



- STAFF REPORT -

APPLICANT:

JV Northwest Inc.
28120 SW Boberg Road
Wilsonville, OR 97070

FILE NO.:

DR 96-05/CUP 96-01
(JV Northwest Inc.)

OWNER:

Douglas D. Hanson
431 S. Redwood Street
Canby, OR 97013

STAFF:

James S. Wheeler
Planning Director

LEGAL DESCRIPTION:

Tax Lot 1803 of Tax Map 3-1E-34C

DATE OF REPORT:

June 14, 1996

LOCATION:

Northeast corner of S. Redwood
Street and S.E. 4th Avenue

DATE OF HEARING:

June 24, 1996

COMP. PLAN DESIGNATION:

Light Industrial

ZONING DESIGNATION:

M-1 (Light Industrial)

I. APPLICANT'S REQUEST:

The applicant is requesting conditional use approval and site and design approval to construct a 46,875 square foot manufacturing building, storage yard, and associated parking area. The development is proposed to occur on an 9.94 acre parcel.

II. APPLICABLE REGULATIONS

- City of Canby General Ordinances:

16.10	Off-Street Parking and Loading
16.32	M-1 - Light Industrial Zone
16.49	Site and Design Review
16.50	Conditional Uses
16.88	General Standards

III. MAJOR APPROVAL CRITERIA

16.49.040 Site and Design Review Criteria and standards.

1. The Planning Commission, sitting as the Design Review Board, shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:
 - A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
 - B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
 - C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.
2. The Design Review Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing.
3. The Design Review Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.
4. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Section 12.20.080 of the City Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.20 of the City Tree Ordinance. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for site and design review.

16.50.010 Authorization to Grant or Deny Conditional Uses

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

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

IV. FINDINGS:

A. Background and Relationships:

The property had a previous approval for Sprague Controls (DR 95-02). Sprague Controls had approval to construct a 45,000 square foot manufacturing building, with offices. Subsequent to the planning approval, Sprague Controls sought another location in the City to develop.

The property is located in the Logging Road Industrial Park on the northeast corner of S. Redwood Street and S.E. 4th Avenue. S.E. 4th Avenue has been constructed toward the east, to the point that an overpass will need to be constructed to cross the railroad track. The proposed 46,875 square foot building will consist of 40,000 square feet of manufacturing/warehousing space and 10,936 square feet of office space. The office space consists of two levels.

A conditional use permit is required due solely to the proposed height of the building. As stated in Section 16.50.060(A), other than a variance, the only way that the height limitations placed on the zone may be exceeded is through a conditional use permit.

The property is a part of the benefitted area of the Logging Road Industrial Park Road Project. There is a reimbursement charge for the advanced financed public improvement (S. Redwood Street) that will be assessed to the property with this development. The principal assessment for the full 9.94 acres is \$28,449.20. Simple interest is accruing at a rate of 6% annually.

B. Comprehensive Plan Consistency Analysis

I. Citizen Involvement

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

- Policy #1: Canby shall reorganize its citizen involvement functions to formally recognize the role of the Planning Commission in meeting the six required citizen involvement components of statewide planning goal No. 1, and to re-emphasize the city's commitment to on-going citizen involvement.
- Policy #2: Canby shall strive to eliminate unnecessarily costly, confusing, and time consuming practices in the development review process.
- Policy #3: Canby shall review the contents of the comprehensive plan every two years and shall update the plan as necessary based upon that review.

ANALYSIS

1. The notification process and public hearing are a part of the compliance with adopted policies and process regarding citizen involvement. The Planning Commission seeks input of all citizens at the public hearing of all applications.
2. The Planning Commission adheres to acting upon applications within a sixty (60) day time period from the date the application is determination to be complete. 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

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

- Policy #1: Canby shall coordinate its growth and development plans with Clackamas County.
- Policy #2: Canby shall provide the opportunity for amendments to the urban growth boundary (subject to the requirements of statewide planning goal 14) where warranted by unforeseen changes in circumstances.
- Policy #3: Canby shall discourage the urban development of properties until they have been annexed to the city and provided with all necessary urban services.

ANALYSIS

1. The property is entirely within both the Urban Growth Boundary and the City limits. No direct input from the County has been determined to be necessary or desirable nor was any sought.
2. No changes to the Urban Growth Boundary are proposed with this application.
3. All necessary urban services are, or will be available for the partition (see discussion under Public Services Element).

iii. Land Use Element

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

- Policy #1 Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.
- Policy #2 Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.
- Policy #3 Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.
- Policy #4: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.
- Policy #5 Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.
- Policy #6: Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the requirements of the land development and planning ordinance, in guiding the use and development of these unique areas.
- A) A map of "Areas of Special Concern" is to be regarded as having the full force and effect of the Land Use Map in determining appropriate land uses and levels of development. Development proposals, even those that appear to conform with existing zoning, will be considered to conform with the Comprehensive Plan only if they meet the requirements imposed here.
 - B) Area "C" is similar to area "A" in many respects. Located south of Highway 99-E along S. Pine Street, it too has potential for either commercial or industrial development. Commercial uses

will be limited to "heavy" commercial activities which are closely related to industrial activities or larger shopping centers based around a department store of the sort which can be expected to draw from a regional market area. It is recognized that the Land Use Map contains sufficient area for commercial uses of all sorts other than larger department store complex types. By designating this area for special treatment this problem should be resolved, while providing safe highway access and minimizing conflicts with the railroad. The extension of S. Pine Street to connect with Township road will be a high priority regardless of the specific nature of development in the area. Upon annexation area "G" could be zoned either M-1 or C-M, depending upon the nature of the development proposed.

ANALYSIS

1. The property is currently vacant. It has been used in the past horticulturally. Some trees remain on site from the nursery stock operations. The properties to the north, south, and west are zoned Light Industrial (M-1), the same as the subject property. A solid waste transfer and recycling operation has been approved for the property to the south (Canby Disposal CUP 94-05/DR 94-14/LLA 94-08). The property to the west has been developed industrially (Inertia Systems - Broetje DR 93-08/DR 94-05). The property to the north is vacant. Along the western boundary is the Molalla Logging Road, a City-owned bike/walking path that is not currently in the City limits. On the other side of the Logging Road from the subject property is the Molalla Railroad Spur, owned by Southern Pacific and privately operated. The properties located beyond the railroad are currently used for farming or forestry and have been designated for industrial uses in the Comprehensive Plan at the time that they are annexed into the City.

The location of industry near agricultural operations is not considered to be a problem. Industrial and agricultural uses are not considered to be incompatible. Additionally, the agricultural operations are separated from the subject property by 120 feet (the Logging Road and the railroad).

2. The property is currently vacant and unused. Development of the property will increase the overall industrial density within the City limits. Further development of the remaining vacant portion of the property will most likely occur with the expansion of the proposed development.
3. Request for comments have been sent to all public facility and service providers (see discussion under Public Services Element).
4. No natural hazards have been identified on the subject property.
5. The zoning of the property, M-1, Light Industrial, is consistent with the Land Use Map designation for the property (Light Industrial). The minimum lot size for parcels in the M-1 zone is 5000 square feet, and both parcels will meet the minimum lot size.

6. The subject property is within the "areas of special concern" G. The Comprehensive Plan specifically identifies this area for potential industrial/commercial development. The proposed application is in conformance with this policy.

iv. **Environmental Concerns**

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

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

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

Policy #2-R: Canby shall maintain and protect surface water and groundwater resources.

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

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

Policy #5-R: Canby shall support local sand and gravel operations and will cooperate with county and state agencies in the review of aggregate removal applications.

Policy #6-R: Canby shall preserve and, where possible, encourage restoration of historic sites and buildings.

Policy #7-R: Canby shall seek to improve the overall scenic and aesthetic qualities of the City.

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

Policy #9-R: Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.

Policy #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 has been used in the past for horticultural operations (nursery tree stock). The current site is vacant. The land use designation of the property is for industry and the property is currently within the City limits with all necessary infrastructure readily available.

1-R-B. The subject property, while currently vacant, is considered to be urbanized. The original subdivision of the property (SUB 92-05) and the construction of S. Redwood Street by the City where for the purposes of industrial development of the subject (and neighboring) properties.

2-R. The storm water drainage of the subject property is handled on-site. Clackamas County reviews storm water management and compliance with the Federal Clean Water Act.

3-R. The existing use has not created a known pollution problem. Construction activity and industrial activity is required to comply with prescribed standards for air, water, and land pollution, through the building permit process and the State's Department of Environmental Quality standards. The manufacturing process that is utilized by JVNW includes cleaning solvents. The use of these chemicals will occur inside the building. A Data Disclosure Form will be needed to be completed for the industrial discharge into the City's sewer collection system. Any pretreatment requirements will be worked out between the business and the Sewer Treatment Plant, as there are numerous options available.

4-R. Noise will be expected as a result of industrial activity. The property is located a minimum of 760 feet from residentially zoned property, and is fully surrounded by non-residentially zoned property.

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 development of the subject parcel will be reviewed through the Site and Design Review process, both now and in the future.

8-R. The subject property is considered to be open space at this time. Preservation of open space on the property in perpetuity is impractical. The nearby Logging Road is a

public use facility for walking and bicycling. Further discussion of this is found under the discussion of the Public Facilities Element.

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

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

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

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

v. **Transportation**

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

- Policy #1: Canby shall provide the necessary improvement to city streets, and will encourage the county to make the same commitment to local county roads, in an effort to keep pace with growth.
- Policy #2: Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the city's growth needs.
- Policy #3: Canby shall attempt to improve its problem intersections, in keeping with its policies for upgrading or new construction of roads.
- Policy #4: Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents.
- Policy #5: Canby shall actively work toward the construction of a functional overpass or underpass to allow for traffic movement between the north and south side of town.
- Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.
- Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.
- Policy #8: Canby shall work cooperatively with the State Department of Transportation and the Southern Pacific Railroad Company in order to assure the safe utilization of the rail facilities.
- Policy #9: Canby shall support efforts to improve and expand nearby air transport facilities.

- Policy #10: Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.
- Policy #11: Canby shall work with private developers and public agencies in the interest of maintaining the transportation significance as well as environmental and recreational significance of the Willamette River.
- Policy #12: Canby shall actively promote improvements to state highways and connecting county roads which affect access to the city.

ANALYSIS

1. S.E. 4th Avenue will be extended to the east, over the railroad, at an undetermined time in the future. Because the extension of S.E. 4th Avenue involves an overpass, and is not necessary for the development of this property, no new road improvements will be needed at this time.
2. The impact of the additional traffic that the proposed industry will create, will be paid for through the imposition of Transportation Development Fees. No further road improvements, on-site or off-site, are required for the development of this property as proposed.
3. The nearest major intersection to the subject property is the intersection of S. Redwood Street and S.E. Township Road. At this time, that intersection is not considered to be a "problem intersection". No new roads will be constructed as a part of the development of this property. The City has a Transportation Systems Plan that includes improvements of "problem intersections", and is paid, in part, by Transportation System Development Fees.
4. Sidewalks are in place along S. Redwood and S.E. 4th Avenue. The applicant is proposing a connection of the sidewalk along S.E. 4th Avenue to the Logging Road, which will provide enhanced access to the Logging Road.
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 have indicated that both adequate services are available and no further conditions related to the proposed development.
7. South Redwood Street has been built to "collector" standards, which has room for the provision of a bike lane. No bike lane has been designated at this time. With the development of the property, specifically the walkway connection between the Logging Road and S.E. 4th Ave., a bicycle connection to the Logging Road (a designated bike path) will be provided.
8. The existing use and the proposed use of the property have no specific use for the rail facilities that exist in Canby.

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

10. The mass transit system in operation in Canby has no direct bearing on the proposed partition. No future transit stops have been proposed. The City has adopted a Transportation Systems Plan which includes mass transit considerations. No further consideration of mass transit, in relation to the proposed development of the property, is required by the Transportation Plan.

11. The subject property is not near the Willamette River and will have no effect on the transportation potential or use of the Willamette River.

12. The subject property is fully within the City limits and is not near any "entry point" into the City.

vi. **PUBLIC FACILITIES AND SERVICES**

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

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

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

Policy #3: Canby shall adopt and periodically update a capital improvement program for major city projects.

Policy #4: Canby shall strive to keep the internal organization of city government current with changing circumstances in the community.

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

ANALYSIS

1. All needed public facility and service providers were sent a "Request for Comments" regarding this application. Positive responses were received from the Public Works Department, Waste Water Treatment Plant, Police Department, Fire District, and NW Natural Gas. All have indicated that adequate facilities and/or services are available. There has been no recent indication, unofficial or otherwise, of potential inadequacy of facilities or services for electric, water, and telephone facilities which have been built in S. Redwood Street and are located immediately adjacent to the subject property.

2. There are no 'public improvements' that are required for the development of this property.
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 or are under construction which will benefit this property and are being initially funded through the City. Development of 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.
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 parks have been designated in the vicinity of the subject property. The Logging Road is City property and will be used in a manner that might be construed as a "linear park" in that the "road" will be used as a walking/bike path. A connection to the Logging Road from S.E. 4th Avenue will be provided through the development of this property.

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 industrial, as the current zoning of the subject property allows. The site is serviced by infrastructure that was specifically designed and constructed with industrial uses in mind.
2. The proposed development is not commercial in nature, nor does the current zoning of the subject property allow what is commonly referred to as "commercial development" (retail/office uses).

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 industry that is proposed with the development of this property will employ approximately 150 people, with 35 of the positions being new.

4. The proposed development is industrial in nature and zoning. The current use of the site is non-agricultural. The project will have no direct adverse impacts on agricultural operations.

viii. **HOUSING**

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

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

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

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

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

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

ANALYSIS

1. The location and size of the Urban Growth Boundary is not a part of the proposed application. When the Urban Growth Boundary was designated and calculations to determine the amount of land needed for residential growth, in 1984 as a part of the acknowledged 1984 Comprehensive Plan, the subject property was designated for industrial/commercial development.

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

3. The proposed development does not include higher density housing. Future development of the property will not include higher density housing.

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

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

ix. ENERGY CONSERVATION

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

Policy #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 applicant has chosen not to incorporate wind or solar orientation considerations in the siting and development of the property. The proposed development meets the requirements of the Solar Ordinance.

3. The project will not hinder any residential access to solar energy.

4. The City has adopted a Transportation Systems Plan. Transportation patterns of all developments are reviewed through the Transportation Systems Plan. The proposed development of the subject property complies with the 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.

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

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

C. Evaluation Regarding Conditional Use Approval Criteria

1. Comprehensive Plan Consistency

The previous discussion determined the proposal's relation to Comprehensive Plan consistency. The application for a manufacturing use on the subject property is found to be consistent with the policies of the Comprehensive Plan.

Section 16.50.060(A) states:

The height limitations of any zone may be exceeded by a conditional use to a maximum height of seventy-five feet, provided that each yard is increased over the yard requirement by the addition of five feet for every five feet or fraction thereof of additional height over thirty-five feet.

It is staff's interpretation that the additional setbacks should be required for the height above the maximum allowed height in the zone, which in this case is forty-five feet, not thirty-five feet. There are no setbacks required for this property. The height of the building will be 62 feet, which is 17 feet above the maximum allowed height for the M-1 zone (45 feet). Therefore, in order for the proposed building to be constructed, yard setbacks of twenty (20) feet are required (5 feet for every 5 feet or fraction thereof above 45 feet). The proposed development has included these setbacks.

2. Site Suitability

The site is generally flat, and is large enough to accommodate the proposed use and building with the appropriate setbacks.

3. Availability of Public Services and Facilities for the Site

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

4. Compatibility with Surrounding Uses

The use of the property is consistent with the zone and the permitted uses of the surrounding properties. A solid-waste transfer station will be located to the south, an electric panel manufacturing company and two wood-working businesses are located to the west and southwest, and vacant property is located to the north. The proposed development is found to be compatible with these uses. Industrial uses are generally considered to be compatible with agricultural uses, which are existent 120 feet to the east, across the Logging Road and the Mollala Rail Spur. The proposed industrial development is found to be compatible with surrounding uses.

D. Evaluation Regarding Site and Design Review Approval Criteria

1. Part IV - Section 2, No. 2

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

The minimum amount of landscaping required for the 217,474 square foot developed portion of the parcel is 32,621 square feet (15%). The total amount of landscaping proposed is approximately 57,456 square feet (26.4%).

2. Parking.

The number of parking spaces required for an industrial use such as is proposed is 79 (38.3 for the 10,936 square feet of office space, and 40.0 for the 40,000 square feet of manufacturing space). There are 91 parking spaces being proposed, including 5 ADA (American Disabilities Act) parking spaces (4 required). Only one ADA space has the required access aisle. Only two spaces have a designated path to the building. The parking lot access drive that connects with S.E. 4th Avenue is 30 feet wide. If this access drive is narrowed to 25 feet (the minimum required is 24 feet), then enough room can be provided between the ADA parking spaces to permit a walkway that can be used by all of the ADA parking spaces. Three more ADA access aisles are required, and will eliminate three parking spaces.

Two loading areas has been proposed to be specifically designated. The loading areas are located in the middle of the southern wall. The loading areas are perpendicular to the building and are a total of 25 feet wide (combined) and 60 feet long.

Wheel stops are required and proposed for all the parking spaces as all parking spaces front either a walkway or landscaping.

3. Access

One access drive each to the main parking lots will be provided from S.E. 4th Avenue and S. Redwood Street. Two more access drives will be provided along S.E. 4th Avenue for truck loading and employee parking.

Pedestrian access is provided from the public sidewalk along S.E. 4th Avenue to the office entrance.

The outdoor storage yard area, located along the eastern portion of the property, will be fenced.

4. Architecture

The exterior of the building will be split face and smooth concrete block, painted, with accent color lines. There will be a clear floating translucent panel the length of the warehouse/manufacturing space which allow diffused sunlight to enter the building. The roof material is vertical metal siding. There are large hinged doors at the rear of the building (eastern side) which facilitate cranes which are used to move the vats.

The color of the walls will be a light gray, with medium gray accents. The roof will be an off-white.

No signage is proposed at this time.

5. Other Aspects

a. Utilities

All utilities are available in S. Redwood Street.

b. Landscaping

A three-foot berm with shrubs and Douglas Firs will be placed from just north of the intersection of S. Redwood Street and S.E. 4th Avenue to the eastern end of S.E. 4th Avenue. Shrubs will be planted along the perimeter of the building and along the northern and eastern property lines. Lawn will be planted at the corner of S. Redwood Street and S.E. 4th Avenue, in front of the berm, and between S.E. 4th Avenue and the building, on either side of the berm. Cleveland Norway Maples will be the street trees along S. Redwood Street and will be planted between S.E. 4th Avenue and the building. Columnar Hornbeams will be the street trees along S.E. 4th Avenue.

A large landscaped area will be provided in the southeastern corner of the property. This landscape area will include the walkway connection between S.E. 4th Avenue and the Logging Road. A lawn area will occupy the center of this landscape area, surrounded by shrub and tree plantings. It is the applicant's intent to utilize the lawn area for employee and public picnic/ lunch use. Berms will be constructed between the lawn area and S.E. 4th Avenue, and between the lawn area and the building.

c. Parking Lot Landscaping

The amount of paved area for parking and vehicle maneuvering area is approximately 113,675 square feet. The amount of landscaping required for that amount of area is 17,051 square feet (15%), and is to be within ten feet of the

parking/ maneuvering area. A rough calculation of the amount of landscaping provided within ten feet of the parking/maneuvering area is approximately 18,625 square feet (16.4%).

At the formula of one tree per 2800 square feet of parking/ maneuvering area, a total of 41 trees are required. There are approximately 43 trees within or adjacent to the paved vehicle parking/maneuvering area, not including street trees, or Douglas Firs (of which there are 22).

The parking lot trees consists of Cleveland Norway Maples, Raywood Ash, and Chanticleer Pears.

d. Density and yards and height

The setbacks requirements for the M-1 zone have been met by this development proposal. The height requirements have been exceeded by 17 feet. As per Section 16.50.060.A., a conditional use permit has been applied for (a part of this application), and setbacks have been met to accommodate the additional height of the building.

V. CONCLUSION

The staff hereby concludes that, with appropriate conditions, the proposed development as described in the application, site plan, and this report, is in conformance with the standards of this and other applicable ordinances; the design is compatible with the design of other developments in the vicinity, and, the location, design, size, and materials of the exterior of the structure will be compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.

Further, staff concludes that, with approval conditions:

1. The proposed development of the site is consistent with the applicable standards and requirements of the Canby Municipal Code and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
2. The characteristics of the site are suitable for the proposed use;
3. That all required public facilities and services exist to adequately meet the needs of the existing structure and proposed use, and that no significant increase in demand for public facilities and service will result; and,
4. The proposed use will not alter the character of the surrounding areas in such a way as to substantially limit or preclude the uses allowed.
5. The proposed design for the development is compatible with the design of other developments in the same general vicinity; and

6. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity; and
7. The conditions listed are the minimum necessary to achieve the purposes of the Site and Design Review Ordinance, and do not unduly increase the cost of housing.

VI. RECOMMENDATION:

Based upon the application, elevations, the site plan received by the City, the facts, findings and conclusions of this report, and without the benefit of a public hearing, staff recommends that should the Planning Commission approve DR 96-05/CUP 96-01, the following conditions apply:

Prior to the issuance of the Building Permit:

1. A preconstruction conference shall be held prior to the issuance of the building permit. The conference shall be coordinated through the Planning Office.
2. The Data Disclosure Form shall be completed and submitted to the City's Sewer Department prior to the issuance of a building permit.

For the Building Permit Application:

3. A detailed landscape construction plan shall be submitted with the building permit. The detailed landscape plan shall show: the number of plants, plant spacing/location of planting, the type of plants, the size of plants, the schedule of planting, and irrigation plans.
4. The landscaping shall be planted at such a density so as to provide a minimum of 95% coverage of the landscape areas with vegetation, within a 3-year time period. Bark mulch and similar material shall consist of not more than 5% of the total landscape area after the 3-year period. The plant spacing and starting plant sizes shall meet the ODOT plant spacing/starting size standards. Trees are to be a minimum of 2" in diameter at the 4-foot height.
5. All ADA parking spaces are to have access aisles. A minimum of one access aisle shall be a minimum width of 8 feet. All other access aisles are to be a minimum width of 6 feet.
6. A five (5) foot wide ADA walkway shall be located between the front ends of the two opposing rows of ADA parking spaces.
7. Wheel stops shall be provided for all parking spaces located adjacent to landscaping or walkways. The wheel stops shall be placed two (2) feet in front of the end of the space. The A.D.A. parking spaces shall be designated as such with signs.
8. All stripes designated parking spaces shall be a minimum of 18 feet in depth.

Prior to Construction:

9. The address for the job site shall be posted and shall meet the Uniform Fire Code 901.4.4 requirements.

During Construction:

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

Prior to Occupancy:

11. An easement for public access across the walkway connecting S.E. 4th Avenue and the Logging Road shall be recorded with Clackamas County.

Notes:

12. Prior to the placement of any signage that requires a sign permit, approval from the Planning Commission shall be received. This condition shall expire twenty-four (24) months after the final occupancy of the building. The Planning Commission's review of the signage shall be in accordance with 16.49.040 and shall be conducted through a limited land use process.

Exhibits:

1. Application for Design Review
2. Site Plan/Elevations/Landscape Plan *(too large to reproduce)*
3. Department Responses to "Request for Comments"

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: May 23, 1996

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

The City has received DR 96-05/CUP 96-01, an application by JV Northwest [applicant] and Douglas D. Hanson [owner] for approval to construct a 46,875 sq. ft. manufacturing building, storage yard, and associated parking area in Lot #1 of the Logging Road Industrial Park, and for design review approval of the building. The site is located between S. Redwood Street and the Logging Road, north of S.E. 4th Avenue [Tax Lot 1803 of Tax Map 3-1E-34C].

We would appreciate your reviewing the enclosed application and returning your comments by June 7, 1996 PLEASE. The Planning Commission plans to consider this application on June 24, 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: Don Harbrough Date: 5/31/96

Title: Fire Marshal Agency: Canby Fire Dept

EXHIBIT	
3	6 pages

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Signature: Gary F. Hyatt Date: 5/29/96
Title: Engineering Field Supervisor Agency: NW Natural Gas

PLEASE RETURN ATTACHMENTS!!!

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Signature: Steve Iderson Date: 5/28/96
Title: POTW Supervisor Agency: City of Canby

PLEASE RETURN ATTACHMENTS!!!

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Comments or Proposed Conditions:

As submitted CUP 96-01 needs no comment

Please check one box:

- Adequate Public Services (of your agency) are available
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Signature: Roy L. Hunter Date: May 22, 1996
Title: Public Works Supervisor Agency: City of Canby

PLEASE RETURN ATTACHMENTS!!!

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Signature: Jerry Tiger Date: 5/24/96
Title: Chief of Police Agency: Canby Police Dept.

PLEASE RETURN ATTACHMENTS!!!

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REQUEST FOR COMMENTS**

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Signature: _____ Date: _____

Title: _____ Agency: _____

MEMORANDUM

To: Planning Commission

From: Jim Wheeler, Planning Director *JSW*

Date: June 7, 1996

Issue: DR 96-04 (OBC) reconsideration

Synopsis: At the previous Planning Commission meeting (May 20, 1996), staff requested that the Planning Commission reconsider the approval of DR 96-04 (OBC Northwest, Inc.). The reason for the request was an informal challenge of a condition in the Planning Commission's approval that required right-of-way dedication with the construction of a 7,500 square foot warehouse. In approving the motion to reconsider the proposed development, the Planning Commission requested that staff look into, and bring back to the Planning Commission, findings that support the Planning Commission's decision, in light of the **Dolan vs. Tigard** ruling.

Recommendation: Approve DR96-04 without condition #4. A draft findings and final order is attached.

Rationale: The attorney for the applicant submitted his interpretation of the Dolan ruling as it applies to DR 96-04 (Attachment 2). John Kelley, the City Attorney, also looked into the Dolan ruling, and reviewed the applicant's attorney's interpretation (Attachment 1).

Mr. Kelley has rendered a legal interpretation, as his memo to the Planning Commission states, that requiring the right-of-way dedication without compensation is an unconstitutional takings.

Background: The **Dolan vs. Tigard** rulings is a U.S. Supreme Court ruling that involved a "takings" without compensation as a part of a development application. The Supreme Court stated that a "takings" that occurs without compensation, as a part of a development application approval, must be both directly related to the proposed development, and roughly proportional to the development in terms of costs to the developer (a very generalized translation).

Options:

1) Provide a reasonable nexus between the right-of-way dedication and the proposed development, and reasoning that the cost of this requirement is proportional to the proposed development.

This option was rejected by staff because it was determined that there was no reasonable connection between the right-of-way dedication and the proposed development, as the proposed development will not add traffic or employees to the overall development.

Attachments: John Kelley memo to the Planning Commission (6/4/96), Mark A. von Bergen (applicant's attorney) letter to John Kelley (5/29/96), Draft Findings, Conclusion, & Final Order.

MEMO

TO: Canby Planning Commission
FROM: John Kelley, City Attorney
RE: Final Order - DR 96-04 [OBC Northwest]
DATE: June 4, 1996

Jim Wheeler has requested a legal opinion regarding the imposition of a condition of dedication of road right-of-way for improvement of S. Berg Parkway, following an application filed by OBC Northwest, Inc. for Site and Design Review approval to build a 7,500 square foot addition to an existing warehouse. The warehouse addition is intended to be used to store materials inside and under cover, which are presently being stored outside. No additional personnel will be hired, nor additional traffic generated by the development application.

Following the U.S. Supreme Court case of Dolan vs. City of Tigard (1994), the Oregon Appellate Courts have issued three decisions involving the application of the Dolan analysis to claims of uncompensated takings. One case, Schultz vs. City of Grants Pass (Or. App. 1994), is quite similar to the facts in this application. The property owners sought to partition their property into two lots. As a condition of approval, the city required the property owners to dedicate a portion of their property for street right-of-way. The city justified its decision by speculating that the property could eventually support a large development that would have impacts sufficient to justify dedication.

The court, in Schultz applied Dolan to hold the condition of dedication unconstitutional. It reasoned as follows:

In this case. . . the city's justification for the condition is the impact of potential development of the partitioned tract. In other words, the city imagined a worst-case scenario. . . assuming that petitioners would, at some point in the future, attempt to develop their land to its full potential. . . and on the basis of that scenario, it calculated the impacts of the development and tailored conditions to address them. The problem with that approach is that Dolan requires that the exactions imposed be "related both in nature and extent to the impact of the proposed development" . . . The proposed

development is the partitioning of a simple lot into two lots. There is absolutely nothing in the record to connect the dedication of a portion of petitioner's land for the purpose of widening city streets with petitioner's limited application. There is only the city's speculation as to what impact could occur at some time in the future. That is not what the Supreme Court was referring to in Dolan.

Unfortunately, I believe Schultz's holding is applicable to the facts in this case.

I have also been provided with a letter opinion from the applicant's attorney, Mark A. Von Berger, in which he sets forth his legal analysis of the condition and its validity in light of Dolan v. City of Tigard. I concur with his opinion and urge the Planning Commission to either vacate condition #4 or be prepared to offer OBC reasonable compensation for the purchase of the dedicated portion.

Professional Corporation

May 29, 1996

**WEISS
JENSEN
ELLIS &
HOWARD**

ATTORNEYS AT LAW

MARK A. von BERGEN

2300 US BANCORP
111 SW FIFTH AVE.
PORTLAND, OR 97204

TEL 503.243.2300
FAX 503.241.8014

1-800-736-2301
CompuServe 75674,1741

Mr. John H. Kelley
City Attorney
City of Canby
P.O. Box 930
Canby, Oregon 97013

Re: Findings, Conclusions and Order, DR 96-04
(OBC Northwest, Inc.)

Dear Mr. Kelley:

As you know, we represent OBC Northwest, Inc. ("OBC"). OBC is requesting site and design approval to construct a 7,500 square foot addition to an existing warehouse building on its property, which property is on the east side of S. Berg Parkway, south of Highway 99E. The warehouse is located on the east side of OBC's property.

The Planning Commission (the "Commission") held a public hearing on OBC's application on April 22, 1996. By Findings, Conclusions & Order dated May 13, 1996 (the "Order"), the application was approved subject to certain conditions set forth in the Order, including No. 4 ("Condition No. 4") which states that, prior to the issuance of the Building Permit:

"Right-of-way dedication for the improvement of S. Berg Parkway will be needed in the near future. The City will make an effort to minimize the impact on this property. The improvement will require a realignment of the entrance to the parking lot. The offer of dedication shall be made prior to the issuance of a building permit."

F:\MAVB\OBC\KELLEY.001

Mr. John H. Kelley
May 29, 1996
Page 2

You have told me that the Commission will reconsider the Order on June 10, 1996. Accordingly, at this point there is no need to appeal the decision. However, I would like to submit the following analysis in support of OBC's position that Condition No. 4 be deleted from the Order.

This situation has been previously addressed by the U.S. Supreme Court in Dolan v. City of Tigard, ___ U.S. ___, 114 S.Ct. 2309, 129 L.Ed.2d 304 (1994). In that case, the City Planning Commission conditioned approval of Dolan's application to expand her store and pave her parking lot upon her compliance with the dedication of land for a public greenway and for a pedestrian/bicycle pathway. Dolan appealed the decision alleging that the land dedication requirements were not related to the proposed development and constituted a taking of property without compensation in violation of the Fifth Amendment of the U.S. Constitution. The U.S. Supreme Court reversed the Supreme Court of Oregon, holding that the City of Tigard's requirement that there be a dedication of land constituted an uncompensated taking of property. The Supreme Court stated that there must be an "essential nexus" between a legitimate state interest and the permit condition. If there is such a nexus, it then must be shown that the degree of the exactions demanded by the permit conditions bears the required relationship to the projected impact of the proposed development. While the Supreme Court found there to be an essential nexus, they also found that Tigard had not shown a "reasonable relationship" between a required flood plain easement and Dolan's proposed building.

In OBC's case, while there may or may not be an "essential nexus" between a "legitimate state interest" and Condition No. 4, clearly the required degree of connection between the exactions and the projected impact of the proposed development is not present. OBC proposes to add 7,500 square feet to its existing warehouse on the east side of its property. The addition would allow OBC to store inside materials that are currently being stored outside on site as well as materials that are being stored off site. OBC will not hire additional employees as a result of the proposed development. There will be no impact of the proposed expansion of the warehouse on traffic or other use of S. Berg Parkway which is located on the west side of OBC's property. Thus, there is no relationship between the impact of OBC's proposed development and the imposition of the dedication requirement. OBC is amendable to making a right-of-way dedication for the improvement of S. Berg Parkway in the future provide

Mr. John H. Kelley
May 29, 1996
Page 3

OBC is appropriately compensated. However, the Dolan holding supports OBC's position that the issuance of the building permit should not be conditioned upon an offer of dedication.

OBC accepts all conditions of the Order except Condition No. 4. It has, at the invitation of the City of Canby, proceeded with its application for a building permit pending resolution of this issue. OBC asks that the Council reconsider its Order and delete the Condition No. 4 for the above reasons.

Very truly yours,



Mark A. von Bergen

MAvB:clp

cc: Tracy T. Boyce, OBC Northwest, Inc.

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

A REQUEST FOR SITE AND DESIGN) APPROVAL TO CONSTRUCT A 7,500) SQUARE FOOT WAREHOUSE) ADDITION)	FINDINGS, CONCLUSIONS & ORDER DR 96-04 (OBC Northwest, Inc.)
---	---

NATURE OF APPLICATION

The applicant is requesting site and design approval to construct a 7,500 square foot addition to an existing warehouse building. The development is located on the east side of S. Berg Pkwy, south of Highway 99-E (Tax Lot 200 and 201 of Tax Map 4-1E-5A).

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of April 22, 1996, and reconsidered it at its meeting of June 10, 1996.

CRITERIA AND STANDARDS

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

1. The Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:
 - A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved, and
 - B. The proposed design of the development is compatible with the design of other developments in the same general vicinity, and

- C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.
2. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this section. If the Site and Design Review Plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.
 3. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirement of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.

FINDINGS AND REASONS

The Planning Commission deliberated on all testimony presented at the April 22, 1996 and June 10, 1996 public hearings, and incorporates the April 12, 1996 and June 7, 1996 staff reports, and Commission deliberations as support for its decision. The Planning Commission accepts the findings in the April 12, 1996 and June 7, 1996 staff reports, insofar as they do not conflict with the following findings:

1. A waiver of remonstrance is needed for future S. Berg Parkway improvements in order to facilitate the future improvements that will be in close proximity to an existing building on the subject property.
2. The Commission finds that OBC Northwest is a good existing business, that promotes the economy of Canby, and that the Commission is imposing the minimal conditions so as not to impact OBC more than necessary, or interfere with its viability.
3. The Planning Commission discussed the need for improvements to S. Berg Parkway as a part of the proposed development. Staff presented a recommendation for no improvement or right-of-way dedication requirement due to discussions between City staff and property owners along S.

Berg Parkway, prior to this application. The Planning Commission deferred to the staff's recommendation for no improvement or right-of-way dedication requirement.

CONCLUSION

The Planning Commission accepts the conclusions of the April 12, 1996 staff report, that DO 96-04 can be made to comply with all applicable criteria by the application of certain conditions.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that DO 96-04 is approved, subject to the following conditions:

Prior to the issuance of the Building Permit:

1. The Data Disclosure Form shall be completed and submitted to the City's Sewer Department prior to the issuance of a building permit.
2. A waiver of remonstrance against improvements to S. Berg Parkway shall be submitted to the City prior to the issuance of a building permit.
3. The parking lot shall be paved, in its entirety, by October 31, 1998. A bond, or set-aside letter from a bank, or a similar form of assurance that is acceptable to the City Attorney, shall be filed with the City for the completion of the paving, prior to the issuance of a building permit.

For the Building Permit Application:

4. The landscape plan, with a planting schedule (when the planting of the landscaping is to occur) shall accompany the building permit application. The landscaping shall be completed or bonded prior to occupancy of the new building.
5. A minimum of three (3) trees will be planted along the southwestern property line. A minimum of five (5) trees shall be planted along S. Berg Parkway, between the existing and future entrance to the property. The type of trees to be planted along S. Berg Parkway shall be selected from the City Recommended Street List.

During Construction:

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

I CERTIFY THAT THIS ORDER approving DO 96-04 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 10th day of June, 1996.

Kurt Schrader, Chairman
Canby Planning Commission

Joyce A. Faltus
Secretary

ATTEST:

ORAL DECISION - June 10, 1996

AYES:

NOES:

ABSTAIN:

ABSENT:

WRITTEN FINDINGS - June 10, 1996

AYES:

NOES:

ABSTAIN:

ABSENT:

MEMO

TO: Planning Commission
FROM: Joyce Faltus
RE: Ordinance Update
DATE: June 14, 1996

I'm **not** nagging. This is **JUST** a reminder.

At the June 10, 1996 meeting the four Commissioners in attendance discussed Planning Issues. It was agreed that all the Commissioners would submit their proposed Ordinance changes to staff **no later than June 24**. Staff would then review the changes and bring them before the Commission on July 8th for discussion and approval. Once agreement is reached, we would schedule an August 12th public hearing and staff would prepare the public notices and staff report.

After a recommendation is made, it would be scheduled for the September 4th City Council agenda.