submit a statement that the construction was in accordance with the approved plans. If changes are made as-built plans must be submitted.

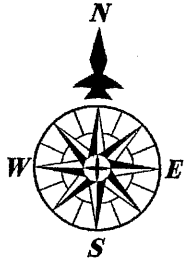
If you would like this information in an alternate format, please contact Marsha Fox at (503) 731-4899.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Charbonneau".

Tom Charbonneau, P.E.
Department of Human Services
Drinking Water Program

cc: Robert Devaney, Department of Human Services
Clackamas County Health Department
"Assisting People to Become Independent, Healthy and Safe"
An Equal Opportunity Employer



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ENGINEERING

- SURVEYING

- PLANNING

6564 SE Lake Road
Milwaukie, Oregon 97222

503/653-9093
FAX 503/653-9095

e-mail: bruceg@compass-engineering.com

November 22, 2004

Mr. Ryan Zygar
Apollo Custom Homes
931 SW King Avenue
Portland, Oregon 97205

**RE: Apollo Subdivision-Canby
Construction Summary #1**

Dear Mr. Zygar:

A pre-construction meeting was held at the City with the Contractor, City Staff and Design Engineer. Pursuant to the requirements of approval from the DEQ the Design Engineer will be the lead to provide on-site observation. The Contractor is continuing with grading at the site and anticipates beginning the installation of the sanitary sewer next week.

If you have any questions or require additional information, please contact our office.

Sincerely,

Bruce D. Goldson, P.E.

BDG/ta
P:\5300\5388.2\Admin\Construction Summary\112204 Construction Summary #1 BG.doc
Enclosure
Copy: City of Canby



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Milwaukie, Oregon 97222

503/653-9093
FAX 503/653-9095
e-mail: compass@compass-engineering.com

FAX COVER LETTER

PLEASE DELIVER THE FOLLOWING PAGES TO:

Name: Darren Nichols

Date: December 13, 2004

Firm: City of Canby Planning

Time: 11:51 AM

Fax No.: (503) 266-1574

Project No.: 5388.2/Apollo

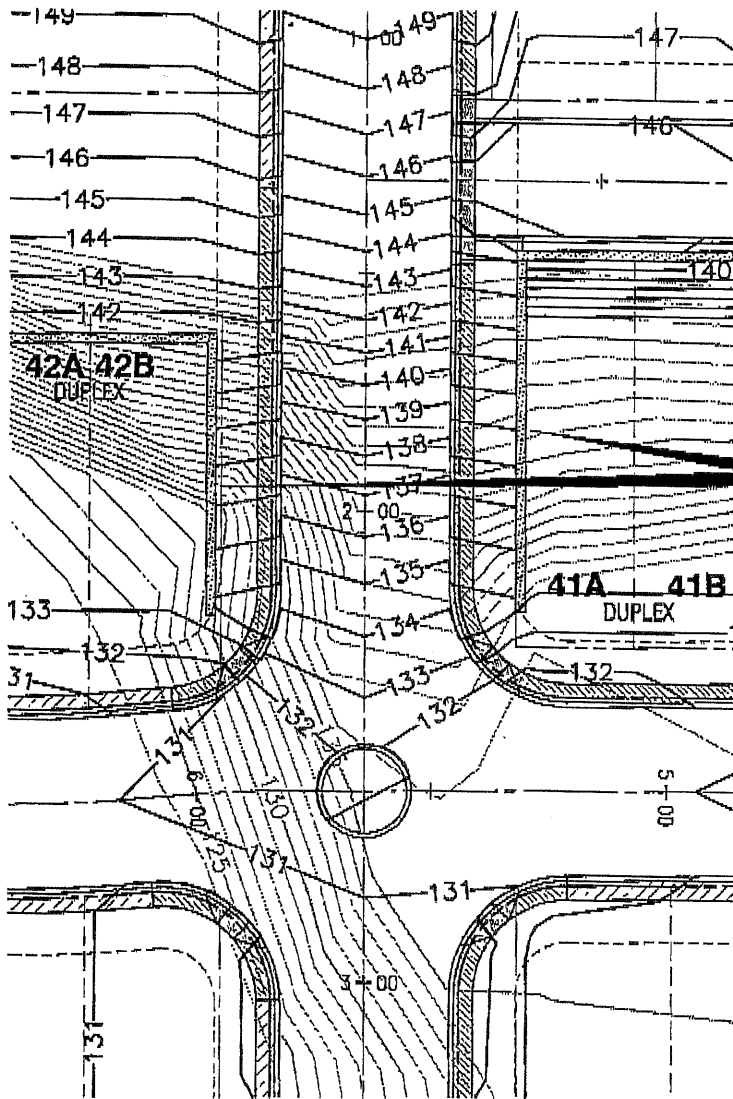
From: Stacy New, E.I.T.

No. of pages following: 1

ORIGINALS WILL NOT BE SENT

COMMENTS:

Attached please find an addenda that relocates two retaining walls along N Aspen to accommodate the utility trenching.



RETAINING WALL RELOCATED TO ALIGN FACE OF WALL ON EASEMENT LINE (BOTH SIDES OF N. ASPEN STREET) PER CANBY UTILITY. NOTE: UTILITY TRENCH VARIES FROM STANDARD DETAIL. COORDINATE WITH CANBY UTILITY

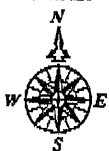


PLAN

SCALE: 1" = 40'

Apollo Custom Homes, Inc.
 NW Office
 931 SW King Avenue
 Portland, Oregon 97205

RETAINING WALL ADDENDUM



COMPASS ENGINEERING

ENGINEERING * SURVEYING * PLANNING

8884 S.E. LAKE ROAD
 MILWAUKEE, OREGON 97222
 compass@compass-engineering.com

(503) 653-8083 PHONE
 (503) 653-8095 FAX

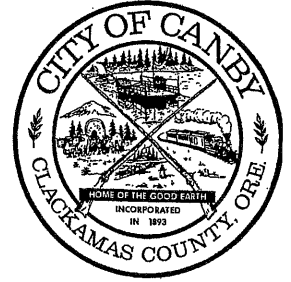
APOLLO SUBDIVISION

TL 401 4-1E-5
 Canby, Oregon

1

1

M E M O R A N D U M



TO: *Planning Commission*

FROM: *Darren Nichols, Associate Planner*

THROUGH: *John Williams, Community Development and Planning Director*

DATE: *December 7, 2004*

RE: *Request for a recommendation regarding construction traffic and residential traffic on N Aspen Court.*

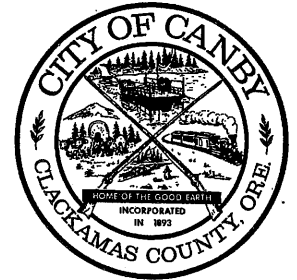
In July, the Planning Commission held a public hearing to consider Subdivision Application 04-05 (DuPont Estates) a proposal to construct approximately 30 homes on 13 acres along the Molalla River. At the hearing, several neighbors expressed concerns about additional traffic in the area. Specific concerns were expressed about a narrow section of N Aspen Court at the intersection of NW Knights Bridge Road. Neighbors asked the Commission to consider and develop an appropriate solution to the non-standard street configuration.

Following the hearing and subsequent approval of the subdivision, the Planning Commission requested a recommendation from Canby's Traffic Safety Committee. The Committee first heard the issue in July and at that time asked for more information from planning staff in order to make a recommendation. In August, planning staff presented a list of options for addressing traffic on N Aspen Court. Since receiving that memo, the Traffic Safety Committee has had difficulty making a formal recommendation.

Planning staff continues to receive inquiries from neighbors about the Commission's decision and next steps. At this point the Commission has a couple of options:

1. Make a recommendation without the benefit of a Traffic Safety Committee recommendation; or
2. Postpone a final decision until the Committee can present a formal recommendation.
3. Request a traffic study from a licensed traffic engineer prior to making a decision.

Please read the enclosed August memo from staff and a recent letter from neighbor Lucy Freeman. If a decision can be made, staff will prepare the appropriate documentation. If additional information is needed or if a workshop is necessary to make a decision, please let us know we will provide additional material. Thanks!



M E M O R A N D U M

TO: *Traffic Safety Committee*

FROM: *Darren Nichols, Associate Planner*

THROUGH: *John Williams, Community Development and Planning Director*

DATE: *August 16, 2004*

RE: *Planning Commission request for a recommendation regarding construction traffic and residential traffic on N Aspen Court.*

Background:

The Planning Commission recently approved a subdivision request from Paul and Susan Dupont to create 26 lots on property to the north of Knights Bridge. During the public hearing, Commissioners heard concerns about added traffic on surrounding streets both during and after construction of the 26 new homes. In response, the Commission requested that Canby's Traffic Safety Committee review community concerns and provide a recommended alternative.

The Traffic Safety Committee also recently reviewed a letter from Lucy Freeman regarding the same traffic concerns. In particular, Ms Freeman expressed concerns about the intersection of NW Knights Bridge Road and N Aspen Court. Ms Freeman requested that the intersection of N Aspen and NW Knights Bridge be closed or restricted (if the street must remain open). At a minimum, she requests that all construction traffic and heavy trucks use N Birch Street instead of N Aspen Court. In response to the letter, the Traffic Safety Committee asked Planning staff to provide more information with options and a staff recommendation.

Issue:

N Aspen presents an interesting street layout at the intersection with Knights Bridge. In order to protect an existing older home, the pavement on N Aspen from Knights Bridge north is only 24 feet wide with parking on both sides of the street. Approximately 120 feet north of the intersection, however, N Aspen widens to 40 feet (please see attached sketch). Canby's standard for pavement width in a residential subdivision is 36 feet. The 36' residential street width accommodates two 10 foot travel lanes with two 8 foot parking lanes. In this case, N Aspen provides enough pavement for two travel lanes with no parking or for one travel lane with parking on one side. The following options should give the Committee and the Commission some ideas:

1. Leave N Aspen as is with parking allowed.

The "do nothing" option provides unhindered access to neighbors on both sides of N Aspen and from surrounding streets. If vehicles park on one or both sides of the street, however, the remaining pavement leaves room for only one vehicle. The narrow street width presents a challenge to drivers and to pedestrians trying to navigate the unusual section of street.

2. **Designate N Aspen as “No Parking” for the 120 foot section of narrow pavement.**

This option maintains adequate travel lanes and vision clearance for traffic maneuvering to and from N Knights Bridge. At the same time, it takes on-street parking away from three homes on the east side of N Aspen, requiring residents and guests to walk a ½ block or more between their vehicle and their home. Successful implementation would require monitoring and enforcement by Canby Police.

3. **Close one lane of traffic and allow parking on one side only.**

The ideal scenario here would be to allow one way traffic southbound from N Aspen onto Knights Bridge with parking on the west side of N Aspen Street. “Do Not Enter” signs would prevent motorists from accessing N Aspen at Knights Bridge. This option would create adequate travel and parking area for the short section of N Aspen. It would also create a potential conflict between two-way traffic and one-way traffic on the same street. This option is probably the most confusing to motorists on both N Aspen and NW Knights Bridge. Successful implementation would require monitoring and enforcement by Canby Police.

4. **Close N Aspen access to NW Knights Bridge Road.**

This option would eliminate conflict between travel lanes and parked cars on the narrow street. It would also keep higher volumes of traffic from using N Aspen as a connector street from Lillian’s Meadow and Dupont Estates. Since N Aspen is the closest access to Knights Bridge, the short street is a tempting alternative to N Birch despite its narrow width. Closing N Aspen street would ease the flow of traffic to and from Knights Bridge by eliminating the difficult left turn motion onto N Aspen. The easier left turn would be moved further east onto the designated neighborhood connector at N Birch.

This option would solve several problems, including construction traffic on N Aspen Court. It would also prevent immediate access onto Knights Bridge for those homes on N Aspen. Birch Street would become the nearest option for those homes.

Planning staff recommends Option 4 to close access to N Aspen at NW Knights Bridge Road. The second choice is Option 2 which eliminates parking on N Aspen Street for approximately 150 feet north of NW Knights Bridge Road.

The attached area map shows the subject intersection and surrounding streets for clarification. It may also be helpful to visit the neighborhood and view the intersection in person. The Planning Commission and City staff look forward to your suggestions and recommendation.

Thank you!

December 6th, 2004

City of Canby
Traffic Safety Committee
PO Box 930
Canby, OR 97013
Attn. Marlene Elmore

RE: Aspen Ct.

Dear Mrs. Elmore

I am writing this letter to let you know I will not be attending further committee meetings pertaining to the traffic safety issue on Aspen Ct. I feel I cannot constructively offer any more arguments on why the intersection of Aspen Ct. and Knights Bridge should be closed. I have discussed the three meetings with my neighbors on Aspen Ct. and implementation of alternative number two, as noted in the planning commission memo dated August 16th, 2004, by Mr. Ken Kirwan painting the curb yellow. We feel this has improved the situation, however, the majority of neighbors in this section of Aspen Ct. still feel it is unsafe and the street is just too narrow to handle arterial traffic. In addition, with the development of the Dupont property, the additional influx of cars will further degrade safety.

I would like to thank you for your time and attention to this matter. Please keep me informed of the vote and I hope recommendation number 4, as indicated in the planning commission's memo, is followed.

Sincerely,


Lucy Freeman

cc: Canby Planning Commission

RECEIVED

DEC 07 2004

CITY OF CANBY

MINUTES

CANBY PLANNING COMMISSION

7:00 PM November 22, 2004
City Council Chambers, 155 NW 2nd

I. ROLL CALL

PRESENT: Chairman Jim Brown, Commissioners John Molamphy, Tony Helbling, and Dan Ewert

STAFF: John Williams, Community Development and Planning Director, Darren Nichols, Associate Planner, Carla Ahl, Planning Staff

OTHERS PRESENT: Linda Smith, Mary Johnson, Jim Wisely Voni Wisely, Rod Craig, Lana Krishchenko, Alex Krishchenko, Brett Laney, DeAnna Ball, Joni Heller, Bob Heller, Connie Kealey, Richard Ball, Florence Ball, Lee Evans, Rodney Corbin, Rick Reeder, Christian Smith, Craig Finden

II. CITIZEN INPUT

None

III. NEW BUSINESS

None

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.

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 were stated. No questions were asked of the Commissioners.

Darren presented the staff report. He explained that the property to the north east and south are all zoned R 1.5 (medium density) property to the east is

zoned R 1 (low density), and contains the Church of Jesus Christ of Later Day Saints, the church parking lot abuts the rear parcel.

Darren explained that a portion of the parcel is in the Cedar Ridge Planned Unit Development, which was approved in 1992. According to the CC&Rs no lots within the original PUD can be divided to provide additional residences. He explained that the rear half of this property contained a triangle piece of property that originally was intended to help the Rackleff House meet their open space requirements.

Mr. Brown asked if the triangle piece of property was on the other side of 13th St. Darren explained that it was part of a larger development. 13th St. extended through that development leaving part of it across the street from the Radcliff House.

Darren explained that the Radcliff House decided not to increase their development so the additional open space was not needed. They then transferred ownership of the triangle piece to Mr. Krishchenko. Darren questioned whether the transferred piece became part of the Cedar Ridge neighborhood association. He stated the City Attorney commented that the Planning Commission should look at the application according to the City's criteria.

Mr. Brown questioned if the parcel still exists. Darren explained that a lot line adjustment had been done and there is just one parcel at this time. Darren stated that the City Attorney has stated that CC&Rs are a private agreement and need to be enforced in a different jurisdiction.

Darren stated that there is an issue with the proposed access. The church parking lot has 2 access drives on SW 13th, which are about 60' apart. The proposed driveway would be about 25' from the western most church access. He stated that SW 13th St. is classified as an arterial in the TSP. The City standard for an arterial calls for 300' between driveways, streets or access points. He stated that 13th St. has been developed over a period of time and parts do not comply with that standard. He stated that the existing church access points, the Radcliff House and Cedar Loop do not comply with the 300' spacing standard so the Commission needs to decide if it is appropriate to add one driveway or not.

Darren explained that the TSP gives the Planning Commission or the City the right to approve access points that don't meet the spacing standard if indirect access cannot be obtained, if there isn't an engineering or construction solution that can easily be applied or if alternative accesses are not available from a street with a lower function classification. Darren stated this application meets that requirement if the Planning Commission finds the application is appropriate to approve.

Darren stated that the applicant would be required to provide a new curb cut and maintain the existing sidewalks. Most of the comments were received after the staff report had been written. The comments in the staff report were from Mr. Ball, who is a neighbor and an active member of the Cedar Ridge Home Owners Association. It was Mr. Ball who informed the City regarding the language in the CC&Rs preventing division of lots within the subdivision. He believed that this issue would be discussed later.

Darren stated that with the Planning Commission's decision on the access point the application could meet the criteria for a minor land partition.

APPLICANT:

Alex Krishchenko explained that there are 13 people living in his house and plans to build another 2-story home on the new lot for his older children to live in.

PROPONENTS:

Jim Wisely stated he is in favor of this application. He believes that even if the application goes against the CC&Rs if the property had been available at the time of development, there would be another house there. He doesn't see where the driveway would be a safety issue. The extra home would put more money in the Home Owner Association coffers and does not believe the house would look unappealing since there are smaller lots inside the subdivision. He explained the school has built a huge maintenance shed and it is not offensive.

Kyle Bogardus stated he found it hard to believe that a Home Owners Association could override what the City says is okay. He believes there is no problem with what Mr. Krishchenko wants to do and believes he has met the criteria.

Rick Reeder stated he sees no problem with another house in the neighborhood. The Krishchenko family has been an asset to the neighbors. He believes that if the application is within the guidelines of the City anything above or beyond those guidelines infringes upon the applicants property rights.

Voni Wisely stated that the Krishchenko family has been an asset to the neighborhood and have maintained their home nicely. Even though they are a large family they have always been mannerly and she is glad they are her neighbors.

OPPONENTS:

Mary Johnson, Land Use Attorney representing Mr. & Mrs. Ball. Ms. Johnson requested longer than the 5 minutes time frame that had been established. Mr. Brown agreed to extend the time to 10 minutes.

Ms. Johnson explained that Cedar Ridge is a PUD (Planned Unit Development) that was approved in 1992. She showed that the applicant lives on lot 1, which is on the north side of SW 13th and on the east side of Cedar Loop. The Balls live on the lot next door to the north. She explained how the lots were shaped prior to Mr. Krishchenko obtaining the property from the Radcliff House and obtaining a lot line adjustment and how Mr. Krishchenko plans to divide the property to create the second lot she stated that a 2-story house would look directly into the private part of the Ball's home.

Ms. Johnson stated that in 1992 when this plat was approved the Planning Commission required that the City Attorney approve the CC&RS. She stated the CC&Rs state that no lot in Cedar Ridge will be rezoned or subdivided further to accommodate construction of additional residences, which is what Mr. Krishchenko intends to do.

John Williams, Community Development and Planning Director stated that the City required CC&Rs be created but did not require all of the regulations that are inside them. Mr. Helbling stated his belief that the requirement for the City Attorney to review the CC&Rs was to be sure they do not conflict with City ordinances. Ms. Johnson believed if the City requires the CC&Rs then they have a duty to uphold them. She stated she is not asking the City to enforce the CC&Rs but she is asking them to uphold their conditions of approval.

Ms. Johnson stated that Mr. Krishchenko asked the Home Owners Association for a waiver of the regulation regarding dividing the property and the Home Owners Association had denied the request. She did not believe the City has the authority or the jurisdiction to overrule the Association on this point.

Ms. Johnson stated the lot line adjustment application that Mr. Krishchenko had submitted stated the property was to be added to the homeowner's yard, which was appropriate. Mr. Krishchenko did not state on the application that he was coming back in a year to create another building lot.

Ms. Johnson stated the City does not have jurisdiction or authority to modify conditions of approval of the Cedar Ridge PUD unless there is an application to modify them. The City has the duty to assure conformity to prior conditions in derivative development.

Ms. Johnson stated her belief that the Commission has constitutional limitations against impairment of contractual obligations. *(At this point Ms. Johnson asked for a few more minutes, which was granted by the Chairman)* She explained that the constitutional prohibition upon impairment of contracts is a limitation on the

authority of the Planning Commission because they do not have authority to change anybody's contractual obligation or rights. By allowing the applicant to subdivide the parcel the Planning Commission would be impairing the declaration of CC&Rs and Mr. Krishchenko obligation is to follow the deed restrictions.

Ms. Johnson said the staff report had stated that it was unclear whether the CC&Rs apply; she explained that it was their position that the CC&Rs absolutely apply. Adding the triangular piece to lot 1 did not nullify the conditions of approval or lessen the deed restriction. Staff also found that the decision has to be based solely on the criteria of the land development and planning ordinance. She stated that it is not correct; they also have to enforce their prior conditions of approval and abide by constitutional limitations.

Ms. Johnson stated this application does not comply with the Transportation System Plan (TSP) or the Comprehensive Plan. SW 13th is designated an arterial street, whose function is to provide through movement of traffic and does not permit private driveways serving less than 5 dwellings. She stated the minimum driveway spacing requirement is 300', if the minimum standard is not met then shared driveway accesses have to be required. This parcel abuts Cedar Loop and there is another driveway 25' to the east of this property. She believed that the applicant must show that there is no reasonable engineering or construction measure to make a connection to SW 13th and that an exception or variance to the TSP had not been noticed for this hearing. She stated there is a curve on SW 13th and there is no evidence that there is adequate sight distance to make a safe entry onto SW 13th.

Ms. Johnson stated that Mr. and Mrs. Ball had the expectation that there would not be another house on lot 1 which is what this application is proposing so there could be a Measure 37 issue if putting a house there lessens the Ball's property value.

Mr. Brown explained there are conditions which require CC&Rs exist, but they did not trump existing planning code. Ms. Johnson believed that because the condition states CC&Rs were to be created, reviewed and approved by the City Attorney then recorded as a deed restriction, the Planning Commission has to acknowledge it. She stated this will become more of a problem in the future as there becomes more and more privatization of governmental functions where there are lots of easements and conditions of approval that are enforceable by the City and the City has a duty to enforce, derivative development must go along with prior decisions the Commission has made.

Deanna Ball, Treasurer of Cedar Ridge Home Owner's Association introduced herself and stated she would be assisting with the presentation from Richard Ball.

Richard Ball, Member Cedar Ridge Home Owner's Association stated he is the neighbor to the north of the applicant. He explained he would be giving a power point presentation.

Mr. Ball explained the location of his home and why it was specifically chosen as their retirement home. When he purchased his home there was the church behind his property a neighbor to the north, a common area between his home and SW 13th and the Krishchenko property next door. He believed it was a reasonable expectation that there would not be another building lot next door to his home.

Mr. Ball stated no driveways were allowed onto 13th St. by either the Tofte Farms or Valley Farm subdivisions. The only existing driveways are ones that were created prior to SW 13th becoming a truck route.

Mr. Ball stated allowing an access at that location would not be safe since the roadway curves and has an impaired view. Mr. Ball stated that he had discussed with Mr. Krishchenko the possibility of adding onto his current home to create more room for his family, and Mr. Krishchenko explained he was going to create this lot and then sell both homes.

Florence Ball, next-door neighbor stated that when they looked for a retirement home they wanted one in a nice neighborhood with CC&Rs, which would assure their investment and their enjoyment of life.

Joannie Heller, President Cedar Ridge Home Owners Association, addressed the Commission. She stated that the association takes full responsibility for the management and administration of the lands inside the development. She stated that people who purchase homes in Cedar Ridge are active in the homeowners association and believe their investment in the neighborhood would be protected.

Ms. Heller stated that this request to subdivide an existing lot was voted on and opposed on September 9th. The issues were the safety concerns of adding a lot at that location, jurisdictional concerns of adding and deleting land currently within the boundaries and the economic impact on the association which would be incurred since each homeowner would have higher assessments, aesthetic concerns from neighbors and the administrative burdens placed on Cedar Ridge.

Ms. Heller stated the homeowners expect that the CC&Rs be in order. She stated she had contacted 40 of 56 homeowners 29 stated they did not want Mr. Krishchenko to build, 8 were undecided and 3 who approved.

Mr. Brown asked if there were any other lots in Cedar Ridge that could be dividable. She believed there were 2 or 3 lots that could be divided. Mr. Brown

asked how this subdivision would prevent them from having barbeques and such. Ms. Heller stated they would still have barbeques but their concern is that it is against the CC&Rs and the Board has already voted no. She explained that Mr. Krishchenko had requested a waiver without explaining what he wanted to do. She explained that if the proposed lot came into the HOA there would be additional fees paid, but there would be a cost in changing the CC&Rs and that is a cost to the homeowners. If the lot is outside the HOA then there are concerns about aesthetics of the potential home.

Rod Craig stated he is an 11 year resident and past President of Cedar Ridge Home Owners Association. He stated the HOA had jurisdiction while dealing with the developer regarding having streets repaved and flooding problems. He stated that when it was replatted and it was mandated that they had CC&Rs it was logical to think that since the City wanted the CC&Rs that they could assume they would enforce them as well.

Mr. Craig stated that the HOA had looked at the issue and had decided it was not applicable for that neighborhood. He hoped the Planning Committee would support the decision of the Board of Directors since it is their conditions that required the CC&Rs.

Darren stated that a letter had also been received from Mr. Craig.

Brett Laney explained that his name appears on both lists the one for the application and the one against it. After going over the evidence he has decided that he is no longer in favor of this application. He stated he has lived in the subdivision for a year but he believes that it is crucial to the HOA that the members strictly abide by the CC&Rs to protect the integrity of them.

Mr. Laney stated the CC&Rs were agreed to when people purchased their property. He believes to rule against this issue would undermine the CC&Rs and provide a way for homeowners who want to get around the CC&Rs. It should be considered that not only this issue is at stake but the integrity of the homeowners association in regards to the CC&Rs as they are.

John explained that it is the City's position is not that the City is trying to override their CC&Rs; the City's Attorney's position is that it is not our responsibility to enforce the CC&Rs. He explained that the remedy the HOA has is in court and John believed they would have a very good chance in court with the issues that have been discussed. The City does not have the legal authority to step in and enforce their CC&Rs. For example the City does allow political signs on private property but the CC&Rs don't, someone couldn't come to the City to enforce the CC&Rs; the remedy is in court. He did not want them to feel their HOA is threatened.

Mr. Laney stated he was not a lawyer, but if that is the case, then why were they here? He believed that the arguments presented by the Land Use Lawyer were very strong.

Robert Heller, stated he has lived in Cedar Ridge for a year but has been in Canby since 1976. When he purchased his home the lender, realtor and everyone involved made sure he understood the CC&Rs and signed that he would abide by them. If the rules are out there but not enforceable, what is the use of having them? His understanding is that the HOA is recognized as a smaller jurisdiction of the City and as such can make stricter laws but not loosen the laws. We are at the point where we have stricter laws than the City and the City has to make a decision whether they will try to override the HOA's regulations.

Mr. Heller stated he understood that the Planning Commission was not there to enforce the CC&Rs but they shouldn't authorize someone to break the CC&Rs. He stated that the majority of the residents in Cedar Ridge did not want additional houses built in the community.

Mr. Heller stated that when the school is having training practice it is very crowded and difficult to get home at times because of the number of people parked there.

Darren presented the Commission with new material that was received that day.

Christian Smith stated the HOA has been responsible for the community; they take care of their needs such as roads, lights and parks because it is their agreement with the City. He expressed his concern that the City does not help their community such as assistance during the Fourth of July fireworks when people jam the streets and leave garbage all over. Mr. Smith believes the HOA is it's own entity and the City should respect them for what they do.

Mr. Smith stated the HOA is an entity and the City should respect them for what they do. He stated this is not a partisan issue, it was never intended that a house be there. When Mr. Krishchenko obtained the property he stated his intention was for a garden/yard area. The elected officials of the HOA decided this was not in the best interest of the community and now the City is going to override them.

Mr. Smith stated his concern regarding what this will do to their corporate structure and what it will do to their community. When the City made the approval for the original plan, the sewage system was undersized, and that is why the City won't deal with us. If the HOA ceases to exist as a management body then who will be responsible for the maintenance?

Linda Smith stated she owns rental property in the Cedar Ridge Subdivision. She stated that she is not for or against this application and understands both sides of the issue and in her opinion it will not affect anyone but Mr. and Mrs. Ball. She stated she was at the meeting and that there had been a lot of discussion, and at first the Board had decided to approve the waiver, then decided to help Mr. and Mrs. Ball by denying the waiver.

Matt Tremble stated he was the Vice-President of the HOA. He wanted to explain that at the meeting Ms. Smith spoke about, he was the only one who voted for granting the waiver. He explained that he now stands behind the Board because it was the decision that was made. He agreed that no access should be allowed onto SW 13th.

Mr. Ewert asked if hot tubs need to be approved before they are put in the neighborhood. Mr. Tremble stated that every structure since he has been on the Board has been approved.

Mr. Ewert asked if there was a copy of the letter from the HOA denying the waiver. Darren explained that it had not been included in the evidence that was received. Mr. Tremble stated that the HOA's secretary had drafted the letter, and she has been out of the state for a couple of months

REBUTTAL:

Mr. Krishchenko read from the CC&Rs the section that states a lot could not be subdivided in order to accommodate construction of additional residences. He believed that meant a duplex, he is planning to build a single family home with an attached garage. He stated that if he added onto his home it would block more of Mr. Balls view than a separate home would do. He addressed the traffic safety issue and stated that there is over 100' of open space along SW 13th that does not even have a sidewalk.

Lana Krishchenko assisted her father in his rebuttal. She stressed that her Father was building the house for his older children so they could study more and get better grades in school.

Mr. Ewert questioned where the location of the driveway would be. Mr. Krishchenko stated it would be maybe 10' from property line. He explained that there are other driveways that have less sight distance than the proposed driveway would.

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

Mr. Helbling addressed Ms. Johnson's statement that the City was bound to uphold the CC&Rs. His understanding was the Planning Commission directed

the CC&Rs be filed with the County and reviewed by the City Attorney was to assure that the CC&Rs didn't conflict with the City and were legal. It does not bind the Planning Commission to uphold their CC&Rs Mr. Helbling stated that the CC&Rs were valuable but the Planning Commission was not the body to enforce them.

Mr. Helbling stated that once the property was given to Mr. Krishchenko it became his property and he has the right to do what he will with it. Mr. Helbling stated that Ms. Johnson had a point regarding accessing 13th St. and recommended contacting the LDS Church about sharing access or that the Planning Commission not take action until the access could be reviewed.

Mr. Molamphy agreed that it is not the Planning Commission's job to enforce the CC&Rs; it is to look at the land partition and see if it fits within the rules, regulations and laws. Mr. Molamphy believed it did fit the criteria and sharing a driveway with the Church should be looked into.

Mr. Ewert agreed with the comments from the other Commissioners. He stated CC&Rs are great, but you can't use them to pick who your neighbors will be. He stated that the Planning Commission is not here to enforce CC&Rs they are here to make decisions on criteria. He stated he had no problem with this application and the only problem would be the access and recommended exploring alternative access onto SW 13th.

Mr. Brown stated the Planning Commission routinely requires CC&Rs, generally for maintenance issues. He explained it is done because the Commission is fearful of areas of the City where there are facilities that need to be installed that we don't see how they can be maintained. They are also used so local citizens can have control over their own community and gives them input into the governance of their own property.

Mr. Brown stated after looking at the pictures presented to the Commission and because of the setbacks that need to be met, the impact to Mr. & Mrs. Ball was minimal. He stated this property was unusual since a large portion of it lies outside of the original PUD.

Mr. Brown believed the Commission needed to discuss the future of SW 13th; it will become wider and busier and be a major arterial road to access all of the south side of town that is headed for I-5.

Mr. Brown stated he has some degree of authority with the LDS Church and did not believe they would allow Mr. Krishchenko access to his lot through their parking area. He believed that if the Commission approved this application they would be creating a nonconforming lot that could not find an access the Planning Commission could be happy with. He believed the applicant is within his rights to divide the property; the Commission would be creating a problem that

could not be fixed. He believes the application fails on condition B, not in conformance because it fails on the TSP aspect

Mr. Ewert agreed that the applicant needed to find another access for the lot since SW 13th will be the I-5 connection. He believed putting another access onto 13th would be a disaster waiting to happen.

Darren stated that on the east side of the property there is a triangle piece of property left over from the old design of SW 13th, that belongs to the City of Canby. There have been some discussions with the Church about what to do with that piece since it is a non-functional property. So there are other access possibilities instead of going across the LDS property.

Mr. Helbling suggested delaying the decision to give the applicant an opportunity to explore access options. Mr. Brown explained that the applicant would have to use the existing driveway or something within 300' of that site. Mr. Brown questioned the Commission if they wanted to postpone the hearing until the December 13th meeting. The Commission chose not to postpone.

It was moved by Mr. Ewert to approve MLP 04-03 with the condition that no additional accesses are allowed onto SW 13th. Seconded by Mr. Helbling. Mr. Molamphy clarified that the Commission would be approving the division if access can be obtained from either the Church or the City property. Darren asked if staff can make that determination, it was agreed that staff could make that decision. John clarified that the finding is, the criteria can't be met with an additional driveway.

Darren asked for a decision on whether the new lot should be part of the Cedar Ridge Home Owners Association. Mr. Helbling asked if the Planning Commission could decide that. Mr. Brown stated the whole thing was designed under a PUD and they would be modifying the map of the PUD. Darren stated that the Ratcliff House could have done a LLA and a MLP and never been a part of the civic association, so the question is whether this area, this lot should be included or excluded. Mr. Ewert believed that was a separate question. Mr. Brown did not see how it could be excluded, there would be 56 lots included with one that was not. Mr. Ewert stated that it is separate since the access would not be in the PUD. John suggested that staff look into the issue and bring something back with the Findings. Motion carried 3-1-2 with Mr. Brown voting no and Mr. Tessman and Mr. Manley absent.

John explained that either party could appeal the decision to the City Council. The forms are located in the Planning Office and it would require another public hearing with the Council. He explained that after the December 13th Planning Commission hearing anyone who testified at this meeting would be getting a copy of the approved Findings and a letter explaining the procedure for appealing the decision.

Mr. Ewert stated the Planning Commission is creating a situation where if the City Attorney says the Commission has the ability to take this out of the Cedar Ridge HOA and they do it, then any objection or appeal based on the CC&Rs would not affect the Commission. So what will they appeal, that the Commission is taking it out.

Mr. Brown believed there was a bigger problem; they have created an action for the LDS Church. There is a piece of property they have been using and may have adverse possession since they have been using it for a long time.

VI MINUTES

11-8-04 It was moved by Mr. Ewert to approve the minutes as amended. Seconded by Helbling. Motion carried 4-0-2.

7-12-04 It was moved by Mr. Molamphy to approve the minutes with corrections. Seconded by Mr. Ewert. Motion carried 3-0-1-2 with Mr. Helbling abstaining.

It was moved by Mr. Ewert to modify the approval of the minutes for 11-8-04 as submitted. Seconded by Mr. Helbling. Motion carried 4-0-2.

DIRECTOR-S REPORT

John stated there will be a workshop for the Arndt Rd project on December 8th regarding the Arndt Rd extension from Hwy 99E to I-5. John explained it would be presented by Clackamas County and City Staff and attended by City Council, Planning Commission, Parks and Rec, Traffic Safety Committee and Bike and Ped Committee.

John explained that purpose of the meeting is to have the advisory committees submit recommendations on the project to the Council. There will be a presentation and then the committees would have an opportunity to discuss the issue amongst themselves and bring a recommendation to the Council.

John explained he has not seen the final product from Clackamas County showing the cost and how it is going to look. If it is not received in time for it to be reviewed then this workshop won't work.

John stated that one person requested a public hearing for the modification

John explained that the City had requested that ODOT install "No U-Turn" signs at Territorial and Hwy 99E. He stated that ODOT refused to install them because they believe there is adequate sight distance to allow U-Turns. Mr.

Helbling stated there is a double yellow line and it is illegal to make U-turns over double yellows. John stated that it is not illegal in Oregon, and ODOT has taken a wait and see attitude about the U-Turns.

VIII ADJOURNMENT