

- STAFF REPORT -

APPLICANT:

ZTec Engineers, Inc.
3737 S.E. 8th Avenue
Portland, OR 97202

FILE NO.:

SUB 96-02
(Country Club Estates Annex No. 4)

OWNER:

Elroy Knutson, et al
2690 N.E. Territorial Rd.
Canby, OR 97013

STAFF:

James S. Wheeler
Planning Director

LEGAL DESCRIPTION:

Tax Lot 2602 of Tax Map 3-1E-21

DATE OF REPORT:

May 6, 1996

LOCATION:

North end of N. Maple Street,
north of N.E. 34th Place

DATE OF HEARING:

May 13, 1996

COMP. PLAN DESIGNATION:

Low Density Residential

ZONING DESIGNATION:

R-1 (Low Density Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval for a twenty-three (23) lot subdivision. The subdivision includes the extension of N. Maple Street and the construction of N.E. 35th Place.

II. APPLICABLE CRITERIA:

A. City of Canby Code Section 16.62.020

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

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

B. Other Applicable Policies and Regulations:

■ City of Canby General Ordinances:

- 16.16 R-1 Low Density Residential Zone
- 16.60 Major and Minor Partitions (Subdivisions)
(especially 16.64, Subdivision Design)
- 16.86 Street Alignment
- 16.88 General Standards

III. FINDINGS:

A. Background and Relationships

The subject parcel is located at the northern end of the City limits, at the northern terminus of N. Maple Street. The proposed 23 lots will vary in size from 7,350 square feet to 13,292 square feet. A subdivision was proposed for this property in 1994 (SUB 94-02). The original application was denied by the Planning Commission (6/13/94). The City Council, on appeal, remanded the application back to the Planning Commission for reconsideration, specifically regarding adequacy of school capacity (7/20/94). The Planning Commission, under reconsideration, approved the application (9/26/94). The application was then appealed to the Council. The Council made a preliminary decision to overturn the Planning Commission's decision (12/7/94). Prior to the Council's final action on the application, the applicants withdrew the application (1/3/95). Therefore, officially, this previous application was **withdrawn**, not denied.

The following are the findings that the City Council made in reaching the preliminary decision for overturning the Planning Commission's approval of the previous subdivision application for this property:

1. Based upon the contents of the Urban Growth Element of the Canby Comprehensive Plan, reports of the planning staff, and the testimony and other evidence received on the record, the Council finds as follows:

- A. North Maple Street, north of N.E. 23rd Avenue, is a half-street with a paved roadway only 18 to 20 feet wide, with no shoulder or sidewalks, and with parking allowed on one side. When cars are parked, the effective width of the street is one lane, accommodating two directions of travel together with pedestrians and bicyclists. This is a severe "bottleneck" condition.
 - B. The proposed development will result in a significant increase in vehicular traffic on the roadway in question, without contributing any improvement of the roadway, and especially its width, beyond its present condition.
 - C. The applicant's engineer has stated in a letter that the "recent street inventory classifies the pavement condition from the Country Club entry to the cul-de-sac as poor to very poor with a small section that is fair."
 - D. Members of the public, including residents of the neighborhood to the south of the proposed development, commonly make pedestrian use of the roadway in question. The Council believes the testimony that, even now, the presence of a pedestrian walking past a parked car in the roadway can result in traffic stopping until the pedestrian has moved on.
 - E. Applicant's traffic study measures the level of service at the intersection of North Maple and Territorial, but not the problems discussed above. Further, the danger of increasing traffic to pedestrians has not been studied or adequately analyzed at all in this proceeding.
 - F. The conditions described above comprise a safety hazard to pedestrians today, which would be significantly exacerbated by the proposed development.
2. Comprehensive Plan Land Use Element Policy No. 3 states that "Canby shall discourage any development which shall result in overburdening any of the community's public facilities or services."

For the reasons set out in Finding 1, the Council finds that the proposed development would overburden the roadway.

3. Comprehensive Plan Transportation Element Policy No. 6 provides that "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."

For the reasons set out in Finding 1, the Council finds that the proposed development will not adequately provide for public safety and convenience.

4. Canby Land Development and Planning Ordinance (LDPO) section 16.62.020 (Subdivision Standards and Criteria) provides in material part as follows:

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

For the reasons set out in Finding 1, the Council finds that the proposed development will unduly hinder the use of adjacent properties to the south, and in particular the ability of residents to walk safely in their neighborhood.

5. The Planning Commission did not observe the precepts of good planning as interpreted by the Council in that, *inter alia*, by approving the proposed subdivision, the Planning Commission would allow a further increase in vehicle traffic volume which would increase the safety hazard for pedestrian traffic without commensurate increase in the effective travel width of North Maple Street between N.E. 23rd Avenue and N.E. 34th Place.
6. The Planning Commission did not adequately consider all pertinent information to the case in that, *inter alia*, it did not sufficiently consider the pedestrian safety issues raised on the record, and a pedestrian traffic study or analysis was not conducted to appropriately address the safety hazard posed by the increase in vehicular traffic that would be generated by the proposed subdivision.

On April 3, 1995, a grading permit was issued for the site (BP 4976), in accordance with the Uniform Building Code. The grading work has been completed, but a notice of completion and final reports have yet to be submitted, in accordance with the grading permit issuance. The final report needs to include the following information: the daily inspection reports, civil engineer's report, the soils engineer's report, the engineering geologist's report, and the information excess organic material off-site disposal and the disposition of the rock material with the maximum dimensions of greater than 12 inches. The site plans for the current application show the topography of the site after the grading.

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 ongoing 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.

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

ii. **Urban Growth**

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

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

Policy #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. The project does not directly impact any County road.

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 subdivision (see discussion under Public Services Element). One specific item will need to be discussed regarding the adequacy of the proposed walkway along the west side of N. Maple Street between N.E. 31st Place and the proposed subdivision.

iii. **Land Use Element**

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

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

- Policy #2: Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.
- Policy #3: Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.
- Policy #4: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.
- Policy #5: Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.
- Policy #6: Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the requirements of the Land Development and Planning Ordinance, in guiding the use and development of these unique areas.

ANALYSIS

1. The parcel is zoned R-1, Low Density Residential and is proposed to be developed with single family residential structures. The Comprehensive Plan land use designation of the subject parcel is also Low Density Residential. There is no current use of the property.

The proposed development is compatible with the only other adjacent property that is developed at an urban level, the property to the south.

Immediately to the west is agricultural property that is not within the Urban Growth Boundary. During the previous application review, the neighboring agricultural property owners desired that a six-foot high, chain-link fence be constructed along the common property line, prior to construction, for prevention of trespassing.

To the east and north is the Mollala Logging Road and logging boom. On the other side of the logging road is the Willamette River. The Logging Road and boom do not appear to be in use anymore. During the previous application review, the Logging Road owners expressed an interest in having a fence be constructed between the proposed residential lots and the Logging Road, also for the purpose of preventing trespassing.

The proposed development density for the subject parcel (4.5 lots per developable acre) is comparable to that of the Comprehensive Plan "density assumption" used to estimate the amount of area that is needed for low density residential areas (4.7 lots per developable acre, p.36). The "density assumptions" are *averages* with some areas developing above the "average" and other areas developing below the "average".

The project density [4.5 lots per developable acre] is higher than that of the subdivision located immediately to the south, Country Club Estates No. 3 (3.8 lots per developable acre), but is lower than that of more recent subdivision developments: Township Village 6 [6.1 lots per developable acre], Township Village 7 [5.4 lots per developable acre], Township Village 8 [5.7 lots per developable acre], and Tofte Farms I [proposed 6.0 lots per developable acre]. The project density for this proposed subdivision is comparable to that of the recently approved Canby Garden Estates [4.6 lots per developable acre]. Developable acres does not include streets.

2. The zoning of the property is R-1, Low Density Residential. The Comprehensive Plan land use designation of the property is Low Density Residential. The density of the subdivision is comparable to what the Comprehensive Plan calculates for the amount of land needed for low residential development [4.7 lots per developable acre].

Lands that are zoned R-1, Low Density Residential, that have been subdivided since 1988, have been developed at approximately 5.0 lots per developable acre. The development being proposed in this application will have a lower density than the average for recent developments of the same zone classification.

3. Request for comments have been sent to all public facility and service providers (see discussion under Public Services Element). All public facilities are adequately available. One specific item will need to be discussed regarding the adequacy of the proposed walkway along the west side of N. Maple Street between N.E. 31st Place and the proposed subdivision.

4. No natural hazards have been identified on the subject property. The subject property is not within an official 100-year flood plain, as provided by the Federal Emergency Management Agency. The property did receive a minor amount of flooding, mostly confined to the proposed wetland area, in the recent February flood. The flooding of the property, and that of the property neighboring to the west, was due to the elevation of the Willamette River. Storm water runoff of the property, and that of the property to the west, are drained through a catch basin and piped to the Willamette River. When the river reaches the same elevation as that of the land around the catch basin, the water has no place to go, and consequently backs up. The flooding of the properties in February of 1996, occurred specifically because the storm water runoff of the subject property and that of the property to the west could not be drained into the Willamette River, due to the elevation of the Willamette River. Because the property was graded, the flooding of the property was minimal, and does not make the property undevelopable.

Further, the grading of the property does not adversely affect the surrounding properties. The flooding of any of the surrounding properties will be due to the elevation of the river and not due to the grading/filling of the subject property. The flooding of the property to the west, in February, would have been the same without the grading/filling of the subject property because the elevation of the Willamette River would have been the same, and the runoff would still have backed up.

5. The zoning of the property, R-1, Low Density Residential, is consistent with the Land Use Map designation for the property (Low Density Residential). The minimum lot size for parcels in the R-1 zone is 7000 square feet, and all of the proposed lots meet the minimum lot size requirement.

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

iv. Environmental Concerns

■ GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.

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

TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

- Policy #1-R-A: Canby shall direct urban growth such that viable agricultural uses within the Urban Growth Boundary can continue as long as it is economically feasible for them to do so.
- Policy #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-R: Canby shall attempt to minimize the adverse impacts of new developments on wetlands.
- Policy #1-H: Canby shall restrict urbanization in areas of identified steep slopes.
- Policy #2-H: Canby shall continue to participate in and shall actively support the Federal flood insurance program.

Policy #3-H: Canby shall seek to inform property owners and builders of the potential risks associated with construction in areas of expansive soils, high water tables, and shallow topsoil.

ANALYSIS

1-R-A. The property has not been used agriculturally in the recent past. The urbanization of this property includes the expansion of the asphalt surface of N. Maple Street north of N.E. 31st Place, for the provision of a walkway. The expansion of N. Maple Street will use up the remaining portion of the N. Maple Street right-of-way, not allowing for any further buffering between the road and the adjacent farm land, which is within the Urban Growth Boundary. As it is currently configured and utilized, there is no real buffer between the farm land and the current edge of the road, five feet inside of the right-of-way.

1-R-B. The property has not traditionally been considered as agriculturally productive. With the availability of urban level of services from the Country Club Estates Annex No. 3 subdivision development, the property is considered to be urbanizable.

2-R. The storm water drainage of the subject property will be carried off and emptied into the Willamette River. This is the means by which storm water runoff from the Country Club Estates Annex No. 3 subdivision and the Montecucco Family Farms (to the west) property is handled. The drainage of the Montecucco Family Farms property will be redirected through the storm drainage of the proposed subdivision will provide more efficient disposal of the storm water runoff. In order to allow for the best drainage possible, especially during times of high runoff and a high Willamette River, a backflow prevention device at the outflow of the storm water system is needed. Also, oversizing the storm water pipes beneath the subdivision will allow some storage capacity during the times that the Willamette River is running high. The storm water drainage lines should be oversized to be able to store the runoff from the subdivision and the approximate 200 acres of the Montecucco Family Farms fields that drain into the system during a 10-year, 24-hour storm event. The 10-year, 24-hour storm event is used to calculate culvert sizes underneath roadways. It provides, what is generally determined to be, a reasonable compromise between construction cost and flooding problems.

3-R. The existing use has not created a known pollution problem. Construction activity, the development activity directly related to residential development, is required to comply with prescribed standards for air, water, and land pollution, through the building permit process. Storm water drainage is mentioned in the above 2-R.

4-R. Noise will be expected as a result of residential construction. No residential construction.

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. There are no historic buildings on or around the subject property. The subject property and surrounding properties are not historic sites.

7-R. This policy is oriented to the appearance of developments. This development will keep all utilities underground and will preserve a portion of the property in open space.

8-R. Residential development will affect the scenic and aesthetic quality of the City. Open spaces, are considered to be a positive scenic and aesthetic quality. However, urbanization of land within the Urban Growth Boundary is permitted. The review of that development takes into consideration the scenic and aesthetic quality of that development. Further, a one (1) acre portion of the overall development site, which includes two small wetlands (identified by the Corps of Engineers) and is located to the south-central portion of the subject property, will be preserved as open space.

The applicant has not stated whether the wetlands will be dedicated to the City or maintained under a private Homeowners Association. The Corps of Engineers, in the 10/6/95 letter found in the applicant's project description (exhibit 1), states that it is the preference of the Corps that the wetland areas be left undisturbed as much as possible. Therefore, the actual maintenance needs are minimal. While the wetlands are not recognized in the City's Comprehensive Plan, it may be appropriate that the City obtain ownership of the wetlands.

9-R. There is reported to be wildlife on the property. Implementation Measures of this policy include limiting densities and intensity of development in "Hazard Overlay" zones, and encourage cluster development to assure large open space areas. The property is not located in a "Hazard Overlay" zone and the applicant's have proposed to maintain approximately 13% of the site as open space. The application is considered to be in compliance with this policy.

10-R. A one (1) acre portion of the overall development site, which includes two small wetlands (identified by the Corps of Engineers) and is located to the south-central portion of the subject property, will be preserved as open space.

The applicant has not stated whether the wetlands will be dedicated to the City or maintained under a private Home Owners Association. The Corps of Engineers, in the 10/6/95 letter found in the applicant's project description (exhibit 1), states that it is the preference of the Corps that the wetland areas be left undisturbed as much as possible. Therefore, the actual maintenance needs are minimal. While the wetlands are not recognized in the City's Comprehensive Plan, it may be appropriate that the City obtain ownership of the wetlands.

The wetland will need to be protected from all encroachments during construction of the subdivision, especially road construction. Protection needs to include orange mesh netting along the perimeter, and erosion/sedimentation controls and protection between the roads and the wetlands. All residential buildings need to be kept a minimum of fifteen (15) feet from the wetlands.

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

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

3-H. The site has Wapato silty clay loam soils in the southwest corner and Cloquato silt loam soils on the remainder of the property. The clay loam soils are poorly drained soils. The building inspector expects that engineering reports for each site will be required prior to the issuance of a building permit for any home. This extra review is a precautionary

step on the City's part to assure that the homes will be built on soils that will properly support the structures, given the drainage problems that have existed on this site prior to development.

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. The City has adopted a Transportation Systems Plan that specifies the City's responsibilities, and acknowledges the County's and State's responsibilities for improving existing roads due to normal travel wear. The existing condition of N. Maple Street, north of Territorial Road, is generally poor. During the review of the previous application, the worsening of the condition of N. Maple Street due to subdivision construction activity was a concern. The resolution of that concern, at the previous review, was to have the condition of N. Maple Street videotaped, north of N.E. 23rd Avenue, prior to the commencement of construction. A bond for the amount of \$34,000 is then posted to pay for fixing any damage that occurs to N. Maple Street during the time that the subdivision construction is in operation. The pavement is then re-evaluated after the City's approval of the subdivision construction, and the contractor will repair any deterioration that has occurred since the videotaping.

2. The extension of N. Maple Street and the construction of N.E. 35th Place are proposed to conform with the City's specifications and standards for new road construction. The right-of-way for the roads are to be forty (40) feet wide.

Street trees are required as a part of land division development. The location of the planting of the trees needs to be both compatible with the placement of the utilities for the subdivision and such that the trees have adequate room to grow. With the right-of-way width of forty (40) feet and the paved street width of thirty-six (36) feet, and the provision for sidewalks, there is virtually no extra right-of-way space. In order to accommodate utilities and street trees, with the limited right-of-way space street trees are to be planted eleven (11) feet behind the curb. In order to insure, as best as possible, the proper planting of the trees, the trees will need to be planted by a licensed landscape contractor. The planting of the trees is a subdivision improvement, and improvements are required to be completed or bonded prior to the signing of the subdivision plat. Since the planting of street trees is inadvisable prior to the construction of the homes, the trees will need to be bonded. One other option is for the developer to pay the City to take responsibility for the planting of the trees. This option requires a payment to the City of \$165 a tree. The cost covers both the purchase of the trees and the cost to contract the work of planting the trees. Among the CC&R's that may be filed for the subdivision, the developer will need to include one that specifically permits the street trees to be planted within the utility easement along the street. This is necessary because the trees may not be planted until after the home has been occupied, and the new homeowner should know, at the earliest possible time, that the trees will be planted. One tree per interior lot, and two trees per corner lot is required. The location of the trees will be designated with the construction plans. The lots that will have existing trees remaining along the street frontage of the lot, a street tree will not be required for that lot.

3. There are no "problem" intersections affected by the development of the subject property.

4. Sidewalks will be required for both sides of the local roads to be constructed within the subdivision. The sidewalks are proposed to be five (5) feet wide and placed alongside the curb. The sidewalks will be looped around mailboxes and other obstructions to provide a clear five (5) foot sidewalk.

The applicant, in response to the findings in the City Council's preliminary action on the previous application (see the Background section), has proposed expanding the width of N. Maple Street, north of N.E. 31st Place. The traffic report that accompanies the applicant's project narrative, suggest that this portion of N. Maple Street is the portion that would be in need of expanded pavement width, with the provision of a pedestrian walkway. South of N.E. 31st Place, either N. Maple Street is wider, allowing more room for pedestrians, vehicles, and parking, or sidewalks have been provided. This is the major issue regarding the Council's tentative decision to deny the previous proposed subdivision. The Planning Commission will need to decide whether or not this is an acceptable solution to the pedestrian safety concern that was raised during the review of the previous application.

In order to provide unobstructed use of the sidewalk, and to allow for off-street vehicle parking in front of the garage, a minimum distance of nineteen (19) feet will need to be maintained between the back of the sidewalk and the face of the garage, as measured from the outward most facing of the garage. If the newspaper boxes and/or mailboxes are located adjacent to the driveway approach, such that the sidewalk is set back from the curb, the minimum distance is from the back of the sidewalk, as it meets the driveway, that is the closest to the house.

5. The subject property is not involved in any possible overpass or underpass of Highway 99-E and the railroad.
6. All existing homes north of N. Maple Court can be accessed by emergency vehicles, only via N. Maple Street. With the development of this proposed subdivision, the Logging Road will become an alternative route for emergency vehicles to use, if N. Maple Street, for some reason, is inaccessible. The primary emergency vehicle route will remain N. Maple Street, as it exist now, but an alternative route would become available with the development of this subdivision. Easements for the use of the Logging Road for emergency vehicle will be necessary.
7. The roads proposed in the subdivision are to be local roads. According to the Transportation Systems Plan, no special provision for bicycles or slow moving vehicles are considered necessary in the construction of local roads.
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 subdivision has no bearing on efforts to improve or expand nearby air transport facilities.
10. The mass transit system in operation in Canby has no direct bearing on the proposed partition. No future transit stops have been proposed. The City has undergone a Transportation Master Plan study which includes mass transit considerations.
11. The subject property is near the Willamette River and could have an effect on the transportation potential or use of the Willamette River. With the closing of the Oregon City lumber mill by the Caffall Brothers, the logging boom site, immediately north of the subject property, will be available for some type of development in the future. The potential for facilities for transportation on the Willamette River is a distinct possibility for that site, and access to that site could be provided either by the Logging Road or by N.

Maple Street. Development of this subdivision would provide the possibility of access to the logging boom site via N. Maple Street.

12. The development does not involve any County or State roadways.

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. There has been no recent indication, unofficial or otherwise, of potential inadequacy of facilities or service from these providers. During the review of the previous application, a concern regarding electrical blackouts was raised. The problems with the electrical service to the N. Maple Street area was a result of the electric lines being placed underground unprotected, and not due to lack of capacity of the lines to provide adequate electrical service to the area.

The Canby Utility Board requested, in the review of the previous subdivision application, that the water line be looped to an existing line in N.E. 34th Place. There has not been any indication that their desires have changed, and as such, the water lines will need to be looped with the existing water line in N.E. 34th Place.

Easements for utility construction and maintenance will be required. The water and electric utilities, including street lights, need to conform to the Canby Utility Board requirements, and other utility provision and construction will need to conform to the respective utility requirements.

2. Needed 'public improvements' include street construction with curbs, sidewalks, street trees, street lights, and storm water system. All of these improvements have been discussed under the Transportation Element discussion. Additional improvements include the needed utility infrastructure.

3. The City has adopted a Transportation Systems Development Charge (SDC) to cover growth-related improvements to transportation infrastructure. These improvements will be funded by through SDC according to the City's Transportation Systems Plan. This subdivision development will contribute to those improvements through the SDC's at the time that homes are constructed on the subdivision's individual lots.

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. No additional park land has been indicated for this portion of the City.

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.

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 adjacent Montecucco Family Farms is considered to be an agricultural operation that contributes to the local economy as part of the economic base of the community. As such, the City endeavors to maintain this operation as a viable economic operation. In doing so, the following items have been stated by the representative of Montecucco Family Farms as needed to maintain a viable agricultural operation:

a. a chain-link fence is needed on the western property line of the subdivision property, prior to any construction, to prevent trespassing onto the farm fields,

- b. access to the fields across the proposed walkway;
- c. erosion control from the subdivision to the farm fields;
- d. no rocks or gravel are to be placed onto the farm fields as a result of the subdivision construction, including the construction of the walkway along N. Maple Street;
- e. fill elevation of the site is not to exceed the existing grade elevations or 85 feet;
- f. storm water drainage will be adequate to handle the runoff from the 200 acres that drains to the catch basin located immediately adjacent to the subdivision, and will be handled through the subdivision's storm drainage system.

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 counted for residential development.
2. The proposed development will not increase the overall housing density in relation to the calculations that were used in the Comprehensive Plan for the size of the Urban Growth Boundary.
3. The proposed development does not include higher density housing.

4. The proposed development does not include housing for low income persons.
5. The proposed development is not a mobile home development.

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. Of the 23 proposed lots, 4 will meet the basic solar access standards for new residential developments. The applicant has stated that 10 of the lots will meet the basic solar access standards for new residential developments. But, according to staff's determination, lots 8, 11, 14, 15, 19, and 21 do not meet the basic solar access standard. The use of a "protected solar building line" will be feasible for these lots, however. These lots will need to have the "protected solar building line" the following distances north of the southern property lines in order to comply with the solar access standards for new developments:

Lot 8	20 feet
Lot 11	25 feet
Lot 14	10 feet
Lot 15	15 feet
Lot 19	10 feet
Lot 21	7 feet

The subdivision will then be in compliance, as 19 of the 23 lots will meet one of the standards for solar access for new developments (82.6%), which is in excess of the required 80%. All lots with the "protected solar building lines" will have a minimum of a 50'x50' buildable area, with at least one of the dimensions being greater than 50 feet.

3. Any building will be required, as a part of the building permit review process, to be reviewed for compliance to the Solar Ordinance.
4. The City's transportation standards, and this development, are in accordance with the City's Transportation Systems 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.

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

Review of the above analysis will show that the proposed subdivision, with the recommended conditions of approval, is consistent with the policies of the Comprehensive Plan, provided that the proposed walkway for the west side of N. Maple Street, between N.E. 31st Place and the proposed subdivision, provides an adequate measure of pedestrian safety. Development of each of the lots will need to comply with all applicable provisions of the City of Canby Land Development and Planning Ordinance, Building Codes, and other County and State codes and regulations.

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

16.64.010 Streets.

The proposed street names are in accordance with the Street Naming Ordinance. The design of the streets are in compliance with the City's standards. The local roads will be constructed at a paved width of thirty-six (36) feet, with a five (5) foot sidewalk provided against the curb, and utilities and street trees behind the sidewalk.

16.64.030 Easements.

Six foot utility easements will be required to be located along all interior lot lines, with twelve foot utility easements for the rear property and street lot lines.

Easements along, or over, the Logging Road will be needed for the storm water lines, sewer line, and emergency vehicle access.

The sidewalks will be located against the curb. The sidewalks will be "swung" around obstacles (such as mailboxes, newspaper boxes and fire hydrants) that are located against the curb. The width of the sidewalk will be five feet, including the curb when the sidewalk is against the curb. The minimum distance between the garage and the back of the sidewalk is nineteen feet (allowing for a car to be parked in front of the garage without obstructing the sidewalk), regardless of the sidewalk's location. Locating the sidewalk in this manner will allow for the utilities and street trees to be placed with the least amount of conflict and hindrance on the "buildable" area of the lot. In addition, the sidewalk will be kept clear of obstacles to pedestrians.

16.64.040 Lots.

The lots will range in size from approximately 7,350 square feet to 13,292 square feet. All lots will meet the minimum required area of 7,000 square feet, and will be of such dimensions as not to preclude development with single-family homes for reasons of insufficient room for required setbacks. All lots are at least 60 feet in width for interior lots and at least 65 feet for corner lots. All lots are functional for residential uses.

16.64.050 Public Open Spaces.

A one (1) acre of land will be retained as open space. Whether or not it is to be dedicated to the public is an issue yet to be decided.

16.64.070 Improvements.

A bond will be required for any improvements in the subdivision that are not completed prior to the signing of the final plat. Such agreement of assurance shall be in conformance with Paragraph (O) of Section 16.64.070 of the Land Development and Planning Ordinance. A pre-construction conference with the developer, the City, and the utility providers is necessary prior to any construction of the improvements.

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

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

IV. CONCLUSION

In general, the proposed subdivision is consistent with the Comprehensive Plan, all applicable requirements of the Land Development and Planning Ordinance, and the overall design and arrangement of lots is functional and will not unduly hinder use or development of adjacent properties. Conditions are proposed herein to provide the necessary changes and details required to meet the City's standards for subdivisions. There are two issues that need resolution. The first is whether or not the proposed walkway along the west side of N. Maple Street between N.E. 31st Place and the proposed subdivision, will provide adequate pedestrian safety. The second is whether or not the wetland open space ought to be dedicated to the City or retained as a separate parcel owned by a homeowner's association. Due to the low maintenance needs of the wetlands area, it is recommended by staff that dedication to the City be required.

V. RECOMMENDATION

Based on the application, site plan, the facts, findings and conclusions presented in this report, and without benefit of public testimony, staff recommends that should the Planning Commission approve, with conditions, SUB 96-02, that the following conditions apply:

For the Final Plat:

1. Twelve (12) foot utility easements shall be provided along all exterior lot lines. The interior lot lines shall have six (6) foot utility easements as proposed, except where larger easements already exist or are proposed on the tentative plat.
2. The final plat shall reference this land use application - City of Canby, File No. SUB 96-02, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits requested subsequent to the date of this approval.
3. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor, or his authorized Deputy, including, but not necessarily limited to, various matters related to land surveying, land title, plat security, and plat recordation.
4. The "protected solar building lines" shall be shown on the plat for lots 1-5, 8, 11-15, 19, 21, 23. The "protected solar building lines" shall be shown at the designated distance north of the southern property line, as shown on the tentative plat, except for the following lots:

Lot 8	20 feet	Lot 15	15 feet
Lot 11	25 feet	Lot 19	10 feet
Lot 14	10 feet	Lot 21	7 feet

5. The specific "wetland" areas shown on the tentative plat, shall be shown on the final plat. A restriction against buildings within fifteen (15) feet of these "wetland" areas shall be on the final plat.

Prior to construction:

6. The final reports and notice of completion for the fill permit (BP 4976) shall be provided to the City prior to the signing of the plat, any construction, or any other building permit. The final report shall include: daily inspection reports, civil engineer's report, soils engineer's report, engineering geologist's report, information regarding the off-site disposal for the excess organic material, and the disposition of rock material with the maximum dimensions greater than 12".
7. A six-foot high chain-link fence shall be constructed on the eastern property line. A emergency vehicle access gate shall be provided at the northern terminus of N. Maple Street.
8. A six-foot high chain-link fence shall be constructed on the western property line. The fence shall not be less than six feet in height. The fence posts shall be set in concrete. The fence posts sizing shall be 2-3/8 inches for the line posts and 2-7/8 inches for the end posts, with a 1-5/8 inch top rail and tension wire across the bottom of the fencing. The fencing shall be 9-gauge.
9. The soil on the western slope at the western property line of the subject property shall be stabilized so that no erosion will occur.
10. Orange construction netting shall be erected using four-foot high posts, fifteen (15) feet around the "wetland" areas. Where the "wetland" areas are within fifteen (15) feet of the right-of-way, the netting shall be staked at the edge of the right-of-way. Straw bales shall be utilized behind the orange construction netting to reduce sedimentation of the wetlands.

11. Immediately prior to the subdivision activity, the City of Canby and the developer's representatives will video tape and inventory the present condition of N. Maple Street from N.E. 23rd Avenue to the development site. The contractor will post a bond in the amount of \$34,000. The pavement will be re-evaluated after the City's approval of the subdivision's construction and the contractor will repair any deterioration not present at the start, to an equal or better condition. The City may invoke the bond for repairs not done.

As a part of construction:

12. A pre-construction conference shall be held prior to construction. The pre-construction plans shall be reviewed and approved by the Canby Utility Board, the Canby Telephone Association, and the City prior to the pre-construction conference. The City's review and approval shall be coordinated through the Planning Office. The construction plans shall include the street design, storm water, sewer, water, electric, telephone, gas, street lights, mail boxes and street trees. The street tree planting location shall be determined as a part of the pre-construction review process.
13. Any necessary utilities shall be constructed to the specifications of the utility provider. The water system shall be looped to the existing water line in N.E. 34th Place.
14. Street name and traffic control signs shall be provided at the developer's expense. This shall include "Stop" street signs where required by the Director of Public Works.
15. Erosion-control during construction shall be provided by following the recommendations of the "Erosion Control Plans Technical Guidance Handbook," as used by Clackamas County, dated August 1991, and as revised.
16. No construction activities shall occur within fifteen (15) feet of the specific "wetland" areas, as shown on the tentative plat, except for areas within the road right-of-way.
17. No rocks or gravel shall be placed, in any way, on the Montecucco Family Farm fields by any of the construction activities, including the provision of the walkway on the west side of N. Maple Street between N.E. 31st Place and the subdivision.
18. No fill shall be placed on the site that exceeds the existing grade, or the 85-foot elevation, whichever is greater.
19. The storm water design and construction for the subdivision shall conform to the Canby Public Works Department standards. The storm water design shall include a line capacity large enough to store storm water runoff from the entire subdivision and the approximately 200 acres of the Montecucco Family Farms property that drains into this storm water system, under a 10-year, 24-hour design storm event. All runoff from the individual subdivision lots shall be handled through the subdivision's storm water system. The storm water outflow into the Willamette River shall have a backflow prevention device.
20. The construction of the sewer system for the subdivision shall be approved by the Public Works Supervisor.
21. The local roads shall be constructed to the City specifications and standards. The expansion of N. Maple Street to include a walkway, shall be constructed to the City's specifications and standards for a road. The improvements shall include the street, curbs, sidewalks, street lights and street trees.

22. The sidewalks shall be located against the curb, and shall be five-feet wide, including the curb. 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-foot width.
23. The type of street trees to be planted shall be selected from the Recommended Street Tree list. The number of street trees to be planted shall be one per interior lot, none for flag lots, and two per corner lot. The lots that will have existing trees remaining within, or near the right-of-way shall not be required to provide additional street trees. The trees shall be planted eleven (11) feet from the street curb.

Prior to the signing of the Final Plat:

24. The subdivision development fee, as provided in the Land Development and Planning Ordinance Section 16.68.040(C), shall be paid.
25. The land divider shall follow the provisions of Section 16.64.070 Improvements, in particular, but not limited to, subparagraph (O) Bonds, which requires a surety bond, personal bond, or cash bond for subdivision improvements for any improvement not completed prior to the signing of the final plat. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.
26. Included in any Covenants, Conditions, and Restrictions filed with the subdivision, shall be wording that states that street trees are permitted, and will be planted, within the utility easement along the street frontage. If no other CC&R's are filed with the subdivision, then this wording shall be filed individually. A copy of the CC&R's to be filed with the subdivision shall be submitted to the City Planning Department with the final plat prior to the signing of the final plat.
27. One of two options shall be fulfilled for the planting of street trees prior to the signing of the final plat: Option 1, a contract, with a licensed landscape contractor, shall be executed. The contract shall include the City as the contractee: Option 2, the developer shall pay the City \$18,480 for the 112 trees to be planted (\$165 a tree). If option 2 is chosen, the City becomes responsible for the planting of the street trees.
28. Offer of dedication of the "wetland" open space area shall be made, with a specific legal description of the property to be dedicated.

After construction:

29. "As-built" drawings shall be submitted to the City within sixty (60) days of completion. A copy of the "as-built" drawings shall be submitted on a computer disk in an AutoCAD format.
30. Garages shall be set back a minimum of nineteen (19) feet from the back of the sidewalk. The distance shall be measured from the closest edge of the sidewalk at the driveway.

Notes:

31. The final plat must be submitted to the City within one (1) year of the approval of the preliminary plat approval according to Section 16.68.020.

32. The approval will be null and void if the final plat is not submitted to the County within six (6) months after signing of the plat by the chairman of the Planning Commission (Section 16.68.070).
33. A copy of all recorded CC&R's, easement for emergency vehicle access on the Logging Road, easements for storm water and sewer line crossings of the Logging Road shall be submitted to the City.
34. The soils for each lot shall be tested for compaction and the results shall be submitted with the building permit.
35. The walkway along the west side of N. Maple Street shall be constructed in such a way as to permit farm vehicle access onto the adjacent farm fields.

Exhibits:

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

SUBDIVISION APPLICATION

Fees: \$900 + \$30/lot

OWNER

APPLICANT

Name Elroy Knutson et al
Address 2690 N. E. Territorial Rd.
City Canby State OR Zip 97013
SIGNATURE [Signature]

Name ZTec Engineers, Inc.
Address 3737 S. E. 8th Ave.
City Portland State OR Zip 97202
Phone: 235-8795

DESCRIPTION OF PROPERTY:

Tax Map 31B21 Tax Lot(s) 2602 Lot Size 7.25 (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...

USE

Existing Vacant Ground
Proposed Single Family Residential

Existing Structures None

PROJECT DESCRIPTION

Develop site for 23 single family residences with an approximately 1 acre open space.

ZONING R-1 COMPREHENSIVE PLAN DESIGNATION R-1
PREVIOUS ACTION (if any) SUB 94-02

File No. SUB 96-02
Receipt No. 9955
Received by [Signature]
Date Received 4-16-96
Completeness Date
Pre-App Meeting
Hearing Date 5-19-96

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

EXHIBIT

25 pages

COUNTRY CLUB ESTATES NO. 4

PROPERTY LOCATION & DESCRIPTION

The property is located in City of Canby, within the urban growth boundary at the North end of N.E. Maple St., North of N.E. 34th Place. It is identified on Clackamas County Tax Lot Map 3-1E-21 as T.L. 2602.

The property is triangular in shape containing a total area of 7.2527 Ac. bounded on the South by Country Club Estates No. 3, on the West by Montecucco Farms, open farm land, and on the East by a 50 foot wide private right-of-way owned by Caffall Brothers Forest Products, Inc. The right-of-way has a single lane, 12'+- wide gravel/oil mat road.

The only site access to a public right-of-way is at the S.W. corner of the property where there is a total of 281 feet of frontage round the cul-de-sac at the North end of N.E. Maple St.

The site has 2 small wetland areas identified by the U.S. Army Corps of Engineers. The site has a number of trees on the East side. The West side had engineered fill placed in Sept/Oct. 1995 under City of Canby Grading Permit.

The site is designated on flood insurance rate maps to be in Zone B areas between the limit of the 100 year and 500 year flood. The 100 year flood elevation at the site is between El. 84.0 and El. 84.5.

The property is zoned R-1 low density residential.

HISTORY OF RECENT APPLICATIONS ON THE PROPERTY

On March 14, 1994 an application for a 26 lot subdivision was submitted to City of Canby. The application, SUB 94-02, was heard on Monday, April 11, 1994 before the City Planning Commission and continued to April 25th, May 9th, and was denied on May 23rd on the following grounds:

1. School District did not assure adequate level of service was available to service this development.
2. Requested adjustment in solar access standards was too severe and not justified to preserve a natural feature.
3. Insufficient evidence submitted to assure:
 - (A) No adverse effect on adjoining residences' drainage
 - (B) No adverse effect in use of adjoining residences through increase in N.E. Maple Street on half street portion and safety of increased traffic on narrow street.

- (C) No increase in trespassing on private logging road.
4. Due to insufficient information submitted:
- (A) To assess trees which can be retained
 - (B) To address concerns on filling portions of property and determining status of the wetland.

On June 27th, 1994 an appeal of the Planning Commission decision was filed by the applicant and heard on July 20th before Canby City Council who remanded SUB 94-02 back to the Planning Commission for reconsideration.

A rescheduled September 12 meeting of the Planning Commission reviewed SUB 94-02 now reduced to 25 lots to improve solar access conformance and with additional submitted material to address the initial Planning Commission denial. The Planning Commission conditionally approved the application.

The neighbors, mainly on N.E. 34th Pl. appealed this decision and on December 7th, 1994 the City Council in discussion named their major concern to be North Maple Street pedestrian safety and were prepared to overrule the Planning Commission approval. The applicant decided that issue would best be addressed in a new application at some future time. The applicant withdrew his application, SUB 94-02, January 3, 1995.

In March 1995 the property owner decided to seek a grading permit for the site. This was undertaken to address the issue of some fill and rubbish that had been illegally dumped on site in the past, and to improve the look of the property for future development and also to install drainage facilities along the south property line to improve the area drainage. The fill and other site improvements were installed in October, 1995.

DESCRIPTION OF PROPOSED DEVELOPMENT

The applicant proposes to develop a 23 lot single family residential subdivision on the 7.2527 Ac. Site identified as T.L. 2600 on Clackamas County Tax Lot Map 3-1E-21.

The plan has 2 fewer lots than the last plan approved by the Planning Commission and has some significant additions to address issues raised by Planning Commissioners, City Councilors and neighbors. Highlighted below are additions and items incorporated in the plan which addressed issues raised in the hearing process.

1. N. Maple St. Pedestrian Way

The principal addition is the proposal to extend the paving on the West side of N. Maple Street North of 31st Place to the West right-of-way line. This will be an additional 5' of A.C. paving. Lane marking, traffic buttons and signs will identify it as a pedestrian way.

The purpose of this proposal is to address concern about safety on the existing 20' wide section of N. Maple St. This issue is covered in depth in the attached traffic report. No safety problems were revealed in the report but the addition of pedestrian facilities will improve the existing situation.

2. Storm Drainage

A portion of storm drain improvements has been installed in the grading operation. The ditch inlet and filter drain to provide drainage for existing lots located South of site.

The basic storm drain plan remains the same, to intercept the drainage tile from Montecucco family farms and diverts the runoff to the subdivision collection system proposed from the new development. The storm drain outfall will cross Caffall Brothers Forest Products Inc. In easement and discharge to the Willamette River. Intercepting the drainage from Montecucco family farms will reduce the demand on the existing storm drain in N. 34th Place.

The 1996 flood statewide flooding was monitored on this site. Water rose to an elevation of 84.9' on site adjacent to the ditch inlet. This elevation was virtually the same as river level next to the site.

The area which had been filled was not affected by the flooding. A portion of Montecucco Farms flooded during that momentous event. This is an area where the ground is below the 84.9 elevation noted above.

3. Retention of Trees

All trees on-site have been field located and are shown on the tree inventory plan with the site layout outlined. Trees to be removed for right-of-way improvements and utilities in easement construction are marked. Trees that are clearly within the future home building area are also shown for removal.

The developer considers the trees an amenity for this development and will retain all remaining trees. At the time of individual home development additional trees may need to be removed but until floor plans for each lot are known it is premature to do more tree removal than is shown on the plan.

4. Site Fencing

Chain link fences on the East and West side of the property are proposed. The fences were required by Montecucco Family Farms and Caffall Brothers to reduce the possibility of trespass on either property. The Molalla Logging road presently owned by Caffall Brothers is particularly susceptible to trespass by walkers, joggers, bike riders,

etc. The fence will not eliminate this practice but means that this development will not be responsible for an increase in trespass due to easier access to the private road.

An emergency access gate will be incorporated in the fence along the side of the logging road. This gate will be for emergency vehicle access only at the proposed North end of the extension of N. Maple Street.

5. On-Site Wetland

The City of Canby Comprehensive Plan Policy 10-R states "Canby shall attempt to minimize the adverse impacts of new developments on wetlands".

Implementation Measure A states: "The City will assist the State Division of State Lands and Army Corps of Engineers in enforcement of State and Federal regulations (ORS 227.350) related to any development activity which may adversely impact wetlands".

The status of the identified wetlands was an item of some discussion in the previous hearing process. The wetlands were revisited by Richard Gebhart of the U.S. Army Corps of Engineers in November 1995 and, as his attached letter indicates, the Corps still considers these viable wetlands worthy of protection.

The impact of the wetlands on this site is significant. They have dictated the street configuration and led to the creation of a one acre open space, Tract "A". The presence of the wetland, and need to maintain it, complicated compliance with the Solar Ordinance. Compliance was achieved by reducing the lots proposed to 23. See Solar Ordinance Section.

6. Comprehensive Plan Issues

A. Citizen Involvement

This application incorporates provisions to address issues raised by public in previous meetings.

B. Urban Growth

The property is entirely within the Urban Growth boundary, within the City limits of Canby and proposed development is in compliance with R-1 zoning. In the future the City limits may extend to the Urban Growth Boundary 150' West of N. Maple Street. At that time development will cause Maple St. to be widened to standard width.

C. Land Use Element

The site is zoned R-1, low density residential.

The average lot size proposed is 9.592 ft.². The densities are 3.17 D.U./gross acre - 3.79 D.U./acre including Tract "A" open space but excluding street right-of-way and 4.54 D.U./acre excluding Tract "A" and street right-of-

way. This development does not push the limits of density possible within this zone. It uses a minimum lot size of 7,000 ft.² instead of trying for an average lot size of 7,000 ft.².

Tract "A" will also serve to accentuate the spaciousness of the lots adding to the open appearance of the property. A more accurate measure of the density of this development would include Tract "A" and this leads to a dwelling unit density of 3.79 D.U./acre which is close to the 3.8 D.U./acre of Country Club No. 3.

D. Environmental Concerns

The identified wetlands are being maintained, Tract "A" adds to the scenic quality of the development and creates a permanent open space.

The wetland issue is covered in another section.

E. Transportation

Applicant proposes to construct a 36' wide paved street on 40' right-of-way. Adjacent to the right-of-way line will be a 12' utility easement with 3' of the easement also being sidewalk easement.

Improvements are proposed to the existing N. Maple St. and provision made for emergency vehicles to access the private Molalla Forest Rd. through a gate in the event of any emergency need.

The adequacy of N. Maple St. to serve this subdivision has been questions. The attached traffic report and proposed addition of 5' of paving on the West edge of the street thoroughly addresses this issue.

F. Public Facilities and Services

Sewer and water are available near the site. A new storm drain system with new outfall is proposed. Power, telephone and gas are all available near the site.

G. Economic

Impact on city is from increased tax base and customers for Canby businesses. A limited number of construction employment opportunities will also be generated.

H. Housing

23 single family residences will be added to the residential inventory of Canby at a density compatible with the adjacent Country Club No. 3.

I. Energy Conservation

The development has a compliance with the Solar Ordinance. This is elaborated upon in the Solar Ordinance Section.

SOLAR ORDINANCE

Due to the peculiar shape of the site, triangular, and the need to protect the identified wetland the development is forced into the design as shown. This arrangement lacks an East-West street which forces most of the lots not to be configured to readily meet the "Basic requirement method of meeting the Solar Ordinance 16.95.030 Design Standard". Another way to meet the design ordinance is by protected solar building line (P.S.B.L.) option.

The following lots satisfy the design standard in 16.95.030.

LOT	METHOD
1	P.S.B.L.
2	P.S.B.L.
3	P.S.B.L.
4	P.S.B.L.
5	P.S.B.L.
8	BASIC
9	BASIC
10	BASIC
11	BASIC
12	P.S.B.L.
13	P.S.B.L.
14	BASIC
15	BASIC
16	BASIC
17	BASIC
18	BASIC
19	BASIC
21	P.S.B.L.
23	P.S.B.L.

A total of 19 of the 23 lots meets the criteria of solar lot i.e. 83%. Section 16.95.030 Design Standard requires 80% compliance.

The subdivision complies with the Solar Ordinance.



DEPARTMENT OF THE ARMY
PORTLAND DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2946
PORTLAND, OREGON 97208-2946

REPLY TO
ATTENTION OF:

October 6, 1995

Operations Division

SUBJECT: Corps ID Number 92-120

Doug Sprague
Canby Excavation
P.O. Box 843
Canby, Oregon 97013

Dear Mr. Sprague:

Thank you for meeting with me on Tuesday, October 3, to discuss your development plans and efforts to avoid wetland fill impacts. You indicated that the City of Canby is not clear what the Clean Water Act regulations require and where the wetland boundaries are defined. We discussed this on-site, however, I am following-up our meeting with this letter and a map indicating the wetland boundaries.

The enclosed map shows two wetland areas, A & B, that the Corps of Engineers regulates under the Clean Water Act. Any filling or excavation in these areas will require Corps (and Oregon Department of Environmental Quality) review and approval. Our preference is that both areas be left undisturbed because they provide important habitat and flood storage functions. Both these areas have mature trees and represent an environmental investment that is difficult to replace or create.

Within wetland area B, some vegetative enhancement work is encouraged and not regulated by the Corps. Small plants, especially non-native species such as the Himalayan blackberry vine/shrubs, may be removed (without incidental soil movement) and would not be regulated by the Corps. Removing tree's roots (generally the trees with diameter-breast-height (DBH) greater than 6 inches) and ground reshaping such as leveling or grading is considered filling and, as such, is regulated by the Corps. Tree removal and ground reshaping will reduce the habitat value of the wetland. If you clear out some of the smaller vegetation, replanting with hydrophytic (water loving) plants is encouraged.

Wetland area A is a desirable end result and a valuable wetland; unfortunately it is small. Minimal, if any, enhancement work would be needed in this parcel. It is best to minimize any disturbance activities, such as mowing and spraying, in either wetland area.

Even though the areas are regulated, you may still apply for a permit to place fill in these areas. If you pursue this course, it will be necessary to mitigate for the impacts caused by the

filling. As your proposal is now, no further review is needed by the Corps. If you have any questions, you may write or call me at 326-6098.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard Gebhart".

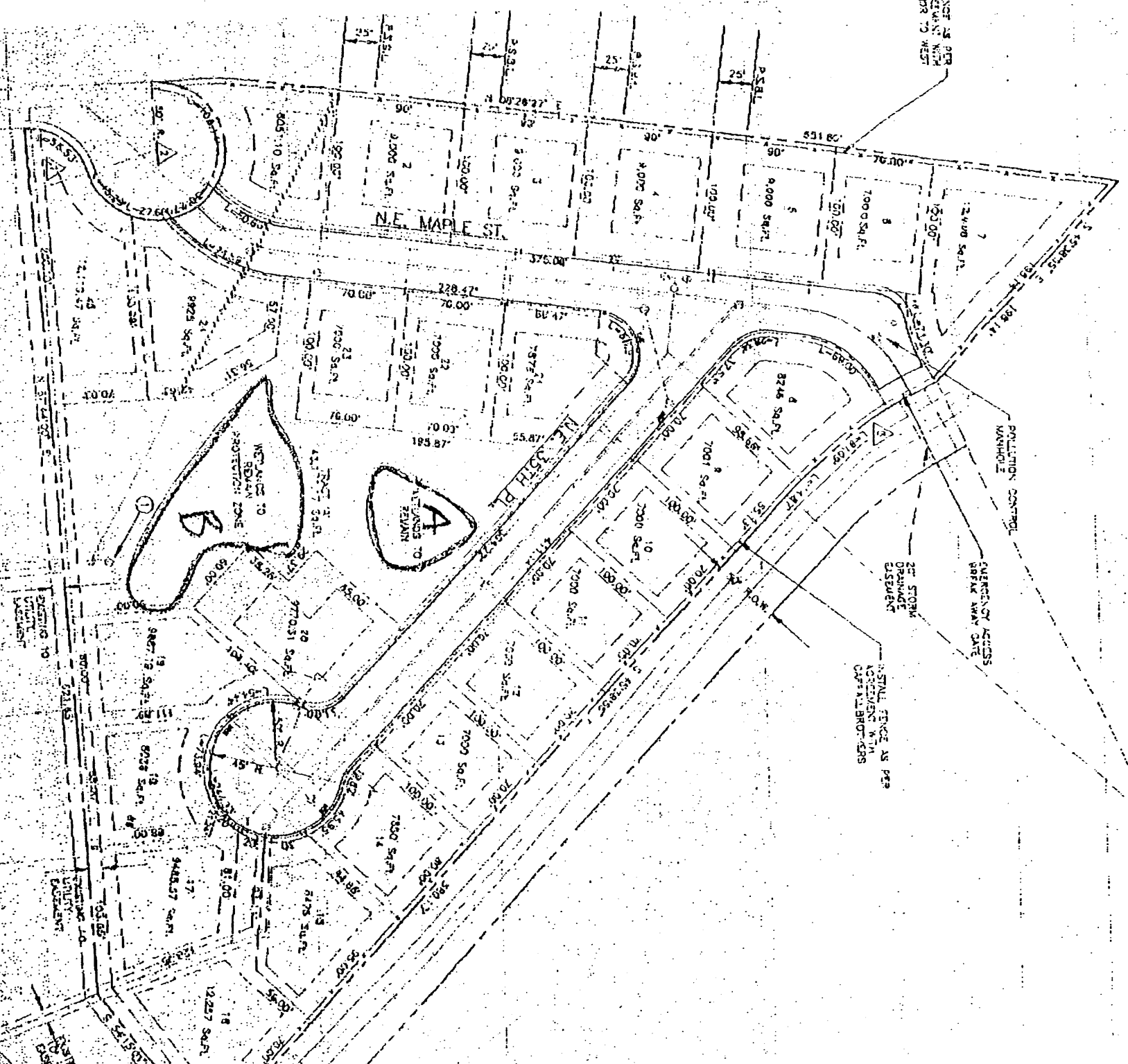
Richard Gebhart
Ecologist / Senior Project Manager
Regulatory Branch

Enclosure

Copy Furnished:

ODSL
City of Canby (Wheeler)

NOT AS PER
PLAN IN WEST
P. 31 WEST





CHARBONNEAU
ENGINEERING

MEMORANDUM

February 6, 1996

TO: Mr. Doug Sprague
P.O. Box 858
Canby, OR 97013

FROM: Frank Charbonneau, P.E. *FC.*
Traffic Engineer

Subject: **Maple Street Safety Study**
Country Club Estates No. 4
Canby

FL9619

In the past several months we have analyzed Maple Street northerly of 22nd Avenue to determine the additional traffic impacts associated with developing the Country Club Estates No. 4 project. Originally a traffic impact study was completed for Country Club Estates No. 4 in April, 1994. The focus was the on the intersection of Maple Street and Territorial Road (the nearest major intersection). Traffic and pedestrian safety was not formally included as part of that study. During the series of public meetings and hearings that followed the application, it was obvious that traffic and pedestrian safety on Maple Street needed to be addressed and that a satisfactory solution to the public's concerns also needed to be identified prior to approving the development.

From a traffic volume standpoint, Maple Street and the intersections from Territorial Road northerly to the end of Maple Street have sufficient capacity to provide excellent service levels as identified in the 1994 traffic report. A new peak hour traffic count at the intersection of Country Club Place has now been taken and further analysis verifies that this intersection also operates at an excellent service level and will continue to do so with the additional traffic generated by the proposed development. Again, the capacity calculations performed according to the unsignalized version (Release 2.1, HCS) of the Highway Capacity Manual indicate Level of Service (LOS) "A", with average vehicular delays of less than five seconds on the stop approaches along Maple Street. The latest traffic counts and calculations are included with this report.

Beyond the street's capacity to handle vehicular traffic flow, the City and public expressed major concerns with the available width on Maple street to safely accommodate pedestrians especially where the width is only 20 feet wide. In order to identify the street characteristics and geometrics, a complete street inventory was conducted on Maple Street from 22nd Avenue to the north. The inventory included recording the street widths, intersection locations, parking conditions, existing posted speed, measuring 85th percentile speeds, average daily traffic (ADT), driveway locations, signing, illumination, pedestrians, and available sidewalk. Traffic accident history over a five year study period was also researched through the City's Police Department. Attached to this report is a summary map (Figure No. 1) depicting the street inventory information.

As can be seen from the inventory map, Maple Street varies in width from 45 feet (at 23rd Avenue) to 20 feet (northerly of 31st Place). Northerly of Country Club Place where the width is 24 feet narrowing to 20 feet (at 31st Place), parking is permitted on the easterly side. The speed is posted at 25 miles per hour and the street is flat and straight with excellent sight distance. There are no pavement markings or centerline separating the opposing travel lanes. There is curbing and many driveways along the easterly side where the residences are located. On the westerly side there is no curbing and the adjacent property is farmland. Approximately 350 feet southerly of 34th Place there is a 65 foot long section of sidewalk along the easterly side. At 23rd Avenue, there is sidewalk on the westerly side that continues to the south.

Along with the street inventory and volume counts, the following additional data was collected and analyzed.

PARKING

During the AM peak hour there were a total of two vehicles parked along Maple Street on the easterly side northerly of 22nd Avenue (no cars parked on west side). In the midday, there was also two parked cars on the easterly side of the street. During the PM peak hour there was a total of six vehicles parked northerly of 22nd Avenue on the easterly side (three parked northerly of 31st Place in the 20 foot wide section).

PEDESTRIANS

During the PM peak hour traffic count at Maple Street and Country Club Place a total of six pedestrians were counted walking in the vicinity of this intersection. No pedestrians were noted during the AM and midday observation periods.

TRAVEL SPEEDS

In the last week of September, travel speeds were recorded on Maple Street for all vehicles in the vicinity of Country Club Place. The 85th percentile speed was 32 miles per hour for northbound traffic and 33 miles per hour for southbound traffic (see Figure No. 2). The 85th percentile speed is the value below which 85% of the speeds occur. In Oregon this speed is a major influence in establishing the posted speed. The study's results indicating 85th percentile speeds of 32 and 33 MPH appear to be normal based on the street's characteristics and the existing posted speed of 25 MPH.

AVERAGE DAILY TRAFFIC

Twenty-four hour traffic volumes (Average Daily Traffic, ADT's) were recorded on Maple Street immediately southerly of Country Club Place. The volumes were recorded during the last week of September, 1995 for each travel direction. For the weekday periods counted there was a total of 475 vehicles in each direction (ADT = 950). With the projected traffic from Country Club Estates No. 4 added to these volumes, it is anticipated that the ADT will increase to 1200 vehicles per day (an increase of 26%).

ACCIDENT HISTORY

According to City of Canby's Police records on traffic accidents, there have been no recorded traffic accidents on Maple Street (northerly of Territorial Road) in the past five years. This period covers the years 1991, 1992, 1993, 1994, and most of 1995. Therefore, the accident rate on Maple Street northerly of Territorial is zero accidents per million vehicle miles. A copy of the Police Department's documentation from Lieutenant Jim Scharmota is included in the report's appendix.

STREET WIDTH/PARKING/PEDESTRIAN CAPACITY

During the street inventory phase of the project measurements were taken of the existing street width at various locations along Maple Street northerly of 22nd Avenue. Northerly of Country Club Place the street narrows from 26 feet to 24 feet and then to 20 feet on the north side of 31st Place. Parking is allowed on the easterly side of Maple Street. With 20 feet of pavement width, the street is wide enough for two vehicles that meet in opposing directions. In the 20 foot wide section there is insufficient room for vehicles to pass when meeting at a parked vehicle without one of the parties yielding.

The proposed Country Club Estates No. 4 project will not add significant traffic volumes to Maple Street (225 vehicles per day, 20 trips during the AM peak hour and 25 trips during the PM peak hour). The trip rate will increase slightly from an average of one vehicle every 40 seconds (existing PM peak hour frequency) to one vehicle every 30 seconds (total traffic PM peak hour frequency).

SUMMARY

1. The width of Maple Street is less than optimum, particularly north of 31st Place, but is more than adequate for the current and projected traffic volumes. The relatively low additional traffic volume generated by the development will not alter the service level of Maple street.
2. Maple Street is not a traffic hazard area, the police have no record of traffic accidents. Sight distances are excellent and the posted speed limit of 25 MPH is a deterrent to speeding.
3. Pedestrian traffic was noted as light, but due to the quiet nature of the street and the rural setting it is attractive to walkers and joggers.

CONCLUSION

No hazardous traffic situation is identified by this report and this proposed development will not create such a situation. However it is obvious that in a 20 foot wide street section with parking permitted there is the potential for two vehicles meeting at a parked car location and therefore the need for one of them to yield. This is a minor inconvenience and has the potential to limit excessive speed. The other consideration is pedestrian traffic. This traffic is very light (the highest observed being six people in one hour), but there is only limited sidewalk on the East side of Maple Street and pedestrians are generally forced to use the roadway. Construction of a sidewalk on the east side of Maple Street should have been a requirement of development of Country Club Estates No. 3. The developer of the current proposal has decided that improvement of the pedestrian facilities on Maple Street north of 31st Place is a public improvement to the neighborhood he wishes to make even though it is outside the limits of his site.

There are two choices to locating the sidewalk. On the east side adjacent to the existing curb or on the west side in the five foot space between the edge of the road and the right-of-way line of Maple Street. The east side has not

been selected because of the disruption to the mature landscaping of the residences. Placement of a walk on the west side will consist of five feet of asphalt pavement adjacent to the existing road. A solid white line (eight inches wide) with intermittent traffic buttons will be placed 20 feet from the easterly curb face to delineate the travel lane edge from the pedestrian way.

APPENDIX

- o Vicinity Map
- o Figure No. 1, Maple Street Inventory
- o Figure No. 2, Existing Traffic & Speeds
- o Figure No. 3, Site Traffic
- o Figure No. 4, Maple Street Existing & Proposed Sections

- o City of Canby Police Department Traffic Accident Data
- o 85th Percentile Speed Survey Data
- o Capacity Calculations, Maple Street at Country Club PL.

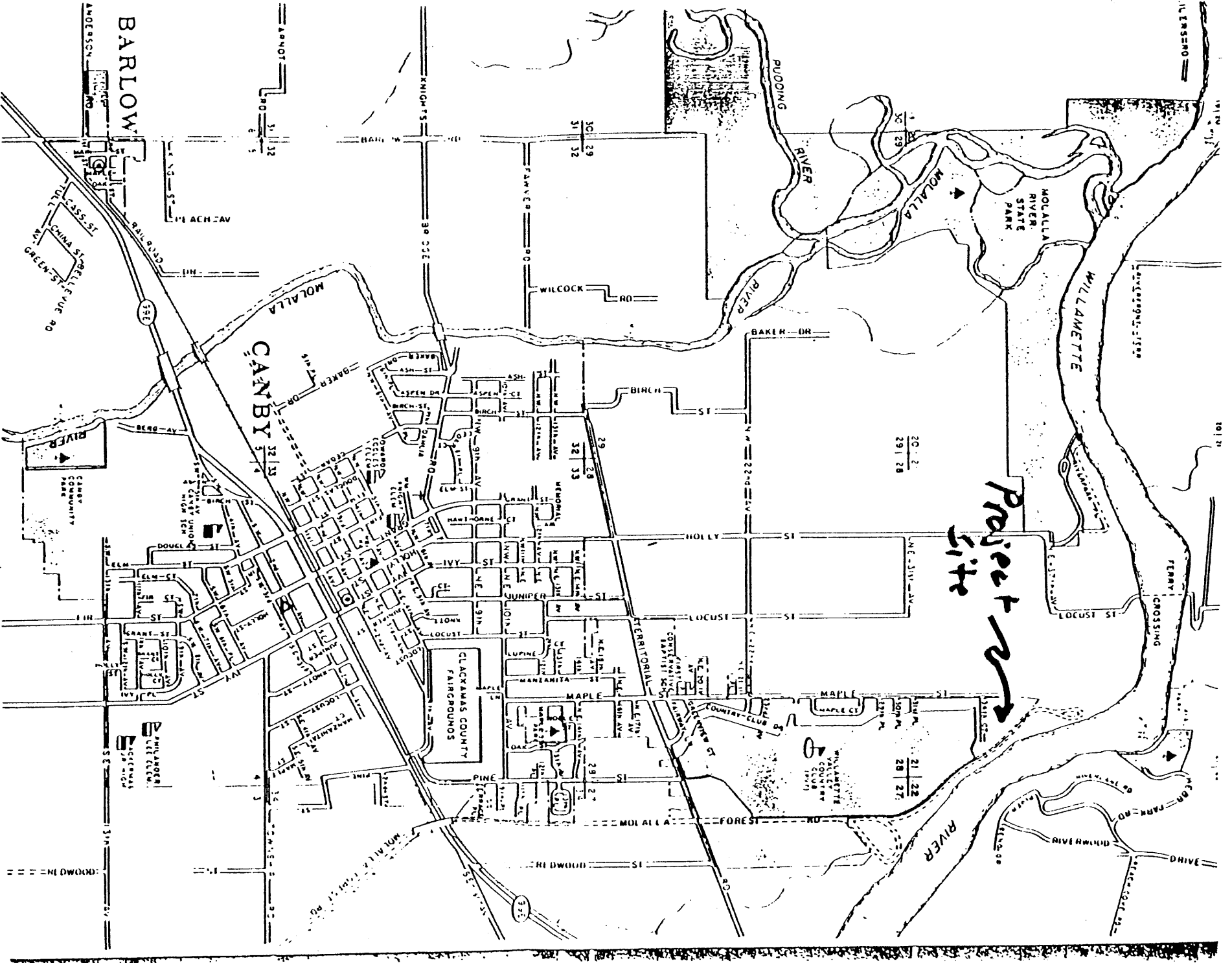
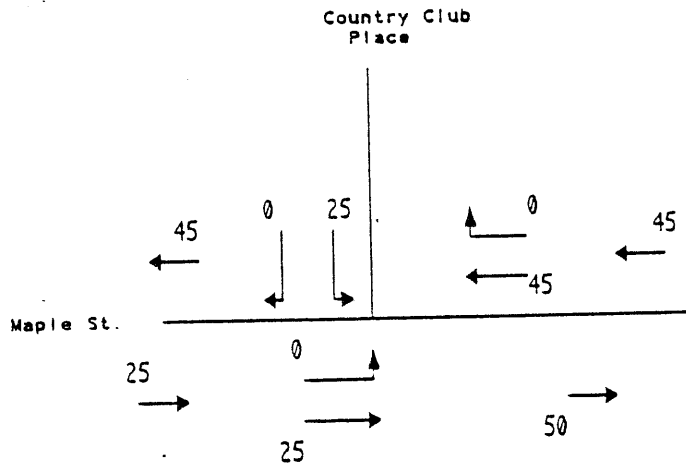


Figure No. 2
Existing Traffic
& Speeds

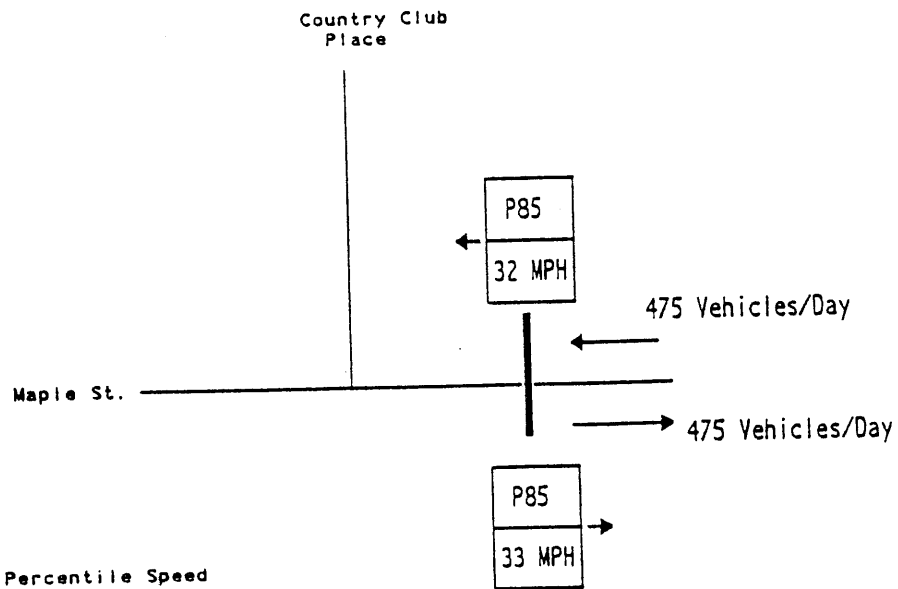
GF954

North
←

Existing Weekday Traffic 5 - 6 PM (11-1-95)



Existing Weekday Traffic 24 Hour ADT (9-27-95)



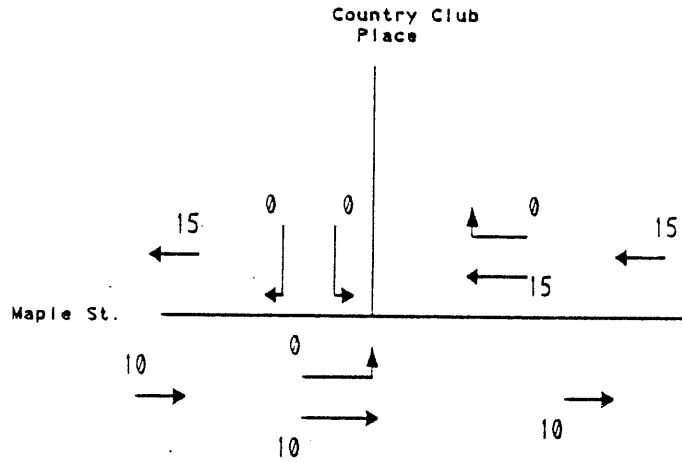
Note: P85 = 85th Percentile Speed

GF955

Figure No. 3
Site Traffic

North
←

Site Generated Traffic 5 - 6 PM



Total Site Traffic

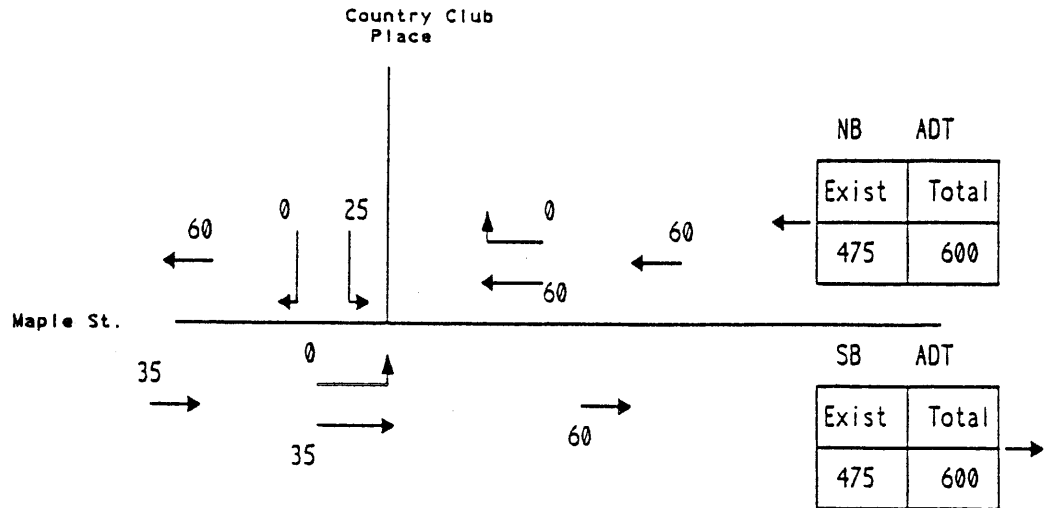
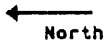


Figure No. 4
Existing & Proposed Conditions
Maple Street

MAPLE STREET EXISTING & PROPOSED SECTIONS

GF1001

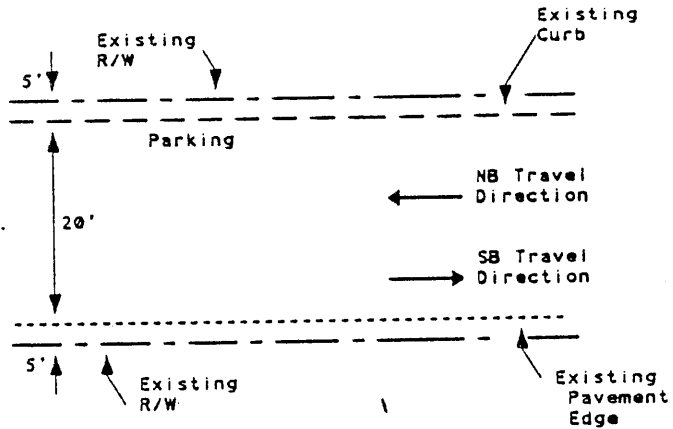


Existing Conditions

(North of 31st PL.)

Notes:

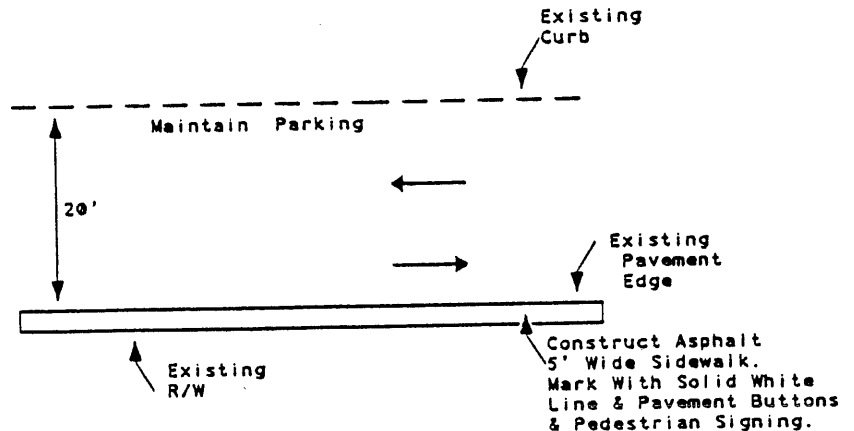
1. Twoway street with parking allowed on easterly side.
2. Pavement width is 20 feet between curb on east side and pavement edge on west side.
3. No centerline or pavement markings on Maple Street.
4. Bikes and pedestrians share existing 20' wide pavement section with motorists..



Proposed Section

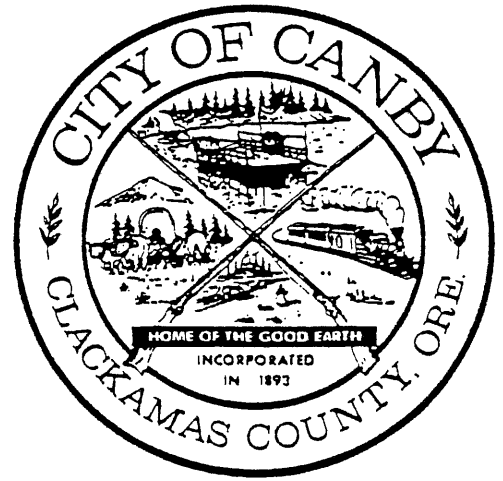
Notes:

1. Adds five foot wide asphalt pedestrian path on westerly side within existing R/W. Mark with solid white line & pavement buttons.
2. Parking to remain in easterly side.
3. Bikes to still use street.



October 5, 1995

Mr. Frank Charbonneau
1 S.W. Columbia, Suite 1685
Portland, Oregon 97258



Subject: Traffic Data - North Maple Street

Mr. Charbonneau:

According to records maintained in our "C.L.A.S.S." data base, there have been no motor vehicle crashes reported on North Maple Street (north of Territorial Road) in the past five years. There have been four traffic crashes reported at the intersection of North Maple and Territorial Road during the same time period, (one in 1992, two in 1994 and one in 1995). All of these were non-injury crashes.

I hope this is the data that you were looking for. If I can be of further assistance don't hesitate to call.

Sincerely,

Lieutenant Jim Scharmota
Canby Police Department
266-1104

cc: Chief Giger

ROADWAY SPEED SURVEY

SURVEY # 2613
 MAP # 74
 GRID # D3

Traffic Smithy
 Traffic Survey Service

Roadway: MAPLE STREET
 Location: 50 Ft South of Country Club Pl
 Direction: NORTH BOUND
 Date: 9/27/95
 Day of Week: WEDNESDAY

Time of Day	Volume	SPEED													P85		
		-16	16-20	20-24	24-28	28-32	32-36	36-40	40-44	44-48	48-52	52-56	56-60	60			
00:00-01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	--
01:00-02:00	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	--
02:00-03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	--
03:00-04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	--
04:00-05:00	2	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	--
05:00-06:00	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	--
06:00-07:00	4	0	1	0	1	0	2	0	0	0	0	0	0	0	0	0	28
07:00-08:00	21	4	3	9	1	2	1	2	0	0	0	0	0	0	0	0	29
08:00-09:00	30	2	5	11	7	2	1	0	0	0	0	0	0	0	0	0	27
09:00-10:00	44	3	11	14	11	4	1	1	0	0	0	0	0	0	0	0	27
10:00-11:00	37	2	9	13	9	2	1	1	0	0	0	0	0	0	0	0	30
11:00-12:00	34	0	6	11	9	5	3	0	0	0	0	0	0	0	0	0	31
12:00-13:00	34	1	3	11	9	7	2	1	0	0	0	0	0	0	0	0	32
13:00-14:00	25	0	4	4	9	4	3	1	0	0	0	0	0	0	0	0	35
14:00-15:00	30	0	3	3	6	7	9	0	1	0	0	0	0	0	0	0	32
15:00-16:00	43	2	7	6	15	7	4	1	0	1	0	0	0	0	0	0	33
16:00-17:00	36	0	7	4	8	10	6	1	0	0	0	0	0	0	0	0	32
17:00-18:00	45	0	0	3	16	21	3	2	0	0	0	0	0	0	0	0	33
18:00-19:00	27	0	2	1	10	9	3	2	0	0	0	0	0	0	0	0	--
19:00-20:00	19	0	0	0	9	7	3	0	0	0	0	0	0	0	0	0	30
20:00-21:00	20	0	1	4	10	5	0	0	0	0	0	0	0	0	0	0	--
21:00-22:00	12	0	1	0	5	4	1	1	0	0	0	0	0	0	0	0	--
22:00-23:00	5	0	0	0	3	0	2	0	0	0	0	0	0	0	0	0	--
23:00-24:00	5	0	0	1	3	0	1	0	0	0	0	0	0	0	0	0	--
TOTAL	475	14	63	95	142	98	46	13	1	1	0	0	0	0	0	0	32

AM Peak Hour (9:00-10:00)	44	9.26% of Daily Total
PM Peak Hour (17:00-18:00)	45	9.47% of Daily Total
4th Highest Hour (10:00-11:00)	37	7.79% of Daily Total
8th Highest Hour (8:00- 9:00)	30	6.32% of Daily Total

P85=85th Percentile

ROADWAY SPEED SURVEY

SURVEY # 2613
 MAP # 74
 GRID # 03

Traffic Smithy
 Traffic Survey Service

Roadway: MAPLE STREET
 Location: 50 Ft South of Country Club Pl
 Direction: SOUTH BOUND
 Date: 9/27/95
 Day of Week: WEDNESDAY

Time of Day	Volume	SPEED													P85	
		-16	16-20	20-24	24-28	28-32	32-36	36-40	40-44	44-48	48-52	52-56	56-60	60		
00:00-01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	--
01:00-02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	--
02:00-03:00	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	--
03:00-04:00	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	--
04:00-05:00	3	0	0	1	0	2	0	0	0	0	0	0	0	0	0	--
05:00-06:00	2	0	0	0	2	0	0	0	0	0	0	0	0	0	0	--
06:00-07:00	28	0	1	2	9	12	3	1	0	0	0	0	0	0	0	32
07:00-08:00	24	1	1	2	6	7	5	2	0	0	0	0	0	0	0	35
08:00-09:00	29	0	2	5	4	12	6	0	0	0	0	0	0	0	0	33
09:00-10:00	30	0	3	5	11	7	2	1	1	0	0	0	0	0	0	32
10:00-11:00	20	1	2	12	1	1	3	0	0	0	0	0	0	0	0	32
11:00-12:00	27	0	8	6	4	7	2	0	0	0	0	0	0	0	0	31
12:00-13:00	32	5	5	6	7	6	3	0	0	0	0	0	0	0	0	31
13:00-14:00	42	5	12	5	4	8	5	0	3	0	0	0	0	0	0	33
14:00-15:00	41	7	7	11	3	7	4	1	0	0	0	0	0	0	0	31
15:00-16:00	36	3	8	7	9	3	4	2	0	0	0	0	0	0	0	33
16:00-17:00	31	3	6	6	3	5	5	3	0	0	0	0	0	0	0	35
17:00-18:00	42	5	8	14	5	4	5	1	0	0	0	0	0	0	0	32
18:00-19:00	40	0	3	7	8	10	11	1	0	0	0	0	0	0	0	34
19:00-20:00	18	1	5	2	4	2	2	2	0	0	0	0	0	0	0	--
20:00-21:00	12	0	0	3	4	3	2	0	0	0	0	0	0	0	0	--
21:00-22:00	14	1	2	4	3	1	1	1	1	0	0	0	0	0	0	--
22:00-23:00	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	--
23:00-24:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	--
TOTAL	474	32	73	99	87	97	64	16	5	0	0	0	0	0	0	33

AM Peak Hour (9:00-10:00)	30	6.33% of Daily Total
PM Peak Hour (17:00-18:00)	42	8.86% of Daily Total
4th Highest Hour (18:00-19:00)	40	8.44% of Daily Total
8th Highest Hour (9:00-10:00)	30	6.33% of Daily Total

P85=85th Percentile

Center For Microcomputers In Transportation

File Name
 Streets: (N-S) Maple Street (E-W) Country Club Place
 Major Street Direction.... NS
 Length of Time Analyzed... 60 (min)
 Analyst..... FC
 Date of Analysis..... 2/6/96
 Other Information..... Total Site Traffic, PM Peak Hour

Two-way Stop-controlled Intersection

	Northbound			Southbound			Eastbound			Westbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	0	1<	0	0>	1	0	0	0	0	0>	0<	0
Stop/Yield			N			N						
Volumes		60	0	0	35					25		0
PHF		.95	.95	.95	.95					.95		.95
Grade		0			0			0			0	
MC's (%)		0	0	0	0					0		0
SU/RV's (%)		2	0	0	2					2		2
CV's (%)		0	0	0	0					0		0
PCE's		1.01	1.1	1.1	1.01					1.01		1.01

Adjustment Factors

Vehicle Maneuver	Critical Gap (tg)	Follow-up Time (tf)
Left Turn Major Road	5.00	2.10
Right Turn Minor Road	5.50	2.60
Through Traffic Minor Road	6.00	3.30
Left Turn Minor Road	6.50	3.40

WorkSheet for TWSC Intersection

Step 1: RT from Minor Street	WB	EB
Conflicting Flows: (vph)	60	
Potential Capacity: (pcph)	1291	
Movement Capacity: (pcph)	1291	
Prob. of Queue-free State:	1.00	
Step 2: LT from Major Street	SB	NB
Conflicting Flows: (vph)	60	
Potential Capacity: (pcph)	1605	
Movement Capacity: (pcph)	1605	
Prob. of Queue-free State:	1.00	
TH Saturation Flow Rate: (pcphpl)	1700	
RT Saturation Flow Rate: (pcphpl)		
Major LT Shared Lane Prob. of Queue-free State:	1.00	
Step 4: LT from Minor Street	WB	EB
Conflicting Flows: (vph)	95	
Potential Capacity: (pcph)	933	
Major LT, Minor TH Impedance Factor:	1.00	
Adjusted Impedance Factor:	1.00	
Capacity Adjustment Factor due to Impeding Movements	1.00	
Movement Capacity: (pcph)	933	

Intersection Performance Summary

Movement	FlowRate v(pcph)	MoveCap Cm(pcph)	SharedCap Csh(pcph)	Avg.Total Delay	LOS	Delay By App
WB L	26	933	> 933	> 4.0	> A	

Intersection Delay = 0.8

- 1 M-6
- 2 L-6
- 3 K-6
- 4 J-6
- 5 I-6
- 6 H-6
- 7 G-6
- 8 F-6
- 9 E-6
- 10 D-6
- 11 C-6
- 12 B-6
- 13 A-6
- 14 M-5
- 15 L-5
- 16 K-5
- 17 J-5
- 18 I-5
- 19 H-5
- 20 G-5
- 21 F-5
- 22 E-5
- 23 D-5
- 24 C-5
- 25 B-5
- 26 A-5
- 27 M-4
- 28 L-4
- 29 K-4
- 30 J-4
- 31 I-4
- 32 H-4
- 33 G-4
- 34 F-4
- 35 E-4
- 36 D-4
- 37 C-4
- 38 B-4
- 39 A-4
- 40 M-3
- 41 L-3
- 42 K-3
- 43 J-3
- 44 I-3
- 45 H-3
- 46 G-3
- 47 F-3
- 48 E-3
- 49 D-3
- 50 C-3
- 51 B-3
- 52 A-3
- 53 M-2
- 54 L-2
- 55 K-2
- 56 J-2
- 57 I-2
- 58 H-2
- 59 G-2
- 60 F-2
- 61 E-2
- 62 D-2
- 63 C-2
- 64 B-2
- 65 A-2
- 66 M-1
- 67 L-1
- 68 K-1
- 69 J-1
- 70 I-1
- 71 H-1
- 72 G-1
- 73 F-1
- 74 E-1
- 75 D-1
- 76 C-1
- 77 B-1
- 78 A-1

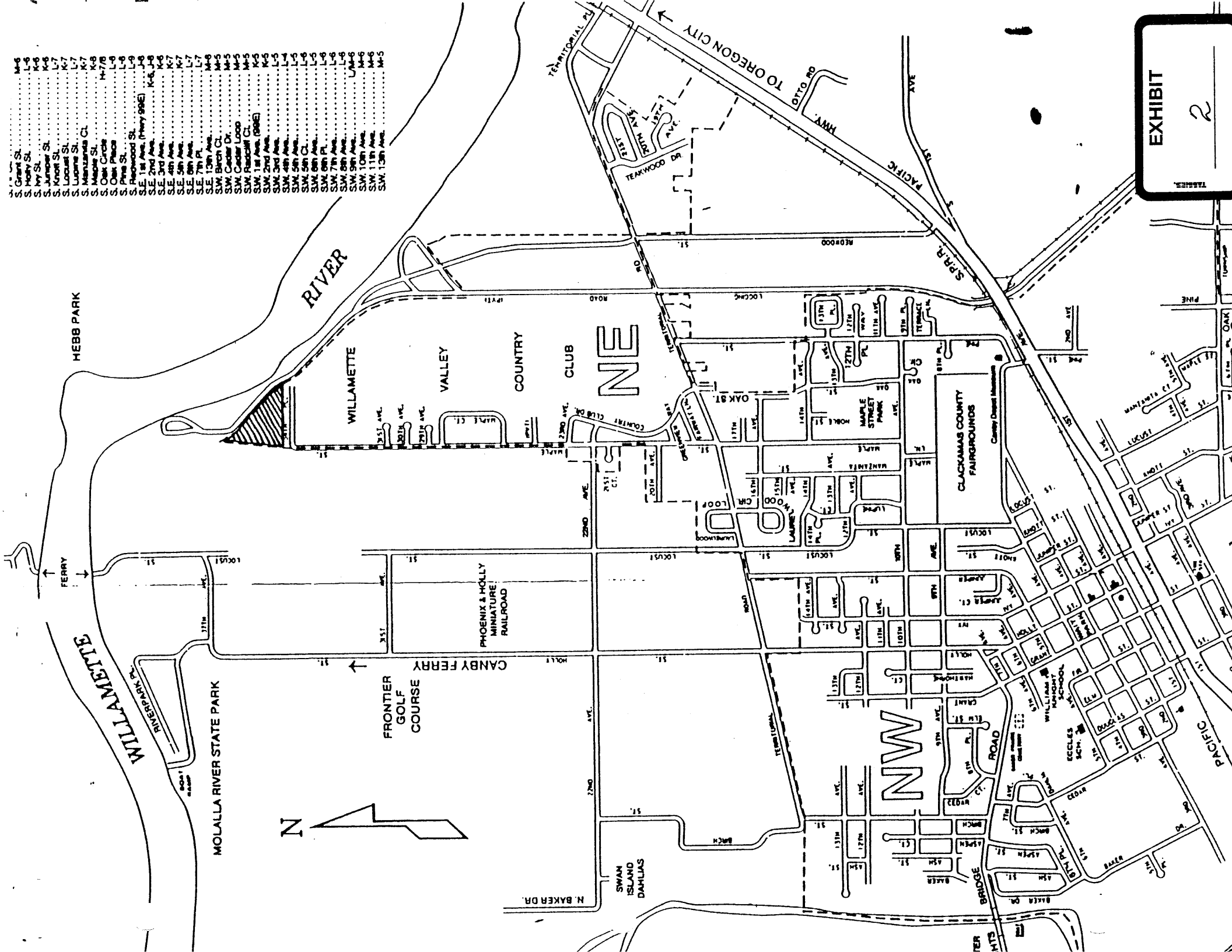
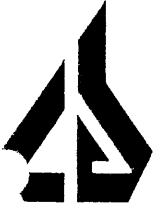


EXHIBIT
2



CAFFALL BROS. FOREST PRODUCTS, INC.

P.O. BOX 725 • 25260 S.W. PARKWAY • WILSONVILLE, OREGON 97070-0725
Corporate Office (503) 682-1910/Sales Office (503) 682-1902 • FAX (503) 682-1406

April 24, 1996

Mr. Jim Wheeler
Community Services Department
City of Canby
182 N. Holly
Canby, Oregon 97013

RE: Sub 96-02

Dear Mr. Wheeler:

During our meeting yesterday we touched on Sub 96-02. You asked me to write you a letter concerning the matters related to that proposed subdivision (formerly proposed as Sub 94-02) which related to Caffall Bros.

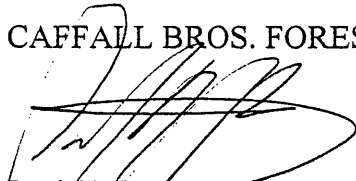
First, by this reference, Caffall Bros. incorporates all its comments made concerning Sub 94-02 into proposed Sub 96-02 as though those comments were expressly stated in this letter.

Second, Caffall Bros. agreed in principle with the applicants of Sub 94-02 regarding emergency vehicle access and other development-related easements. (Those matters were part of the City's conditions of approval for that subdivision.) If the same issues are presented by Sub 96-02, Caffall Bros. believes they can be favorably resolved with the applicants again.

Please contact me with any questions or concerns.

Very truly yours,

CAFFALL BROS. FOREST PRODUCTS, INC.



Paul H. Burton
General Counsel

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04/24/96 5:03 PM

EXHIBIT

3

5 pages

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT

REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 19, 1996

TO: FIRE, POLICE, CUB, TOM PIERSON/TODD SCHMIDT, NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY, ROY, STEVE, CLACKAMAS COUNTY

The City has received MLP 96-02, an application by H.O.P.E. [applicant] and Birkemeier Farms, Inc. [owner] for approval to partition a 27.67 acre parcel into two parcels, 4.8 acres and 22.87 acres, respectively. The applicant intends to develop an assisted living facility on the 4.8 acre parcel as part of the Hope Village Retirement Community. The partition is necessary in order to have clear title to the parcel for financing purposes. The site is located on the southwest corner of the intersection of S. Ivy and S.W. 13th Avenue [Tax Lot 800 of Tax Map 4-1E-4D].

We would appreciate your reviewing the enclosed application and returning your comments by **April 30, 1996 PLEASE**. The Planning Commission plans to consider this application on **May 13, 1995**. 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:  Date: 4-24-96

Agency: N.W. NATURAL GAS CO. Title: ENGINEERING ASST.

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 17, 1996

No LONG Employed

TO: FIRE, POLICE, CUB, TOM PIERSON/~~TODD SCHMIDT~~, NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY, ROY, STEVE

The City has received SUB 96-02 an application by Ztec Engineers, Inc. [applicant] and Elroy Knutson, et al [owners] for approval to develop a 23-lot subdivision known as Country Club Estates No. 4 on 7.25 acres, with approximately 1 acre of open space. The site is located at the end of N. Maple Street, north of N.E. 34th Place (Tax Lot 2602 of Tax Map 3-1E-21).

We would appreciate your reviewing the enclosed application and returning your comments by **April 29, 1996 PLEASE**. The Planning Commission plans to consider this application on **May 13, 1996**. 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: Tom Pierson Date: 4-19-95

Agency: CTA - NWT Title: Eng Dept

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 17, 1996

TO: FIRE, POLICE, CUB, TOM PIERSON/TODD SCHMIDT, NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY, ROY, STEVE

The City has received SUB 96-02 an application by Ztec Engineers, Inc. [applicant] and Elroy Knutson, et al [owners] for approval to develop a 23-lot subdivision known as Country Club Estates No. 4 on 7.25 acres, with approximately 1 acre of open space. The site is located at the end of N. Maple Street, north of N.E. 34th Place (Tax Lot 2602 of Tax Map 3-1E-21).

We would appreciate your reviewing the enclosed application and returning your comments by **April 29, 1996 PLEASE**. The Planning Commission plans to consider this application on **May 13, 1996**. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

REQUIRE ACCESS ON TO THE LOGGING Rd. FOR EMERGENCY VEHICLE USE.

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 Harbrough Date: 4-19-96
Agency: CANBY FIRE DIST #62 Title: Fire Marshal

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 17, 1996

TO: FIRE, POLICE, CUB, TOM PIERSON/TODD SCHMIDT, NW NATURAL GAS, MIKE
JORDAN, JOHN KELLEY, ROY, STEVE

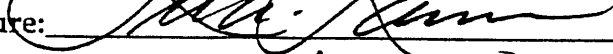
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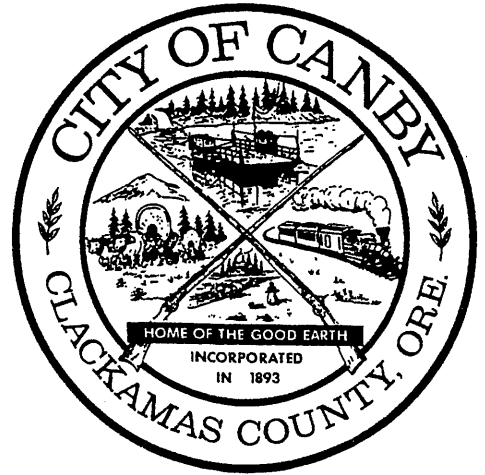
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Comments or Proposed Conditions:

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:  Date: 4-24-96
Agency: N.W. NAT'L GAS CO. Title: ENGR'G ASST.



- STAFF REPORT -

APPLICANT:

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

FILE NO.:

MLP 96-02
(H.O.P.E.)

OWNER:

Birkemeier Farms, Inc.
21943 S. Highway 99-E
Canby, OR 97013

STAFF:

James S. Wheeler
Planning Director

LEGAL DESCRIPTION:

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

DATE OF REPORT:

May 6, 1996

LOCATION:

West side of S. Ivy Street,
south of S.W. 13th Avenue

DATE OF HEARING:

May 13, 1996

COMP. PLAN DESIGNATION:

Medium Density Residential

ZONING DESIGNATION:

R-1.5 (Medium Density Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to partition a 27.67 acre parcel into two parcels, 4.8 acres and 22.87 acres, respectively.

II. APPLICABLE CRITERIA:

A. City of Canby Code Section 16.60.030

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

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

B. Other Applicable Policies and Regulations:

■ City of Canby General Ordinances:

- 16.18 R-1.5 Medium Density Residential Zone
- 16.60 Major and Minor Partitions
- 16.70 General Provisions for Planned Unit Developments

III. FINDINGS:

A. Background and Relationships

The H.O.P.E. project is a planned unit development for an, approximate, 368-unit retirement community on 32 acres. The property was partitioned in 1995, to section off Phase I of the project. Phase I has received planning approval for construction, and includes a total of 22 garden-style, ground-level apartment units. Due to the unique financing arrangements that are needed to facilitate the construction of a retirement community of this size, each phase needs to have independent title, for financing purposes. Phase II of the project is for a 200-bed assisted living facility. The actual site layout and design is not a part of this application, only the separation of the land to facilitate Phase II.

In the original Conditional Use Permit for the Planned Unit Development (CUP 91-05/PUD 91-01), there were two specific conditions of approval that related to Phase II. The first is condition #6: "...Phase 2 shall be adjusted to include an area sufficient as parking areas for the Congregate Living (the assisted living facility) and Community Center. The H.O.P.E. Campus Master Plan map shall be amended to include this change." The second is condition #11(c): "Prior to the development of Phase 2, or upon payment of the underlying contract, or September 1, 1996, whichever shall occur first, applicant shall provide deed restrictions or other appropriate legal documents, to be reviewed and approved by the City Attorney, assuring park and open space for public use, as shown on the H.O.P.E. Master Plan dated July 8, 1991."

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 ongoing 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.

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

ii. Urban Growth

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

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

- Policy #1: Canby shall coordinate its growth and development plans with Clackamas County.
- Policy #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. The project does not directly impact any County road.
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 subdivision (see discussion under Public Services Element). One specific item will need to be discussed regarding the adequacy of the intersection of S. Ivy Street and S.W. 13th Avenue to handle additional traffic without signalization of the intersection, or some other means of furthering control of the traffic in the intersection.

iii. **Land Use Element**

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

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

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

ANALYSIS

1. The parcel is zoned R-1.5, Medium Density Residential. Currently the site is occupied by a filbert tree orchard. The properties to the east, the south, and the west are proposed in the Comprehensive Plan as Low Density Residential (R-1) and are not yet in the City. The County zoning of these neighboring properties is EFU-20. The properties to the north are zoned Low Density Residential (R-1) and have been developed as single family residential homes.

2. The partition of the property will permit the applicant to efficiently utilize the proposed 4.8 acre parcel for the second stage of the senior citizen complex, while allowing the proposed remaining 22-acres to be farmed and later utilized for additional phases of the H.O.P.E. project.

3. Request for comments have been sent to all public facility and service providers (see discussion under Public Services Element). All public facilities are adequately available. One specific item will need to be discussed regarding the adequacy of the intersection of S. Ivy Street and S.W. 13th Avenue to handle additional traffic without signalization of the intersection, or some other means of furthering control of the traffic in the intersection.

4. No natural hazards have been identified on the subject property.

5. The zoning of the property is R-1.5, Medium Density Residential, with an approved PUD for senior citizen development. The minimum lot size for parcels in the R-1.5 zone is 6000 square feet, and both parcels will meet the minimum lot size.

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

iv. Environmental Concerns

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

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

TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

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

Policy #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-R: Canby shall attempt to minimize the adverse impacts of new developments on wetlands.
- Policy #1-H: Canby shall restrict urbanization in areas of identified steep slopes.
- Policy #2-H: Canby shall continue to participate in and shall actively support the Federal flood insurance program.
- Policy #3-H: Canby shall seek to inform property owners and builders of the potential risks associated with construction in areas of expansive soils, high water tables, and shallow topsoil.

ANALYSIS

1-R-A. The subject property has Class I soils, and is an old filbert orchard. The land use designation of the property is residential and the property is currently within the City limits with all necessary infrastructure readily available. The filbert orchard will be kept in production, except as each phase is initiated.

1-R-B. The subject property is considered to be urbanized. The annexation and rezoning of the property (rezoning occurring with and due to the annexation) were for the purposes of future residential development of the subject property.

- 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 any known pollution problem. Construction activity is required to comply with prescribed standards for air, water, and land pollution, through the building permit process and the State's Department of Environmental Quality standards. The minor land partition will not, in and 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 and 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. Future development of either of the proposed parcels will affect the scenic and aesthetic quality of the City. The development of open space changes the scenic or aesthetic quality of the City, sometimes for the better and sometimes for the worse. The visual impacts of the development of the subject parcel will be reviewed through the Site and Design Review process or the subdivision/partition review process in the future.
- 8-R. The subject property is considered to be open space at this time. The Parks Master Plan call for a specific open or recreation space at, or near, the subject property (a mini-park). The PUD approval for the site proposed portions of the site be developed recreationally. Each stage must develop its appropriate portion. Further, as stated in the Background Section of this report: "Prior to the development of Phase 2, or upon payment of the underlying contract, or September 1, 1996, whichever shall occur first, applicant shall provide deed restrictions or other appropriate legal documents, to be reviewed and approved by the City Attorney, assuring park and open space for public use, as shown on the H.O.P.E. Master Plan dated July 8, 1991." The easiest and simplest means of assuring park and open space for public use is to dedicate the land to the City. The easiest means of dedicating land to the City is through a partition plat. This CUP/PUD approval condition will need to be met in some fashion prior to the signing of the final plat for the partition.
- 9-R. No wildlife or fish habitats are known on the subject property.
- 10-R. The subject property does not contain any wetlands.
- 1-H. The subject property has no steep slopes.
- 2-H. The subject property is not in a flood zone.

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

v. **Transportation**

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

- Policy #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. Road improvements to S. Ivy Street, south of the main entrance to the project, will be needed with further development of the parcel. The construction of S. Ivy Street will include extension of all utilities.
2. No new streets will be constructed as a part of the partition. The development of Phase II will extend the private drive.
3. The nearest major intersection to the subject property is the intersection of S. Ivy Street and S.W. 13th Avenue. At this time, that intersection is considered to be a "problem intersection". The proposed partition will not, in and of itself, impact the intersection. However, the partition is being applied for to facilitate further development. The ability of the Planning Commission to assess the traffic impact of that further development on the intersection is in question, and therefore, it may be appropriate to make that assessment at this time. A traffic study was originally conducted at the time that the Condition Use Permit application was reviewed. The matter comes down to whether or not the intersection, as it is currently controlled, is adequate to handle additional traffic.
4. Sidewalks will be required for the property's frontage along S. Ivy Street at the time that the 4.8 acre parcel is developed.
5. The subject property is not involved in any possible overpass or underpass of Highway 99-E and the railroad.
6. The fire district and police department have responded to the Request for Comments and both have indicated that adequate services are available and no further conditions related to the proposed partition are necessary in view of the functions of the police and fire departments.
7. S. Ivy Street will eventually be built to "arterial" standards, which will have room for the provision of bike lanes.
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 subdivision has no bearing on efforts to improve or expand nearby air transport facilities.
10. The mass transit system in operation in Canby has minimal bearing on the proposed partition. Future transit stops have been proposed nearby. The City has adopted a Transportation Systems Plan which includes mass transit considerations.
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 near the main southern "entry point" into the City. Street improvements will include sidewalks, landscaping, and street trees. There will be only one entry point from the overall project site onto S. Ivy Street and will not, therefore, unnecessarily burden this main 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. There has been no recent indication, unofficial or otherwise, of potential inadequacy of facilities or service from these providers. There is a question as to whether or not sewer will need to be extended from S. Pine Street to service Phase 2. It has been discussed over the recent couple of years that the capacity of the sewer lines in S. Ivy Street, are not sufficient to handle additional sewage beyond Phase 1 of the H.O.P.E. project. If sewer is required to be extended from S. Pine Street, it will be required at time of development of the 4.8-acre parcel (Phase 2). Hopefully, staff will have this clarified by the time of the hearing.

One specific item will need to be discussed regarding the adequacy of the intersection of S. Ivy Street and S.W. 13th Avenue to handle additional traffic without signalization of the intersection, or some other means of furthering control of the traffic in the intersection.

2. Needed 'public improvements' include street construction with curbs, sidewalks, street trees, street lights, and storm water system. All of these improvements have been discussed under the Transportation Element discussion. The specific improvements will be required with the actual development occurs and will be required, at that time.

3. The subject property is a part of the area benefitting from the Logging Road Industrial Park road improvements project. Major infrastructure improvements have been constructed which will benefit this property and have been initially funded through the City. Development of the property within the benefitted property zones is the mechanism

by which the City will be able to pay for the improvements. The improvements include the S. Pine Street/S. Redwood Street road connection between Highway 99-E and Township Road, and sewer and water mains to service the southeastern portion of the City, including the subject property. Reimbursement for the improvements occurs with the development of the property. The partition will split the responsibility for the reimbursement to the two proposed parcels proportionally to the size of each parcel.

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. A mini-park has been designated in the vicinity of the subject property. The PUD has proposed specific ways to meet this objective. Further, as stated in the Background section of this report: "Prior to the development of Phase 2, or upon payment of the underlying contract, or September 1, 1996, whichever shall occur first, applicant shall provide deed restrictions or other appropriate legal documents, to be reviewed and approved by the City Attorney, assuring park and open space for public use, as shown on the H.O.P.E. Master Plan dated July 8, 1991." The easiest and simplest means of assuring park and open space for public use is to dedicate the land to the City. The easiest means of dedicating land to the City is through a partition plat. This CUP/PUD approval condition will need to be met in some fashion prior to the signing of the final plat for the partition.

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.

3. The subject property is a part of the area benefitting from the Logging Road Industrial Park road improvements project. The project provided industrial grade access and infrastructure for future development. The partition of the subject property will directly result in some increased local employment opportunities, and will help with the financing of the improvements that will indirectly allow for the increase in employment opportunities.

4. The overall project will have no direct adverse impacts on agricultural operations, except to ultimately eliminate the filbert orchard at the completion of the PUD project.

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 counted for residential development.

2. The proposed development will not increase the overall housing density in relation to the calculations that were used in the Comprehensive Plan for the size of the Urban Growth Boundary.

3. The proposed development does include higher density housing, although an assisted living facility is more closely identified as a nursing home than a multi-family development. Future development of the property will most likely also include higher

density housing, with the potential maximum density of 12 units per acre of senior citizen housing under the approved PUD.

4. The proposed development does not specifically include housing for low income persons.

5. The proposed development is not a mobile home development.

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 does meet the basic solar access standards for new residential developments. The orientation of the parcels are north-south, on a large 5 acre parcel with an approved PUD.

3. Any building will be required, as a part of the building permit review process, to be reviewed for compliance to the Solar Ordinance.

4. The City's transportation standards, and this development, are in accordance with the City's Transportation Systems 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.

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

Review of the above analysis will show that the proposed subdivision, with the recommended conditions of approval, is consistent with the policies of the Comprehensive Plan, provided that the intersection of S.W. 13th Avenue and S. Ivy Street is adequate to handle additional traffic. Development of parcels will need to comply with all applicable provisions of the City of Canby Land Development and Planning Ordinance, Building Codes, and other County and State codes and regulations.

D. Evaluation Regarding Minor Land Partition Approval Criteria

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

See the discussion under above-sections B and C.

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 as far as staff can determine (see below).

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, slope, and orientation of the proposed parcels is such that future development of both parcels is both possible and feasible. Both parcels exceed the minimum of 6,000 square feet and minimum frontage of 60 feet. Being large and regular shaped, the parcels' setbacks will be easy to meet.

Access facilities are available. The original PUD approval requirement: "...Phase 2 shall be adjusted to include an area sufficient as parking areas for the Congregate Living (the assisted living facility) and Community Center. The H.O.P.E. Campus Master Plan map shall be amended to include this change," does not have to be met within the confines of the 4.8-acre parcel. However, the parking will need to be provided in conjunction with the development of phase 2.

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 in the vicinity, or will become available through extension to 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 although the PUD proposes an extensive internal private road system which the Police and Fire Departments have approved. They will be involved as each phase is designed, to ensure their specific needs will be met in that phase.

IV. CONCLUSION

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

V. RECOMMENDATION

Based on the application, site plan, the facts, findings and conclusions presented in this report, and without benefit of public testimony, staff recommends that should the Planning Commission approve, with conditions, MLP 96-02, that the following conditions apply:

For the Final Plat:

1. Twelve (12) foot utility easements shall be provided along all exterior lot lines. The interior lot lines shall have six (6) foot utility easements as proposed, except where larger easements already exist or are proposed on the tentative plat.
2. The final plat shall reference this land use application - City of Canby, File No. MLP 96-02, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits requested subsequent to the date of this approval.

3. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor, or his authorized Deputy, including, but not necessarily limited to, various matters related to land surveying, land title, plat security, and plat recordation.
4. All monumentation and recording fees shall be borne by the applicant.

Prior to the signing of the Final Plat:

5. Prior to the signing of the final plat, applicant shall provide deed restrictions or other appropriate legal documents, to be reviewed and approved by the City Attorney, assuring park and open space for public use, as shown on the H.O.P.E. Master Plan dated July 8, 1991.

Notes:

6. The final plat must be submitted to the City within one (1) year of the approval of the preliminary plat approval according to Section 16.60.060.
7. Site and Design Review is required prior to any development of either of the partitioned parcels.
8. S. Ivy Street, south of the main entrance to the project, will need improvements, including utilities, with the development of phase 2 of the project. It is possible that in order to provide adequate sewer service for phase 2, that the sewer line will need to be extended from S. Pine Street.
9. Parking for the assisted living facility and the Community Center shall be provided with the development of phase 2. It is not necessary that the parking be provided on the same parcel as that of the assisted living facility.

Exhibits:

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

MINOR LAND PARTITION APPLICATION

Fee: \$900

OWNER

APPLICANT

Name Birkemeier Farms, Inc.
Address 21943 S. Hiway 99E
City Canby State OR Zip 97013
Signature: *J. Paul, Agent*

Name Housing & Outreach Project for Elderl.
Address P.O. Box 1128
City Canby State OR Zip 97013
Phone: (503) 266-4673

DESCRIPTION OF PROPERTY:

Tax Map 4-1E-4D Tax Lot(s) 00800 Lot Size 27.67 Acres
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Lot _____ Block _____

PROPERTY OWNERSHIP LIST

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

USE

Existing Farmland Proposed Assisted Living Facility

Existing Structures Wood Frame Storage Bldg, NW Corner

PROJECT DESCRIPTION

Develop an Assisted Living Facility on 4.8 acres as part of Hope Village Retirement Community. This partitioning is needed so that we can have clear title to the parcel for financing purposes.

Land has been sold to H.O.P.E., Inc. under land sales contract.

ZONING R1.5 COMPREHENSIVE PLAN DESIGNATION R1.5

PREVIOUS ACTION (if any) CUP/PUD 5/92, Partitioning (MLP95-04) 7/95

File No. MLP 96-02
Receipt No. 9959
Received by J. Paul
Date Received 4-17-96
Completeness Date _____
Pre-App Meeting _____
Hearing Date 5-13-96

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

EXHIBIT

1
3 pages

Addendum to Application for Minor Land Partition

In 1992, Housing & Outreach Project for Elderly, Inc. (H.O.P.E., Inc.) agreed to purchase a parcel of 32.67 acres in size from Birkemeier Farms, Inc. through a Land Sales Contract. An application for annexation of the parcel into the City of Canby, rezoning of the parcel and a Planned United Development was submitted to the Planning Commission. The application was accepted.

In 1995, H.O.P.E., Inc., as agent for Birkemeier Farms, Inc., requested a partition to separate a 5 acre parcel from the 32.67 acre parcel which is to become the first phase of the development of the Hope Village Campus. This application (MLP 95-04) was approved by the Planning Commission in July, 1995. The final plat map has been filed with Clackamas County.

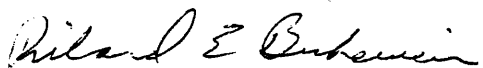
H.O.P.E., Inc., again acting as agent for Birkemeier Farms, Inc., is now requesting a second partition to separate an additional 4.8 acre parcel from the 27.67 acre parcel (see attached drawing of proposed partition, Exhibit ____). This parcel is to become the site of an assisted living/nursing facility as part of the Hope Village Campus. This partition is needed in order for H.O.P.E., Inc. to provide a clear title to the land so that financing can be secured for construction of the facilities.

Although this parcel is bounded by Ivy Street on the east and could have direct access to Ivy Street, its main entrance will be via the main entrance to Hope Village, part of Phase I of development. Easements for access to ingress/egress, utilities, and recreation, will be granted as part of the deed of the parcel just north of the proposed 4.8 acre parcel (4-1E-4D 00801). A separate application for Site Plan Review of the proposed assisted living/nursing facility will be submitted when those plans are completed.

March 18, 1996

TO WHOM IT MAY CONCERN:

I hereby appoint Housing & Outreach Project for Elderly, Inc. (H.O.P.E., Inc.) and Jerry W. Barkman, its Executive Director, as agents of Birkemeier Farms, Inc. for the purpose of securing a minor land partition on the 32.67 acres at 13th and Ivy, Canby, Oregon. This land has been sold under a land-sale contract to H.O.P.E., Inc.



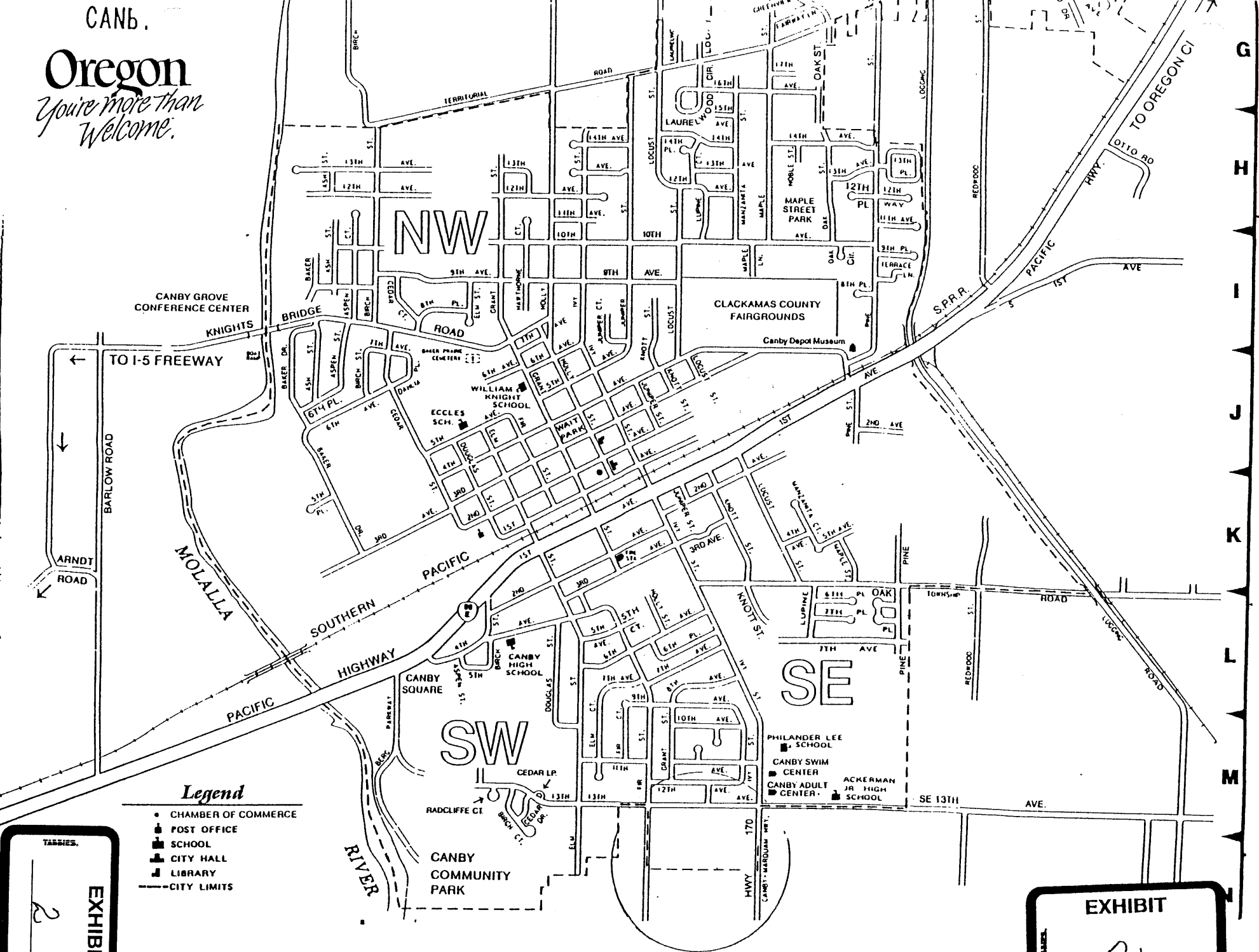
Richard Birkemeier, President
Birkemeier Farms, Inc.



Dated

CANBY.

Oregon
*You're more than
Welcome.*



Legend

- CHAMBER OF COMMERCE
- POST OFFICE
- SCHOOL
- CITY HALL
- LIBRARY
- CITY LIMITS

TABULARY.

EXHIBIT

2

TABULARY.

EXHIBIT

2

PLEASE RETURN ATTACHMENTS!!!
CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 19, 1996

TO: FIRE, POLICE, CUB, TOM PIERSON/TODD SCHMIDT, NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY, ROY, STEVE, CLACKAMAS COUNTY

The City has received MLP 96-02, an application by H.O.P.E. [applicant] and Birkemeier Farms, Inc. [owner] for approval to partition a 27.67 acre parcel into two parcels, 4.8 acres and 22.87 acres, respectively. The applicant intends to develop an assisted living facility on the 4.8 acre parcel as part of the Hope Village Retirement Community. The partition is necessary in order to have clear title to the parcel for financing purposes. The site is located on the southwest corner of the intersection of S. Ivy and S.W. 13th Avenue [Tax Lot 800 of Tax Map 4-1E-4D].

We would appreciate your reviewing the enclosed application and returning your comments by April 30, 1996 PLEASE. The Planning Commission plans to consider this application on May 13, 1995. 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: Jerry Stiger Date: 4/24/96
Agency: Canby Police Dept. Title: Chief of Police

EXHIBIT
3
3 pages

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 19, 1996

NO LONGER Employed

TO: FIRE, POLICE, CUB, TOM PIERSON, ~~TOM SCHUBERT~~, NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY, ROY, STEVE, CLACKAMAS COUNTY

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- Conditions are needed, as indicated
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Signature: Tom Pierson Date: 4-19-96

Agency: CTA - NW Title: Eng Dept

PLEASE RETURN ATTACHMENTS!!!
CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 19, 1996

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- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: *[Signature]* Date: 4-19-96
Agency: Canby Fire Dept # 62 Title: Fire Marshal