

**A G E N D A**  
**CANBY PLANNING COMMISSION**  
**REGULAR MEETING**  
**City Council Chambers**  
**Monday, June 9, 1997**  
**7:30 p.m.**

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**I. ROLL CALL**

**II. MINUTES**

May 12, 1997

**III. CITIZEN INPUT ON NON-AGENDA ITEMS**

**IV. PLANNING COMMISSION DISCUSSION OF PLANNING ISSUES**

**V. FINDINGS**

MLP 97-03 - Stout

**VI. PUBLIC HEARINGS**

**CUP 97-03/DR 97-02**, an application by **U.S. West Communications Wireless** for Conditional Use approval and Site and Design Review approval to construct a PCS wireless telephone facility consisting of a 125 foot monopole capable of collecting additional carriers, three (3) antenna arrays of two (2) panel antennas each, approximately 4-1/4 x 4-3/4" x 42", and a GPS antenna mounted on the monopole, a 9-1/2' x 12' concrete pad for four (4) equipment cabinets each, approximately 30" x 30" x 60" to hold applicant's radio transmission and receiver equipment and back-up system and fence screen around the site. The project location is the Mini-Storage facility on the south side of Highway 99-E (Tax Lot 300 of Tax Map 3-1E-32C).

**SUB 97-03**, an application by **HOPE, Inc.** To subdivide two parcels [22.46 acres and 5 acres] into 9 lots to facilitate the financing of the various phases of Hope Village. The site is located on the southwest corner of the intersection of S. Ivy Street/SW 13th Avenue [Tax Lots 800 and 801 of Tax Map 4-1E-4D].

**VII. COMMUNICATIONS**

**VIII. NEW BUSINESS**

**DIRECTOR'S REPORT**

**X. ADJOURNMENT**



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The City of Canby Planning Commission welcomes your interest in these agenda items. Please feel free to come and go as you please.

Dan Ewert, Chair  
Terry Prince

Keith Stewart, Vice-Chair  
John Dillon

Vern Keller  
Mark O'Shea

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## TIMELINES AND PROCEDURES

- In order not to restrict any person from testifying but, rather, to encourage everyone to do so, the Canby Planning Commission shall try to adhere as closely as possible to the following timelines:
  - Applicant (or representative[s]) - not more than 15 minutes
  - Proponents - not more than 5 minutes
  - Opponents - not more than 5 minutes
  - Rebuttal - not more than 10 minutes
- Everyone present is encouraged to testify, even if it is only to concur with previous testimony. All questions must be directed through the Chair. Any evidence to be considered must be submitted to the hearing body for public access. All written testimony received both for and against shall be summarized by staff and presented briefly to the hearing body during the Staff Report.
- The applicable substantive criteria are those listed on the agenda sheet available at the rear of the room and on page 2 of the staff report. Testimony and evidence must be directed toward the applicable substantive criteria listed on page 2 of the staff report or other criteria in the Comprehensive Plan or land use regulations which the person believes to apply to the decision.
- Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision-maker and the parties an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals based on that issue.
- Prior to the conclusion of the initial evidentiary hearing, any participant may request opportunity to present additional evidence or testimony regarding the application. The Planning Commission shall grant such request by continuing the public hearing or leaving the record open for additional written evidence or testimony. Any such continuance or extension shall be subject to the limitations of the so-called 120-day rule, unless the continuance or extension is requested or agreed to by the applicant.
- If additional documents or evidence are provided by any party, the Planning Commission may, if requested, allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any such continuance or extension of the record requested by an applicant shall result in a corresponding extension of the so-called 120-day time period.





**MEMORANDUM**

**TO:** Traffic Safety Committee  
Jerry Giger, Police Chief

**FROM:** Planning Commission  
Jim Wheeler, Planning Director *JSW*

**DATE:** May 15, 1997

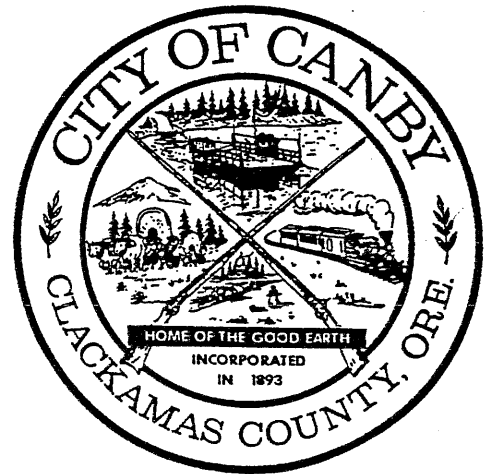
**RE:** Truck routing issues with the Planning Commission

**CC:** Mike Jordan, City Administrator

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The Planning Commission is requesting that the Traffic Safety Committee recommend that signs be located at the intersection of S. Redwood and S.E. 4th Avenue, directing truck traffic north on S. Redwood Street.

# - STAFF REPORT -

**APPLICANT:**

US West Communications Wireless  
5959 NE 122nd Avenue, Room 221  
Portland, OR 97230

**FILE NO.:**

CUP 97-03/DR 97-02  
(US West)

**OWNER:**

Warren Ltd. Partnership II & Kevin Howard  
12033 NE Marx  
Portland, OR 97220

**STAFF:**

Lawrence Vasquez  
Assistant City Planner

**LEGAL DESCRIPTION:**

Tax Lot 300 of Tax Map 3-1E-34C

**DATE OF REPORT:**

May 30, 1997

**LOCATION:**

1233 S.E. 1st Avenue, south side of  
Highway 99-E, just west of the Logging  
Road overpass

**DATE OF HEARING:**

June 9, 1997

**COMP. PLAN DESIGNATION:**

Commercial Manufacturing

**ZONING DESIGNATION:**

C-M (Commercial Manufacturing)

## I. APPLICANT'S REQUEST:

The applicant is requesting conditional use permit and site and design approval to constructed a 125-foot cellular monopole tower capable of collocating additional carriers. The monopole will provide location ability for a total of 3 antennas, two panel antennas and a GPS antenna. The project site is 25' x 20' in area and is located along the east property line of the Highway 99-E Mini-Storage facility property, 1233 SE St. Avenue [Tax Lot 300 of Tax Map 3E-34C]. The site is 20' north of the Air Touch Cellular 175' lattice tower project site (DR 96-14), approved December 1996.

The applicant has submitted letters ( contained in this report packet) that indicate US West is attempting to see if collocation on the Air Touch lattice tower is possible. At the time of this report, staff has received no further information from the applicant regarding this matter.

## II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

16.10	Off-Street Parking and Loading
16.30	C-M - Commercial Manufacturing Zone
16.49	Site and Design Review
16.50	Conditional Uses
16.88	General Standards

- **City of Canby Comprehensive Plan:**

I.	Citizen Involvement
II.	Urban Growth
III.	Land Use
IV.	Environmental Concerns
V.	Transportation
VI.	Public Facilities and Services
VII.	Economics
VIII.	Housing
IX.	Energy

## III. MAJOR APPROVAL CRITERIA

### 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.

**16.49.040 Site and Design Review Criteria and standards.**

- 1. The Planning Commission, sitting as the Design Review Board, shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:
  - A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved, and
  - B. The proposed design of the development is compatible with the design of other developments in the same general vicinity, and
  - C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.
  - D. The Board shall, in making its determination of compliance with subsections (B) and (C) above, use the following matrix to determine "compatibility". An application is considered to be "compatible", in regards to subsections (B) and (C) above, if a minimum of 65% of the total possible number of points (not including bonuses) are accumulated for the whole development.
  - E. It must be demonstrated that all required public facilities and services are available, or will become available through the development , to adequately meet the needs of the proposed development.



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

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

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

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

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

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

2. The Design Review Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing.
3. The Design Review Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.
4. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Section 12.20.080 of the City Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.20 of the City Tree Ordinance. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review.

#### IV. FINDINGS:

##### A. Background and Relationships:

This application represents a request by US West to site a 125' monopole facility on the Highway 99-EE Mini Storage property located at 1233 SE St. Avenue. This will be a second cellular facility on the property as Air Touch Cellular was given site and design approval (DR 96-14) for a 175 foot lattice tower in December 1996. The US West site, as well as the Air Touch facility, are located in the gravel and landscape area that originally was intended for a future Building H of the storage complex. The US West project site is 20' north of the Air Touch lattice tower facility. The owners of the storage facility are aware, and approve of the application.

In providing cellular communication services in the area, US West is also actively securing approval for siting another cell facility at 7847 S. Sconce Road, west of the City of Canby in Barlow, Clackamas County. This project site is referred to as the Waite site. According to US West representatives, both the Canby and Waite sites are needed to provide an adequate service network, maintain call quality, and meet system demand capacity.

At staff's request, the applicant conducted a feasibility study for two other sites within the City limits. One site, near the existing AT&T tower just north of Township Road (near Zion Memorial Cemetery), was found not to be feasible.

The other site, approximately 700 feet southeast of the subject site (adjacent to the Logging Road), was found to be marginally feasible. The applicant, as stated in the attached letter (exhibit 4), desires to pursue the alternative site, but is constrained by their licensing requirements to establish their coverage. The alternative site will necessitate annexation as well as further development review. The applicant has offered the arrangement of constructing their facility on the subject site and then moving it to the alternative site, once it is approved for a cell tower. If the alternative site is not approved for a cell tower, then they want the subject site to be approved as a permanent site.

Based on the review that follows, staff is recommending that the subject site **not** be approved as a permanent site, regardless of whether or not the alternative site is approved. The applicant, US West Communications Wireless, is the only major wireless carrier that has not sited a facility in the City (AT&T has the facility off of Township, Air Touch, Western PCS, and Nextel are approved for the subject site). In the interest of not unduly barring access (in violation of the Federal Telecommunications Act), specifically being sensitive to the timing issue of their federal license, staff is favorable to a temporary location on the subject site. Temporary meaning that the facility must be removed within six (6) months of the issuance of a building permit for the facility. The earliest that a building permit could be issued, for the subject site, is July 10, 1997, which would mean removal of the facility by January 10, 1998. This would allow seven (7) months from the public hearing date, to locate and receive approval for a new location. The process, within the City limits, takes a minimum of two (2) months to apply for land development approval and receive a building permit (generally 3 - 4 months). Therefore, the time period is considered to be sufficient to find an acceptable, approvable alternative site.

If the Planning Commission agrees with staff's determination that the application is not approvable, and is agreeable to a temporary solution, the penalty for not removing the facility within the given time period must be clearly spelled out. It is staff's belief that the provisions in 16.88.120(3)(c) and (d) are both appropriate and necessary in the event that an enforcement situation results. This provisions specifically calls for the termination of utility services to the facility, and citing the applicant into court.

**B. Comprehensive Plan Consistency Analysis**

**i. CITIZEN INVOLVEMENT ELEMENT**

- **GOAL:** TO PROVIDE THE OPPORTUNITY FOR CITIZEN INVOLVEMENT THROUGHOUT THE PLANNING PROCESS.

Policy #2: Canby shall strive to eliminate unnecessarily costly, confusing, and time consuming practices in the development review process.

**ANALYSIS**

2. The Planning Commission adheres to acting upon applications within a sixty (60) day time period from the date of determination of a complete application. Any continuation of the review period is done with the approval of the applicant, or through admission of new information into the review process. The sixtieth day is June 24, 1997.

**ii. URBAN GROWTH ELEMENT**

- **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, WITH IN THE FRAMEWORK OF AN EFFICIENT SYSTEM FOR THE TRANSITION FROM RURAL TO URBAN LAND USE.

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

**ANALYSIS**

1. The property is entirely within both the Urban Growth Boundary and the City limits. No direct input from the County has been determined to be necessary or desirable nor was any sought.

iii. **LAND USE ELEMENT**

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

- Policy #1 Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.
- Policy #2 Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.
- Policy #3 Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.
- Policy #4: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.
- Policy #5 Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.
- 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**

1. The property contains the Canby mini storage complex. The adjacent surrounding properties are zoned Light Industrial (M-1) and Heavy Commercial Manufacturing (C-M). The subject property is zoned C-M. The property to the west, zoned M-1, contains the Industrial Park and runs along SE 2nd, is vacant. To the south is vacant C-M land that is owned by Guttormsen land which was recently approved for partition (MLP 97-02). The property to the east is the Logging Road. To the southeast is a vacant C-M flag lot that lies adjacent to the Anderson Canby Business Park development.

2. The location of this commercial manufacturing use will increase the overall commercial/industrial density within the City limits, but will not increase the employment base in the City.

3. Request for comments have been sent to all public facility and service providers (see discussion under Public Services Element).
4. No natural hazards have been identified on the subject property.
5. The zoning of the property, C-M , Heavy Commercial Manufacturing, is consistent with the Land Use Map designation for the property (Commercial Manufacturing). A wireless or cellular communications facility/tower is a conditional use permitted in the C-M zone. The monopole height exceeds the 45 feet maximum for the C-M zone however, Section 16.08.100 provides that utility poles and other similar projections are not subject to the building height limitations. The proposed height of the monopole was calculated by the applicant as the minimum height necessary to provide adequate signal coverage in conjunction with other facilities in the network.

Also, the development standards specify that prior to the issuance of a building permit, wireless/cellular towers require written certification of approval/compliance from the Federal Communications Commission.

6. The subject property is not identified as one of the "unique" sites or "areas of special concern".

**iv. ENVIRONMENTAL CONCERNS ELEMENT**

- **GOAL:** 1) TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.
- 2) TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION. TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

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

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

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

- Policy #6-R: Canby shall preserve and, where possible, encourage restoration of historic sites and buildings.
- Policy #7-R: Canby shall seek to improve the overall scenic and aesthetic qualities of the City.
- Policy #8-R: Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.
- Policy #9-R: Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.
- Policy #10-R: Canby shall attempt to minimize the adverse impacts of new developments on wetlands.
- Policy #1-H: Canby shall restrict urbanization in areas of identified steep slopes.
- Policy #2-H: Canby shall continue to participate in and shall actively support the federal flood insurance program.
- Policy #3-H: Canby shall seek to inform property owners and builders of the potential risks associated with construction in areas of expansive soils, high water tables, and shallow topsoil.

## ANALYSIS

1-R-A. The development of the subject property does not involve agricultural land.

3-R. The proposed use of the wireless cell facility will not create a known pollution problem. The facility will be built in compliance with all federal standards and guidelines as outlined in the Non-Ionizing Electromagnetic Field Computations and Engineering Certifications report. Construction activity is required to comply with prescribed standards for air, water, and land pollution, through the building permit process and the State's Department of Environmental Quality standards.

In accordance with the Federal Telecommunications Act, the "energy field" that would be produced by this proposed facility is not considered to be hazardous or pollution.

4-R. Insubstantial noise will be expected as a result of the conditional use of the property to allow for a wireless communications facility.

6-R. The subject property and surrounding properties are not historic sites.

7-R. The Highway 99-EE corridor, being the main access and travel route to and through the City, is a visually sensitive area. Structures normally associated with businesses have a visually limited area of impact. Cell towers, on the other hand have a significantly larger area of impact. The existing monopole tower can be seen from downtown Canby to beyond Territorial Road. The location of two towers, which differ significantly from each other in appearance, and are located next to each other and in close proximity (450 feet) to the Highway, draws undesired attention to these structures, and thereby detracts from the broader aesthetic quality of the community.

8-R. The subject property is not considered to be open space at this time.

9-R. No wildlife or fish habitats are known on the subject property.

10-R. No wetlands are known on the subject property.

1-H. The subject property has no steep slopes.

2-H. The subject property is not in a flood zone.

3-H. The subject property has loam soil, a deep, well-drained soil. No expansive soils, shallow topsoil, high water table, or other potential risks associated with construction on the subject property have been identified.

v. **TRANSPORTATION ELEMENT**

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

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

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



- Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.
- Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.
- Policy #8: Canby shall work cooperatively with the State Department of Transportation and the Southern Pacific Railroad Company in order to assure the safe utilization of the rail facilities.
- Policy #12: Canby shall actively promote improvements to state highways and connecting county roads which affect access to the City.

## ANALYSIS

2. No additional traffic is expected.
4. Any required sidewalks associated with the property have already been constructed and are in place as part of approval for the Mini Storage site and design approval.
6. The fire district and police department have responded to the Request for Comments and have indicated that both adequate services are available and no further conditions related to the conditional use permit.
7. Conditional use approval will not adversely affect the development of bicycles facilities.
8. The existing use and the proposed use of the properties have no specific use for the rail facilities that exist in Canby.
9. The proposed conditional use permit has no bearing on efforts to improve or expand nearby air transport facilities.
10. The mass transit system in operation in Canby has no direct bearing on the proposed conditional use permit. No future transit stops have been proposed. The City has adopted a Transportation Systems Plan which includes mass transit considerations. No further consideration of mass transit, in relation to the proposed development of the property, is required by the Transportation Plan.
12. The subject properties are fully within the City limits and is near any "entry point" into the City. No improvements to the Highway will be required as a result of the proposed development.

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.

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

**ANALYSIS**

1. All needed public facility and service providers were sent a "Request for Comments" regarding this application. Positive responses were received from the Waste Water Treatment Plant, and Police Department. All have indicated that adequate facilities and/or services are available. The Public Works Department has indicated that conditions are needed to provide for the improvement of the existing gravel drive area to a hard surface for access to the proposed site.

5. The City has adopted a Parks Master Plan in which appropriate sites or areas for recreation facilities are identified. No parks have been designated in the vicinity of the subject property. The Logging Road is located adjacent to the site and is City property. The road will be used in a manner that might be construed as a "linear park" in that the "road" will be used as a walking/bike path.

vii. **ECONOMIC ELEMENT**

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

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

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

## ANALYSIS

2. The proposed conditional use is commercial/manufacturing in nature. The use of this site with a wireless communications facility, as proposed, will increase communication service to the community.

4. The proposed conditional use is not agricultural in nature.

## viii. HOUSING

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

Policy #2: Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing.

Policy #3: Canby shall coordinate the location of higher density housing with the ability of the City to provide utilities, public facilities, and a functional transportation network.

Policy #4: Canby shall encourage the development of housing for low income persons and the integration of that housing into a variety of residential areas within the City.

Policy #5: Canby shall provide opportunities for mobile home developments in all residential zones, subject to appropriate design standards.

## ANALYSIS

2. The proposed conditional use, and the associated proposed development, will not affect housing density.

3. The proposed conditional use does not include higher density housing. Future development of the properties will not include higher density housing.

4. The proposed conditional use does not include housing for low income persons. Future development of the property will not include housing for low income persons.

5. The proposed conditional use is not a mobile home development. Future development of the properties will not include mobile/manufactured home development.

ix. **ENERGY CONSERVATION ELEMENT**

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

Policy #2: Canby shall encourage development projects which take advantage of wind and solar orientation and utilization.

**ANALYSIS**

2. The proposed conditional use will not significantly or adversely alter the wind and solar orientation of the industrial complex.

**Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan:**

Based upon the above described analysis, the proposal is not consistent with all aspects of the Comprehensive Plan. Specifically, the proposal is not consistent with improving/maintaining the aesthetic quality of the community. Any development may not be consistent with some of the goals/policies of the Comprehensive Plan, in that any one goal/policy may be in conflict with other goals/policies in regards to a specific application. In this case, the goal of improving/maintaining the aesthetic quality of the community may be in conflict with the goal of providing adequate services to the community (i.e. - cellular service).

**C. Evaluation Regarding Conditional Use Approval Criteria**

**1. Comprehensive Plan Consistency**

The previous discussion determined the proposal's relation to Comprehensive Plan consistency. In the broad application of the Comprehensive Plan, the proposal for a cellular communications tower is consistent. Notwithstanding this broad application of the

Comprehensive Plan, the circumstances of this specific application and the specific site on which it is proposed, namely the visual incompatibility of two dissimilar towers (lattice and monopole) in close proximity to the visually sensitive Highway 99-EE, staff concludes that this application is not consistent with the Comprehensive Plan.

**2. Site Suitability**

The site is generally flat, and is large enough to accommodate the proposed uses and buildings with the appropriate setbacks. A wireless or cellular communications facility/tower is a conditional use permitted in the C-M zone. The monopole height exceeds the 45 feet maximum for the C-M zone however, Section 16.08.100 provides that utility poles and other similar projections are not subject to the building height limitations.

**3. Availability of Public Services and Facilities for the Site**

Utility and public safety facilities and services are available in adequate capacity to serve the proposed use.

**4. Compatibility with Surrounding Uses**

The proposed conditional use will allow the property to locate a wireless communications facility. The use of the property will not alter the character of the surrounding area in a manner which substantially limits or precludes the surrounding properties for the uses listed in the commercial manufacturing zone.

**D. Evaluation Regarding Site and Design Review Approval Criteria**

**1. Part IV - Section 2, No. 2**

**"Minimum area for landscaping is 15% of the total area to be developed."**

The overall property has met the landscaping requirement of the City, through the Site and Design Review approval of the mini-storage expansion (DR 96-03, approved 5/13/96). The cell-tower proposal will be located on approximately 500 square feet of the mini-storage's gravel area slated for Building H. All landscaping in the area will be retained or moved to the adjacent planning areas. The applicant has no plans for further landscaping.

As part site and design approval the Planning Commission reduced the landscape requirement for the property given the unique use and finding that interior landscaping would prove impractical. The property owners have met the landscaping requirements and have also upgraded the landscaping on the slope of the adjacent Logging Road as requested during approval. If the argument is continued to this application, then no further landscaping should be provided along the interior of the property. Therefore, staff has determined that the landscaping requirement for the cell tower is met by the proposed development.

2. **Parking.**

There is no requirement for parking spaces as the structure will have no actual occupancy.

3. **Access**

Access will be provided through the Mini-Storage facility. A paved access drive to the tower and equipment cabinets will be provided for the monthly maintenance of the facility. No additional access drives will be necessary.

4. **Architecture**

The new facility will be a 125' monopole. Aside from the adjacent Airtouch tower, there are currently two other lattice structure communications towers in the City, the AT&T tower next to the cemetery off of Township Road (approved and built while the property was in the County), and CTA's tower on SE 2nd Avenue. The only other monopole structure is the existing Western PCS structure located on the subject site. This tower will be removed upon the completion of the lattice tower. The mix of lattice and monopole towers in the community is not the main issue, in staff's determination. Rather, the main issue is the proximity of the two types of towers to each other and to the Highway.

According to the applicant, the height is necessary to provide co-location and maintain antennae separation and clearance. The monopole will house 3 antenna arrays of two (2) panel antennas, and a GPS antenna. A concrete pad (9 1/2' x 12') will have four equipment cabinets which houses the radio transmission and receiver equipment and the back-up system. The equipment cabinets will be approximately 5' in height.

The base and monopole will be encased in a 6' high screened chain link fence.

There are no new signs proposed for the site. A six foot high fence with three strands of barbed wire will be encompass the facility.

**5. Other Aspects**

**a. Utilities**

Because of the previous problems regarding utility easement provisions during the construction of the existing monopole tower, it will be necessary for the applicant to furnish the Planning Office with written verification of adequate utility easements being in place from both Canby Telephone Association and Canby Utility Board. The utilities are available.

**b. Landscaping**

The landscaping will consist of the existing Rugoso Rose hedge planted around the eastern perimeter of the property. The applicant intends to retain existing plantings and will re-locate any plants that may fall within the project site.

No other landscaping is proposed by the applicant or suggested by staff.

**c. Parking Lot Landscaping**

There is no new parking area. The amount of new concrete surfacing is less than 3500 square feet. No parking lot landscaping is required.

**d. Density and yards and height**

The setbacks and the height requirements for the C-M zone have been met by this development proposal. A wireless or cellular communications facility/tower is a conditional use permitted in the C-M zone. The monopole exceeds the height restriction for the zone, 45 feet. However, Section 16.08.100 covers height allowances. In the section, utility poles and other similar projections are not subject to the building height limitations.

Therefore, the 125-foot monopole for cellular communication is permitted in the C-M zone.

**6. Compatibility Matrix**

Of the six main areas of critique (parking, traffic, tree retention, signs, building appearance, types of landscaping), three apply at this time (traffic, building appearance, types of landscaping). Parking and tree retention are not applicable criteria in relation to this project. Signs do not apply at this time in that they do not have details regarding signage and it will require further Planning Commission review for signs to be located on the site.

The proposed application merits, in staff's determination, 7 points out of a total possible of 17 points (41.2%). If the automatic irrigation points are removed (see discussion below), the score becomes 7 out of 13 (53.8%). The minimum percentage required to be considered "compatible" is 65%, therefore, this proposal is not considered to be compatible. Following is staff's determination of the point totals.

<b>CRITERIA</b>	<b>PTS/ POSS</b>	<b>NOTES</b>
<b>Traffic</b>		
Distance of access to intersection	2/2	Intersection >100' away. Pine St./99-E intersection is more than 100' away from access drive to Mini-storage ).
Access drive width	1/1	Existing drive on the property that will service the project is 25'-26' width. 24' width required.
<b>Building Appearance</b>		
Style	1/2	The style of monopole is similar in size (height) to the approved lattice tower. It is not similar in style (monopole vs. lattice tower) to the approved lattice tower that will be constructed on the same property to the south of this project site.



Color	1/2	The color of the monopole is not considered are subdued (steel) but is similar to the proposed lattice tower facility that will be located adjacent to the project site. The equipment will be screened from view by a chain link fence.
Material	0/1	Steel is the predominant material for the monopole and cell facility equipment.
Size	1/1	The area size of the wireless cellular facility site (500 square feet) is considerably less than square the 20,000 square foot cut off.
<b>Types of Landscaping</b>		
# of non-required trees	0/1	There are no non-required trees proposed.
Amount of grass	0/2	No grass provided (0.0%).
Location of shrubs	1/1	Existing shrubs will be retained or replanted.
Automatic Irrigation	0/4	The applicant is not proposing to irrigate the landscaping related to this project. Note: the mini-storage landscaping was originally designed, proposed, and approved specifically <u>not</u> to be irrigated.

## 7. Other Criteria.

The effect of approving this application on the availability of affordable housing is negligible in that proposed use is industrial and is not related to housing. Further, approval of this application will not use land that would be able to be used for affordable housing.

## V. CONCLUSION

The staff hereby concludes that the proposed development as described in the application, site plan, and this report, is not consistent with the standards of this ordinance or the Comprehensive Plan, and the design is not compatible with the design of other developments in the vicinity.

Further, staff concludes that:

1. the proposed development of the site is consistent with the applicable standards and requirements of the Canby Municipal Code and other applicable City ordinances insofar as the location and height of the proposed development are involved, but not the appearance, and
2. the proposed design for the development is not compatible with the design of other developments in the same general vicinity, and
3. the location, design, size, color and materials of the exterior of all structures and signs are not compatible with the proposed development and appropriate to the design character of other structures in the same vicinity, and
4. the conditions listed are the minimum necessary to achieve the purposes of the Site and Design Review Ordinance, and do not unduly increase the cost of housing.

## VI. RECOMMENDATION:

Based upon the application, elevations, the site plan received by the City, the facts, findings and conclusions of this report, and without the benefit of a public hearing, staff recommends that the Planning Commission deny CUP 97-03/DR 97-02:

If the Planning Commission recommends approval, either temporarily, or as a permanent facility, staff recommends the following conditions (the conditions for the temporary approval are specifically delineated at the end and do not apply to a "permanent" approval):

### Prior to the Building Permit Issuance:

1. Written approval stating the adequacy of existing utility easements from the Canby Telephone Association and the Canby Utility Board shall be furnished to the Planning Office.

2. Proof of notification, giving the latitude and longitude coordinates and the height of the unlighted tower, of the following agencies shall be furnished to the Planning Office:

Office of Emergency Management, Clackamas County  
Oregon Department of Transportation, Tom Highland, Salem  
McMinnville Flight Service, Pat Cates, McMinnville  
LifeFlight, Larry Edeal, Portland

3. A copy of the FAA permit approving the structure, or an FAA determination that such approval is not required, shall be furnished to the Planning Office.

**During Construction:**

4. Erosion-control during construction shall be provided by following Clackamas County's Erosion Control measures.

**Notes:**

5. No more than the proposed 3 antennas arrays of two (2) panel antennas and a GPS antenna shall be placed on the monopole without prior Site and Design Review approval.
6. The existing landscaping area along the eastern property is to be retained and replanted, and will be approved by the Planning staff.
7. The monopole and communications equipment shall be enclosed by a 6' high screened chain link fence.

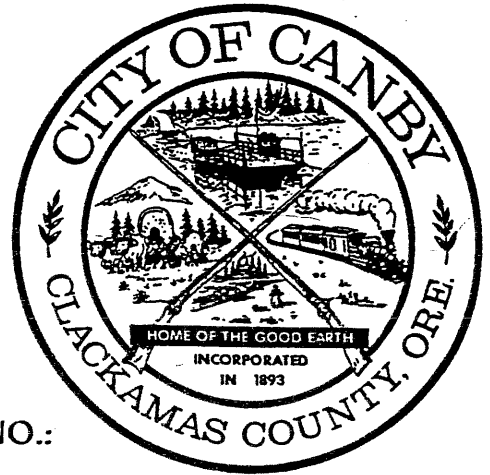
**Additional Condition for Temporary Approval:**

8. The facility shall be removed within six (6) months of the issuance of the building permit. If the facility is not removed this time period, the City shall disconnect the facility from City services, and shall cite the applicant into a court of competent jurisdiction.

**Exhibits:**

1. Application for Design Review
2. Department Responses to "Request for Comments"
3. Propagation map showing site in relation to proposed service area.
4. Alternative Site Proposal
5. Site Plans

# - STAFF REPORT -

**APPLICANT:**

H.O.P.E., Inc.  
P.O. Box 1128  
Canby, OR 97013

**FILE NO.:**

SUB 97-03  
(H.O.P.E., Inc.)

**OWNER:**

H.O.P.E., Inc.  
P.O. Box 1128  
Canby, OR 97013

**STAFF:**

Lawrence Vasquez  
Assistant City Planner

**LEGAL DESCRIPTION:**

Tax Lot 800 and 801 of Tax Map 4-1E-4D

**DATE OF REPORT:**

May 30, 1997

**LOCATION:**

1400 S. Ivy Street  
Southwest corner of S. Ivy  
Street and S.W. 13th Avenue

**DATE OF HEARING:**

June 9, 1997

**COMP. PLAN DESIGNATION:**

Medium Density Residential

**ZONING DESIGNATION:**

R-1.5 (Medium Density Residential)

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval to subdivide two parcels, 5.02 acres and 22.58 acres, respectively, into 9 lots. The property is part of the Hope Village campus located at South Ivy and 13th Street. The 5.02 acre parcel contains Phase I of the Hope Village garden homes. Tax Lot 802 (4.88 acres) is the remaining acreage of the campus property. This parcel contains the Assisted Living/Nursing Facility which is not part of this subdivision.

## II. APPLICABLE CRITERIA:

### A. City of Canby Code Section 16.62.020

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

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

### B. Other Applicable Policies and Regulations:

#### ■ City of Canby General Ordinances:

- 16.18 Development Standards in R-1.5 Zones
- 16.56 General Provisions
- 16.62 - 16.68 Subdivisions
- 16.86 - Street Alignment
- 16.88 General Standards

## III. FINDINGS:

### A. Background and Relationships

The H.O.P.E. project received the first Planned Unit Development approval in 1991 (CUP 91-05/PUD 91-01, approved 7/15/91). The first phase of the development, the construction of 12 garden homes, was approved in 1995 (MLP 95-04 and DR 95-13, approved 8/14/95). The second phase of the development consists of the construction of a 130 unit Assisted Living/Skilled Nursing facility which is currently under construction (DR 96-16/CUP 96-05 was approved 12/6/96, MLP 96-02 was approved 7/10/96).

This application represents a request for approval to subdivide two of the three parcels that comprise the 32.7 acre hope Village campus. The two parcels will be divided into a 9 lot subdivision which will establish property lot lines that coincide with the siting of various phases in the development of Hope Village. The lot configuration allows the

existing 12 garden homes (Phase 1) to be better sited on the Lot 1, and also gives the proposed community center public street frontage on South Ivy Street. The primary purpose of the subdivision is to facilitate the financing of the various phases of the Hope campus.

The applicant proposes to meet the requirements of the CUP/PUD issue in 1992 and will include all required street and utility easements. The only parcel of the Hope campus not included in this subdivision is the 5.02 acres parcel which houses the Assisted Living/Skilled Nursing facility (DR 96-16).

## **B. COMPREHENSIVE PLAN CONSISTENCY ANALYSIS**

### **I. Citizen Involvement**

- **GOAL: TO PROVIDE THE OPPORTUNITY FOR CITIZEN INVOLVEMENT THROUGHOUT THE PLANNING PROCESS**

Policy #1: Canby shall reorganize its citizen involvement functions to formally recognize the role of the Planning Commission in meeting the six required citizen involvement components of statewide planning goal No. 1, and to re-emphasize the City's commitment to on-going citizen involvement.

Policy #2: Canby shall strive to eliminate unnecessarily costly, confusing, and time consuming practices in the development review process.

### **ANALYSIS**

1. The notification process and public hearing are a part of the compliance with adopted policies and process regarding citizen involvement. The Planning Commission seeks input of all citizens at public hearing on all applications.
2. The Planning Commission adheres to acting upon applications within a sixty (60) day time period from the date of determination of a complete application. Any continuation of the review period is done with the approval of the applicant, or through admission of new information into the review process. The sixtieth day is July 9, 1997

### **ii. URBAN GROWTH**

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

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

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

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

**ANALYSIS**

1. Clackamas County has been sent a "request for comments", with no response at the time that the staff report was prepared. According to Implementation Measure D of this policy, "lack of comment" by either entity to the requests of the other shall be considered the same as a "no objection" response.

3. All necessary urban services are, or will be available for the subdivision (see discussion under Public Services Element).

**iii. LAND USE ELEMENT**

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

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

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

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

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

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

1. The property is under construction, with Phase I Hope Village garden homes nearly finished and the Assisted Living and Skilled Nursing facility just under construction. The properties to the north are zoned R-1 (Low Density Residential), and are located within the City limits. The properties to the east, south, and west, are zoned EFU (Exclusive Farm Use) and are not within the City limits. These properties, upon annexation, will be zoned R-1 (Low Density Residential). The approved subdivision of the property will not be changing the Master Plan for the project. The overall density and type of development will remain the same.
2. The proposed density of the development as indicated in the Master Plan will not be altered by the subdivision. Section 16.76.010(B) states that the average area per dwelling unit shall not be less than that allowed within the zoning district in which the subdivision is located. The number of units in the Master Plan will remain the same, and therefore, the density of the development will remain as approved.
3. Request for comments have been sent to all public facility and service providers (see discussion under Public Services Element).
4. No natural hazards have been identified on the subject property.
5. The zoning of the property, R-1.5, Medium Density Residential, is consistent with the Land Use Map designation for the property (Medium Density Residential).
6. The subject property is not identified as one of the "unique" sites or "areas of special concern".

## iv. ENVIRONMENTAL CONCERNS

- **GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.**



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

TO PROTECT LIVES AND PROPERTY FROM NATURAL  
HAZARDS.

- Policy #1-R-A: Canby shall direct urban growth such that viable agricultural uses within the urban growth boundary can continue as long as it is economically feasible for them to do so.
- Policy #2-R: Canby shall maintain and protect surface water and groundwater resources.
- Policy #3-R: Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.
- Policy #4-R: Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.
- Policy #7-R: Canby shall seek to improve the overall scenic and aesthetic qualities of the City.
- Policy #8-R: Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.
- Policy #9-R: Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.
- Policy #10-R: Canby shall attempt to minimize the adverse impacts of new developments on wetlands.
- Policy #1-H: Canby shall restrict urbanization in areas of identified steep slopes.
- Policy #2-H: Canby shall continue to participate in and shall actively support the federal flood insurance program.
- Policy #3-H: Canby shall seek to inform property owners and builders of the potential risks associated with construction in areas of expansive soils, high water tables, and shallow topsoil.

## ANALYSIS

- 1-R-A. The approved development of the subject property, which is still viable for agricultural uses ( a hazelnut orchard), will not change as a result of the proposed subdivision.
- 2-R. The storm water drainage of the subject property is handled on-site. Clackamas County reviews storm water management and compliance with the Federal Clean Water Act.
- 3-R. The existing use has not created a known pollution problem. Construction activity and industrial activity is required to comply with prescribed standards for air, water, and land pollution, through the building permit process and the State's Department of Environmental Quality standards.
- 4-R. Noise will be expected as a result of construction activity. The subdivision will not, in of itself, generate any noise.
- 5-R. The subject property is not a sand and gravel operation, nor will the proposed subdivision or future use of the land hinder any sand and gravel operation.
- 6-R. The subject property and surrounding properties are not historic sites.
- 7-R. The subdivision itself will not affect the scenic or aesthetic quality of the City.
- 8-R. The proposed subdivision is designed to maintain the approved designed of the overall project. The proposed Master Plan of the subdivision designates 3.28 acres of land for open space and public use.
- 9-R. No wildlife or fish habitats are known on the subject property.
- 10R. The subject property has no wetlands.
- 1-H. The subject property has no steep slopes.
- 2-H. The subject property is not in a flood zone.
- 3-H. The subject property has loam soil, a deep, well-drained soil. No expansive soils, shallow topsoil, high water table, or other potential risks associated with construction on the subject property have been identified.

v. **TRANSPORTATION**

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

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

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

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

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

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

Policy #8: Canby shall work cooperatively with the State Department of Transportation and the Southern Pacific Railroad Company in order to assure the safe utilization of the rail facilities.

Policy #12: Canby shall actively promote improvements to state highways and connecting county roads which affect access to the City.

**ANALYSIS**

1. No street improvements are required as part of the proposed subdivision. Improvements will occur with each phase of the project.
2. The proposed subdivision will not affect designated road improvements to S.W. 13th Avenue, S. Ivy Street, or S. Fir Street.
3. The improvement of the intersection of S.W. 13th and S. Ivy is now under construction. The proposed subdivision will not adversely affect the progress of the signalization of that intersection.
4. The overall Master Plan for Hope Village designates sidewalks and pedestrian paths along the perimeter of the project site, as well an interior walkway plan for the residents of the development.

5. The subject property is not involved in any possible overpass or underpass of Highway 99-E and the railroad.
6. Emergency service for the overall development of the property has already been planned. The subdivision will not change the ability to service the property with emergency services.
7. The proposed subdivision will coincide with the overall Master Plan for the site. The subdivision will not affect the progress of any planned bike paths.
8. The existing use and the proposed use of the property have no specific use for the rail facilities that exist in Canby.
11. The subject property is not near the Willamette River and will have no effect on the transportation potential or use of the Willamette River.
12. The subject property is within the City limits and is near southern "entry point" into the City. The Master Plan provides for a design that will enhance the visual appearance to the west side of the S. Ivy Street entrance into the City.

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.

Policy #2: Canby shall utilize all feasible means of financing needed public improvements and shall do so in a equitable manner.

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

**ANALYSIS**

1. All needed public facility and service providers were sent a "Request for Comments" regarding this application. Positive responses have been received from the Canby Telephone Association, Canby Fire District, and Sewer Department. All have indicated that adequate facilities and/or services are available, or will be made available through the development. The Police Department, Public Works, Clackamas County and Canby Utility Board have not responded.

The subdivision will not affect services or the ability to provide services. Easements for half street improvement right-of-way, utility construction and maintenance will need to be provided.

5. The Hope Village Master Plan for the site designates a "linear park" plan that provides a walking path approximately 1 mile in length and horseshoe pits, in addition to general open space. The easement for the park has been recorded.

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

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

**ANALYSIS**

1. The subdivision will not affect the allowed uses of the property, which do not include economic and industrial.

2. The proposed development is not commercial in nature, nor does the current zoning of the subject property allow what is commonly referred to as "commercial development" (retail/office uses).

4. Development of the subdivision is a phased development, and H.O.P.E. has been maintaining the agricultural operation of the site for the portion that is not under development. The proposed development is not industrial in nature, nor does the current zoning of the subject property allow industrial development.

viii. **HOUSING**

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

Policy #2: Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing.

- Policy #3: Canby shall coordinate the location of higher density housing with the ability of the city to provide utilities, public facilities, and a functional transportation network.
- Policy #4: Canby shall encourage the development of housing for low income persons and the integration of that housing into a variety of residential areas within the city.
- Policy #5: Canby shall provide opportunities for mobile home developments in all residential zones, subject to appropriate design standards.

### ANALYSIS

2. The proposed subdivision will not change the housing density identified in Master Plan, as the density has been approved for the subject property.
3. The subdivision does not adversely affect the ability of services to be provided.
4. The proposed development of the subdivision does include housing for low income persons. An application for such housing has been filed, but has not yet been processed.
5. The proposed development is not a mobile home development. Future development of the property will not include mobile/manufactured home development.

### ix. ENERGY CONSERVATION

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

Policy #2: Canby shall encourage development projects which take advantage of wind and solar orientation and utilization.

Policy #4: Canby shall attempt to reduce wasteful patterns of energy consumption in transportation systems.

### ANALYSIS

2. The proposed subdivision will have to meet the basic solar access standards for new residential developments.
4. The City's transportation standards, and this development, are in accordance with the City's Transportation Master Plan.

**C. Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan and Compliance with Other Applicable City Ordinances:**

Review of the above analysis will show that the proposed subdivision, with the recommended conditions of approval, is consistent with the policies of the Comprehensive Plan. Development of each of the lots will need to comply with all applicable provisions of the City of Canby Land Development and Planning Ordinance, Building Codes, and other County and State Codes and Regulations.

**D. Conformance with Applicable Requirements of the Land Development and Planning Ordinance**

**16.64.010 Streets.**

No public street improvements are required as part of the proposed subdivision as improvements will occur as each phase of the Hope Village project develops. The proposed subdivision will not adversely affect any designated road improvements to S.W. 13th Avenue, S. Ivy Street, or S. Fir Street. The improvement of the intersection of S.W. 13th and S. Ivy is now under construction, and any progress of the intersection's signalization will not be adversely affected by the subdivision.

**16.64.030 Easements.**

Six foot utility easements will be required to be located along all interior lot lines and for the full width along any access drives. An easement for street tree planting shall be recorded for the twelve (12) foot utility along the S.W. 13th Avenue, S. Ivy Street and S. Fir Street.

Cross access easements for each of the lots are needed, such that access may be obtained across any of the lots by residents of any other lot, regardless of the ownership pattern of the lots.

**16.64.040 Lots.**

The 9 lots will range in size from approximately 50,363 square feet to approximately 164,241 square feet. The main access drive, identified as Cascade Drive, provides access to the Hope Village campus and is off of S. Ivy Street and is located on Lot 9. Specific lot sizes for the subdivision are as follows:

Lot 1 - 151,936 s.f.  
Lot 2 - 152,885 s.f.  
Lot 3 - 127,752 s.f.  
Lot 4 - 131,703 s.f.  
Lot 5 - 160,608 s.f.

Lot 6 - 50,363 s.f.  
Lot 7 - 129,834 s.f.  
Lot 8 - 132,435 s.f.  
Lot 9 - 164,241 s.f.

**16.64.070 Improvements.**

No improvements are required with this subdivision.

- E. Design and Lot Arrangement - The Overall design shall be functional in terms of sites, utility easements and access, without hindering adjacent development.**

The layout and provision of services to the proposed subdivision has been described by staff in detail in the preceding sections (B & D). The design and arrangement of the lots and streets are functional.

**IV. CONCLUSION**

In general, the proposed subdivision is consistent with the Comprehensive Plan, all applicable requirements of the Land Development and Planning Ordinance, the HOPE Village Campus Master Plan, and the overall design and arrangement of lots is functional and will not unduly hinder use or development of adjacent properties. Conditions are proposed herein to provide the necessary changes and details required to meet the City's standards for subdivisions.

**V. RECOMMENDATION**

Based on the application, site plan, the facts, findings and conclusions presented in this report, and without benefit of public testimony, staff recommends that should the Planning Commission approve, with conditions, SUB 97-03, that the following conditions apply:

**For the Final Plat:**

1. The final plat shall reference this land use application - City of Canby, File No. SUB 97-03, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits requested subsequent to the date of this approval.
2. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor, or his authorized Deputy, including, but not necessarily limited to, various matters related to land surveying, land title, plat security, and plat recordation.



3. The interior lot lines shall have six (6) foot utility easements. The exterior lot lines shall have twelve (12) foot utility easements and the access drives shall have utility easements for the entire width and length. An easement for street tree planting shall be recorded for the twelve (12) foot utility along the S.W. 13th, S. Ivy Street and S. Fir Street.
4. Access easements shall be provided for each lot, across each lot, such that access throughout the entire campus shall be legal and unencumbered, regardless of the ownership of any of the lots.

**Notes:**

5. The necessary site and design review applications and pre-construction conferences shall be held prior to any development or construction.
6. "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 computer disk in an AutoCAD format.
7. The final plat must be submitted to the City within one (1) year of the approval of the preliminary plat approval according to Section 16.68.020.
8. The approval 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).

**Exhibits:**

1. Application
2. Vicinity Map
3. Responses to Request for Comments
4. Tentative Plat (*too large to reproduce*)

**SUBDIVISION APPLICATION**

Fee: \$900 +  
\$30/lot

**OWNER**  
Housing & Outreach Project  
Name for Elderly, Inc.

**APPLICANT**

Name Same as Owner

Address P.O. Box 1128

Address \_\_\_\_\_

City Canby State OR Zip 97013

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

SIGNATURE

*[Handwritten Signature]*

Phone: (503) 266-4673

**DESCRIPTION OF PROPERTY:**

Tax Map 4S 1E 04 D Tax Lot(s) 800,801 Lot Size 22.46 & 5.00 acres  
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

**PROPERTY OWNERSHIP LIST**

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

**USE**

Existing Hazelnut Farming & Retirement Community  
Proposed Hope Village Retirement Community

Existing Structures Metal Storage Shed SW corner of parcel

**PROJECT DESCRIPTION**

See Attached Description

ZONING 1.5 Med COMPREHENSIVE PLAN DESIGNATION Medium Density Single Family  
PREVIOUS ACTION (if any) PUD/CUP 1992 with CUP/PUD

File No. SUB 97-03  
Receipt No. 2480  
Received by [Signature]  
Date Received 5-7-97  
Completeness Date \_\_\_\_\_  
Pre-App Meeting \_\_\_\_\_  
Hearing Date \_\_\_\_\_

**EXHIBIT**

TABLER

1

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

Housing & Outreach Project for Elderly, Inc.  
P.O. Box 1128, Canby, OR 97013

Attachment to Subdivision Application filed May 7, 1997 with City of Canby.

As owner and applicant, Housing & Outreach Project for Elderly, Inc. is requesting the granting of a subdivision of two of the three parcels which currently comprise the 32.7 acre campus of Hope Village at South Ivy and 13th Street in Canby.

This application is not concerned with the 5.0 acre parcel (parcel 4 of Partition Plat #1997-3) located at the South East corner of the campus. This parcel is the proposed site of the Assisted Living/Nursing Facility and is already a separate parcel as needed for that use. It is concerned with the other two parcels. One is the parcel on which the first gardenhomes are being built (5.0 acres) and the second parcel is the remaining part roughly 22.7 acres in size. These two parcels are to be subdivided in the following manner:

1. The boundary lines of the parcel on which the gardenhomes are being built will be adjusted so as to properly site the proposed gardenhomes and also to give the community center public street frontage on south Ivy. It calls for the vacating of certain easements as indicated on the site drawing.

2. A total of 9 lots will be created. These boundary lines are drawn to accommodate the siting of various phases in the development of Hope Village. Each lot has public street frontage.

The purpose of this subdivision is to facilitate the financing of the various phases of Hope Village. All lots will meet the requirements of the CUP/PUD issued in 1992 and will include required street and utility easements.

Also shown on the site maps submitted with this application are the internal streets which will provide access to the various facilities and homes in Hope Village. Also shown are the boundaries of the linear park easements which have been completed as required by the Planning Commission.

Respectfully Submitted,  
Jerry W. Barkman,  
Executive Director

MOLALLA

RIVER

STATE

PARK

Oregon  
is more than  
Welcome.

IRY  
RDEN

RNDT  
ROAD

# VICINITY MAP

FRONTIER  
GOLF  
COURSE

THREE  
RIVERS  
FARM

CANBY FERRY

PHOENIX & HOLLY  
MINIATURE  
RAILROAD

WILLAMETTE

VALLEY

COUNTRY

CLUB

# NE

RIVER

SWAN  
ISLAND  
DAHLIAS

# NW

CANBY GROVE  
CONFERENCE CENTER

KNIGHTS  
BRIDGE  
TO I-5 FREEWAY

BARLOW ROAD

MOLALLA

SOUTHERN  
HIGHWAY

# SW

CANBY SQUARE

CANBY HIGH SCHOOL

CANBY ADULT CENTER

CANBY SWIM CENTER

CANBY SWIM CENTER

CANBY ADULT CENTER

CANBY

CLACKAMAS COUNTY  
FAIRGROUNDS

Canby Depot Museum

PHILANDER LEE  
SCHOOL

CANBY SWIM CENTER

CANBY SWIM CENTER

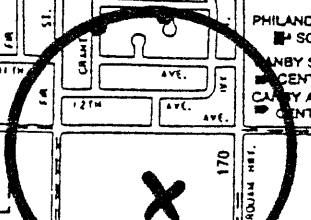
CANBY ADULT CENTER

CECIL S. TP  
ELEMENTAR  
SCHOOL

- Legend**
- CHAMBER OF COMMERCE
  - POST OFFICE
  - SCHOOL
  - CITY HALL

**EXHIBIT**

2



# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: May 12, 1997

TO: FIRE, POLICE, CUB, TELEPHONE/N. Willamette, NW NATURAL GAS, CLACKAMAS COUNTY, MIKE JORDAN, JOHN KELLEY, ROY, STEVE

The City has received SUB 97-03 an application by H.O.P.E., Inc. to subdivide two parcels [22.46 acres and 5 acres] into 9 lots to facilitate the financing of the various phases of Hope Village. The site is located on the southwest corner of the intersection of S. Ivy Street/SW 13th Avenue [Tax Lots 800 and 801 of Tax Map 4-1E-4D].

We would appreciate your reviewing the enclosed application and returning your comments by **May 22, 1997 PLEASE**. The Planning Commission plans to consider this application on **June 9, 1997**. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

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Please check one box:

- Adequate Public Services (of your agency) are available 201
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: Jerry Stiger

Date: 5/23/97

Title: Police Chief

Agency: Canby Police Dept

EXHIBIT

3

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

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Comments or Proposed Conditions:

COMMENTS ABOUT FUTURE DEVELOPMENT PHASES,  
ARE PROGRESSIVE AND ATTACHED - MEANING  
NOT ALLOWING LOT 5 PRIOR TO LOT 4

Please check one box:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
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Signature: Tom Pearson Date: 5/13/97  
Title: ENG DEPT Agency: CTA - NWT

# PLEASE RETURN ATTACHMENTS!!!

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- Adequate Public Services will become available through the development
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Signature: Steve Roy

Date: 5/12/97

Title: PO for Subdivision

Agency: Canby Planning

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: May 12, 1997

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Comments or Proposed Conditions:

*We have already discussed our requirements at the pre-construction meeting on May 15, 1997 and subsequently on May 19, 1997. There were no changes at the May 19 meeting.*

Please check one box:

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

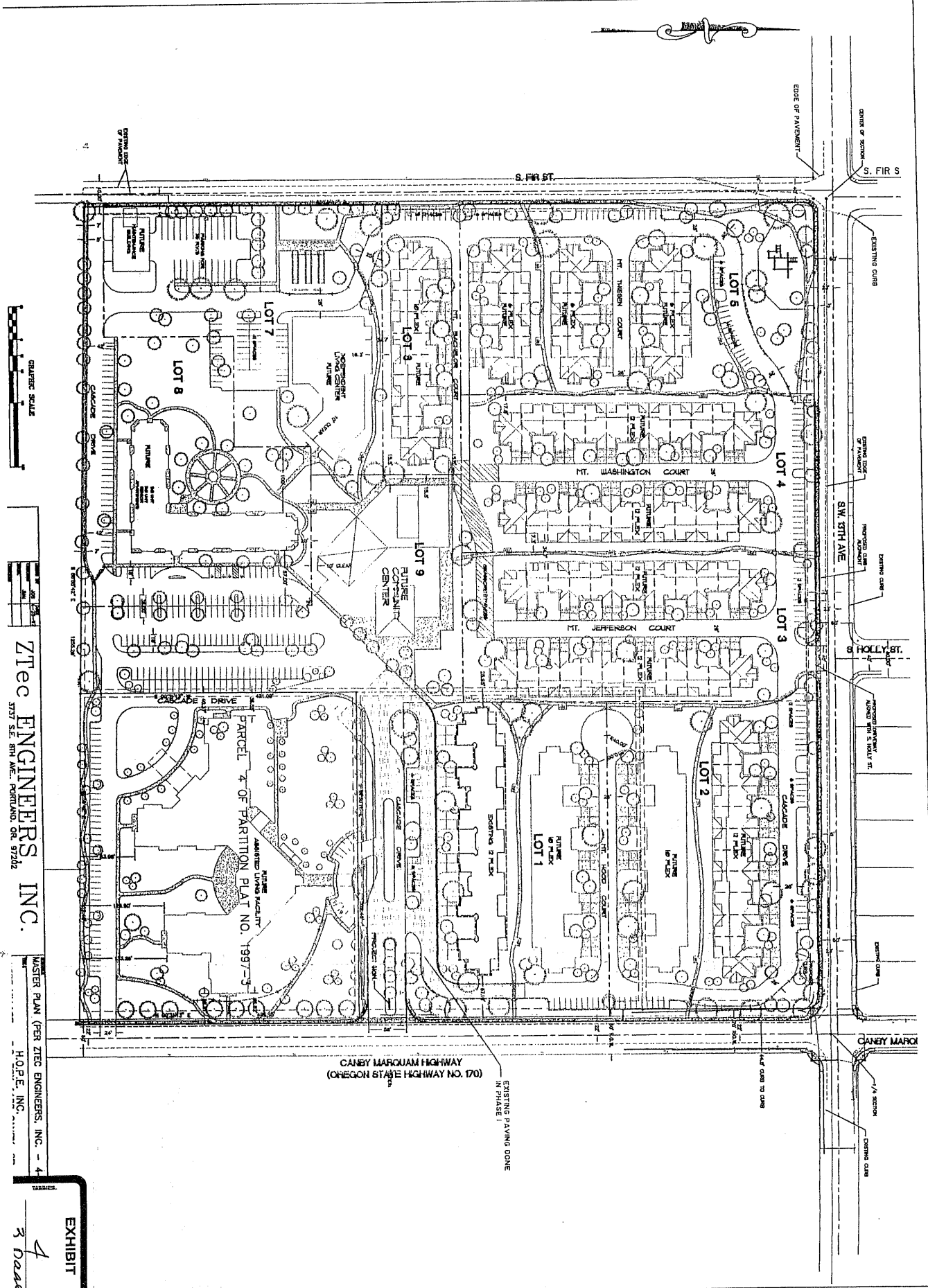
Signature: *Don Yarbrough*

Date: *5-19-97*

Title: *Fire Marshal*

Agency: *Canby FD #62*

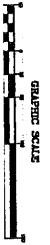
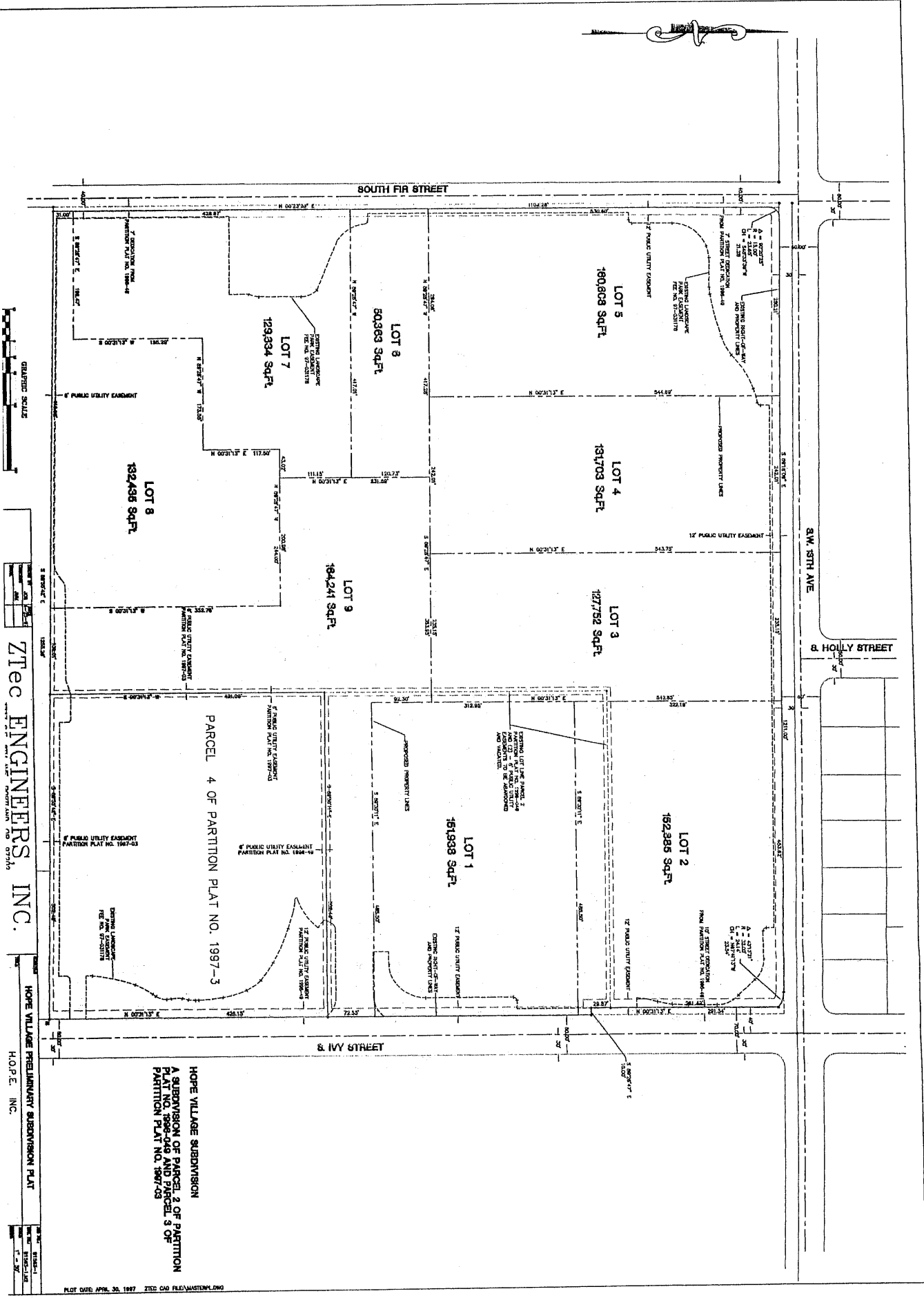




ZTEC ENGINEERS, INC.  
 3737 S.E. 8TH AVE., PORTLAND, OR 97214

MASTER PLAN (PER ZTEC ENGINEERS, INC. - 4)  
 H.O.B.E., INC.

EXHIBIT  
 4  
 3 DATES



**Ztec ENGINEERS, INC.**  
 1000 N. W. 10th St., Suite 100  
 Ft. Lauderdale, FL 33304  
 PHONE: (305) 555-1111  
 FAX: (305) 555-1112

**HOPE VILLAGE PRELIMINARY SUBDIVISION PLAT**  
 HOPE, INC.

DATE	DESCRIPTION
APRIL 30, 1997	PRELIMINARY PLAT
MAY 1, 1997	FINAL PLAT

**NOTES**  
 1. THIS PLAN IS BASED ON THE EXISTING SURVEY AND FIELD DATA.  
 2. THE EXISTING UTILITIES ARE SHOWN AS DOTTED LINES.  
 3. THE PROPOSED UTILITIES ARE SHOWN AS SOLID LINES.  
 4. THE PROPOSED UTILITIES ARE TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF HOPE UTILITIES DEPARTMENT SPECIFICATIONS.



**Ztec ENGINEERS, INC.**  
 3737 SE 8TH AVE. SUITE 100  
 PORTLAND, OREGON 97202

**HOPE, INC.**  
 1128 N. 11TH AVE. - 2ND FLOOR  
 HOPE, OREGON 97103

DATE	DESCRIPTION
05/06/1987	FINAL PLAN
04/01/1987	REVISED PLAN
03/01/1987	PRELIMINARY PLAN

