

A G E N D A
CANBY PLANNING COMMISSION
REGULAR MEETING
City Council Chambers
Monday, June 23, 1997
7:30 p.m.

I. ROLL CALL

II. MINUTES

June 9, 1997

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. FINDINGS

CUP 97-03/DR 97-02 - U.S. West Communications Wireless
SUB 97-03 - HOPE, Inc

V. PUBLIC HEARINGS

DR 97-03, an application by Les Schwab Tire Center for Site and Design Review approval to construct a single story 50' x 80' addition to the existing tire store. The site is located on the south side of Highway 99-E, west of S. Grant Street [Tax Lots 2400 and 3700 of Tax Map 3-1E-33CD].

ANN 97-02, an application by the City of Canby for approval to annex the City-owned portion of the Molalla Forest Road into the City of Canby. The site is located from Highway 99-E to S.E. 13th Avenue, east of S. Pine/S. Redwood and west of S. Walnut Street (Tax Lots 100 and 190 of Tax Map 3-1E-34C and Tax Lot 301 of Tax Map 4-1E-3).

MLP 97-04, an application by Michael and Patricia Moir for approval to partition a .56 acre parcel into three parcels. The parcel is located on the west side of S. Ivy Street, facing S.W. 6th Place and is currently addressed as 688 S. Ivy Street (Tax Lot 1000 of Tax Map 4-1E-4AB).

VAR 97-04, an application by Canby School District #86 for approval to construct a "Reader Board" sign on the Trost Elementary School site, which would inform the public of both current and future events that would be taking place. The site is located on S. Redwood Street, south of S. Township Road (Tax Lot 1100 of Tax Map 4-1E-3).

WITHDRAWN

VII. COMMUNICATIONS

VIII. NEW BUSINESS

IX. DIRECTOR'S REPORT

X. ADJOURNMENT



welcomes your interest in these agenda items and go as you please.

The City of Canby Planning Commission items. Please feel free to come

Dan Ewert, Chair
Terry Prince

Keith Stewart, Vice-Chair
John Dillon

Vern Keller
Jean Marie Tallman

Mark O'Shea

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: Planning Commission
From: Jim Wheeler, Planning Director *JSW*
Date: June 10, 1997
Re: 1997 Ordinance Changes

Enclosed are three different sections of ordinance amendments (Application Submittal Requirements, Cell Tower Siting Ordinance, and Miscellaneous Items). The date of this draft is on the front page of each of the sections. Please disregard (and maybe throw out) the previous drafts, in order to avoid confusion.

There have been some changes to the previous drafts, these changes are as follows:

Application Submittal Requirements

- ** Added a definition of what an application submittal is (in order to start a review of whether or not the application is complete).
- ** Added that the applications are to be printed or typed.
- ** Added Corvallis' annexation application requirements.
- ** Added a requirement for a engineer certification of no hazard for a development in a Hazard Overlay zone (comp plan standard).
- ** Added a requirement for delineating any wetlands that are present (comp plan standard).

Misc.

- ** Added a tie-in of the review time to the Oregon Revised Statutes provisions (120-day rule).
- ** Added wording that exempts signs that are a part of a reviewable project, but are proposed more than 2 years after occupancy, from Site and Design Review (in accordance with current practice).
- ** Added temporary canopies/tents exemption from Site and Design Review.

Cell Tower Siting Ordinance

- ** Changed some of the wording and the order of some of the criteria (reformatting of the ordinance).

**A REMINDER: PLANNING COMMISSION WORKSHOP REGARDING THESE
ORDINANCE AMENDMENTS ON**

MONDAY, JUNE 30 - at 7:30 P.M., IN THE COUNCIL CHAMBERS

PROPOSED 1997 TEXT AMENDMENTS

Miscellaneous Items

Section 1. Amend Section 16.08.110 Fences, to read as follows:

[A.] Fences not more than three and one-half feet in height may be constructed up to property lines in the street setbacks of any R-1, R-1.5, R-2 or C-1 zone. Fences not more than six (6) feet in height may be constructed in any interior yard, street yard along the side of a corner lot, or street yard along an alley; provided, however, that in no case shall a fence be constructed in violation of the requirements of a vision clearance area.

[B.] **Arbors that are added to a fence that is constructed of proper design (height and setbacks) and in accordance with this section (16.08.110), is allowed, given the following considerations:**

1. The arbor shall not exceed eight (8) feet in height (including the fence);
2. The arbor, or any part of the arbor, shall not obstruct the view of drivers or pedestrians navigating the streets and/or sidewalks in the area;
3. Vegetation on the arbor shall not be allowed to grow solid at any time, creating a solid barrier that blocks visibility;
4. Vegetation on the arbor shall not, at any point, be allowed to grow over the eight (8) foot height limit;
5. If the vegetation becomes too full or too high, the owner is financially responsible to rectify the situation, and to maintain the vegetation, fence, and arbor;
6. Color, construction, and design must be consistent with other like arbors/fences in the immediate area;
7. The arbor shall not block, or in any way impede any present vistas enjoyed by neighboring homes and/or other points of interest existing at the time of the building of the fence or arbor;
8. **The primary purpose of the arbor is to support and sustain foliage/vegetation.**

[C.] The Planning Commission may require site-blocking or noise mitigating fences for any development it review.

[D.] The Planning Commission may require fences of up to eight feet in height for any development in C-2, C-M, M-1 or M-2, or Planned Unit Development zones.

[E.] No fence/wall shall be constructed throughout a subdivision, planned unit development, or be part of a project that is/was subject to site and design review approval where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission.

Reasoning:

The Planning Commission made an interpretation in 1995 (INT 95-02) which permitted arbors, as stated in the above proposed amendment. The proposal is to codify the interpretation.

Section 2. Amend Section 16.16.030(F)(2), to read as follows:

- F. 2. All setbacks to be measured from the foundation line of the building; overhangs shall not exceed two feet[; **mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements**].

Reasoning:

Traditionally, most mechanical units are less than 30 inches high, and therefore were exempt from the setback requirements. However, the units have gotten a little be taller and, in some cases, are higher than 30 inches. It is generally felt that these units should be permitted in the side yard setback areas. In order to provide clarity in the future, the exemption should be codified explicitly.

Section 3. Amend Section 16.18.030(F)(2), to read as follows:

- F. 2. All setbacks to be measured from the foundation line of the building; overhangs shall not exceed two feet[; **mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements**].

Reasoning:

Traditionally, most mechanical units are less than 30 inches high, and therefore were exempt from the setback requirements. However, the units have gotten a little be taller and, in some cases, are higher than 30 inches. It is generally felt that these units should be permitted in the side yard setback areas. In order to provide clarity in the future, the exemption should be codified explicitly.

Section 4. Amend Section 16.20.030(F)(2), to read as follows:

- F. 2. All setbacks to be measured from the foundation line of the building; overhangs shall not exceed two feet[; **mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements**].

Reasoning:

Traditionally, most mechanical units are less than 30 inches high, and therefore were exempt from the setback requirements. However, the units have gotten a little be taller and, in some cases, are higher than 30 inches. It is generally felt that these units should be permitted in the side yard setback areas. In order to provide clarity in the future, the exemption should be codified explicitly.

Section 5. Amend Section 16.22.030(F)(3), to read as follows:

- F. 3. All setbacks to be measured from the foundation line of the building; overhangs shall not exceed two feet[; **mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements**].

Reasoning:

Traditionally, most mechanical units are less than 30 inches high, and therefore were exempt from the setback requirements. However, the units have gotten a little be taller and, in some cases, are higher than 30 inches. It is generally felt that these units should be permitted in the side yard setback areas. In order to provide clarity in the future, the exemption should be codified explicitly.

Section 6. Amend Section 16.28.030(C)(1) Development Standards, to read as follows:

C. Minimum yard requirements:

1. Street yard: twenty feet where abutting Highway 99-E and S. Ivy Street. **Gas station canopies shall be exempted from the twenty foot setback requirements.** Remaining property none, except ten feet where abutting a residential zone. Sign setbacks along Highway 99-E and S. Ivy Street are to be measured from the face of the curb rather than the lot line. Where no curb exists, the setback shall be measured from the property line. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within or to project over a street right-of-way;

Reasoning:

The Planning Commission has permitted two canopies to be constructed closer than the required street yard setback from Highway 99E, via variances. The essentially reasoning for the granting of the variances, was that existing gas stations with canopies, have the canopies located within the street yard setbacks. With two variances being approved for this reason, it is appropriate to amend the code to permit the canopies within the required setback.

Section 7. Amend Section 16.30.030(C)(1) Development Standards, to read as follows:

C. Minimum yard requirements:

1. Street yard: twenty feet where abutting Highway 99-E and S. Ivy Street. **Gas station canopies shall be exempted from the twenty foot setback requirements.** Remaining property none, except ten feet where abutting a residential zone. Sign setbacks along Highway 99-E and S. Ivy Street are to be measured from the face of the curb rather than the lot line. Where no curb exists, the setback shall be measured from the property line. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within or to project over a street right-of-way;

Reasoning:

The Planning Commission has permitted two canopies to be constructed closer than the required street yard setback from Highway 99E, via variances. The essentially reasoning for the granting of the variances, was that existing gas stations with canopies, have the canopies located within the street yard setbacks. With two variances being approved for this reason, it is appropriate to amend the code to permit the canopies within the required setback.

Section 8. Amend Section 16.32.030(C)(1) Development Standards, to read as follows:

C. Minimum yard requirements:

1. Street yard: twenty feet where abutting Highway 99-E and S. Ivy Street. **Gas station canopies shall be exempted from the twenty foot setback requirements.** Remaining property none, except ten feet where abutting a residential zone. Sign setbacks along Highway 99-E and S. Ivy Street are to be measured from the face of the curb rather than the lot line. Where no curb exists, the setback shall be measured from the property line. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within or to project over a street right-of-way;

Reasoning:

The Planning Commission has permitted two canopies to be constructed closer than the required street yard setback from Highway 99E, via variances. The essentially reasoning for the granting of the variances, was that existing gas stations with canopies, have the canopies located within the street yard setbacks. With two variances being approved for this reason, it is appropriate to amend the code to permit the canopies within the required setback.

Section 9. Amend Section 16.49.030(2)(a) Site and design review plan approval required, to read as follows:

2. a. Signs that are not [a] part of a reviewable development project. [Signs that are a part of a reviewable development project, and that are proposed more than two (2) years beyond the final occupancy of the reviewed development.]

Reasoning:

The changing of signage, or implementation of signage, for a development after it has been approved has been a difficult issue for the Planning Commission to deal with. The solution that has been in practice for the past year, is to require that any new signage, or a change in the approved signage, be required to be reviewed by the Planning Commission in an administrative review (no public hearing - notices of decision sent to property owners, with the opportunity to call for a public hearing).

Section 10. Add to Section 16.49.030(2) Site and design review plan approval required, the following:

2. [e. Temporary commercial tent/canopy structures, which meet the Uniform Building or Fire Code, and which will be removed within thirty (30) days of placement.]

Reasoning:

The Planning Commission recently discussed this issue, which resulted in the proposed amendment. The result of this proposal is to permit temporary structures used in "sidewalk sales" and the like, without requiring a formal site and design review.

Section 10. Amend Section 16.88.020(C) Action on application, to read as follows:

C. The City Planner shall promptly review any application submitted for the review of the staff, Planning Commission, or City Council, and shall determine whether the filing is complete. [This review shall occur within thirty (30) days of receipt of the application.] Any application found to be incomplete in any way shall cause the City Planner to immediately notify the applicant of such deficiency. If the applicant fails to submit the required information within thirty [one-hundred and eighty (180)] days of the original submittal, [or submits a letter within the 180 days stating that the information will not be submitted,] the proposal will be scheduled for action, but such lack of complete information may be cited as a sufficient finding to justify the denial of the application.

Reasoning:

The original text and time limits do not comply with ORS 227.178(2). The proposed revisions bring the ordinance into compliance with the Oregon Revised Statutes.

Section 11. Amend Section 16.88.020(D) Action on application, to read as follows:

D. The Commission shall take action on each properly filed application within sixty days of receipt of such application, unless this time is extended by mutual consent of the applicant and the Commission. The Council shall observe the same time limits in acting on recommendations from the Commission or appeals from the Commission actions. In no case shall the total time for final action on an application, including appeal, exceed one hundred twenty days from the filing of a complete application. **[Extensions of time limits for review shall be accomplished in accordance with ORS 227.178(4) and 227.178(8), and such extensions shall apply to ORS 227.178(1) and 227.178(7).]**

Reasoning:

With a recent land use development application (SUB 96-02), a waiver of the time limits was granted to the City in accordance with this section of the City Ordinance. When the 120-day period for review was exceeded, the applicant filed writ of mandamus in the Circuit Court to have the application approved because the City failed to review the application within the 120-day period, as provided in the Oregon Revised Statutes. The City maintained that the applicant, in waiving the City Ordinance provision, waived the ORS provision. The Circuit Court agreed with the City. However, staff feels that it is prudent to make sure that the language in the City Ordinance explicitly ties this section to the Oregon Revised Statutes.

PROPOSED 1997 TEXT AMENDMENTS

Cell Tower Siting Ordinance

Section 1. Amend Chapter 16.04 DEFINITIONS by adding the following definitions:

ACCEPTABLE SITE. For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Highway Commercial or Commercial-Manufacturing.

ANTENNA. The specific device used to capture an incoming and/or transmit an outgoing radio-frequency signal. This definition shall include omni-directional (whip) antennas; directional (panel) antennas; parabolic (microwave dish) antennas; and ancillary antennas (i.e., GPS). All other transmitting or receiving equipment not specifically described herein shall be regulated in conformity with the type of antenna described herein which most closely resembles such equipment.

ATTACHED WTS FACILITY. An existing pole, tower or other structure capable of accommodating a WTS facility antenna, whether originally intended for such use or not.

BACKHAUL NETWORK. The land lines that connect a WTS provider's radio signals to one or more cellular telephone switching offices and/or local or long distance providers, or the public switched telephone network.

CELL. A geographic area where a single radio transmission sending/receiving station (per provider) and the equipment necessary to connect these radio calls to land lines or other cells are located.

COLLOCATION. Two or more WTS providers utilizing a structure or site specifically designed and/or approved for such multiple use, and including equipment shelters.

CONDITIONALLY SUITABLE SITE. For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Agricultural, Low Density Residential, Medium Density Residential, High Density Residential, Residential/Commercial, Convenience Commercial, or Downtown Commercial.

DETACHED WTS FACILITY. A pole, tower or other structure designed and intended to support WTS facility antennas.

EQUIPMENT SHELTERS. For purposes of siting wireless telecommunications systems facilities, the buildings, structures, cabinets or vaults used to house and protect the equipment necessary to connect/relay radio signals from cell site to cell site and to land line systems. Associated equipment such as air conditioning or emergency generators shall be included in this definition of equipment shelters.

FCC. The Federal Communications Commission; the federal agency that regulates interstate and international communications by radio, television, wire, satellite and cable.

LATTICE TOWER. For purposes of siting wireless telecommunications systems facilities, a WTS support structure which consists of metal crossed strips or bars and which supports antennas and related equipment for one or more WTS provider.

MONOPOLE. For purposes of siting wireless telecommunications systems facilities, a WTS support structure which consists of a single tapered steel pole and which supports antennas and related equipment for one or more WTS provider.

PREFERRED SITE. For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Light Industrial or Heavy Industrial.

STEALTH DESIGN. A variety of techniques used to disguise or mitigate the visual presence of WTS support structures, including, but not limited to screening by mature trees (75% or more of the pole beneath the tree canopy), mimicking common features of the urban landscape (light poles, church steeples, trees, etc.), painting antennas to match the color of supporting building walls, or roof mounting behind parapets.

WIRELESS TELECOMMUNICATIONS FACILITIES. The site, structures, equipment and appurtenances used to transmit, receive, distribute, provide or offer wireless telecommunications services. This includes, but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment.

WIRELESS TELECOMMUNICATIONS SYSTEMS (WTS). The sending and receiving of radio frequency transmissions and the connection and/or relaying of these signals to land lines and other sending and receiving stations (cell sites), and including cellular radiotelephone, personal communications services, enhanced/specialized mobile radio, and commercial paging services.

Section 2. Amend 16.08.100 Height allowances, to read as follows:

The following types of structures or structural posts are not subject to the building height limitations: chimneys, cupolas, tanks, church spires, belfries, derricks, fire and hose towers, flagpoles, water tanks, elevators, windmills, utility poles and other similar projections. **The height of Wireless Telecommunications Systems Facilities shall be in accordance with Section 16.08.120.**

Section 3. Chapter 16.08 GENERAL PROVISIONS is hereby amended by adding the following section:

Section 16.08.120 Siting and review process for Wireless Telecommunications Systems Facilities.

A. The purpose of this Ordinance is to provide standards and review processes for wireless telecommunications systems facilities locating within the City of Canby. This purpose shall be realized by implementing new provisions of the Canby Land Development and Planning Ordinance that will:

1. Regulate the placement, appearance and number of wireless telecommunications systems facilities;
2. Ensure that the citizens of Canby will have access to a variety of wireless telecommunications systems and providers;
3. Reduce the visual impact of certain wireless telecommunications systems facilities by encouraging collocation;
4. Establish a graduated system of review that will expedite facilities placement in preferred locations; and
5. Implement the applicable provision of the Federal Telecommunications Act of 1996.

B. The siting and review process for WTS facilities is based on the type of facility (monopole, stealth design or collocation) and its proposed location in a Preferred Site (M-1 or M-2 zoning districts), Acceptable Site (C-2 or C-M zoning districts), or Conditionally Suitable Site (Ag, R-1, R-1.5, R-2, C-R, C-C, or C-1 zoning districts).

C. The development review process for wireless telecommunications systems (WTS) facilities shall be as follows:

1. Building and Electrical Permits only:
 - a. An attached WTS facility (existing structure, including collocation on cell tower), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site or Acceptable Site, where the height of the attached WTS facility is no more than 10 feet higher than the existing structure.

b. A detached WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, set back at least 660 feet from Highway 99E or land either planned or zoned for residential use, and less than 150 feet in height, including antennas.

c. A detached, stealth design WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/ connection equipment, on an Acceptable Site, set back from all property lines a distance equal to or greater than the height of the tower, and less than 60 feet high.

2. Building and Electrical Permits, and Site and Design Review (16.49):

a. An attached WTS facility (existing structure, including collocation on cell tower), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site or Acceptable Site, where the height of the attached WTS facility is more than 10 feet higher than the existing structure.

b. A detached WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, set back at least 660 feet from Highway 99E or land either planned or zoned for residential use, and equal to or over 150 feet in height, including antennas.

c. A detached WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, within 660 feet from Highway 99E or land either planned or zoned for residential use, and under 100 feet in height, including antennas.

d. A detached WTS facility (lattice tower), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, set back at least 660 feet from Highway 99E or land either planned or zoned for residential use, and under 150 feet in height, including antennas.

e. A detached, stealth design WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/ connection equipment, on an Acceptable Site, set back from all property lines a distance equal to or greater than the height of the tower, and less than 100 feet high, including antennas.

3. Building and Electrical Permits, Site and Design Review (16.49), and Condition Use Permit (16.50):

- a. A detached WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, within 660 feet from Highway 99E or land either planned or zoned for residential use, and equal to or over 100 feet in height, including antennas.
- b. A detached WTS facility (lattice tower), including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, on a Preferred Site, setback at least 660 feet from Highway 99E or land either planned or zoned for residential use, and equal to or over 150 feet in height, including antennas.
- c. A detached, stealth design WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/ connection equipment, on an Acceptable Site, set back from all property lines a distance equal to or greater than the height of the tower, including, unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts, and equal to or over 100 feet high, with a maximum height of 130 feet.
- d. An attached WTS facility (existing structure, including collocation on cell tower) on a Conditionally Suitable Site, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, where the height of the attached WTS facility is no more than 10 feet higher than the existing structure.
- e. A detached, stealth design WTS facility (monopole), including equipment shelters, buildings and cabinets housing WTS land line switching/ connection equipment, on a Conditionally Suitable Site, set back from all property lines a distance equal to or greater than the height of the tower, unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts, and equal to or less than 35 feet high (or equal to or less than 45 feet high in C-R and C-1 zones).

D. Standards for siting WTS facilities shall be as follows:

1. Site and Design Review standards and criteria (Section 16.49.040) shall apply to all WTS facilities requiring Site and Design approval.
2. Conditional Use Permit standards and criteria (Section 16.50.010) shall apply to all WTS facilities requiring Conditional Use Permit approval.
3. All WTS facilities shall observe minimum lot size, lot coverage, building height and building setback requirements of the underlying zoning district unless specifically exempted or otherwise regulated by this Section. Underground facilities may encroach upon required yards or may be placed in appropriate easements.
4. All detached WTS facilities shall be landscaped at the base of the towers/poles, and completely around the equipment shelters. The landscaping shall conform to the ODOT standards for plant size and spacing.
5. Lighting for all WTS facilities shall be as required by the FAA or recommended by ODOT Aeronautics Division. All other lighting must be deflected away from adjoining property.
6. All detached WTS facilities shall be screened from the public right-of-way and abutting property by a security fence or wall at least 6 feet in height consisting of chain link fencing with vinyl slats, solid wood fencing, concrete masonry unit block, or brick.
7. Attached WTS facilities shall be painted to match the color of the mechanical screen wall or building to which it is attached.
8. Equipment shelters, buildings and cabinets housing radio electronics equipment shall be concealed, camouflaged or placed underground.
9. Any WTS facility sited on or designed with any of the following attributes shall first receive FCC approval, as specified in FCC Rules 1.1301 - 1.1319, as a condition of City approval prior to construction; Wilderness Area; Wildlife Preserve; Endangered Species; Historical Site; Indian Religious Site; Flood Plain; Wetlands; High Intensity White lights in residential neighborhoods; Excessive radio frequency radiation exposure.

E. Application requirements for WTS facilities shall be as follows:

1. WTS providers whose proposals conforms with the provisions of subsection (C)(1) of this Section (16.08.120) shall submit the following information with the application for permits:

- a. A copy of that portion of the lease agreement (or lease memo) with the property owner, facility removal within 90 days of the abandonment and a bond to guarantee removal shall be submitted for review prior to development permit approval.
- b. A map of the City showing the approximate geographic limits of the "cell" to be created by the facility. This map shall include the same information for all other facilities owned or operated by the applicant within the City, or extending within the City from a distant location, and any existing detached WTS facilities of another provider within 1,000 feet of the proposed site.
- c. A plot plan showing: the lease area; antenna structure; height above grade and setback from property lines; equipment shelters and setback from property lines; access; connection point with land line system; and all landscape areas associated with the WTS facility.
- d. Anticipated capacity of the WTS facility (including number and types of antennas which can be accommodated).
- e. The method(s) of stealth design (where applicable).
- f. An engineer's statement that the radio frequency emissions at grade, or at the nearest habitable space when attached to an existing structure comply with FCC rules for such emissions; the cumulative radio frequency emissions if collocated.
- g. The radio frequency range in megahertz and the wattage output of the equipment.
- h. A description of the type of service offered (voice, data, video, etc.) And the consumer receiving equipment.
- i. Identification of the provider and backhaul provider, if different.
- j. A facilities maintenance regimen.
- k. The zoning and Comprehensive Plan designation of the proposed site.

- l. The FAA determination.
 - m. The distance from the nearest WTS facility.
2. WTS providers whose proposals conform with the provisions of subsection (C)(2) and (C)(3) of this Section (16.08.120) shall submit, in addition to the requirements of 16.49.035 and/or 16.50.020 of the Land Development and Planning Ordinance, the following additional information:
- a. Items 1 - 14 in subsection (5)(a) above.
 - b. Alternatives for locating/relocating support structures within 250 feet of the proposed site.
 - c. Photo simulations of the proposed WTS facility from the four cardinal compass points and/or abutting right-of-way, whichever provides the most accurate representation of the proposed facility from a variety of vantage points.
 - d. An engineer's statement demonstrating the reasons why the WTS facility must be located at the proposed site (service demands, topography dropped coverage, etc.).
 - e. An engineer's statement demonstrating the reasons why the WTS facility must be constructed at the proposed height.
 - f. Verification of good faith efforts made to locate or design the proposed WTS facility to qualify for a less rigorous approval process (building permit and/or building permit and site and design review approval).

F. Private amateur radio (HAM) antennas, their support structures, and direct to home satellite receiving antennas are exempt from this section (16.08.120), but shall otherwise comply with the applicable provisions of the underlying zoning district in which they are located to the extent that such provisions comply with Federal Communications Commission policy.

Section 4. Amend Table 16.10.050 Off-Street Parking Provisions, adding:

Commercial:

Wireless Telecommunication Systems	1.00 space per site
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Section 5. Amend Section 16.16.020 Conditional uses, adding:

Attached WTS Facilities (see 16.08.120).

Detached WTS Facilities (monopole), less than 35 feet in height (see 16.08.120).

Section 6. Amend Section 16.22.020(31) Conditional uses, to read as follows:

32. Telephone or telegraph exchange[, ~~excluding wireless or cellular communications towers or monopoles~~];

Section 7. Amend Section 16.22.020 Conditional uses, adding:

Attached WTS Facilities (see 16.08.120).

Detached WTS Facilities (monopole), less than 45 feet in height (see 16.08.120).

Section 8. Amend Section 16.24.020 Conditional uses, adding:

Attached WTS Facilities (see 16.08.120).

Detached WTS Facilities (monopole), less than 45 feet in height (see 16.08.120).

Section 9. Amend Section 16.26.020 Conditional uses, adding:

Attached WTS Facilities (see 16.08.120).

Detached WTS Facilities (monopole), less than 35 feet in height (see 16.08.120).

Section 10. Amend Section 16.28.010 Uses permitted outright, adding:

Attached WTS Facilities (see 16.08.120).

Detached WTS Facilities (monopole), less than 100 feet in height (see 16.08.120).

Section 11. Amend Section 16.28.020 Conditional uses, adding:

Detached WTS Facilities (monopole), equal to or over 100 feet in height (see 16.08.120).

Section 13. Amend Section 16.30.010 Uses permitted outright, adding:

Attached WTS Facilities (see 16.08.120).

Detached WTS Facilities (monopole), less than 100 feet in height (see 16.08.120).

Section 14. Amend Section 16.30.020(A) Conditional uses, to read as follows:

A. A use permitted outright in an M-1 zone and not listed in Section 16.30.010 or below;

Section 15. Amend Section 16.30.020 Conditional uses, adding:

Detached WTS Facilities (monopole), equal to or over 100 feet in height (see 16.08.120).

Section 17. Delete Section 16.32.010(W) Uses permitted outright:

~~W. Wireless or cellular communications facility/tower;~~

Section 18. Amend Section 16.32.010 Uses permitted outright, adding:

Attached WTS Facilities (see 16.08.120).

Detached WTS Facilities (monopole or lattice tower), under 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).

Detached WTS Facilities (monopole), under 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).

Detached WTS Facilities (monopole), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).

Section 19. Amend Section 16.32.020 Conditional uses, adding:

Detached WTS Facilities (monopole), equal to or over 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).

Detached WTS Facilities (lattice tower), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).

Section 21. Amend Section 16.34.020 Conditional uses, adding:

Detached WTS Facilities (monopole), equal to or over 100 feet in height and less than 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).

Detached WTS Facilities (lattice tower), equal to or over 150 feet in height and at least 660 feet from the nearest land zoned or planned for residential use or Highway 99E (see 16.08.120).

PROPOSED 1997 TEXT AMENDMENTS

Application Submittal Requirements

Section 1. Add Section 16.04.063 Applications, as follows:

"Application" for a land use permit (site and design review, conditional use permit, annexation, zone change, subdivision, etc.) means a package of information that includes:

- A. The application form filled out and signed by the owner;
- B. Site plan and/or narrative describing the proposal;
- C. List of property owners on mailing labels; and
- D. The application fee.

Reasoning:

This states the minimum requirements to consider an application to be submitted (regardless of whether it is complete or not).

Section 2. Add Section 16.44.120 Application for Special Permits (16.44.090 - 16.44.110) as follows:

An application for a special permit under sections 16.44.090 - 16.44.110 shall be filed with the City Planner on forms prescribed for that purpose, typed or printed. Such applications shall include:

- A. Plot plan, drawn to scale (not less than 1"=40'), indicating:
 1. The location of the unit subject to approval;
 2. Distance of the unit to property lines and existing structures on the lot;
 3. Streets;
 4. Major topographic and landscape features; and
 5. Proposed utility connections.
- B. Narrative describing the proposal, and length of time the permit is needed.
- C. List of property owners within 100 feet of the subject property, on mailing labels.

Reasoning:

This is the type of information that is needed, but currently not specified, for appropriate processing of a special permit application.

Section 3. Amend Section 16.48.020 Plot plans - information required, to read as follows:

[A. For all proposed commercial, industrial and multiple-family residential development projects (having greater than two dwelling units), three] eight copies of a plot plan, drawn to a clearly legible scale, shall be submitted to the City Planner for review. These plans shall include all of the following which may be applicable to the development:

1. Locations and general designs of all structures, showing exterior doors;
2. Locations, sizes and general designs of all signs;
3. Bicycle paths, bicycle parking areas, sidewalks and other pedestrian ways;
4. Landscaping areas and water systems for landscaped areas;
5. Parking layout, including specially designated areas for economy cars and spaces for the handicapped. The patterns of vehicular traffic shall be shown, including ingress and egress points onto adjacent streets;
6. Locations and types of traffic-control signs;
7. Distances between structures and other significant features[, including property lines];
8. Planned exterior lighting arrangement;
9. Method of screening garbage cans and exterior storage areas from view;
10. Locations, sizes and types of fences to be used;
11. Vision clearance areas;
12. Storm drainage plans;
13. Locations and general nature of utility lines, pipelines, standpipes, hydrants, etc.;
14. Arrangement and location of mailboxes[;
15. **Other requirements as per development review approval.**

B. For any residential structure including, but limited to, manufactured homes, whether new or previously occupied, two copies of a plot plan, drawn to a clearly legible scale, shall be submitted to the City Planner for review. These plans shall include all of the following which may be applicable to the development:

1. **Locations and general designs of all structures;**
2. **Sidewalks and other pedestrian and/or bicycle paths;**
3. **Distances between structures and other significant features, including property lines;**
4. **Distances between the face of the garage and the back of the sidewalk;**
5. **Location of required street trees;**
6. **Vision clearance areas;**
7. **Location of street lights, hydrants, mailboxes, or other similar features on, or in front of the lot.]**

Reasoning:

The number of copies needed for a plan review is two for single family residential, and three for all other types of developments. The information needed for single family residential review is substantially less than other types of developments.

Section 4. Add Section 16.49.035 Application for Site and Design Review, as follows:

Any application for site and design review shall be typed or printed, and shall be accompanied by:

A. Copies. One (1) copy of the application on forms prescribed for the purpose, mailing labels, narrative, and other information submitted on 8-1/2" x 11" paper. Twenty-five (25) copies of the site plan, landscape plan, building elevations, and other large print drawings.

B. List of property owners within 200 feet of the subject property, on mailing labels.

C. A traffic impact analysis, conducted or reviewed by a traffic engineer contracted by the City and paid for by the applicant (through the City), for any project that results in any one of the following:

1. More than one access onto any collector or arterial street (such streets being designated by the City of Canby Transportation Plan);
2. More than six (6) residential units that enter onto any collector or arterial street;
3. Any multiple family dwellings (apartments, condominiums, townhouses, etc.) With more than six (6) units;
4. Industrial or commercial enterprises that will employ twenty (20) or more on any single shift.

D. In the case where the development is located in an area designed by the Hazard ("H") Overlay Zone, an affidavit signed by a licensed professional engineer that the development will not result in any undue hazard for the occupants or users of the development, nor in any unusual public expense in the event of flooding, landslide, or other natural disaster.

E. Site Plan Information. The site plan shall include the following information:

1. Vicinity Map. Vicinity map at a scale of 1"=400' showing the relationship of the plat to the existing street or road pattern.

2. Detailed Site Plan. The site plan and landscape plan shall be drawn at a scale no smaller than 1"=50'.

3. General Information. The following general information shall be shown on the site plan and/or landscape plan:

- a. Name or title to the development;
- b. Date, north arrow, and scale of drawing;
- c. Appropriate identification of the drawing as a site plan and/or landscape plan;
- d. Property lines in relation to the development;
- e. Names and addresses of the owner or owners, and development, engineer, architect, or other individual(s) who prepared the site plan and/or landscape plan;
- f. The location, widths, and names of all existing or planned streets, other public ways and easements within or adjacent to the lot, and other important features;

- g. Contour lines having the following minimum intervals:
 - i. One-foot contour intervals for areas containing wetlands, or areas located within a 500-year flood plain;
 - ii. Two-foot contour intervals for ground slopes between five and ten percent;
 - iii. Five-foot contour intervals for ground slopes exceeding ten percent;
 - h. Location and direction of all watercourses on and abutting the tract. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flood data showing elevations of all property subject to inundation in the event of a one-hundred-year flood shall be shown;
 - i. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the State Division of Lands), wooded areas, isolated preservable trees (trees with trunks over 6" in diameter - as measured 4 feet above the ground), and significant areas of vegetation;
 - j. A plan for grading in areas that have wetlands, natural drainage areas or areas that are located within a 500-year flood plain;
 - k. Location of all existing structures, and whether or not any of them are to be retained with the development;
 - l. Location of all structures, showing exterior doors;
 - m. Location of all signs;
 - n. Bicycle paths, bicycle parking areas, sidewalks and other pedestrian ways;
 - o. Landscaping areas and water systems for landscaped areas;
 - p. Types, sizes, and location of plants to be used in the landscaping (can be a "palette" of possible plant to used in specific areas for landscaping);
 - q. Parking layout, including specially designated areas for economy cars and spaces for the handicapped. The patterns of vehicular traffic shall be shown, including ingress and egress points onto adjacent streets;
 - r. Locations and types of traffic-control signs;
 - s. Distances between structures and other significant features, including property lines;
 - t. Planned exterior lighting arrangement;
 - u. Method of screening garbage cans and exterior storage areas from view;
 - v. Locations, sizes and types of fences to be used;
 - w. Vision clearance areas;
 - x. Storm drainage plans;
 - y. Locations and general size and nature of utility lines, pipelines, standpipes, hydrants, etc.;
 - z. Arrangement and location of mailboxes.
4. Architectural Information. The following information shall be shown on the site plan:
- a. Profile elevations of the buildings, including color and material;
 - b. Size, color, profile, and location of all signage proposed for the development.

Reasoning:

This is the type of information that is needed, but currently not specified, for appropriate processing of a site and design review application.

Section 5. Amend Section 16.50.020 Application for conditional uses, to read as follows:

A request for a conditional use or modification of an existing conditional use may be initiated by a property owner or his authorized agent by filing an application with the City Planner upon forms prescribed for the purpose. ~~The application shall be accompanied by twenty-five (25) site plans, drawn to scale, showing the dimensions and arrangement of the proposed development. The Planning Commission may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties. [The following information, typed or printed, shall be submitted with each application for a conditional use or modification of an existing conditional use:~~

A. Copies. One (1) copy of the application on forms prescribed for the purpose, mailing labels, narrative (including the types of uses proposed, hours of operation, and any mitigation measures for potential adverse impacts - if any), and other information submitted on 8-1/2" x 11" paper. Twenty-five (25) copies of the site plan, landscape plan, building elevations, and other large print drawings (not required if submitted as a part of a Site and Design Review application being reviewed concurrently).

B. In the case where the development is located in an area designed by the Hazard ("H") Overlay Zone, an affidavit signed by a licensed professional engineer that the development will not result in any undue hazard for the occupants or users of the development, nor in any unusual public expense in the event of flooding, landslide, or other natural disaster.

C. Site Plan Information. This information is not required as a part of the Conditional Use Permit application, if a Site and Design Review application is being reviewed concurrently with the Conditional Use Permit application. The site plan shall include the following information:

- 1. Vicinity Map. Vicinity map at a scale of 1"=400' showing the relationship of the plat to the existing street or road pattern.**
- 2. Detailed Site Plan. The site plan and landscape plan shall be drawn at a scale no smaller than 1"=50'.**
- 3. List of property owners within 200 feet of the subject property, on mailing labels.**
- 4. A traffic impact analysis, conducted or reviewed by a traffic engineer contracted by the City and paid for by the applicant (through the City), for any project that results in any one of the following:**
 - a. More than one access onto any collector or arterial street (such streets being designated by the City of Canby Transportation Plan);**
 - b. More than six (6) residential units that enter onto any collector or arterial street;**

- c. Any multiple family dwellings (apartments, condominiums, townhouses, etc.) With more than six (6) units;
- d. Industrial or commercial enterprises that will employ twenty (20) or more on any single shift.

5. General Information. The following general information shall be shown on the site plan and/or landscape plan:

- a. Name or title to the development;
- b. Date, north arrow, and scale of drawing;
- c. Appropriate identification of the drawing as a site plan and/or landscape plan;
- d. Property lines in relation to the development;
- e. Names and addresses of the owner or owners, and development, engineer, architect, or other individual(s) who prepared the site plan and/or landscape plan;
- f. The location, widths, and names of all existing or planned streets, other public ways and easements within or adjacent to the lot, and other important features;
- g. Contour lines having the following minimum intervals:
 - i. One-foot contour intervals for areas containing wetlands, or areas located within a 500-year flood plain;
 - ii. Two-foot contour intervals for ground slopes between five and ten percent;
 - iii. Five-foot contour intervals for ground slopes exceeding ten percent;
- h. Location and direction of all watercourses on and abutting the tract. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flood data showing elevations of all property subject to inundation in the event of a one-hundred-year flood shall be shown;
- i. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the State Division of Lands), wooded areas, isolated preservable trees (trees with trunks over 6" in diameter - as measured 4 feet above the ground), and significant areas of vegetation;
- j. A plan for grading in areas that have wetlands, natural drainage areas or areas that are located within a 500-year flood plain;
- k. Location of all existing structures, and whether or not any of them are to be retained with the development;
- l. Location of all structures, showing exterior doors;
- m. Location of all signs;
- n. Bicycle paths, bicycle parking areas, sidewalks and other pedestrian ways;
- o. Landscaping areas and water systems for landscaped areas;
- p. Types, sizes, and location of plants to be used in the landscaping (can be a "palette" of possible plant to used in specific areas for landscaping);

- q. Parking layout, including specially designated areas for economy cars and spaces for the handicapped. The patterns of vehicular traffic shall be shown, including ingress and egress points onto adjacent streets;
 - r. Locations and types of traffic-control signs;
 - s. Distances between structures and other significant features, including property lines;
 - t. Planned exterior lighting arrangement;
 - u. Method of screening garbage cans and exterior storage areas from view;
 - v. Locations, sizes and types of fences to be used;
 - w. Vision clearance areas;
 - x. Storm drainage plans;
 - y. Locations and general size and nature of utility lines, pipelines, standpipes, hydrants, etc.;
 - z. Arrangement and location of mailboxes.
6. Architectural Information. The following information shall be shown on the site plan:
- a. Profile elevations of the buildings, including color and material;
 - b. Size, color, profile, and location of all signage proposed for the development.]

Reasoning:

This is the type of information that is needed, but currently not specified, for appropriate processing of a condition use permit application.

Section 6. Amend Section 16.52.040(A) Expansion of nonconforming structure or change of use - application required, to read as follows:

A. A request for an expansion of a nonconforming structure or change of nonconforming use may be initiated by a property owner or the owner's authorized agent by filing an application with the City Planner upon forms prescribed for the purpose. [All information shall be typed or printed.] The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. If the application is for the expansion of a nonconforming structure, or change in use of a nonconforming use, the City Planner will send to the owners of all property within one hundred feet of the subject property a notice of application, informing them that they may request a public hearing before the Planning Commission on the application by filing a written request within ten days. If no such request for hearing is received within the time limits, and if the staff determines that the application is of a minor nature, and will not constitute an expansion or intensification of a nonconforming use, the City Planner may authorize the necessary license or permits for change of use or structural expansion. In making the above determination, the staff shall utilize the criteria set forth in Section 16.52.050.

[Applications shall include:

1. Plot plan, drawn to scale (not greater than 1"=40'), indicating:
 - a. The location of the existing buildings;
 - b. The location of the proposed expansion;
 - c. Distance to property lines for existing buildings and the proposed expansion;
 - d. Existing parking configuration;
 - e. Streets;
 - f. Major topographic and landscape features.
2. Nature of the use being proposed (for a change in use permit application).
3. List of property owners within 100 feet of the subject property, on mailing labels.]

Reasoning:

This is the type of information that is needed, but currently not specified, for appropriate processing of a nonconforming use/structure application.

Section 7. Amend Section 16.54.020 Application and fee, to read as follows:

An application for amendment by a property owner or his authorized agent shall be filed with the City Planner on forms prescribed for the purpose, [typed or printed] ~~and shall include the appropriate fee.~~ [The application shall include the following:

- A. Comprehensive Plan designation of the property.
- B. Narrative explaining the existing use of the property and the need for the change in zoning.
- C. List of property owners within 200 feet of the subject property, on mailing labels.
- D. Appropriate fee.
- E. Site plan, drawn to scale (not greater than 1"=40'), indicating:
 1. The location of existing buildings (if any);
 2. The location of streets, sewer, water, electric, and other utility services;
 3. Major topographic and landscape features.]

Reasoning:

This is the type of information that is needed, but currently not specified, for appropriate processing of an application to amend the zoning map.

Section 8. Amend Section 16.58.020 Application, to read as follows:

An application for a lot line adjustment shall be filed with the City Planner on forms prescribed for the purpose[, typed or printed]. Such applications shall include[;] ~~six copies of a map drawn to scale for the purpose of and meeting the requirements for a tentative map as indicated in Chapter 16.60.~~

[A. Signatures, or letters of authorization for filing an application, from the owners of all properties involved in the lot line adjustment.

B. Narrative explaining the need for the change in the property line(s).

C. List of property owners within 100 feet of the subject property, on mailing labels.

D. Plot plan, drawn to scale (not greater than 1"=40'), indicating:

1. The location of existing buildings (if any);
2. The location of streets, sewer, water, electric, and other utility services;
3. Major topographic and landscape features;
4. The existing and proposed property line configuration;
5. The proposed property line configuration;
6. Dimensions and sizes of the existing and proposed lots, and of the area to be transferred between the properties involved.

If the plot plan is larger than 11" x 17", twenty-five (25) copies shall be submitted with the application.]

Reasoning:

This is the type of information that is needed, but currently not specified, for appropriate processing of a lot line adjustment application.

Section 9. Amend Section 16.60.010 Filing Procedures, to read as follows:

Any application for a land partition[, on forms prescribed for the purpose,] shall be [filed with the City Planner, typed or printed, and] accompanied by the following:

A. Twenty-five (25) copies of the tentative partition map, drawn to a scale and submitted on paper no less than eight and one-half by eleven inches in size, and showing all of the following information:

1. The date, north point, scale and sufficient description to define the location and boundaries of the tract to be partitioned;
2. Name and address of the record owner and the person who prepared the tentative map;
3. If the applicant is a corporation, a certificate of good standing from the State Corporation Commission shall be filed. The name of the individual authorized to act as the registered agent of the corporation shall also be provided;
4. Approximate acreage of the land under a single ownership or, if more than one ownership is involved, the total contiguous acreage of the landowners directly involved in the partitioning;

5. For land adjacent to and within the tract to be partitioned, the locations, names and existing **[right-of-way and pavement]** widths of streets; location, width and purpose of other existing easements, and location and size of sewer and water lines and **drainage ways** and the location of power poles;

6. Outline and location of existing buildings to remain in place and any forested or other significant areas of vegetation;

7. Parcel layout, showing size[, **dimensions,**] and relationship to existing or proposed streets and utility easements;

[8. Vicinity map of the subject property;

9. Any wetlands shall be shown, as delineated by the State Division of Lands.]

B. A written statement describing the proposed development and including supportive documentation regarding the particular design in terms of its conformance with the Comprehensive Plan[approval criteria (16.60.030)] and compatibility with surrounding land use patterns.

[C. List of property owners within 200 feet of the subject property, on mailing labels.

D. A traffic impact analysis, conducted or reviewed by a traffic engineer contracted by the City and paid for by the applicant (through the City), for any project that results in any one of the following:

1. More than one access onto any collector or arterial street (such streets being designated by the City of Canby Transportation Plan);

2. More than six (6) residential units that enter onto any collector or arterial street;

3. Any multiple family dwellings (apartments, condominiums, townhouses, etc.)

With more than six (6) units;

4. Industrial or commercial enterprises that will employ twenty (20) or more on any single shift.

E. In the case where the development is located in an area designed by the Hazard ("H") Overlay Zone, an affidavit signed by a licensed professional engineer that the development will not result in any undue hazard for the occupants or users of the development, nor in any unusual public expense in the event of flooding, landslide, or other natural disaster.]

Reasoning:

This is the type of information that is needed, but currently not specified, for appropriate processing of a land partition application.

Section 10. Amend Section 16.62.010 Filing Procedures, to read as follows:

Any application for a subdivision[, on forms prescribed for the purpose, typed or printed,] shall be [filed with the City Planner, and] accompanied by[the following]:

A. Copies. Twenty-five (25) copies of the tentative subdivision plat, together with improvement plans and other supplementary material as may be required to indicate the general program and objectives of the project.

B. Scope. The tentative plat need not be a finished drawing but it should shall all pertinent information to scale, in order that the Commission may properly review the proposed development.

C. Partial Development. Where the tentative plat to be subdivided contains only apart of the tract owned or controlled by the subdivider, ~~the Commission may require~~ a [non-binding] sketch of a preliminary layout for streets and lots in the non-subdivided portion [shall be provided].

[D. Mailing Labels. A list of property owners within 200 feet of the subject property, on mailing labels shall be provided.

E. A traffic impact analysis, conducted or reviewed by a traffic engineer contracted by the City and paid for by the applicant (through the City), for any project that results in any one of the following:

1. More than one access onto any collector or arterial street (such streets being designated by the City of Canby Transportation Plan);
2. More than six (6) residential units that enter onto any collector or arterial street;
3. Any multiple family dwellings (apartments, condominiums, townhouses, etc.)
With more than six (6) units;
4. Industrial or commercial enterprises that will employ twenty (20) or more on any single shift.

F. In the case where the development is located in an area designed by the Hazard ("H") Overlay Zone, an affidavit signed by a licensed professional engineer that the development will not result in any undue hazard for the occupants or users of the development, nor in any unusual public expense in the event of flooding, landslide, or other natural disaster.]

∅[G]. Information Required. The tentative plat shall include the following information;

1. Vicinity Map. Vicinity map at a scale of one inch equals four hundred feet showing the relationship of the plat to the existing street or road pattern.
2. Detailed Map. The tentative plat shall be drawn at a scale of one inch equals fifty feet if the parcel is less than ten acres, or for areas over ten acres, one inch equals one hundred feet.
3. General Information. The following general information shall be shown on the tentative plat;
 - a. Proposed name of the subdivision. This name must not duplicate nor resemble the name of another subdivision in the County and shall be reviewed by the Commission;
 - b. Date, north point and scale of the drawing;
 - c. Appropriate identification of the drawing as a tentative plat;
 - d. Location of the subdivision sufficient to define its boundaries and a legal description of the tract boundaries;
 - e. Names and addresses of the owner or owners, and subdivider, engineer, surveyor, or other individual who prepared the plat;
 - f. If the applicant is a corporation, a certificate of good standing from the State Corporation Commission shall be filed. The name of the individual authorized to act as the registered agent of the corporation shall also be provided.

4. Existing Conditions. The following existing conditions shall be shown on the tentative plat:

- a. The location, **[right-of-way and pavement]** widths, and names of all existing or planned streets, other public ways and easements within or adjacent to the tract; and other important features, such as section lines and corners, City boundary lines and monuments which may have been found;
- b. Contour lines having the following minimum intervals:
 - i. One-foot contour intervals for ~~ground slopes less than five percent~~**[areas containing wetlands, or areas located within a 500-year flood plain]**;
 - ii. Two-foot contour intervals for ground slopes between five and ten percent;
 - iii. Five-foot contour intervals for ground slopes exceeding ten percent;
- c. Location and direction of all watercourses on and abutting the tract. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flood data showing elevations of all property subject to inundation in the event of a one-hundred-year flood shall be shown;
- d. Natural features, such as rock outcroppings, marshes **[or wetlands, as delineated by the State Division of Lands]**, wooded areas, isolated preservable trees **[(trees with trunks over 6" in diameter - as measured 4 feet above the ground)]**, and significant areas of vegetation;
- e. Existing uses of the property, including location of all existing structures to remain on the property after platting;
- f. The location of at least one temporary benchmark within the plat boundaries or the source of the contour line data shown. (Source and accuracy subject to approval of City Engineer).

5. Proposed Plan of Subdivision. The following additional information shall be included on the tentative plat of a subdivision:

- a. The location, width, names, approximate grades and radii of curves of proposed streets to future streets, as shown on any approved development plan. If no complete development plan is in effect in the area, assurance of adequate traffic circulation shall be provided;
- b. Easements. Location on the site or abutting property, showing the width and purpose of all existing and proposed easements;
- c. Lots. Approximate dimensions of all lots, approximate lot size, proposed lot and block numbers;
- d. Proposed Land Use. Sites, if any, allocated for:
 - i. Multiple-family dwellings.
 - ii. Shopping centers.
 - iii. Industry.
 - iv. Churches.
 - v. Parks, schools, playgrounds**[, or other recreational facilities]**.

vi. Open space.

vii. Special erosion control provisions including structures or areas with vegetation.

6. Explanatory Information with Tentative Plat. ~~Any of [T]the following information may be required by the Commission and, [shall be provided on the tentative plat.] [I]f it cannot be shown functionally on the tentative plat of a subdivision, it shall be submitted in separate statements accompanying the plat:~~

a. Proposed deed restriction in outline form, if any;

b. Statement of subdivision improvements to be made or installed, including landscape planting, street lighting, etc., and when such improvements are to be made;

c. Approximate centerline profiles showing the finished grade of all streets as approved by the City Engineer including extensions for a reasonable distance beyond the limits of the proposed subdivision;

d. Typical cross-sections of proposed streets showing widths of roadways, location and width of sidewalks and the location and size of utility mains;

e. Approximate plan and profiles of proposed sanitary and storm sewers with grades and pipe sizes indicated and plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants. ~~If sewers are not provided, an alternate method of sewage disposal, approved by Clackamas County, must be shown;~~

f. A general description of property intended to be dedicated to the City or the public other than street right-of-way;

g. ~~A plan for domestic water supply lines and related water service facilities~~ **[A plan for grading in areas that have wetlands, natural drainage areas and areas that are located within a 500-year flood plain];**

h. If lot areas are to be graded, a plan showing the nature of the cuts and fills and information on the character of the soil. The Commission may require a signed affidavit from a qualified professional engineer, or engineering geologist, certifying that no property damage or hazards will result from erosion attributable to such grading or other preparation;

i. Proposals for other improvements such as electric utilities and pedestrian way;

j. A written statement describing the proposed development and including supportive documentation regarding the relationship of the subdivision to the requirements of the ~~Comprehensive Plan~~ **[approval standards and criteria (16.62.020)]** and its general compatibility with surrounding land use patterns.

7. ~~Preliminary~~ **[Pre-application] Review of Tentative Plat. [Ten (10) copies of the tentative plat, with all required plat information, shall be submitted to the City Planner for a pre-application conference prior to a formal application submittal.]** Upon receipt, the City Planner shall furnish one copy of a tentative plat and supplementary material to the City Engineer and such other agencies as are known to be affected. Other agencies believed to have an interest shall be

provided notice of the proposal. [A pre-application conference shall be scheduled within thirty (30) days of receipt of the preliminary tentative plat and information. The City Engineer and interested/affected agencies shall be invited to the conference, with the applicant, in order] ~~These officials and agencies shall be given a reasonable time to review the plat and to suggest revisions that appear to be in the public interest.~~

Reasoning:

This is the type of information that is needed, but currently not specified, for appropriate processing of a subdivision application.

Section 11. Amend Section 16.72.030 Form and Content, to read as follows:

A. Applications shall be submitted to the City Planner on forms prescribed for the purpose[, typed or printed].

B. There shall be included as a part of the application [all required information for a subdivision (16.62.010), for planned unit development applications involving division of property, or a conditional use permit (16.50.020) for planned unit development applications of a single tract without property divisions] ~~an accurate map, drawn to scale of not less than one hundred feet to the inch, showing the boundaries of the site, the proposed location and horizontal and vertical dimensions of all buildings and structures proposed to be located on the site; proposed locations and dimensions of open space within the site; proposed public dedications, if any, within the site; location, dimensions and design of off-street parking facilities, showing points of ingress to and egress from the site; the location, direction and bearing of any major physiographic feature such as railroads, drainage canals, and existing topographic contours at intervals of not less than five feet, together with proposed grading, drainage and landscaping.~~

C. The written information shall contain a statement of the general purpose of the project and an explanation of all features pertaining to uses and other pertinent matters not readily identifiable in map form. [Proposed deed restriction in outline form, if any.] The adoption of the form specifying the particular nonresidential uses permitted to locate on the site, if any, shall constitute a limitation to those specific uses.

Reasoning:

This is the type of information that is needed, but currently not specified, for appropriate processing of a planned unit development application.

Section 12. Amend Section 16.84.030 Filing procedure, to read as follows:

Property owners seeking to annex territory to the City shall file with the City Planner an appropriate application form for the purpose [typed or printed]. Included with the application form will be twenty-five (25) copies of a map or maps accurately showing the area proposed for annexation and any important features of the land. ~~Also included with the application will be a written statement explaining the conditions surrounding the proposal and addressing the required criteria of Section 16.84.040.~~ [The application shall include the following:

A. Portland Metropolitan Area Local Government Boundary Commission application, or, if Canby is no longer under the jurisdiction of said Boundary Commission, written consent to the annexation signed by the requisite number of affected property owners, elector, or both, as provided in ORS 222.

B. List of property owners within 200 feet of the subject property, on mailing labels.

C. Twenty-five (25) copies of a site plan, drawn to scale (not greater than 1"=40'), indicating:

1. The location of existing buildings (if any);
2. The location of streets, sewer, water, electric, and other utility services, on or adjacent to the property proposed for annexation;
3. Location and direction of all watercourses on and abutting the tract. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flood data showing elevations of all property subject to inundation in the event of a one-hundred-year flood shall be shown;
4. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the State Division of Lands), wooded areas, isolated preservable trees (trees with trunks over 6" in diameter - as measured 4 feet above the ground), and significant areas of vegetation.
5. General land use plan indicating the types and intensities of the proposed, or potential, development.

D. A traffic impact analysis, conducted or reviewed by a traffic engineer contracted by the City and paid for by the applicant (through the City), for any project that results in any one of the following:

1. More than one access onto any collector or arterial street (such streets being designated by the City of Canby Transportation Plan);
2. More than six (6) residential units that enter onto any collector or arterial street;
3. Any multiple family dwellings (apartments, condominiums, townhouses, etc.) With more than six (6) units;
4. Industrial or commercial enterprises that will employ twenty (20) or more on any single shift.

E. A full quarter-section tax assessor's map, with the subject property(ies) outlined.

F. A written statement explaining the conditions surrounding the proposal and addressing the required criteria of Section 16.84.040, including:

1. Statement of availability, capacity, and status of existing water, sewer, drainage, transportation, park, and school facilities.
2. Statement of increased demand for such facilities to be generated by the proposed development, if any at this time.
3. Statement of additional facilities required to meet the increased demand and phasing of such facilities in accordance with projected demand.
4. Statement outlining method and source of financing required to provide additional facilities.
5. Statement of potential positive and negative physical, aesthetic, and related social effects of the proposed, or potential, development on the community as a whole and on the smaller subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects (if any).
6. Narrative demonstrating the need for the urban development proposed for the annexation area; need should be demonstrated based upon a factual analysis of the following factors:
 - a. Availability within the City of undeveloped land designated for proposed urban development;
 - b. Analysis of immediate, short-term (1 to 5 years) demand for proposed urban development;
 - c. Probable phasing of proposed urban development consistent with projected demand for period in which the annexation area is expected to be developed.]

Reasoning:

This is the type of information that is needed, but currently not specified, for appropriate processing of an application for annexation.

Section 13. Delete Section 16.88.070 Amendments to title.

~~Amendments to the text of this title, whether initiated by the Commission, Council, or a private applicant, shall follow the same procedures as a legislative zoning amendment set forth in Division III.~~

Reasoning:

Section 16.88.160 provides the process for applications to the title of the text. The process set up in 16.88.160 is appropriate and in accordance with state rules for ordinance amendments. Referral to Division III, which deals more specifically to zoning map changes and not text changes, confuses the issue of how to handle text changes. Section 16.88.160 is the appropriate process to use.

Section 14. Amend Section 16.88.140(B) Appeal to Council, to read as follows:

B. Appeal to Council. An action or ruling of the Commission authorized by this title may be appealed to the Council within fifteen (15) days after the Commission has rendered its decision by filing written notice with the City Planner, ~~except in the case of action taken on a tentative map or a minor partition or a tentative subdivision plat, for which the appeal period shall be thirty days.~~ If no appeal is taken within the specified period, and if no appeal is initiated by action of the Council, the decision of the Commission shall be final. The written notice of appeal[, **typed or printed,**] shall clearly state the nature of the decision being appealed and the reasons why the appellant is aggrieved. [**The reasons why the appellant is aggrieved shall be provided in regards to the criteria and standards in 16.88.140(C).**] The appeal period shall ensue from the date that the written notification of the Commission's action has been postmarked. The Council may initiate an appeal on its own motion, following the same limits above.

Reasoning:

This additional statement/requirement provides the appropriate information, and more closely ties the appeal to the criteria which the Council must use to overturn or modify a Planning Commission decision.

Section 15. Amend Section 16.88.150(B) Applications, to read as follows:

B. Applications. A request for variance may be initiated by a property owner or his authorized agent by filing an application with the City Planner on forms prescribed for the purpose[, **typed or printed**]. The application shall be accompanied by a site plan, ~~drawn to scale, showing the dimensions and overall arrangement of the proposal:~~ **[the following:**

- 1. Narrative explaining the nature of the needed variance, and an explanation of why the variance is needed, addressing the standards and criteria listed in 16.88.150(D).**
- 2. List of property owners within 200 feet of the subject property, on mailing labels.**
- 3. Plot plan, drawn to scale (not greater than 1"=40'), indicating:**
 - a. The location of the existing and proposed (if any) buildings;**
 - b. Property size and dimensions, and distances of existing or proposed buildings from property lines;**
 - c. The location of streets, sewer, water, electric, and other utility services;**
 - d. Major topographic and landscape features;****If the plot plan is larger than 11" x 17", twenty-five (25) copies shall be submitted with the application.]**

Reasoning:

This is the type of information that is needed, but currently not specified, for appropriate processing of a variance application.

Section 16. Amend Section 16.88.160(B) Application and Fee, to read as follows:

B. Application and Fee. An application for amendment by a property owner or his authorized agent shall be filed with the City Planner on forms prescribed for the purpose[, typed or printed. The application shall be accompanied by a written statement explaining the conditions surrounding the proposal and addressing the required criteria of Section 16.88.160(D).]

Reasoning:

This is the type of information that is needed, but currently not specified, for appropriate processing of a text amendment application by a property owner.

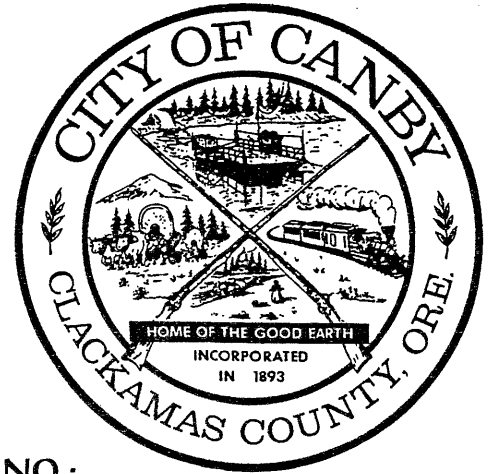
Section 17. Amend Section 16.88.180(B) Application and Fee, to read as follows:

B. Application and Fee. An application for amendment by a property owner or his authorized agent shall be filed with the City Planner on forms prescribed for the purpose. [The application shall be accompanied by a written statement explaining the conditions surrounding the proposal and addressing the required criteria of Section 16.88.180(D).]

Reasoning:

This is the type of information that is needed, but currently not specified, for appropriate processing of a Comprehensive Plan amendment application by a property owner.

- STAFF REPORT -

**APPLICANT:**

Les Schwab Tire Centers of Portland, Inc.
P.O. Box 667
Prineville, OR 97754

FILE NO.:

DR 97-03
(Les Schwab)

OWNER:

Lauren and Dena Young
2460 NE Stephens
Roseburg, OR 97470

STAFF:

James S. Wheeler
Planning Director

LEGAL DESCRIPTION:

Tax Lots 2400 and 3700 of
Tax Map 3-1E-33CD

DATE OF REPORT:

June 13, 1997

LOCATION:

333 S.W. 1st Avenue
South side of Highway 99-E,
west side of S. Grant Street

DATE OF HEARING:

June 23, 1997

COMP. PLAN DESIGNATION:

Highway Commercial

ZONING DESIGNATION:

C-2 (Highway Commercial)

I. APPLICANT'S REQUEST:

The applicant is requesting site and design approval to construct a single story 50' x 80' addition to the existing tire store. The site is located on the south side of Highway 99-E, west of S. Grant Street.

II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

16.10	Off-Street Parking and Loading
16.28	C-2 - Highway Commercial Zone
16.49	Site and Design Review
16.88	General Standards

III. MAJOR APPROVAL CRITERIA

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.
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.

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

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:

The property is located along Highway 99-E, south and west of the intersection of Highway 99-E/S. Grant Street, with frontage on both Highway 99-E and S. Grant Street. The proposed addition will encompass 4,000 square feet that will be attached to the southern portion of the existing building, and toward S. Grant Street.

The building will house five bays for alignment work and room for parts storage. Additional paving and landscaping will be provided with the development.

B. 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 minimum amount of landscaping required for the approximately 13,750 square feet of new development (4,000 s.f. of building, and 9,750 s.f. of new pavement) is 2,065 square feet (15%). The total amount of new landscaping proposed is approximately 2,100 square feet (15.3%).

Additionally, 1465 square feet of landscaping needs to be located within 10 feet of the paved surface area. Approximately 1,695 square feet of landscaping is proposed to be located within 10 feet of the paved surface area. Two trees are also required for the parking lot area and 4 are proposed.

2. Landscaping - General.

The type of landscaping proposed is grass and trees. The specific type of tree has not been proposed, but one from the approved "Street Tree List" will suffice. The location of the drive access will require the removal of existing Oregon Big Leaf Maples. The southern maple is in excellent health, according to the attached arborist's report (exhibit 3). However, Oregon Big Leaf Maples are not recommended street trees. Removal of the trees will necessitate replacement with appropriate street trees. The applicant has proposed one replacement street tree. Staff recommends two street trees, and is recommending either a Shumard or English Oak. The grass landscaping will need to be continued to the area where the existing drive access to Grant Street will be removed and replaced with landscaping.

3. Parking.

The number of parking spaces required for a 4,000 s.f. commercial addition is 8 (7.3 at 1 parking space for every 550 square feet of building). There are 11 additional spaces being proposed. A total of 27 parking spaces will result from the development, with a total parking demand of 26 parking spaces.

No loading facilities are specifically proposed. The original site has over 10,000 s.f. of building, requiring 1 loading facility (dimensions being a minimum of 12' x 35'). The proposed addition does not require any additional loading facilities. As stated in 16.10.10(B) "At the time of enlargement of an existing structure or use, the provisions of this section shall apply to the enlarged structure or use only." Therefore, while the site does not currently have any loading facilities, none are required as a part of this development. The loading areas are located on the eastern side of the building. Public access in to the south along S.E. 4th Avenue. The loading areas are perpendicular to the building and are approximately 15 feet wide and 70 feet long.

Wheel stops are not proposed for the new parking spaces fronting the landscaping at the southern end of the development. As per the Land Development and Planning Code, section 16.10.070(A)(8), wheel stops are required for these parking spaces.

4. Access

The existing access to Grant Street is proposed to be relocated south, in order to accommodate traffic around the proposed addition. The proposed access width is 42 feet, which is two feet wider than permitted (16.10.070(B)(12)(a)).

While the existing building has the customer service area (oriented and near Highway 99-E), and the proposed addition does not include a customer service area (customer counter, offices, or waiting area), 16.10.070(B)(9) still requires curb and sidewalk (on one side) for an access to a parking lot with 5 - 99 parking spaces. Additionally, 16.10.070(B)(5) requires sidewalks to be extended from the ground floor entrance to the sidewalk of a public street. It can be interpreted that since the main entrance to the Les Schwab building from Highway 99-E, that no further connection is needed from S. Grant Street. The main entrance to the building is not connected to Highway 99-E by a walkway/sidewalk.

5. Architecture

The proposed addition is designed to match the existing building in material, color, and size (height).

A sign advertising the services provided will be located on the south wall of the proposed building. The sign will match, in color, the existing wall mounted sign (on the west wall of the existing building), and the pole sign. There is a total of 128 square feet of existing signage (the pole sign is 80 s.f., as it has two sides). With the proposed 48 square foot sign for the addition, the total amount of signage will be 176 square feet. The permitted amount of signage for the site is 600 s.f. (342 s.f., plus a 60% bonus for frontage on two street, with a maximum limit of 600 s.f.)

6. Availability of Adequate Public Facilities and Services

Sewer, water, telephone/cable, and gas utilities are all available to the existing building, and will be extended internally to the proposed addition.

Positive responses were received from Canby Telephone, the Police Department, Fire District, and the Sewer Treatment Plant. Additional 'requests for comments' were sent to Canby Utility Board, NW Natural Gas, Public Works, and City Administration. There are no known problems, officially or otherwise, with providing adequate services to the proposed addition.

7. Compatibility Matrix

Five of the six main areas of critique apply (tree retention does not - less than 3 existing trees). Two of the sub-elements of the main areas also do not apply (screening of loading facilities - no loading facilities; location of shrubs - none proposed).

The proposed application receives, in staff's determination, a total of 21 points out of a total possible of 32 points (65.6%). The minimum percentage required to be considered "compatible" is 65%, therefore, this proposal is considered to be compatible. Following is staff's determination of the point totals.

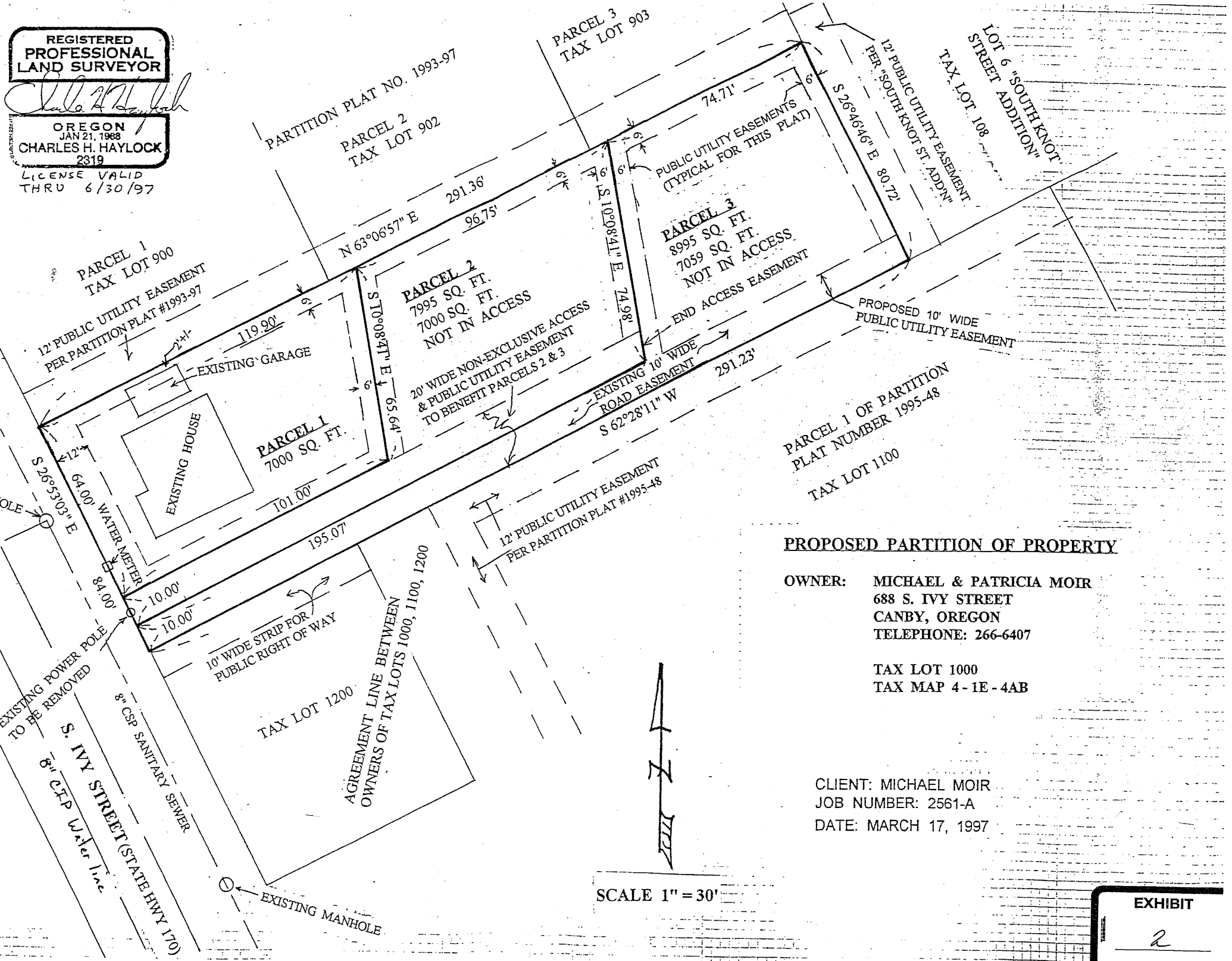
CRITERIA	PTS/ POSS	NOTES
Parking		
Landscaping	1/1	Parking lot landscape islands are provided.
Parking lot lighting	1/1	Parking lot lighting coverage provided. Note: a flood light is being proposed to be located on the building facing south, toward existing homes.
Location		
	2/2	Being a "corner" lot, parking to the back of the building is difficult at best. Because this site already had an existing building, with side parking orientation, providing parking in the rear of the building (opposite of a public street) is practically impossible. Therefore, staff granted the 2 points.
Number of parking spaces		
	1/2	Only 7 spaces are required, so normally (0) points would be granted, however, because there was an original deficiency, staff felt that (1) point would be appropriate (27 spaces provided overall, 26 required 103.8%). The applicant provided 11 spaces believing that to be the minimum required. Upon further review, only 7 are required. If one space is eliminated (and landscaped) then the score would be 2 of 2.
Traffic		
Distance of access to intersection	2/2	Intersection >100' away (future intersections anticipated to also be over 100' away).
Access drive width	0/1	42' proposed - 40' allowed/20' required = 200%.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Charles H. Haylock

OREGON
JAN 21, 1988
CHARLES H. HAYLOCK
2319

LICENSE VALID
THRU 6/30/97



PROPOSED PARTITION OF PROPERTY

OWNER: MICHAEL & PATRICIA MOIR
688 S. IVY STREET
CANBY, OREGON
TELEPHONE: 266-6407

TAX LOT 1000
TAX MAP 4-1E-4AB

CLIENT: MICHAEL MOIR
JOB NUMBER: 2561-A
DATE: MARCH 17, 1997

SCALE 1" = 30'

EXHIBIT

2

Pedestrian access from public sidewalk to bldg.	1/2	The main entrance is not connected to a public sidewalk. It is a pre-existing situation.
Pedestrian access from parking lot to building	0/2	There are no walkways between the parking and the building, including along the building.

Signs

Dimensional size of sign	2/2	176 s.f. out of a possible 600 s.f. (29.3%).
Similarity of sign color to building	2/2	The proposed sign will be similar in color to existing signs, and to the building.
Pole sign	1/1	The proposed sign is not a pole sign.
Location of sign	0/1	The location of the sign is approximately 35 feet from the Grant Street driveway entrance.

Building Appearance

Style	2/2	The style of addition will be the same as the existing building.
Color	1/2	The colors are similar to the existing building (red along the first 4 feet, white above that). These colors, specifically red, is not considered to be subdued.
Material	1/1	Concrete is the predominant material for the building.
Size	1/1	The size of the building overall will be 14,230 square feet.

Types of Landscaping

# of non-required trees	1/1	The applicant is proposing 1 non-required tree per 1,000 square feet of landscaping. This does not meet the point requirement. However, after looking at the application, the landscaping layout - with the required trees, providing 1 additionally non-required tree per 500 square feet of landscaping appears to be overcrowding. Therefore, staff is proposing allowing the point to be counted if 1 additional non-required tree per 1,000 square feet is provided.
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Amount of grass	2/2	All of the landscape are will have grass (100%).
Automatic Irrigation	0/4	No automatic irrigation will be provided for the landscaping..

8. Other Criteria.

The effect of approving this application on the availability of affordable housing is negligible in that proposed use is commercial 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, with appropriate conditions, the proposed development as described in the application, site plan, and this report:

1. 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
2. is compatible with the design of other developments in the same general vicinity; and
3. is compatible with the proposed development and appropriate to the design character of other structures in the same vicinity, in regards to the location, design, size, color and materials of the exterior of all structures and signs; and
4. is considered to be "compatible", in regards to subsections (B) and (C) above, because 65.6% of the total possible number of points (not including bonuses) are accumulated for the whole development; and
5. all required public facilities and services are available, or will become available through the development , to adequately meet the needs of the proposed development; and
6. will have a negligible effect on the availability and cost of needed housing.
7. Further, staff concludes that, 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 should the Planning Commission approve DR 97-03, the following conditions apply:

For the Building Permit Application:

1. A detailed landscape construction plan shall be submitted with the building permit. The detailed landscape plan shall show: the number of plants, plant spacing/location of planting, the type of plants, the size of plants, the schedule of planting, and irrigation plans. The irrigation plans shall show that a spigot will be located within 150 feet of any landscape area.
2. The landscaping shall be planted at such a density so as to provide a minimum of 95% coverage of the landscape areas with vegetation, within a 3-year time period. Bark mulch and similar material shall consist of not more than 5% of the total landscape area after the 3-year period. The plant spacing and starting plant sizes shall meet the ODOT plant spacing/starting size standards. Trees are to be a minimum of 2" caliper.
3. Two street trees shall be planted along S. Grant Street, and shall be either Shumard or English Oaks.
4. The trees located away from the street shall be selected from the "Recommended Street Tree List."
5. Wheel stops shall be provided for all parking spaces located adjacent to landscaping. The wheel stops shall be placed two (2) feet in front of the end of the space.
6. The access drive to S. Grant Street shall be no wider than forty (40) feet.

During Construction:

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

Exhibits:

1. Applicant's Package (including site plan and landscape plan)
2. Vicinity Map
3. Arborist's Report
4. Responses to "Request for Comments"
5. Building Profile Drawings

SITING AND DESIGN REVIEW APPLICATION

Fee: \$750

OWNER

APPLICANT

NAME Lauren and Dena Young
ADDRESS 2460 NE Stephens
CITY Roseburg STATE OR ZIP 97470
SIGNATURE [Handwritten Signature]

NAME Les Schwab Tire Centers of Portland, Inc.
ADDRESS PO Box 667
CITY Prineville STATE OR ZIP 97754
PHONE: (541) 416-5162

Bill Lloyd, Architect
1214 SE 60th Ave.
Pt Ld. OR 97215

Tom Sheppard
266-4321

DESCRIPTION OF PROPERTY:

TAX MAP 3 1E 33CD TAX LOT(S) 2400, 3700 LOT SIZE 40,770 S.F.
(Acres/Sq. Ft.)

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 TIRE SALES & SERVICE
PROPOSED TIRE SALES & SERVICE

EXISTING STRUCTURES TIRE SALES & SERVICE

SURROUNDING USES RETAIL & COMMERCIAL

PROJECT DESCRIPTION THE NEW WORK CONSISTS OF AN ADDITION TO THE EXISTING TIRE STORE. THE ADDITION IS A SINGLE STORY PAINTED CONCRETE BLOCK STRUCTURE MEASURING 50'x80' IN PLAN. PARKING WILL BE PROVIDED FOR 25 CARS. 15% OF THE SITE WILL BE LANDSCAPED.

ZONING C-2 COMPREHENSIVE PLAN DESIGNATION _____

PREVIOUS ACTION (IF ANY) _____

FILE No. DR 97-03
RECEIPT No. 2472
RECEIVED BY ASW
DATE RECEIVED 4/29/97
COMPLETENESS DATE 5/21/97
PRE-AP MEETING _____
HEARING DATE 6/23/97

* IF THE APPLICANT IS NOT THE PROPERTY OWNER, HE MUST ATTACH DOCUMENTARY EVIDENCE OF HIS TO ACT AS AGENT IN MAKING APPLICATION.

EXHIBIT
1
6 pages

W. D. (Bill) Lloyd - Architect

1214 S. E. 60th Avenue Portland, Oregon 97215
phone/fax (503) 236-2663

PROJECT DESIGN REVIEW NARRATIVE

Date: May 21, 1997

Project: LES SCHWAB SERVICE CENTER
Addition & Alterations

Location: 333 S. W. First Street
Canby, Oregon

General Description:

The proposed work involves construction of a 4,000 square foot single story five bay alignment and parts storage area, remodel of two existing restrooms and the service counter area to accommodate physically disabled individuals, and site improvements consisting of 9,750 square feet of new pavement and 2,100 square feet of additional landscaping.

The facility services automobiles, light trucks, mobile homes, and large trucks. This requires substantial paved maneuvering space, extra large curb cuts, and wide turning areas to insure safe movement of vehicles on and off the property.

The existing 10,230 square foot structure is constructed of painted block masonry walls, aluminum framed clear glass windows, and an irregularly shaped wood framed roof largely hidden behind parapet walls. The proposed addition will utilize painted block masonry walls and metal fascia panels to blend with the color, style, and materials of the existing structure.

Two existing maple trees along Grant Street are proposed for removal in order to accommodate easy safe access to the new paved parking and service yard area. Five new trees will be provided within the landscape buffer areas around the perimeter of the new pavement in order to help soften the visual impact. In addition, new landscaping will be added between the existing parking area and First Street to soften the visual impact in front.

Exterior parking areas will be lighted. A new 48 square foot back-lit sign will match the existing signs. An irrigation system is not provided.

PROJECT STATISTICS

Date: May 21, 1997
Project: LES SCHWAB SERVICE CENTER
333 S. W. First Street
Canby, Oregon

Site Size: 44,816 S. F.

Building:

Existing Structure	10,230 S. F.
Addition	4,000 S. F.
Total	14,230 S. F.

Parking:

Existing	16 Spaces
Additional Provided	11 Spaces
Additional Required (4000/400 + 2 Employees/2)	11 Spaces

Note: Vehicle service bays provide additional parking. Nine are existing and five are new for a total of 14. If these are counted, total parking equals 41.

Landscaping:

Existing Area	2,550 S.F.
Additional Required (9,750 x .15) + (4,000 x .15)	=2,062 S.F.
Additional Provided	2,100 S.F.
Trees Required (11 spaces/8) + 2 Replacement	3.375
Trees Provided	5.000

Signs:

Area Allowed (300) + (14,230 x 3/1000)	342.69 S.F.
Area Used 40 S.F. Pole Sign (Existing) 48 S. F. Wall Sign (Existing) 48 S. F. Wall Sign (New)	
Total	136.00 S.F.

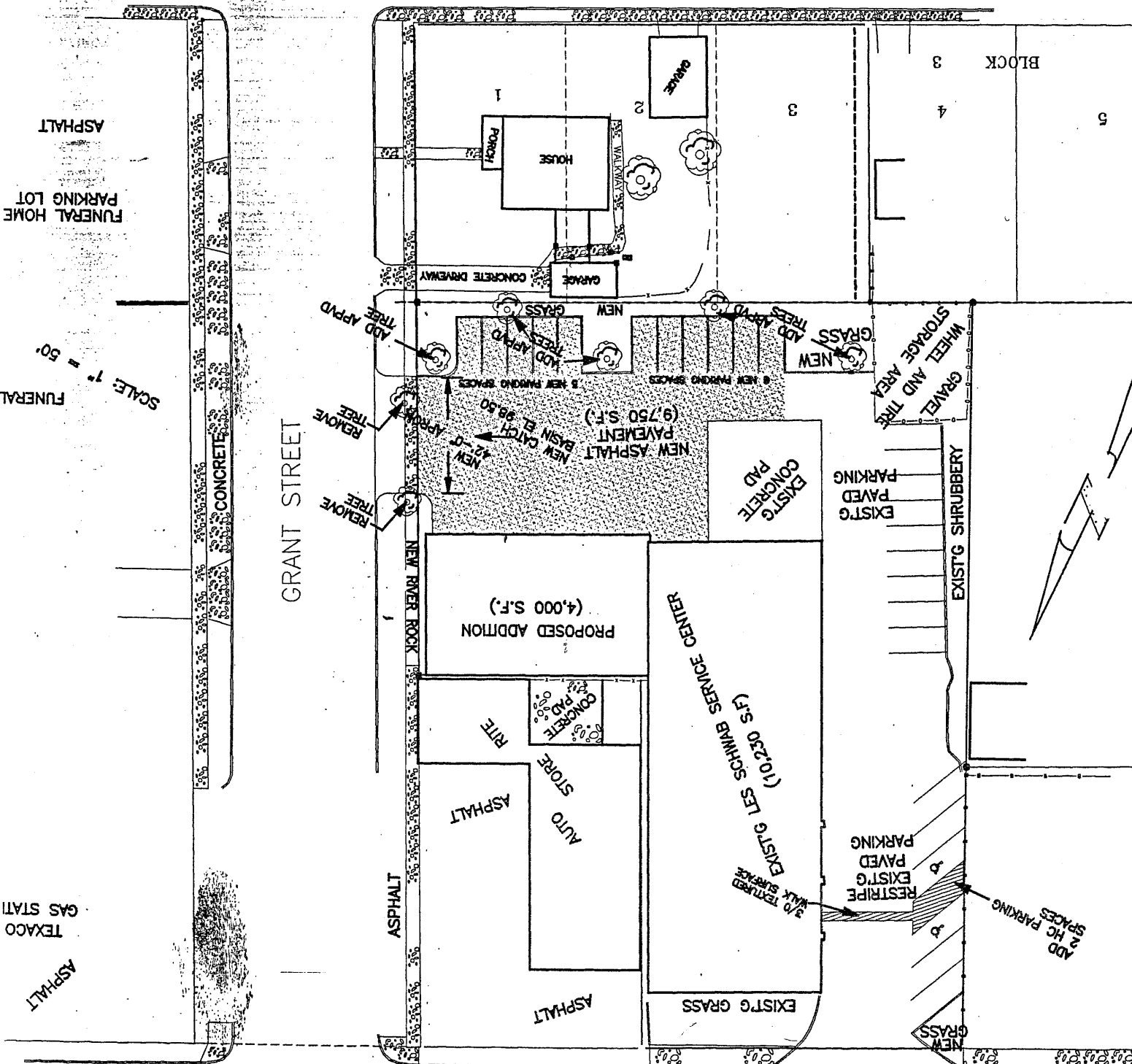
1" = 50'-0"

PARKING & LANDSCAPE PLAN

ASPHALT
CANBY FIR

MAPLE STREET

40'



GRANT STREET

FUNERAL
SCALE: 1" = 50'

ASPHALT
PARKING LOT
FUNERAL HOME

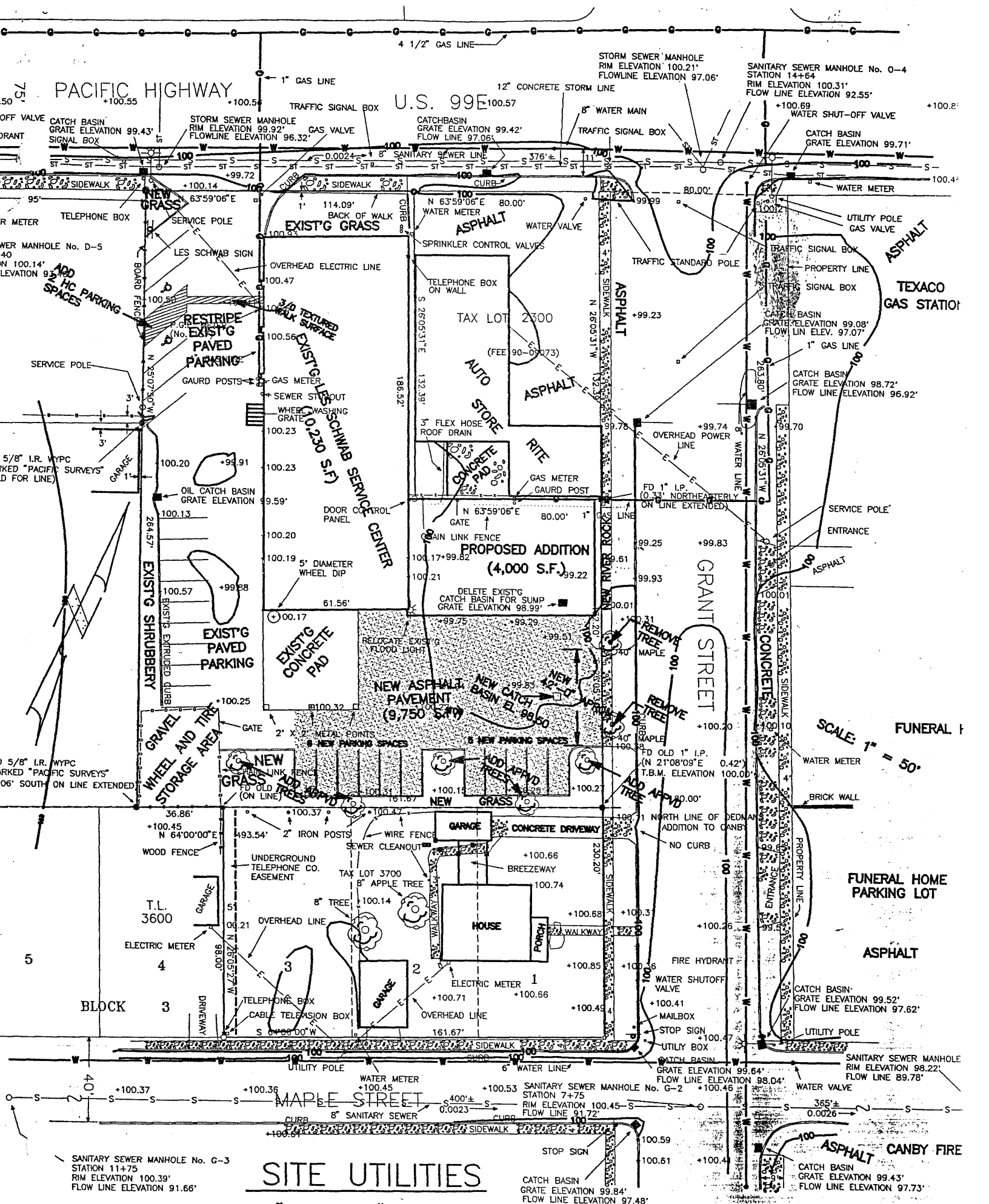
BLOCK
3
4
5

ASPHALT
TEXACO
GAS STATION

U.S. 99E

PACIFIC HIGHWAY

75'



SITE UTILITIES

1" = 50'-0"

SCALE: 1" = 50'

DESIGN REVIEW MATRIX ANALYSIS

Date: May 21, 1997

Project: LES SCHWAB SERVICE CENTER
333 S. W. First Street
Canby, Oregon

Parking: Some landscape screening provided between parking/service yard areas and public ROW. (1) Landscape islands provided. (1) Parking lot lighting will be provided. (1) Parking is behind building. (2) Parking required = 11. Parking provided = 11. (2)

Traffic: Distance to intersection = +100'. (2) Drive width = 150% of minimum. (1) Pedestrian access provided from public sidewalk. (2) Pedestrian access from parking with one crossing. (2)

Tree Retention:

Removed trees will be replaced 100%. (1)

Signs: Dimensional size will be less than 50% of allowed. (2) New sign matches color & style of existing signs. (1) New sign is within 25 feet of drive entrance. (1)

Building Appearance:

Building style is similar. (2) Building color matches existing. (1) Masonry used. (1) Building is under 20,000 square feet. (1)

Types of Landscaping:

Grass area will equal 60% of total additional landscape area. (2) Existing and new shrubs will be in background. (1)

Bonuses:

Trash receptacle screening (existing). (1)

MAXIMUM NUMBER OF POINTS POSSIBLE 39

TOTAL POINTS SCORED 28

PERCENTAGE SCORE 71%

May 20, 1997

Larry Vasquez, Assistant City Planner
City of Canby
182 N. Holly Street
Canby, OR 97013

RE: Update on Condition of Two Maple Trees Between First and Second on South Grant Street

Dear Larry:

The subject trees were examined this date, as they were in my previous report of October 11, 1994, to determine their general condition and performance as street trees. Based on the examination today, I can recite the following:

- 1) North tree, (nearest 99E.). This tree has declined in some degree from its condition at the examination in 1994. There is a considerable amount of die-back within the crown on the south exposure. In addition, slimeflux exudate is present at one wound opening at approximately 10' on the southwest face. The leaf size is reduced as compared to the tree to the south (tree #2) by approximately 25 - 30%. Overall color is low normal. General facade is typically normal for age and species. The wound scar at the base on the south is unchanged, with adventitious sprouts emanating from the callus area. This tree is slowly declining and may possibly have Verticillium Wilt, based on the symptoms in the crown. In any event, decline is present and is probably irreversible. This prognosis is reasonable for the short term but decline may be increasing over the years ahead. The deadwood should be removed immediately because it is hazardous to persons and vehicles under the tree.
- 2) South tree: This tree is performing very well and is every bit as good as it was in 1994 in terms of overall condition and performance. Good callus history. No major problems in the crown. Only slight deadwood within the crown. Excellent leaf size and color considering the age of the tree. This is by far the better tree of the two. Prognosis is excellent for this tree given its age, species and size.



INSPECTION, DIAGNOSIS AND EVALUATION OF TREES, SHRUBS AND RELATED PLANTINGS
CONSULTATION WITH RESPECT TO PLANTING, TRANSPLANTING, PRESERVATION, MAINTENANCE
ARBOREAL PLANNING. COMPREHENSIVE LOSS OR DAMAGE REPORTS. DULY SANCTIONED AND
FOR LEGAL OR CONTRACTUAL PURPOSES. LEGALLY ACCEPTABLE TESTIMONY IN COURT OF

EXHIBIT

3

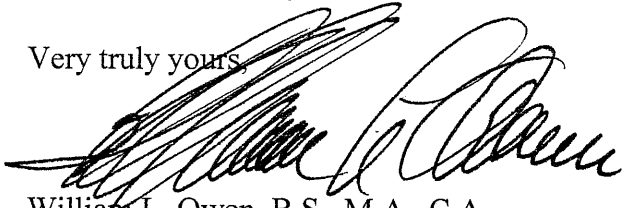
2 pages

Larry Vasquez
Page 2
May 20, 1997

These trees require professional care by Oregon State Licensed, ISA Certified Arborists only. Some structural support is indicated and some light pruning, as well. This should be done to ANSI A300 Standards, to the specification of the Consulting Arborist.

Please advise me if you need additional information. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'William L. Owen', written in a cursive style.

William L. Owen, B.S., M.A., C.A.
American Society of Consulting Arborists #114

PLEASE RETURN ATTACHMENTS!!!

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 2, 1997

TO: FIRE, POLICE, CUB, CTA/NWT, NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY,
ROY, STEVE

The City has received DR 97-03, an application by Les Schwab Tire Center for Site and Design Review approval to construct a single story 50' x 80' addition to the existing tire store. The site is located on the south side of Highway 99-E, west of S. Grant Street [Tax Lots 2400 and 3700 of Tax Map 3-1E-33CD].

We would appreciate your reviewing the enclosed application and returning your comments by June 9, 1997 PLEASE. The Planning Commission plans to consider this application on June 23, 1997. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

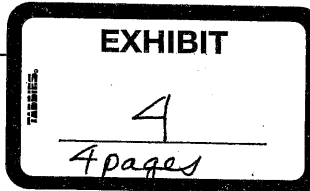
Comments or Proposed Conditions:

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: Stuart D. Stiger Date: 6/2/97

Title: Chief of Police Agency: Police Dept.



PLEASE RETURN ATTACHMENTS!!!

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Comments or Proposed Conditions:

None

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: Steve Nanson Date: 6/2/97

Title: PO/TL Supervisor Agency: City of Canby

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- Adequate public services are ~~not~~ available and will not become available

Signature: Pam Grewer Date: 6/3/97
Title: Eng Dept Agency: CTA / NWT

PLEASE RETURN ATTACHMENTS!!!

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REQUEST FOR COMMENTS**

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[503] 266-4021

DATE: June 2, 1997

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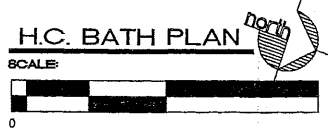
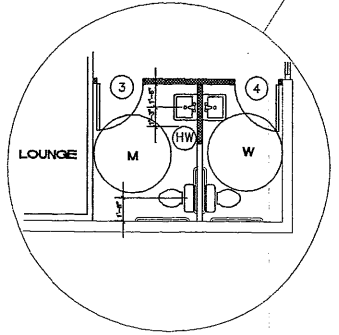
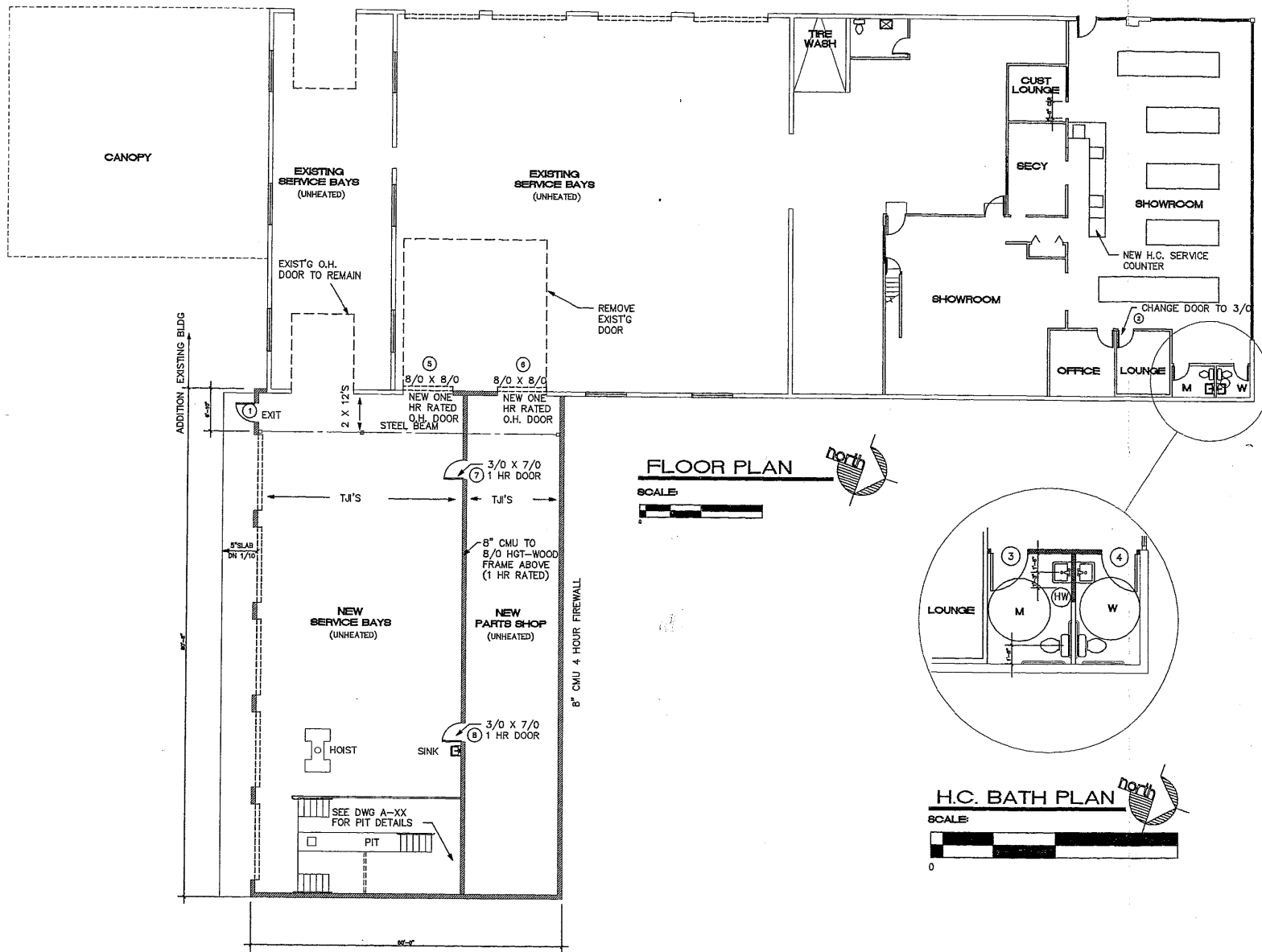
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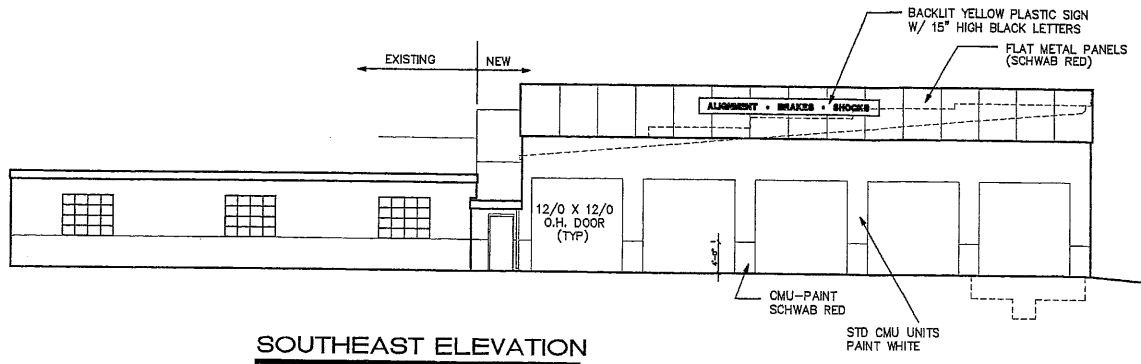
Signature: Sam Garbroug Date: 6-11-97
Title: Fire Marshall Agency: Canby FD #62



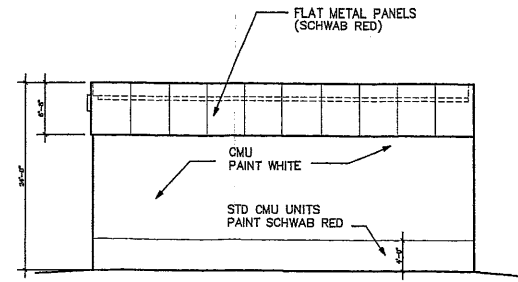
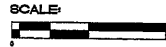
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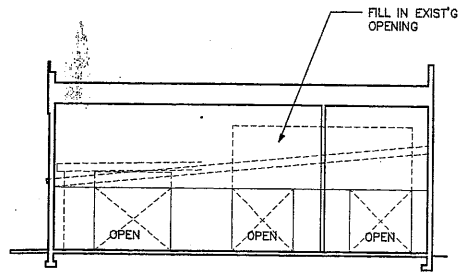
R. Dages



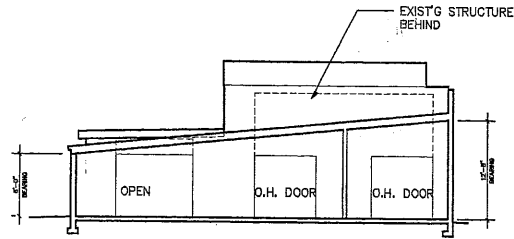
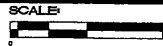
SOUTHEAST ELEVATION



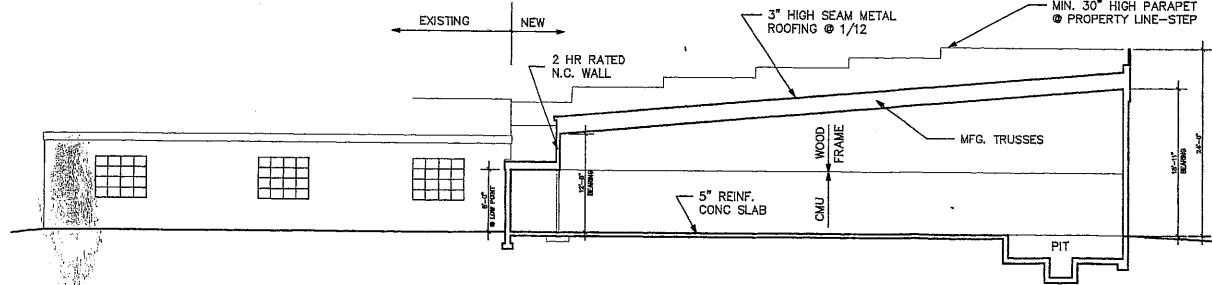
NORTHEAST ELEVATION



SECTION



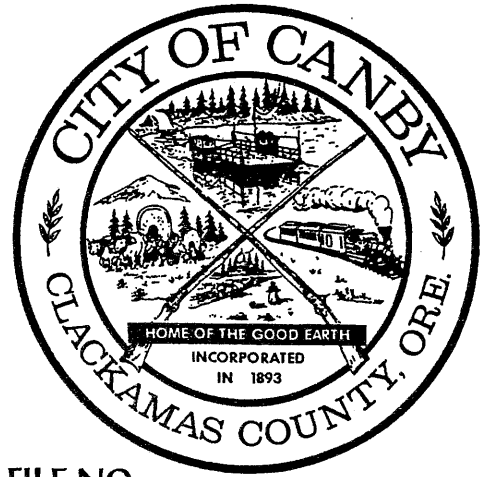
SECTION



SECTION



- STAFF REPORT -



APPLICANT:
City of Canby
182 N. Holly Street
Canby, OR 97013

FILE NO.:
ANN 97-02
(Logging Road)

OWNER:
City of Canby

STAFF:
James S. Wheeler
Planning Director

LEGAL DESCRIPTION:
Tax Lots 100, 190 of Tax Map 3-1E-34C
and Tax Lot 301 of Tax Map 4-1E-3

DATE OF REPORT:
June 13, 1997

LOCATION:
Between Highway 99-E and S.E. 13th Avenue,
west of Walnut Street and east of S. Redwood Street

DATE OF HEARING:
June 23, 1997

(City Council Hearing - on
July 16, 1997)

COMP. PLAN DESIGNATION:

Tax Lot 100: Commercial-Manufacturing
Light Industrial
Tax Lot 190: Light Industrial
Tax Lot 1700: Low Density Residential

ZONING DESIGNATION:
County Zoning: EFU
City Zoning will be:
Commercial-Manufacturing
Light Industrial
Light Industrial
Low Density Residential

I. APPLICANT'S REQUEST:

The applicant is requesting approval to annex 9.53 acres of the Molalla Forest Road (commonly referred to as the Logging Road).

II. MAJOR APPROVAL CRITERIA:

The Planning Commission forms a recommendation that the City Council may consider while conducting a public hearing. The City Council then forwards their recommendation to the Portland Metropolitan Area Local Government Boundary Commission (PMALGBC), where a final hearing and decision will be made.

- A. Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Commission shall give ample consideration to the following:
1. Compatibility with the text and maps of the Comprehensive Plan, giving special consideration to those portions of policies relating to the Urban Growth Boundary.
 2. Compliance with other applicable City ordinances or policies.
 3. Capability of the City and other affected service-providing entities to amply provide the area with urban level services.
 4. Compliance of the application with the applicable section of ORS 222.
 5. Appropriateness of the annexation of the specific area proposed, when compared to other properties that may be annexed to the City.
 6. Risk of natural hazards that might be expected to occur on the subject property.
 7. Effect of the urbanization of the subject property on specially designated open space, scenic, historic, or natural resource areas.
 8. Economic impacts which are likely to result from the annexation.

III. FINDINGS:

A. Background and Relationships:

In 1989 the City acquired ownership of the Molalla Forest Road, a private road previously used for logging trucks accessing a logging boom on the Willamette River just north of Canby. The portion of the road that the City acquired was from N.E. Territorial Road to S.E. 13th Avenue. The northern portion of this portion of the road was annexed into the City in 1992. As properties on the east side of the southern portion of the road are starting to be annexed, the City believes that it is time to annex the remaining portion of the road that is within its Urban Growth Boundary, and under its ownership.

It should be noted that the City is not anticipating any annexations near the Logging Road, between S.E. Township Road and S.E. 13th Avenue, in the near future. The purpose of annexing this portion of the Logging Road is conservation of effort, process, and cost.

The Logging Road is currently being used as a bicycle/walking path, and will continue to be used as such upon annexation.

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, 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.

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. The County was sent a "Request for Comments" form. To date, the County has not responded. In accordance with Implementation Measure D of this policy, lack of comment shall be considered the same as a "no objection" response.

3. Urban level facilities or services are not required for the use of these properties (walking/bicycle path). All services are available at the crossing of S.E. 4th Avenue.

The northern quarter of the proposed annexation (from Highway 99-E to approximately half-way to Township Road) is Type "A" for annexation priority. The remaining portion of the Logging Road to Township Road is Type "B" for annexation priority. The southern half (from Township Road to S.E. 13th Avenue) is Type "C" for annexation priority. The timing of annexation for the portion of the road between Highway 99-E and Township Road is appropriate in that annexations on either side of the road have occurred and the prioritization for annexation is "A" and "B".

The appropriateness for annexation of the southern portion (from Township Road to S.E. 13th Avenue) is not a clear. Annexation and development of lands on either side of this portion of the road is not likely to occur for many years (with the exception of the pre-existing BBC Steel site on the southeastern corner of the Logging Road and Township Road). However, improvement of the Logging Road as a bicycle/walking path is both likely and is in the

planning stages. Without annexation, work on the road will be under Clackamas County's jurisdiction, instead of the City's. Further, while being a secondary consideration, there would be additional cost in processing another annexation application in the future for this section of the road.

iii. **Land Use Element**

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

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

ANALYSIS

2. Annexation of the property will not affect the intensity or density of permitted development, as the property is not, generally, developable in and of itself. It could be argued that annexation of the southern portion of the road (from Township Road to S.E. 13th Avenue) could promote annexation of properties on either side of that section of the Logging Road. However, with the annexation of the Logging Road, no utility services will be extended, and annexation of the properties on either side will still need to merit approval based on the criteria, in their own right.

iv. **Environmental Concerns**

■ **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 #1-R-B: Canby shall encourage the urbanization of the least productive agricultural area within the Urban Growth Boundary as a first priority.

ANALYSIS

1-R-A. The property is not, nor has been (for more than 20 years) agricultural. Annexation of this property will not prohibit any agricultural operation within the City limits.

1-R-B. The subject property is not conducive to productive agricultural use.

v. TRANSPORTATION

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

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

ANALYSIS

6. The annexation of the Logging Road will not change the access patterns established by the use of the road as a bicycle/walking path.

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

1. All needed public facility and service providers were sent a "Request for Comments" regarding this application. Positive responses were received from the Wastewater Treatment, the Police Department, and Canby Telephone Association. Adequate facilities are available at the crossing of S.E. 4th Avenue for the servicing of the properties to be annexed. However, no services are necessary for the use of the property as a bicycle/walking path (its current and future use).

vii. ECONOMIC

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

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

ANALYSIS

4. Highly productive agricultural lands will not be impacted by the annexation of these properties. The use of the road will not change with the annexation of the road, therefore, no agricultural lands will be affected by further "urban" encroachment.

viii. HOUSING

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

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

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.

ANALYSIS

1. The Logging Road is not land that will be used for housing development. The road is land that is considered to be a part of the City's parks system.

3. No further utility services are required for the annexation, or further improvement (development), of the Logging Road.

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

In staff's review of this application, staff concludes that the proposed annexation is consistent with the policies of the Canby Comprehensive Plan.

III. CONCLUSION

Staff hereby concludes that the proposed annexation will meet the requirements of the standards and criteria included in the Canby Land Development and Planning Ordinance, Section 16.84.040, specifically related to : 1) Comprehensive Plan consistency, 2) Compliance with other applicable Codes and Ordinances, 3) Capability to provide urban level of services, 4) Compliance with ORS 199 regarding annexations of contiguous properties, 5) Appropriateness of area for annexation compared to other properties, 6) Risk of natural hazards, 7) Effect of urbanization on designated open space, scenic, historic or natural resource area, and 8) Economic impacts are correct and adequate.

IV. RECOMMENDATION

Based upon the findings and conclusions contained in this report (and without benefit of a public hearing), staff recommends that should the Planning Commission recommend approval of ANN 97-02 to the PMALC/BC (Boundary Commission), through the City Council, the following understandings should apply:

1. The zoning classification for the property upon annexation will be in accordance with the Comprehensive Plan's Land Use Map: C-M, Commercial Manufacturing for the first 1400 feet from Highway 99E (to Tax Lot 1800 of Tax Map 3-1E-34C), M-1, Light Industrial for the remaining portion of the Logging Road to S.E. Township Road, and R-1, Low Density Residential for the portion of the Logging Road from S.E. Township Road to S.E. 13th Avenue.

Exhibits:

1. Application
2. Request for Comment

ANNEXATION APPLICATION

Fee: \$1500

OWNER

APPLICANT

Name City of Canby

Name City of Canby

Address 182 N. Holly

Address 182 N. Holly

City Canby State OR Zip 97013

City Canby State OR Zip 97013

SIGNATURE [Signature]

Phone: (503) 266-9404 (Jim Wheeler)

DESCRIPTION OF PROPERTY:

Tax Map 3-1E-34C Tax Lot(s) 100, 190 Lot Size 4.62, 1.50
4-1E-3 Tax Lot(s) 301 Lot Size 3.41
(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 Bike/Walking Path
Proposed Same

Existing Structures None

PROJECT DESCRIPTION

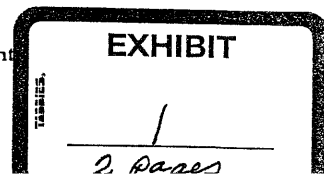
Annex the City-owned portion of the Molalla Forest Road
into the City.

ZONING EFU COMPREHENSIVE PLAN DESIGNATION C-M, LI, ALDR

PREVIOUS ACTION (if any) _____

File No. ANN 97-02
Receipt No. _____
Received by JSW
Date Received 5/21/97
Completeness Date 5/21/97
Pre-Ap Meeting _____
Hearing Date 6/23/97

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



PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 2, 1997

TO: FIRE, POLICE, CUB, CTA/NWT, NW NATURAL GAS, CLACKAMAS COUNTY
PLANNING, MIKE JORDAN, JOHN KELLEY, ROY, STEVE, O.D.O.T.

The City has received ANN 97-02, an application by the City of Canby for approval to annex the City-owned portion of the Molalla Forest Road into the City of Canby. The site is located from Highway 99-E to S.E. 13th Avenue, east of S. Pine/S. Redwood and west of S. Walnut Street (Tax Lots 100 and 190 of Tax Map 3-1E-34C and Tax Lot 301 of Tax Map 4-1E-3).

We would appreciate your reviewing the enclosed application and returning your comments by June 9, 1997 PLEASE. The Planning Commission plans to consider this application on June 23, 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:

REQUEST THAT EASEMENT BECOME AVAILABLE

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: Tom Pearson Date: 6-3-97
Title: ENG. DEPT. Agency: NWT CTA

EXHIBIT
2
3/2/97

PLEASE RETURN ATTACHMENTS!!!

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- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
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Signature: Herold D. Kiger

Date: 6/2/97

Title: Chief of Police

Agency: Police Dept.

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Comments or Proposed Conditions:

None

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:

Steve Noyes

Date:

6/2/97

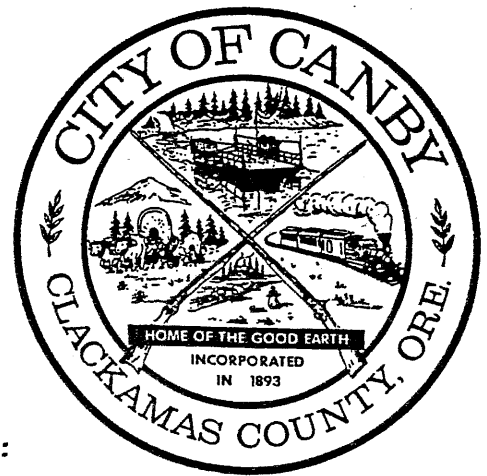
Title:

Public Services

Agency:

City of Canby

-STAFF REPORT-

**APPLICANT:**

Michael & Patricia Moir
688 S. Ivy
Canby, OR 97013

FILE NO.:

MLP 97-04

OWNER:

Michael & Patricia Moir
688 S. Ivy
Canby, OR 97013

STAFF:

Clint Chiavarini
Consultant Planner

LEGAL DESCRIPTION:

Tax Lots 1000 of Tax Map 4-1E-4AB

DATE OF REPORT:

June 13, 1997

LOCATION:

688 S. Ivy Street,
east side of S. Ivy Street,
opposite where S.W. 6th Place dead-ends
into S. Ivy Street.

DATE OF HEARING:

June 23, 1997

COMP. PLAN DESIGNATION:

Residential Commercial

ZONING DESIGNATION:

R-1 (Low Density Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to partition a 0.56 acre lot into three parcels. The three new parcels will have areas of approximately 7,000 square feet, 7,995 square feet, and 7059 square feet. An existing single family home will be retained and located on Lot 1 of the partition.

II. APPLICABLE CRITERIA:

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

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

III. OTHER APPLICABLE CRITERIA

- A. 16.16.030 Development Standards in R-1 Areas
- B. 16.56 General Provisions (for land divisions)
- C. 16.60 Major or Minor Partitions
- D. 16.64 Subdivisions - Design Standards

IV. FINDINGS:

A. Location and Background

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 1000 of Tax Map 4-1E-4AB. The property is on the east side of S. Ivy Street, directly across from where S.W. 6th Place dead-ends into S. Ivy Street.

A survey of the site reveals there is an existing single family home, identified as 688 S. Ivy Street, in the area of the proposed Lot 1. The property contains several large mature coniferous trees and several large mature deciduous trees. The owners of the property behind proposed Parcel 3 (653 S. Knott St, Tax Lot 108), the Tibbetts, have requested that the existing trees along the shared property line not be removed to act as screening and shade trees. The applicant intends to keep all of the trees along this shared property line (although expressed that one of the trees may need to be removed due to storm damage and not as a result of this partition or resulting construction). The applicant intends to provide an access strip beginning in the southwest corner of the property and traveling east-northeast to the two flag lots. In providing this access strip it may be necessary to remove or trim one of the large fir trees. Additionally, one large walnut tree along the northern boundary of proposed Lot 2 will need to be removed for construction.

One shed currently behind the existing house would be removed to comply with the setback requirements of the smaller lot size.

An existing power pole will need to be removed to make room for the intended access road. This pole also serves as a Tri-Met bus stop and will need to be moved with the pole. The Canby Utility Board has already worked up a cost quote on moving the pole.

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.

Policy #3: Canby shall review the contents of the comprehensive plan every two years and shall update the plan as necessary based upon that review.

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 the public hearing of 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 28, 1997

3. The review of the contents of the Comprehensive Plan is not germane to this application.

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, 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.
- Policy #2: Canby shall provide the opportunity for amendments to the urban growth boundary (subject to the requirements of statewide planning goal 14) where warranted by unforeseen changes in circumstances.
- 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. The property is entirely within both the Urban Growth Boundary and the City Limits.
2. No changes to the Urban Growth Boundary are proposed with this application.
3. All necessary urban services are, or will be available for the partition (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. There is one existing single family home on the property. The subject property and the surrounding properties are zoned Low Density Residential (R-1). The Comprehensive Plan designates the properties to the north and south as Residential Commercial, the properties to the west (across S. Ivy St) as Low Density Residential, and the properties to the east as Medium Density Residential.
2. The partition of the property will create two additional single family lots and will permit more "in-fill" development, which will, in a small way, help increase the housing density of 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, R-1, Low Density Residential, is consistent with the Land Use Map designation for the property (Residential/Commercial) as an "allowable, less intensive, interim zoning" (Comprehensive Plan p. 53). The minimum lot size for parcels in the R-1 zone, 7,000 square feet. The new lots will meet the minimum lot size.
6. The subject property is located within Area "C" of the specified Areas of Special Concern as determined by the Canby Comprehensive Plan. Area "C" includes all of the property shown on the Land Use Map withing the "Residential-Commercial" category and having frontage on S. Ivy Street. The applicant is not requesting a zone change to Residential-Commercial and the Comprehensive Plan states "there is no reason to attempt to hasten this transition process because residential uses can eventually be converted to mixed residential/commercial use." (P. 56)

iv. ENVIRONMENTAL CONCERNS

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

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 #5-R: Canby shall support local sand and gravel operations and will cooperate with county and state agencies in the review of aggregate removal applications.
- 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: 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 subject property has Class I soils. The land use designation of the property is residential/commercial and the property is currently within the City limits with all necessary infrastructure readily available.

1-R-B. The subject property, while currently under-utilized, is considered to be urbanized.

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. Any construction activity resulting from this partition 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. The minor land partition will not, in of itself, generate any pollution of any form.

4-R. Insubstantial noise will be expected as a result of residential activity. The minor land partition will not, in of itself, generate any noise.

5-R. The subject property is not a sand and gravel operation, nor will the proposed partition or future use of the land hinder any sand and gravel operation. There is no sand and gravel operation within the City limits.

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

7-R. The partition itself will not affect the scenic or aesthetic quality of the City. The subsequent development would require the removal of one (1) large walnut tree on proposed Lot 2 and the moving of one blue spruce. The removal of the trees will impact the aesthetic quality of the property. To mitigate the loss of any mature trees, staff recommends that the applicant retain as many trees as possible and to replace any trees scheduled for removal with new trees as recommended by the Planning Commission.

8-R. The subject property is not considered to be open space at this time. The property is considered to be an oversized urban residential lot.

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

10R. No wetlands are know 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 Latourell loam soils, which is 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 #1: Canby shall provide the necessary improvement to city streets, and will encourage the county to make the same commitment to local county roads, in an effort to keep pace with growth.

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 #5: Canby shall actively work toward the construction of a functional overpass or underpass to allow for traffic movement between the north and south side of town.
- 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 #9: Canby shall support efforts to improve and expand nearby air transport facilities.
- Policy #10: Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.
- Policy #11: Canby shall work with private developers and public agencies in the interest of maintaining the transportation significance as well as environmental and recreational significance of the Willamette River.
- Policy #12: Canby shall actively promote improvements to state highways and connecting county roads which affect access to the city.

ANALYSIS

1. No road improvements are required as part of the partition. The applicant proposes to provide an access drive that will be located along the southern property line of the three lots and will connect with S. Ivy Street to the main body of Lots 2 and 3, a distance of 195 feet. The drive will be 20' wide as it travels from S. Ivy Street.

Ivy Street is designated as a arterial street in the Transportation System Plan. As adequate right-of-way exists currently, the property will not need to dedicate any additional frontage on Ivy.

2. No street construction or improvement is required.

3. The nearest major intersection to the subject property is the intersection of S. Ivy Street and S.W. 6th Place. At this time, that intersection is not considered to be a "problem intersection". The proposed partition will not significantly impact this intersection.

4. The property does not have an existing curb along the frontage with S. Ivy nor do the adjacent properties' along this portion of S. Ivy Street. The Planning Commission has made it a practice to require sidewalks and curbs for any development where none are existing.

It is up to discretion of the Planning Commission as to the need for the sidewalk requirement. Normally, sidewalks are not required until construction has been significantly completed. Therefore, if the Planning Commission desires a sidewalk, the construction of the sidewalk along S. Ivy Street should be tied to the occupancy of Lot 2.

5. The subject property is not involved in any possible overpass or underpass of Highway 99-E and the railroad.

6. The applicant proposes to develop an access drive along the southern edge property that will provide access off the east of S. Ivy Street a distance of 195 feet. Lots 2 and 3 will access from this drive only.

The access drive is proposed to be a 20' wide paved surface. The drive meets the safety requirements of the Fire District which has specified a minimum emergency drive window clearance of 12' width and 13' height. The proposed drive will allow the applicant to meet this requirement.

According to Section 16.64.040(l)(1) of the Land Development and Planning Ordinance access drive 20' in width is required for strips that exceed one hundred feet. The access drive shall be a hard surfaced and continuous from S. Ivy Street to the main body of Lots 2 and 3. The provisions for providing an access strip, shall ensure that safe and convenient access will be available for the general public. Emergency vehicle turnarounds shall also be provided that are acceptable to the fire district.

7. S. Ivy Street is identified in the Transportation System Plan to be striped with bike lanes. These bike lanes currently exist on the roadway and the development should have no effect on them.

8. The existing use and the proposed use of the property have no specific use for the rail facilities that exist in Canby.

9. The proposed partition has no bearing on efforts to improve or expand nearby air transport facilities.

10. The mass transit system in operation in Canby currently has a bus stop attached to a power pole that will need to be moved for the access drive. The transit stop should be moved with the pole. The City has adopted a Transportation Systems Plan study which included mass transit considerations. Any future development of the property will be reviewed in light of the Transportation Systems Plan.

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 fully within the City limits and is not near any "entry point" 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 an equitable manner.
- Policy #3: Canby shall adopt and periodically update a capital improvement program for major city projects.
- Policy #4: Canby shall strive to keep the internal organization of city government current with changing circumstances in the community.
- 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 Wastewater Department and the Canby Telephone Association. The departments have indicated that adequate facilities and/or services are available. The Canby Utility Board, Public Works Department, Fire District, and NW Natural Gas. have not responded to the "Request for Comments". There has been no recent indication, unofficial or otherwise, of potential inadequacy of facilities or services from these providers. Sewer, electric, water, and telephone facilities are available on S. Ivy Street.

The Police Department has requested the following conditions be put on the parcels prior to approval:

- a. No Parking or Storage of vehicles including R.V.'s on access easement
- b. Addresses of lots need to be clearly visible from Ivy Street.

- 2. Needed 'public improvements' include approach for the access drive and sidewalk along S. Ivy Street. This will occur prior to occupancy of any development on Lots 2 and 3.
- 3. A capital improvement program is not a part of this application.
- 4. The City's internal organization is not germane to this application.
- 5. The City has adopted a Parks Master Plan in which appropriate sites or areas for recreation facilities are identified. The subject property and proposed development does not interfere with any of the appropriate sites identified in the Parks Master Plan.

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.
- 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 proposed development is not industrial in nature, nor does the current zoning of the subject property allow industrial development.
2. The proposed development is not commercial in nature, nor does the current zoning of the subject property allow commercial development. The current Land Use Designation of Residential/Commercial will allow for future rezoning for the properties for light commercial zoning.
3. Development of this site, with homes, will provide residences for Canby business owners and employees, and also will provide a few employment opportunities and expand the market for Canby businesses.
4. The proposed partition will not affect the agricultural operations that contribute to the local economy.

viii. **HOUSING**

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

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

1. The location and size of the Urban Growth Boundary is not a part of the proposed application. When the Urban Growth Boundary was designated and calculations to determine the amount of land needed for residential growth, in 1984 as a part of the acknowledged 1984 Comprehensive Plan, the subject property was designated for residential development.
2. The proposed partition will retain the existing home on Lot 1 and provide two new lots, approximately 7995 square feet and 8995 square feet in size. Any development will increase housing density.
3. The proposed development does not include higher density housing.
4. The proposed development does not include housing for low income persons. Future development of the property may include housing for low income persons.
5. The proposed development is not a mobile home development. Future development of the property may include mobile/manufactured homes.

ix. ENERGY CONSERVATION

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

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

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

Policy #3: Canby shall strive to increase consumer protection in the area of solar design and construction.

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

Policy #5: Canby shall continue to promote energy efficiency and the use of renewable resources.

ANALYSIS

1. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.
2. The orientation of the subject property in this proposal partially meets the basic solar access standards for new residential developments. As existing structures are already located on Lot 1 and on the property directly to the south (Tax Lot 1200), Lot 1 would be exempted from these requirements as per Section 16.95.040. Staff recommends that the applicant use Protected Solar Building Line Option in subsection 16.95.030(B) to meet solar requirements for Lots 2 and 3 for the following reasons:
 - a. A protected solar building line can potentially be designated on the plat that meets the orientation requirements of within 30 degrees of a true east-west axis. This requirement, however, is not necessary due to the fact that the protected solar building line corresponds to the southern lot boundary (See item b);
 - b. The lot directly to the south of Lots 2 and 3 is a church with a north-south dimension of over 200 feet. As the ordinance states there must be at least 70 feet between the protected solar building line and the middle of the north-south dimension of the lot to the south, the solar building line can be drawn at the southern boundary of the property with no further setbacks necessary; and
 - c. Structures can be situated so that at least 80 percent of their south-facing wall will not be shaded by structures or non-exempt vegetation.
3. The project will not hinder any residential access to solar energy.
4. The City has adopted a Transportation Master Plan. City standards, transportation patterns of all developments will be reviewed through the Transportation Master Plan.
5. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.

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

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

C. Evaluation Regarding Minor Land Partition Approval Criteria

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

The proposed partition is in conformance with the text and the applicable maps of the Comprehensive Plan.

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

The partition, in all other respects, is in conformance with all other requirements of the Land Development and Planning Ordinance.

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

The size and orientation of the proposed parcels is such that future development of Lot 1, Lot 2, and Lot 3 are both possible and feasible. The existing home will remain on Lot 1 and maintains the proper setback requirements. Utility easements will be required along S. Ivy Street and along common property lines.

The access drive is proposed to be a 20' wide paved surface. The narrowed drive meets the requirements of the Fire District which has specified a minimum emergency drive window clearance of 12' width and 13' height. The proposed drive will allow the applicant to meet this safety requirement.

Given the provision for providing an access strip for Lots 2 and 3, all three parcels will have access to S. Ivy Street.

- 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.**

As best as staff has been able to determine, 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. No indication of difficulties have been mentioned, officially or otherwise, with regards to these public facilities and services providing service to any development.

- E. In no case shall the use of a private road be approved for the partitioning unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to City standards is not necessary to insure safe and efficient access to the parcels.**

No new private roads are proposed as a part of this application.

V. CONCLUSION

1. Staff concludes that the partition request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan and the Municipal Code.

2. Staff concludes that, upon Planning Commission determination that the proposed access drive provides adequate service to the property, the overall design of the proposed partition will be compatible with the area and will provide adequate building area for the provision of public facilities and services for the lots.
3. Staff concludes that, upon Planning Commission determination on the need for the sidewalk and retention of mature trees, and with the appropriate conditions, the overall design and arrangement of the proposed parcels are functional and will adequately provide building sites, utility easements, and access facilities which are necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
4. Staff concludes that all necessary public services will become available through the development of the property, to adequately meet the needs of the proposed land division.

VI. RECOMMENDATION

Based upon the application and drawings submitted, facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that should the Planning Commission approve MLP 97-04, the following conditions should apply:

For the Final Plat

1. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 97-04.
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. The final partition plat shall identify the newly created parcels as Lot 1, Lot 2, and Lot 3. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
3. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
4. All monumentation and recording fees shall be borne by the applicant.
5. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles, and sidewalks shall be provided as follows:

6 feet in width along all common lot lines except 1) the northern border of all three proposed lots which abuts an existing 12' public utility easement and 2) the southern board of Lot 1;

All parts of the access road (20 feet for Lots 1 & 2 and 10 feet along Lot 3);
12 feet in width along street frontages.

Prior to Construction

6. The construction plans shall include the access drive, storm water, sewer, water, electric, telephone, gas, street lights, and mail boxes.

Prior to Occupancy of Lot 2 and/or 3

7. A curb and a sidewalk, five (5) feet in width, shall be constructed along the full S. Ivy Street frontage of Lots 1. Where mailboxes, newspaper boxes or other obstructions (such as fire hydrants) are located at the curb, the sidewalk shall be set away from the curb such that the sidewalk remains unobstructed for a full five (5) foot width.
8. An access strip 20 feet in width shall be hard surface and be constructed from S. Ivy Street along the southern property line to the main body of Lots 2 and 3.
9. An emergency vehicle turnaround shall also be provided on Lot 3 that is acceptable to the fire district.

Notes

10. The Walnut tree in the middle of Lot 2 will be removed to allow for a new single family home.
11. One blue spruce will be moved to a different location on the property to allow for construction.
12. All trees along the shared property line of Tax Lot 108 (653 S. Knott St.) shall be kept.
13. One tree (2-3" in caliper) will be planted as replacement for the removed mature walnut trees. Trees selected for planting will be approved by the Planning Department.
14. The final plat must be recorded with Clackamas County within one (1) year of the approval of the preliminary plat approval in accordance to Section 16.60.060. The mylar for the final plat must be signed by the City prior to the recording of the plat.

Exhibits:

1. Minor Land Partition Application and Project Summary
2. Minor Land Partition Plat
3. Request for Comments Responses
4. Letter from Dave and Debbie Tibbetts

MINOR LAND PARTITION APPLICATION

Fee: \$900

OWNER

APPLICANT

Name Michael/Patricia Moir
Address 688 S Ivy Street
City Canby State OR Zip 97013
Signature:

Name Michael/Patricia Moir
Address 688 S Ivy Street
City Canby State OR Zip 97013
Phone: 503-266-6407

DESCRIPTION OF PROPERTY:

Tax Map R4-1E04AB Tax Lot(s) 1000 Lot Size .56 AC (Acres Sq. Ft)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name See attached map 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 two (2) 8-1/2 x 11 sheets of labels, just as you would address an envelope.

USE

Existing Residence Proposed Two more residences

Existing Structures See attached map

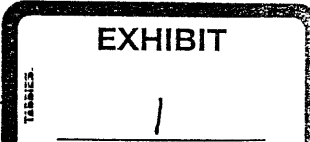
PROJECT DESCRIPTION

See attached Project Description

ZONING R-1 COMPREHENSIVE PLAN DESIGNATION RC

PREVIOUS ACTION (if any)

File No. ULP 97-04
Receipt No. 2490
Received by [Signature]
Date Received 5-16-97
Completeness Date
Pre-App Meeting
Hearing Date



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

NARRATIVE/STATEMENT

My name is Michael Moir. I have lived at 688 S Ivy with my wife and two sons for ten years this November. At this time we would like to build a new house at the back of our property. In order to help pay for this we would like to sell the existing house with one third of the total property, as well as the second third of the total property. We would like to keep the final third for our new house. We have one shed that would come down and we would abide by all applicable codes.

Proposed Development

Divide existing lot into a total of three lots just as the adjacent north properties have, while maintaining existing house and garage structure on one of the three lots.

Supportive Documentation

See proposed partition of property map for all conforming dimensions. Both Jim Wheeler and Larry Vasquec stated it appeared this conformed with the comprehensive plan and should be compatible with surrounding land. All paved roadways will be no more than 20 feet wide and no less than 12 feet wide, noting section 7 of the fire apparatus access road requirements, as adopted by the Canby Fire Protection District. When parcel 3 applies for building permits the dwelling will qualify for one of the proper fire vehicle access turn around options. Roy Hester, Public Works, stated the sewer was not a problem. There is 23990 square feet of platable property for this present tax lot 1000 (.56 acres) and Michael & Patty Moir are the present and only landowners. Please refer to the proposed partition map for an outline and location of existing buildings to remain.

Michael Moir

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 2, 1997

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

The City has received MLP 97-04, an application by Michael and Patricia Moir for approval to partition a .56 acre parcel into three parcels. The parcel is located on the east side of S. Ivy Street, opposite S.W. 6th Place and is currently addressed as 688 S. Ivy Street (Tax Lot 1000 of Tax Map 4-1E-4AB).

We would appreciate your reviewing the enclosed application and returning your comments by June 9, 1997 PLEASE. The Planning Commission plans to consider this application on June 23, 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:

None

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: Steve Nones

Date: 6/4/97

Title: POTW Supervisor

Agency: City of Canby

EXHIBIT

3

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

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

Signature: Ken Harbrow
Title: Fire Marshal

Date: 6-11-97
Agency: Canby FD #62

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 2, 1997

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CLACKAMAS COUNTY, MIKE JORDAN, JOHN KELLEY, ROY, STEVE

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Please check one box:

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

Signature: Tom Pearson

Date: 6/3/97

Title: ENG DEPT

Agency: CTA / NWT

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 2, 1997

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

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We would appreciate your reviewing the enclosed application and returning your comments by June 9, 1997 PLEASE. The Planning Commission plans to consider this application on June 23, 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:

No PARKING or STORAGE of vehicles including P.U.'S on EASEMENT

Addresses of lots clearly visible FROM Ivy Street

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: Harold G. Tiger

Date: 6/2/97

Title: Chief of Police

Agency: Police Dept.

THE TIBBETTS

653 S. Knott St.
Canby, Oregon 97013
503-263-6932

June 04, 1997

City of Canby Planning Commission
C/O City Hall
182 N Holly St.
Canby, Oregon 97013

Attn.: James Wheeler

Dear Planning Commission Staff,

We are writing in regards to the proposed Minor Land Partition application MLP 97-04. This property Tax lot 1000, address 688 S. Ivy Street is directly behind our property. We are located at 653 S. Knott St. Tax lot 108. Our biggest concern is to preserve the trees along the property line between our lot and the Moir's lot. There are approximately eight large established trees on the Moir's property, and several of them hang over our fence. They are quite tall and give us lots of shade and privacy. We would like to see these trees be preserved. They help reduce noise from the church parking lot and from Ivy Street. We hope the planning commission will come and take a look at these trees, and require they be preserved. We would be happy to let you into our back yard at any time to evaluate this request. Thank you for taking time to review our request.

Sincerely,

David Tibbetts
Debbie Tibbetts

Dave and Debbie Tibbetts

EXHIBIT

4

11

12

13

