

- STAFF REPORT -

TITLE: AN ORDINANCE AMENDING SECTIONS 16.04 and 16.32.010 OF TITLE 16 OF THE CANBY MUNICIPAL CODE

FILE NO: TA 96-02
(Amendment to Land Development and Planning Ordinance)

STAFF: Lawrence Vasquez
Assistant City Planner

DATE OF REPORT: November 15, 1996

DATE OF HEARING: Planning Commission, November 25, 1996
City Council, tentatively December 4, 1996

I. APPLICANT'S REQUEST

Rob Petit, owner of Champion Gymnastics Center, is initiating an amendment to the Land Development and Planning Ordinance. The purpose of the amendment is to facilitate better planning through expansion of the permitted uses in the (M-1) Light Industrial zone to include commercial recreation uses.

II. APPLICABLE CRITERIA

This is a legislative land use regulation amendment application. In judging whether a legislative amendment should be approved, the Planning Commission and City Council shall consider:

1. The Comprehensive Plan of the City, and the plans and policies of the County, State, and local districts, in order to preserve functions and local aspects of land conservation and development,
2. A public need for the change,
3. Whether the proposed change will serve the public need better than any other change which might be expected to be made,
4. Whether the change will preserve and protect the health, safety and general welfare of the residents of the community, and
5. Statewide planning goals.

III. BACKGROUND AND RELATIONSHIPS

The Planning Commission and staff are continuously reviewing the Land Development and Planning Ordinance for revisions that will allow a more efficient process when reviewing land development applications. The proposed amendments are meant to implement changes to correct "problems" or confusing areas of the ordinance that have been brought to the attention of the City.

IV. AMENDMENTS AND FINDINGS

Section 1. Add to Section 16.04, under Sections:

16.04.128 Commercial Recreation Uses

Add Section 16.04.128 Commercial Recreation Uses

16.04.128 "Commercial recreation uses" means uses intended to provide for gymnastics, tennis, racquetball and other sport-related centers that require oversized indoor space and facilities.

Section 2. Add to Section 16.32.010 Uses permitted outright, the following:

C. Commercial recreation uses,

Reletter Section 16.32.010 C. through X. to D. through Y

Reasoning for Sections 1 and 2: Currently, there are limited provisions that provide for the location of commercial recreational users who require large oversized facilities. The purpose of this amendment is to clearly provide a definition for "Commercial Recreation" facilities and to permit these facilities to

locate in (M-1) Light Industrial zones. Commercial recreation facilities such as gymnastics, tennis, racquetball, and other sport-related centers require large building structures with adequate covered enclosed areas and increased building heights. The applicant is a representative of this type of commercial recreational user. The Center's current location is limited in providing adequate space. In searching for a new location the Center has found a shortage of local large commercial building facilities that provide sufficient space for its use. Light industrial zoned land provides more large warehouse type structures that are able to provide adequate area and height requirements for commercial recreational facilities. The inclusion of commercial recreation facilities as a use permitted outright in the light industrial zone and will furnish these commercial users with adequate facilities.

Findings for Sections 1 and 2:

1. **Compliance with the goals and policies of the Comprehensive Plan.** The goals and policies do not directly address commercial recreation uses. The proposed amendment will have the effect of allowing an expansion of permitted uses in the Light Industrial zone to allow for commercial recreation uses. In general, the Comprehensive Plan encourages a general increase in intensity and density of permitted development (Land Use Element, Policy 2) and encouraging commercial development at appropriate locations (Economic Element, Policy 2). The expansion of light industrial permitted uses to include commercial recreational will allow users to be accommodated with adequately sized facilities. Currently, there exists a shortage of comparable large oversize space in commercial zones.
2. **Public need.** The amendment intends to address the need for large oversized building spaces to accommodate commercial recreational uses. The need for commercial recreation use facilities to serve the recreational needs of the community is reasonable request and is anticipated to increase as the community experiences growth.
3. **The proposed change will serve the public need better than any other change which might be expected to be made.** No other solutions have been offered or are known. This solution will serve the stated public need.
4. **The change will preserve and protect the health, safety and general welfare of the residents of the community.** The proposed amendments will not adversely affect the health, safety and general welfare of the residents of the community.
5. **Statewide planning goals.** Compliance of the statewide planning goals is accomplished through compliance with the Comprehensive Plan, which has been acknowledged as being in compliance with the statewide planning goals. None of the changes in the statewide planning goals since the last update in the Comprehensive Plan apply to the proposed amendment.

V. CONCLUSION

1. Staff concludes that the proposed amendments comply with the Comprehensive Plan of the City, and the plans and policies of the County, State, and local districts, in that the amendments will preserve functions and local aspects of land conservation and development;
2. Staff concludes that a public need for the change;
3. Staff concludes that the proposed amendments will serve the public need better than any other change which might be expected to be made;
4. Staff concludes that the proposed amendments will preserve and protect the health, safety and general welfare of the residents of the community; and
5. Staff concludes that the proposed amendments comply with the Statewide planning goals.

VI. RECOMMENDATION

Based upon the findings and conclusions in this report, and without benefit of public hearing, staff recommends that the Planning Commission recommend that City Council approval of the proposed Land Development and Planning Ordinance amendments.

MEMORANDUM

To: Planning Commission

From: Jim Wheeler, Planning Director *JSW*

Date: November 15, 1996

Issue: DR 96-02 (Mackey) Sign Permit Application

Synopsis: Condition #13 of the approval of DR 96-02 required Planning Commission approval of any signage for the Mackey Building prior to issuance of a sign permit.

The sign that is proposed will be a two-sided, non-illuminated monument sign, 4'0" high and 6'0" wide. The sign will be grey point steel cabinet with burgundy lettering on an off-white plastic background. The sign will be located near the N.W. 2nd Avenue entrance to the parking lot.

Recommendation: Approve the sign permit for DR 96-02.

Rationale: If this sign had been a part of the original site and design review, it is staff's belief that it would have been approved as submitted. The sign is a monument sign, not a pole sign, and is located within 25 feet of an entrance, which are both preferences of the Planning Commission according to the newly adopted compatibility matrix. Additionally, the signs colors are subdued, and while not being the same as that of the building, are similar.

Background: Condition #13 of the approval of DR 96-02 states:

“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.”

Options: 1) Recommend alterations to the existing proposal.

This option was not chosen by staff because, in staff's determination, the proposal meets the requirements for approval.

2) Deny the application.

This option was not chosen by staff for the same reasons stated under option 1. If this option is pursued, justification of denial will be needed.

Attachments: Sign Permit Application, Draft Findings, Conclusion, & Final Order.

SIGN PERMIT APPLICATION (Planning Only)

Fee: \$25.00

OWNER

APPLICANT

Name _____

Name MARVIS R MACKAY

Address 190 N. DOUGLAS

Address 699 SE 1ST AVE

City CANBY State OR Zip 97013

City CANBY State OR Zip 97013

SIGNATURE [Signature]

Phone: 266-7545

DESCRIPTION OF PROPERTY:

B2-OCCUPANCY
VN-CONSTR 6,155
16,100 sqft
(Acres/Sq. Ft.)

X Tax Map 3-1E-33C Tax Lot(s) 4500

Lot Size 16,100 sqft

or

X Legal Description, Metes and Bounds (Attach Copy)
Plat Name _____ Lot _____ Block _____

USE OF PROPERTY:

Existing _____
Proposed PROFESSIONAL OFFICE SPACE

Existing Structures new STRUCTURE

PROJECT DESCRIPTION

GROUND SIGN FOR
NEW CONSTRUCTION BUILDING

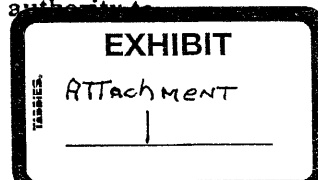
ZONING CO COMPREHENSIVE PLAN DESIGNATION _____

PREVIOUS ACTION (if any) _____

File No. _____
Receipt No. _____
Received by _____
Date Received _____
Completeness Date _____
Pre-App Meeting _____
Hearing Date _____

115x140 BLDG
(LOT) 16,100 sqft
CO ZONE

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



CHECKLIST

1. Site Plan Attached, to scale

2. Proposed Sign Dimensions - 4 ft x 6 ft

24 sq. ft.

3. Type of Sign:

48 (2-sided)

One-sided

Two-sided

GROUND SIGN - NON lighted

Banner

Beacon

Flag

Daily Display Sign

Pennant

Wall

Canopy

Marquee

Nameplate

Bench

Painted wall

Window

Balloon

Billboard

Searchlight

Other

Permanent Sign

Temporary Sign - Date of Removal: _____

4. Square Footage of Use (including building area, outdoor storage and other area regularly used)

16,100 square feet (Total)

5. Downtown Signs in Rights-of-Way

Proof of Right-of-Way Permit, attached

Proof of Liability Insurance, attached

6. Sign Area Allowed per Square Footage of Use (from Table 16.42.100)

400 ~~75,100~~ square feet

7. Total Sign Area Existing

none square feet

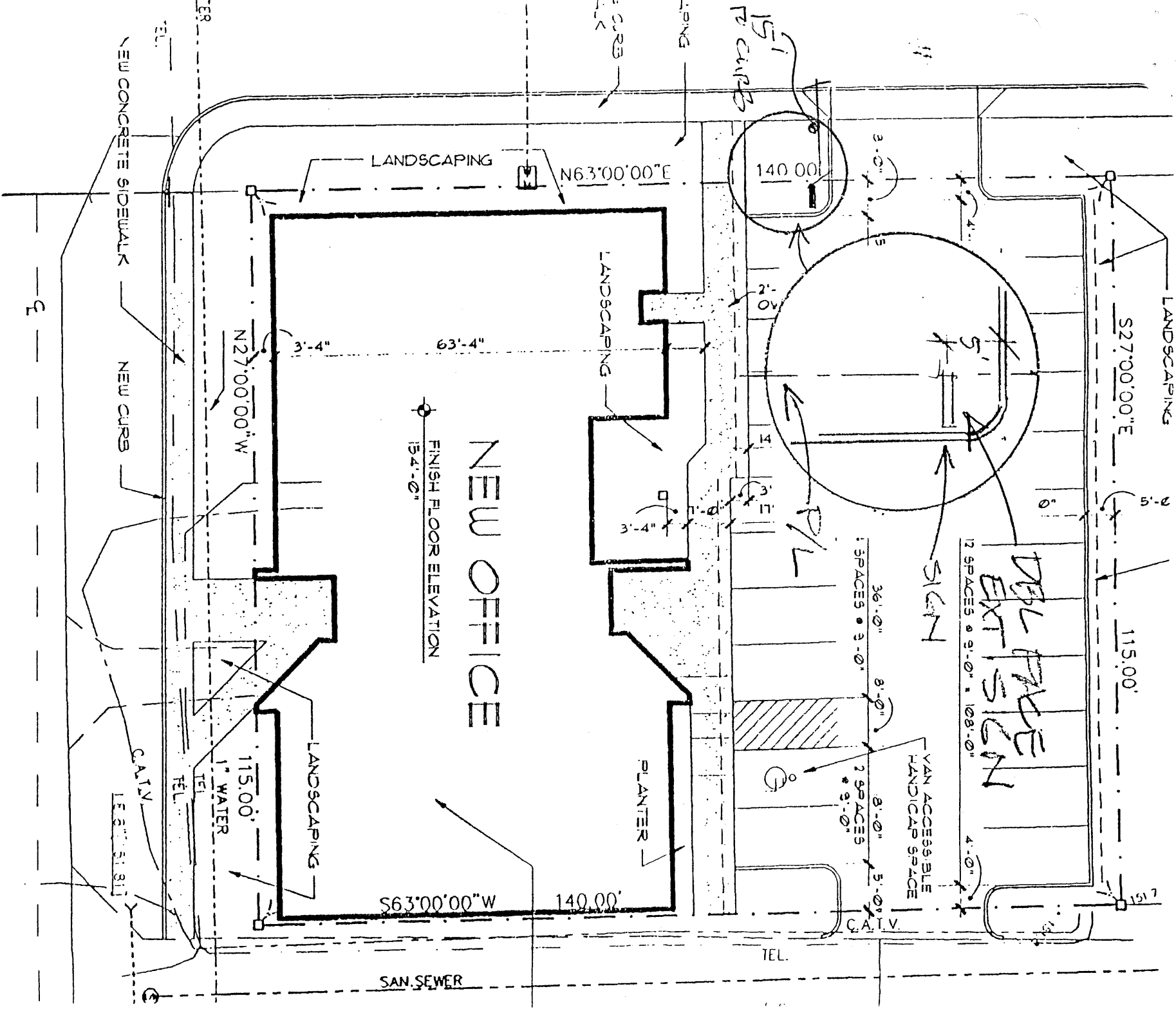
Note: For Building Permit Structural Details needed for Building Official
For Electrical Permit (from County)

RP

N. DOUGLAS ST.

TEL

4" GAS



NEW OFFICE

FINISH FLOOR ELEVATION
154'-0"

DOUBLE DOOR
EXIT SIGN

VAN ACCESSIBLE
HANDICAP SPACE

P/L

LANDSCAPING

LANDSCAPING

LANDSCAPING

PLANTER

SIGN

SAN SEWER

NEW CONCRETE SIDEWALK

NEW CURB

CATV

153" ST. 81"

1" WATER

TEL

TEL

N27'00"00"W

63'-4"

N63'00"00"E

S63'00"00"W

140.00'

S27'00"00"E

115.00'

140.00'

3 SPACES @ 3'-0"

2 SPACES @ 9'-0"

12 SPACES @ 9'-0" x 108'-0"

3'-0"

15'-1"

15'-1"
TO CURB

3 CURB

DRYING

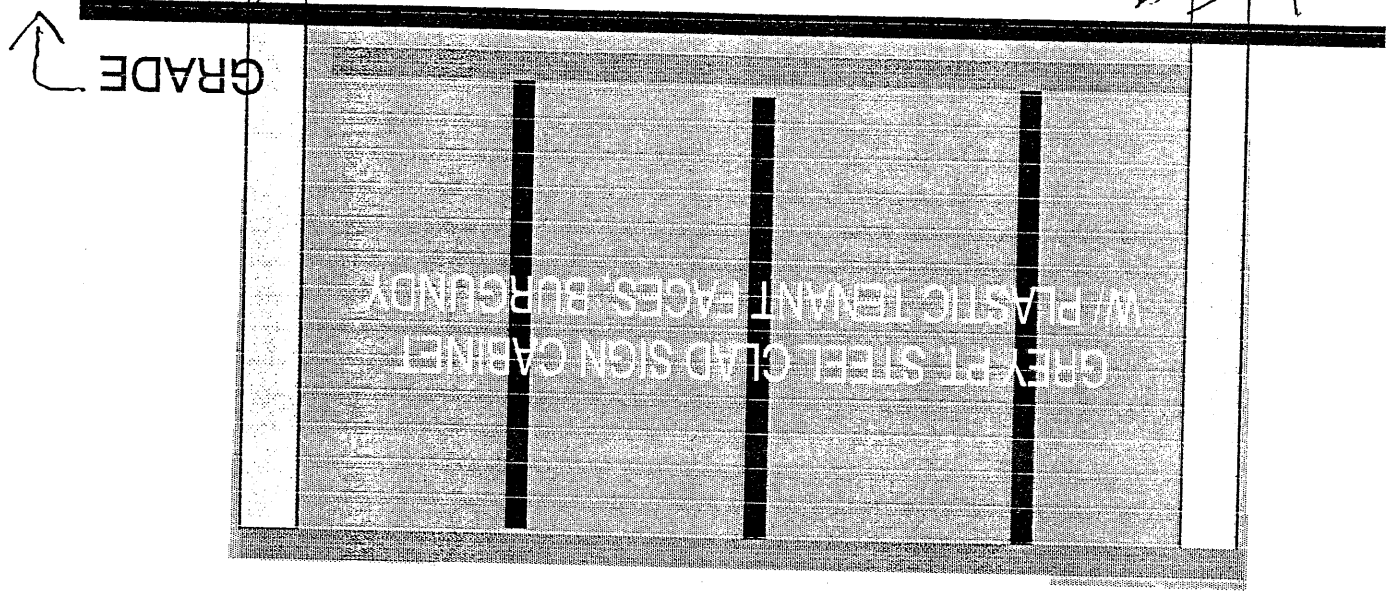
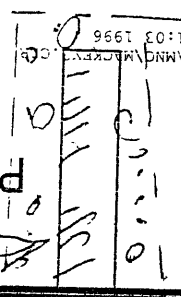
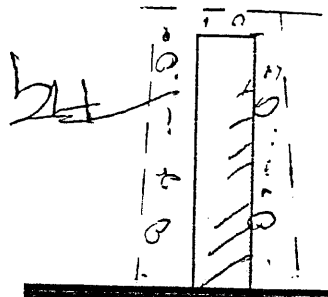
LANDSCAPING

5'-5"

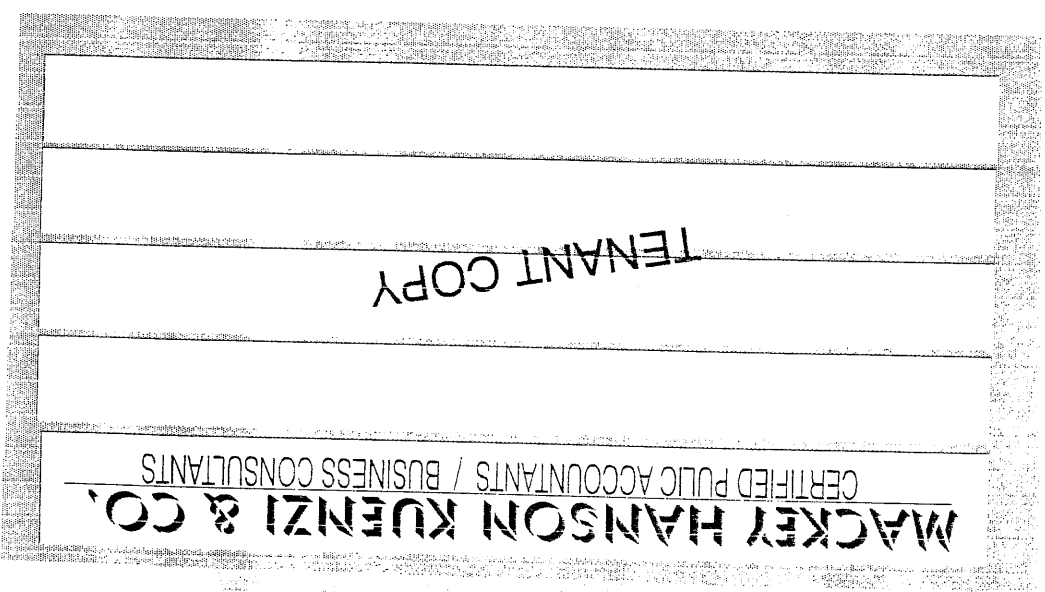
151.7

C:\V\GUSTI\GOM\N\N\K\REV\...
SAT OCT 26 02:31:03 1996

POSTS SET IN CONC.
MIN 2' DEPTH
PT. 4"X4"



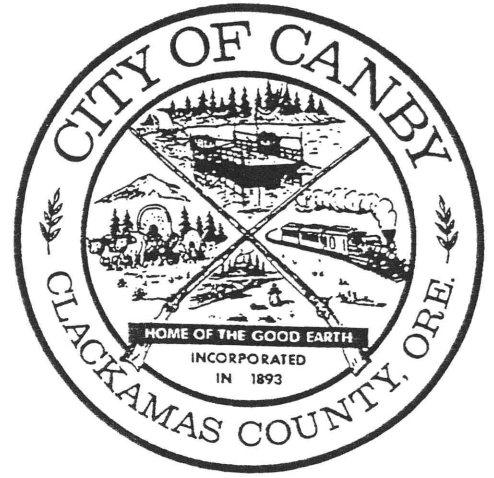
6'-0"



4'-0"

DBL. FACE EXTERIOR NON-ILLUMINATED

- STAFF REPORT -



APPLICANT:

Canby United Methodist Church
1520 N. Holly Street
Canby, OR 97013

FILE NO.:

ANN 96-05
(Canby United Methodist Church)

OWNER:

Canby United Methodist Church
1520 N. Holly Street
Canby, OR 97013

STAFF:

James S. Wheeler
Planning Director

LEGAL DESCRIPTION:

Tax Lot 1700 of Tax Map 3-1E-28CD

DATE OF REPORT:

November 15, 1996

LOCATION:

1520 N. Holly Street, southeast corner
of N. Holly St./N.E. Territorial Road

DATE OF HEARING:

November 25, 1995 (Not a hearing)
1996
(City Council Hearing - 12/18/96)

COMP. PLAN DESIGNATION:

Low Density Residential

ZONING DESIGNATION:

County Zoning RRFF-5 (will come
into City after Annexation as Low

Density Residential R-1)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to annex 4.71 acres, located on the southeast corner of N.E. Territorial Road and N. Holly Street.

II. MAJOR APPROVAL CRITERIA:

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

- A. Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Commission shall give ample consideration to the following:
1. Compatibility with the text and maps of the Comprehensive Plan, giving special consideration to those portions of policies relating to the Urban Growth Boundary.
 2. Compliance with other applicable City ordinances or policies.
 3. Capability of the City and other affected service-providing entities to amply provide the area with urban level services.
 4. Compliance of the application with the applicable section of ORS 222.
 5. Appropriateness of the annexation of the specific area proposed, when compared to other properties that may be annexed to the City.
 6. Risk of natural hazards that might be expected to occur on the subject property.
 7. Effect of the urbanization of the subject property on specially designated open space, scenic, historic, or natural resource areas.
 8. Economic impacts which are likely to result from the annexation.
- B. If the proposed annexation involves property beyond the City's Urban Growth Boundary, or if the annexation is proposed prior to the acknowledgment of compliance of the City Comprehensive Plan by the State Land Conservation and Development Commission, the proposal shall be reviewed for compliance with the statewide planning goals. (Not Applicable since Canby's Comprehensive Plan has been acknowledged)

III. FINDINGS:

A. Background and Relationships:

The Comprehensive Plan Land Use designation for the subject parcel is for Low Density Residential. City zoning for the subject parcel will be R-1, Low Density Residential. Territorial Road is an arterial street. The subject parcel is currently zoned RRFF-5 (Rural Residential, Farm and Forest: 5-acre minimum lot size). The properties to the northwest and southwest are not in the City, but are within the Urban Growth Boundary, and are zoned RRFF-5. The property to the northeast is outside the City and the Urban Growth Boundary, and is zoned EFU-20 (Exclusive Farm Use: 20-acre minimum). The properties to the southeast, east and west are in the City and zoned R-1 (Low Density Residential).

The property to the west is owned by the school district and has not been developed. The property to the east has been approved for a subdivision (SUB 96-03). Dedication of right-of-way for the extension of N. Ivy Street has been offered to the City by the applicant. The dedication, if accepted, will allow the development of the property to the east to continue as approved. The Church made the offer as a part of an understanding with the City and the developer of the property to the east. That understanding is that the City will waive its annexation application fee, and pay for the Boundary Commission's annexation application fee, and that the Church will not incur any expense in the construction of the extension of N. Ivy Street.

Annexation of the property will "island" the property to the southwest. This means that the property to the southwest will not be in the City, but will be surrounded by properties that are located in the City.

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement

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

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

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

ANALYSIS

1. The notification process and public hearing are a part of the compliance with adopted policies and process regarding citizen involvement. The Planning Commission seeks input of all citizens at the review of this application, and the City Council will hold a formal public hearing.

2. The Planning Commission adheres to acting upon applications within a sixty (60) day time period from the date of determination of a complete application. Any continuation of the review period is done with the approval of the applicant, or through admission of new information into the review process. The sixtieth day is December 22, 1996.

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 into the City and provided with all necessary urban services.

ANALYSIS

1. The County was sent a "Request for Comments" form. At the time of the writing of this staff report, there was no response from the County. There are no known problems associated with the annexation of 4.71 acres of the subject property.
2. No changes to the Urban Growth Boundary are proposed with this application.
3. The proposal is to bring 4.71 acres into the City. Through the annexation of the property, a better transportation system will result by allowing N. Ivy Street to be extended to N.E. Territorial Road. The property is located in "Area A" for annexation priority. Implementation measure D of Policy 3 states the following.

"The adopted maps showing growth phasing shall be used as a general guideline for the City's outward expansions. Areas designated as Type "A" urbanization lands shall generally be annexed prior to those areas shown as Type "B", etc."

The property is Type "A", which complies with this Policy of the Comprehensive Plan.

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 for 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 current use of the property is for a church, which is permitted in the rural residential zone (County), and is a conditional use in the Low Density Residential zone (City). If the 4.71-acre parcel is annexed into the City, the intention of the applicant and owner is to connect the existing facilities to City water and sewer. Future development plans (tentative) of the vacant portions of the property include a gymnasium/recreational building and additional parking.
2. The annexation of the 4.71-acre parcel will permit future development of the property according to the Comprehensive Plan, as the existing and proposed uses are permitted (conditionally) in the R-1 zone, which is in conformance with the Comprehensive Plan's land use designation.
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, if annexed into the City (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 the property 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

▪ 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 II soils. However, the size and the current use of the property preclude the use of the property for a viable agricultural operations.

1-R-B. The property is considered to be one of the "least productive" agricultural properties within the Urban Growth Boundary, in that the property is currently not being used for agricultural purposes, and is of insufficient size to be of use as a viable agricultural operation.

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. There are no known storm water drainage issues for this area.

3-R. The existing use has not created a known pollution problem. No additional construction would be permitted without further development review. Construction activity 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. No additional noise will be expected as a result of the annexation. There is a noise ordinance, by which activities within a residential areas of the City are regulated.

5-R. The subject property is not a sand and gravel operation, nor will the annexation 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. The homes on the adjacent properties are not designated historic homes.

7-R. The annexation itself will not affect the scenic or aesthetic quality of the City.

8-R. The subject property has not been designated as open space.

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 Canderly sandy loam soil, which is a deep, somewhat excessively 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. The City normally requires dedication of land for right-of-way purposes and road improvements as a part of land development. Land for right-of-way purposes has been offered for dedication for the development of an adjoining property. No further development of the subject property is proposed at this time, as a result of the annexation.
2. No new streets are needed as a result of the proposed annexation.

3. The nearest major intersection to the subject property is the intersection of N.E. Territorial Road and N. Holly Street. At this time, that intersection is not considered to be a "problem intersection". The proposed annexation will not impact a "problem intersection".
4. Sidewalks and other pedestrian or non-motorized vehicle amenities are specifically handled with further development the development of the property.
5. The subject property is not involved in any possible overpass or underpass of Highway 99-E and the railroad.
6. The fire district responded to the Request for Comments, stating it has adequate facilities available to service the property. The police department has not responded to the Request for Comments. It is believed that adequate services are available and no further conditions related to the proposed annexation are necessary in view of the functions of the police department.
7. Provision of appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles, will be determined at the review of future development of the property. No provision is required at this time.
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 annexation has no bearing on efforts to improve or expand nearby air transport facilities.
10. The mass transit system in operation in Canby has a route that stops at the corner of N. Holly and N.E. Territorial Road. The annexation of the property will have no direct bearing on the routing of the mass transit system.
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 on two County roads which serve as an access roads into the City. Improvements to N.E. Territorial Road and N. Holly Street may be required as a part of future development of the property.

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 #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. No responses were received from any service provider other than the fire department, which indicated that adequate facilities to service the property are available. There has been no recent indication, unofficial or otherwise, of potential inadequacy of facilities or service from these providers. It is believed that adequate facilities and services are available for the servicing of this property.

2. 'Public improvements' are not required for annexation.

5. The City has adopted a Parks Master Plan in which appropriate sites or areas for recreation facilities are identified. A neighborhood park has been designated in a nearby area, across N. Holly Street to the west. Nothing further is needed from this property in order to comply with this policy.

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 or proposed (after annexation) zoning of the subject property allow industrial development.

2. The proposed development is not commercial in nature, nor does the current or proposed (after annexation) zoning of the subject property allow commercial development.

3. No economic programs or projects which will lead to an increase in local employment opportunities will result from the annexation of the property.

4. The proposed subdivision will no effect on agricultural operations that contribute to the local economy.

viii. HOUSING

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

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

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

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

- Policy #4: Canby shall encourage the development of housing for low income persons and the integration of that housing into a variety of residential areas within the City.
- Policy #5: Canby shall provide opportunities for mobile home developments in all residential zones, subject to appropriate design standards.

ANALYSIS

1. The location and size of the Urban Growth Boundary is not a part of the proposed application. When the Urban Growth Boundary was designated and calculations to determine the amount of land needed for residential growth, in 1984 as a part of the acknowledged 1984 Comprehensive Plan, the subject property was counted for residential development. The property, regardless of annexation, is not expected to be developed residentially. The use of the property is expected to service the residential community, and conform with the zoning classification and land use designation for the property.
2. The proposed annexation will neither directly increase nor decrease the housing density. The property is not currently within the City limits. The potential for housing will not be increased as a result of the proposed annexation, as the property will not be used for residential structures.
3. The proposed development does not include higher density housing. Future development of the property will not include higher density housing. The calculations for residential development types (high, medium, low) found in the Comprehensive Plan account for the development of this property with low-density housing (single family housing).
4. The proposed development does not include housing for low income persons. Future development of the property could include housing for low income persons.
5. The proposed development is not a mobile home development. Future development of the property could 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. No specific advantage or utilization of solar or wind orientation of the property or the existing building is known. The annexation of the property will not affect the potential to take advantage of solar or wind orientation of the property.

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. Future development of this property will be reviewed through the Transportation Systems Plan. The annexation proposal 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:

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

C. Evaluation Regarding Annexation Consideration Criteria

1. This application is compatible with the text and maps of the Comprehensive Plan, in that:
2. The annexation of this property complies with all City ordinances and policies.
3. Adequate capacity is available for the following services: water, sewer, electric, phone, gas.
4. The annexation of this property complies with, all applicable sections of Oregon Revised Statutes.
5. The annexation of this property is appropriate, at this time, when compared to other properties that may be annexed to the City, in that: this property is a Priority "A" property, as defined by the Comprehensive Plan, which is the first phase of land area for proposed annexation and development.
6. There are no apparent natural hazards on this property.
7. The effect of urbanization of this property to designated open space, scenic, historic or natural resource areas is limited, in that the open space designation and requirements as found in the Parks Master Plan will be adhered to.
8. The annexation of this property will not result in reduction of economically viable agricultural land.

III. CONCLUSION

Staff hereby concludes that the proposed annexation will meet the requirements of the standards and criteria included in the Canby Land Development and Planning Ordinance, Section 16.84.040, specifically related to : 1) Comprehensive Plan consistency;

2) Compliance with other applicable Codes and Ordinances; 3) Capability to provide urban level of services; 4) Compliance with ORS 222 regarding annexations of contiguous properties; 5) Appropriateness of area for annexation compared to other properties; 6) Risk of natural hazards; 7) Effect of urbanization on designated open space, scenic, historic or natural resource area; and 8) Economic impacts are correct and adequate.

IV. RECOMMENDATION

Based upon the findings and conclusions contained in this report (and without benefit of a public hearing), staff recommends that, should the Planning Commission recommend approval of ANN 96-05 to the PMALC/BC (Boundary Commission), through the City Council, the following understandings should apply:

1. The zoning classification for the property upon annexation will be R-1, Low Density Residential.
2. All development and recording costs are to be borne by the developer when the property is developed.
3. All City and service provider regulations are to be adhered to at the time of development.

Exhibits:

1. Application
2. Vicinity Map
3. Request for Comments

ANNEXATION APPLICATION

Fee: \$1500

OWNER

APPLICANT

Name Canby United Methodist Church
Address 1520 N. Holly
City Canby State OR Zip 97013

Name Canby United Methodist Church
Address 1520 N Holly
City Canby State OR Zip 97013
Phone: (503) 263-6419 266-8103

SIGNATURE [Signature]

(Vice-Chair for the Board of Trustees)

DESCRIPTION OF PROPERTY:

Tax Map R31E28CD Tax Lot(s) 1700 Lot Size 4.71 acres
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name Canby Gardens Lot 3&4 Block _____

PROPERTY OWNERSHIP LIST

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

USE

Existing Church
Proposed Church

Existing Structures One multi-use building; 2 storage sheds

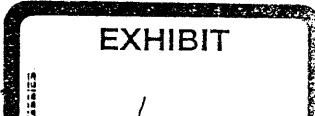
PROJECT DESCRIPTION

None other than annexation

ZONING _____ COMPREHENSIVE PLAN DESIGNATION _____

PREVIOUS ACTION (if any) _____

File No. ANN 96-04
Receipt No. NIC 95W
Received by _____
Date Received 10-23-96
Completeness Date _____
Pre-App Meeting _____
Hearing Date _____



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

SEE MAP 3 IE 33BB

6E LINE D.L.C. 58
N. HOLLY ST.

40

30

3

40

1700
4.71 Ac.

1800
1.03 Ac.
1480

R.R.F.F.-5

CANBY

TERRITORIAL

1600
1.49 Ac.
135

1500
0.41 Ac.
143

1400
4.00 Ac.
185

NORTH
172.35'

100'

255.8'

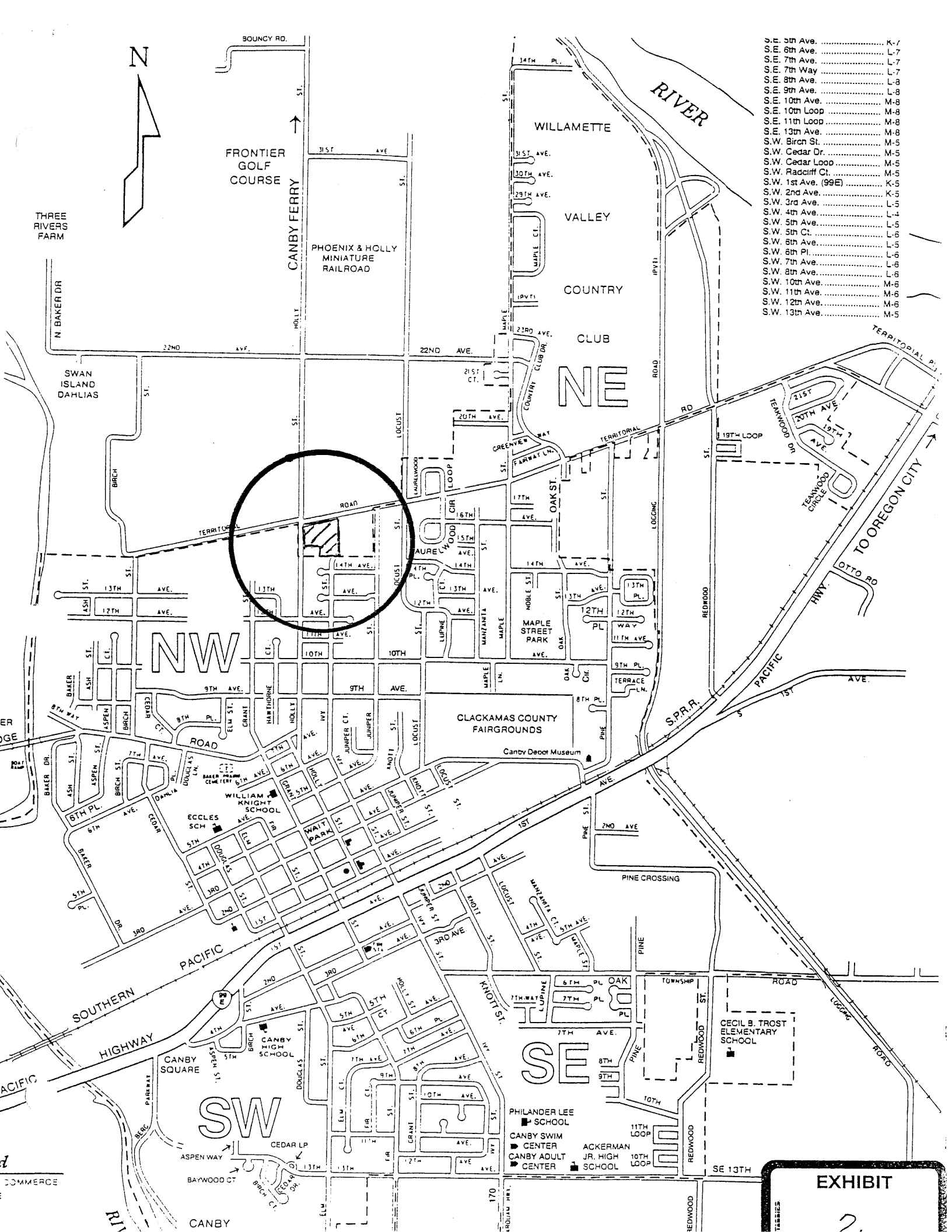
70'

330'

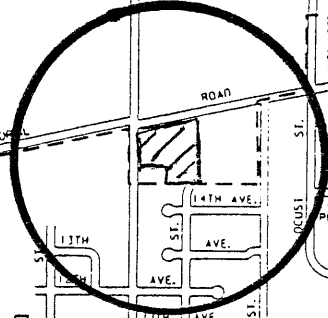
86-05

GARDENS

SEE MAP 3 IE 33BA



- S.W. 5th Ave. K-7
- S.W. 6th Ave. L-7
- S.W. 7th Ave. L-7
- S.W. 7th Way. L-7
- S.W. 8th Ave. L-8
- S.W. 9th Ave. L-8
- S.W. 10th Ave. M-8
- S.W. 10th Loop. M-8
- S.W. 11th Loop. M-8
- S.W. 13th Ave. M-8
- S.W. Birch St. M-5
- S.W. Cedar Dr. M-5
- S.W. Cedar Loop. M-5
- S.W. Radcliff Ct. M-5
- S.W. 1st Ave. (99E) K-5
- S.W. 2nd Ave. K-5
- S.W. 3rd Ave. L-5
- S.W. 4th Ave. L-4
- S.W. 5th Ave. L-5
- S.W. 5th Ct. L-5
- S.W. 6th Ave. L-5
- S.W. 6th Pl. L-5
- S.W. 7th Ave. L-6
- S.W. 8th Ave. L-6
- S.W. 10th Ave. M-6
- S.W. 11th Ave. M-6
- S.W. 12th Ave. M-6
- S.W. 13th Ave. M-5



EXHIBIT

2.

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: November 7, 1996

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

The City has received ANN 96-05, an application by Canby United Methodist Church for approval to annex 4.71 acres into the City of Canby. The property is located on the southeast corner of N. Holly Street and Territorial Road [Tax Lot 1700 of Tax Map 3-1E-28CD].

We would appreciate your reviewing the enclosed application and returning your comments by November 14, 1996 PLEASE. The Planning Commission plans to consider this application on November 25, 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: [Handwritten Signature]

Date: 11-12-96

Title: Fire Marshal

Agency: Canby F.D. #62

EXHIBIT
3