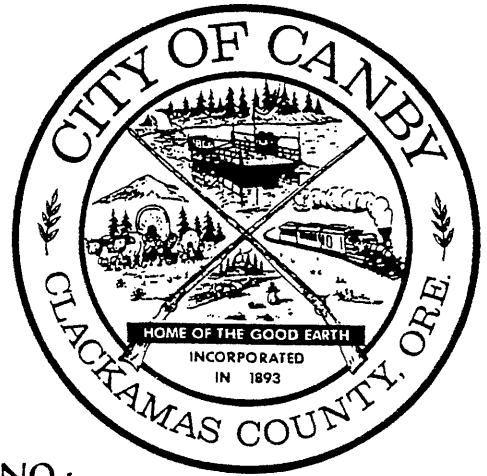


- STAFF REPORT -



APPLICANT:

Marvis R. Mackey
1395 Liberty St SE #200
Salem, OR 97302

FILE NO.:

DR 96-02

OWNER:

Marvis R. Mackey
1395 Liberty St SE #200
Salem, OR 97302

STAFF:

James S. Wheeler
Planning Director

LEGAL DESCRIPTION:

Tax Lot 4500 of Tax Map 3-1E-33CC

DATE OF REPORT:

March 29, 1996

LOCATION:

Southeast corner of N.W. 2nd Avenue
and N. Douglas Street

DATE OF HEARING:

April 8, 1996

COMP. PLAN DESIGNATION:

Highway Commercial

ZONING DESIGNATION:

C-2 (Highway Commercial)

I. APPLICANT'S REQUEST:

The applicant is requesting site and design approval to construct a 6,155 square foot single-story professional office building. The development is proposed to occur on an 16,100 square foot parcel.

II. APPLICABLE REGULATIONS

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

III. MAJOR APPROVAL CRITERIA

Site and Design Review

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.

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.

IV. FINDINGS:

A. Background and Relationships:

The applicant is requesting approval to construct a 6,155 square foot professional office. There is currently a small house located on the property, which is proposed to be removed. The development is proposed to be located on Tax Lot 4500 of Tax Map 3-1E-33CC, east of the Post Office.

B. Evaluation Regarding Site and Design Review Approval Criteria

- 1. Part IV - Section 2, No. 2
"Minimum area for landscaping is 15% of the total area to be developed."

The minimum amount of landscaping required for the 16,100 square foot parcel is 2,415 square feet (15%). Because there is extra right-of-way that will not be needed for sidewalk or street improvements, the landscaping of this area will be credited toward the required amount. The total developed area of the site then becomes 20,569 square feet, which requires 3,085 square feet of landscaping (15%). The total amount of landscaping proposed is approximately 4,490 square feet (21.8%).

2. Parking.

The number of parking spaces required for a professional office use such as is proposed is 22. There are 33 parking spaces being proposed, including 1 ADA (American Disabilities Act) parking space (1 required), and 5 compact parking spaces (A maximum of 7 permitted). The ADA parking space is "van accessible" (1 required).

No loading areas have been proposed. One is required. No arguments have been provided or why a loading area is not proposed. The design of the building is such that there will be two separate office areas, each less than 5,000 square feet. In this situation, each of the commercial uses would have less than 5,000 square feet and an argument could be made that loading areas/facilities would not be required. However, eventually, one business could occupy the whole building (6,155 square feet), thus necessitating a loading area/facility. The Planning Commission will need to decide whether or not a loading area will need to be provided.

Wheel stops are normally required for all the parking spaces that front either a walkway or landscaping. The walkway is proposed to be seven (7) feet wide, which will allow for a two (2) foot overhang and still provide a five (5) foot walkway for pedestrian use. The arborvitae proposed for the eastern property line, will need to be planted at least three (3) feet away from the parking spaces to allow cars to utilize the two (2) foot overhang without damaging the plants. Groundcover will be planted between the arborvitae and the parking spaces.

3. Access

The parking area will be accessed from both N.W. 2nd Avenue and from the alley along the southern property line. The alley will need to be paved to a width of eighteen (18) feet, along the property's frontage of the alley. The layout of the parking and the building allow the building to be located on the corner of N.W. 2nd Avenue and N. Douglas Street, with the parking lot located behind the building. This layout tends to be more aesthetically pleasing and more pedestrian friendly. The access drives are twenty-four (24) feet wide.

Pedestrian access is provided from the public sidewalk and the main parking areas to the office entrances. The property is zoned C-2, which requires five (5) foot sidewalks.

4. Architecture

The building will have a brick veneer exterior with a metal roof. The roof will vary between a sloped center and flat exteriors with a vertical metal screening around the mechanical equipment. No colors were proposed in the application file.

The only signage that is proposed as a part of the application, is window lettering, which does not require a sign permit nor is it included in the sign area calculations. No other signs are proposed.

5. Other Aspects

a. Utilities

Service providers have not indicated that there would be any problem in servicing this proposal. To coordinate efforts for construction activity with the utility providers, developers, and city departments, a pre-construction conference will be necessary. All utilities are available in either N.W. 2nd Avenue or N. Douglas Street. The property is currently connected to the City sewer system. The existing sewer lateral will need to be capped during demolition of the existing home. The property will need to be connected to the City's downtown storm sewer system, which will necessitate catch basins in N. Douglas Street.

b. Landscaping

Lawn will be planted along the street sidewalks for a width of approximately eleven (11) feet. Within this lawn area, a total of seven (7) Raywood Ash trees will be planted as street trees. At the entrance to the building along N. Douglas, a small area surrounded by walkways will be planted with Kinnikinnick (a ground cover plant).

The landscaping between the building and the lawn area will consist of azaleas, andromeda, and vine maples along N. Douglas Street. Along N.W. 2nd Avenue, camelias and laurel will be planted between the building and the lawn area.

Kinnikinnick will be used as a ground cover in and around the majority of the landscaped areas surrounding the parking lot. A courtyard styled landscaped area is proposed near the parking lot entrance to the building. An arborvitae hedge will be planted along the eastern property line. The parking lot perimeter landscaping will also include barberry, azalea, escollonia, nandina, and rhododendron shrubs, and cherry trees.

c. **Parking Lot Landscaping**

The amount of paved area for parking and vehicle maneuvering area is approximately 6,688 square feet. The amount of landscaping required for that amount of area is 1,004 square feet (15% of the amount of paving), and is to be within ten feet of the parking/ maneuvering area. The amount of landscaping provided within ten feet of the parking/maneuvering area is approximately 1,865 square feet (27.9%).

At the formula of one tree per 2800 square feet of parking/ maneuvering area, or 1 tree for every 8 parking spaces, a total of 3 trees are required. There are 4 trees within or adjacent to the paved vehicle parking/maneuvering area, not including street trees.

d. **Density and yards and height**

The setbacks and the height requirements for the C-2 zone have been met by this development proposal.

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

VI. RECOMMENDATION:

Based upon the application, elevations, the site plan received by the City, the facts, findings and conclusions of this report, and without the benefit of a public hearing, staff recommends that should the Planning Commission approve DR 96-02, 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 existing home shall be removed. Prior to removal of the existing home, the existing sewer lateral shall be capped.

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.
5. A storm system with catch basins shall be installed along N. Douglas Street. A storm water drainage plan shall be submitted with the building permit application.
6. The alley shall be paved to a width of eighteen (18) feet along the property's full frontage of the alley.
7. The arborvitae to be planted along the eastern property line shall be planted a minimum of three (3) feet from the curb along the parking spaces.
8. The walkway between the parking spaces and the building shall not be less than seven (7) feet in width. The A.D.A. parking space shall be designated as such with the appropriate and required signage.

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. Compact spaces shall be designated as such, either by painting "compact" on the pavement, or providing signage in front of the compact parking spaces.

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

Notes:

12. There is not sufficient parking to accommodate a medical office in this building.
13. No building signs will be permitted for the first six (6) months after occupancy. The signs that are prohibited during this period are permanent signs that require a sign permit.

Exhibits:

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

SITE AND DESIGN REVIEW APPLICATION

Fee: \$750

OWNER

APPLICANT

NAME MARVIS R. MACKAY
ADDRESS 1395 LIBERTY ST SE #200
CITY SALEM STATE OR ZIP 97302
SIGNATURE [Handwritten Signature]

NAME MARVIS R. MACKAY
ADDRESS 1395 LIBERTY ST SE #200
CITY SALEM STATE OR ZIP 97302
PHONE: (503) 370-9617
266-7545

DESCRIPTION OF PROPERTY:

TAX MAP _____ TAX LOT(S) _____ LOT SIZE _____ (Acres/Sq. Ft.)

LEGAL DESCRIPTION, METES AND BOUNDS (ATTACH COPY)
PLAT NAME TOWN OF CANBY LOT *** BLOCK 5

***7, 8 AND SOUTHWESTERLY 40' OF LOT 9.

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").

USE

EXISTING SINGLE FAMILY RESIDENCE
PROPOSED ONE-STORY COMMERCIAL OFFICE BUILDING

EXISTING STRUCTURES HOME, GARAGE, STORAGE SHED

SURROUNDING USES ZONED HIGHWAY OR DOWNTOWN COMMERCIAL; EXISTING USE IS RESIDENTIAL, PROJECT DESCRIPTION 1 EXCEPT THE EXISTING POST OFFICE TO THE WEST.

A 6,155 SQUARE FOOT SINGLE STORY PROFESSIONAL OFFICE BUILDING WITH ADJACENT ON-SITE PARKING FOR 23 CARS. EXTERIOR MATERIALS ARE TO BE BRICK, GLASS AND A METAL SLOPED ROOF.

ZONING C-2 COMPREHENSIVE PLAN DESIGNATION HIGHWAY COMMERCIAL
PREVIOUS ACTION (IF ANY) _____

FILE No. DR 96-02
RECEIPT No. 9888
RECEIVED BY [Signature]
DATE RECEIVED 3-7-96
COMPLETENESS DATE _____
PRE-AP MEETING _____
HEARING DATE APRIL 8, 1996

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

EXHIBIT
1
20005

**MACKEY OFFICE BUILDING
CANBY, OREGON
PROJECT DESCRIPTION AND COMPLIANCE
Project No. 9554
February 27, 1996**

The site is 140'0" x 115'0", located at the southeast corner of North Douglas Street and Northwest 2nd Avenue. The site is zoned C-2, Highway Commercial. The proposed building is to be a professional office building. The C-2 zone allows as a "use permitted outright" any use permitted outright in a C-1 zone. Item 23 of the C-1 Downtown Commercial Zone allows "office, business or professional" as a use permitted outright.

Surrounding zones include "Highway Commercial" to the south and west and "Downtown Commercial" to the north and east.

The Comprehensive Plan designates this parcel as Highway Commercial. Therefore, this proposed use is compatible.

Based upon the proposed size of 6,155 gross square feet, 22 parking spaces are required, including one parking space for the disabled with adjacent side aisle. A total of 23 parking spaces have been provided. The zone code does request provision for a loading zone. The building owner/occupant has requested relief from this requirement as its use as a professional office building does not require this type of loading zone. Deliveries of this type will occur infrequently. A space of the size required for a loading zone could be accommodated on site with modification to the southeast corner of the building. This dramatically affects the master planned expansion of the Owner into this space. In addition, it would simply not be used.

No street or side yard setbacks are required except that parking areas are to be screened. The proposed landscape plan indicates how this is to be accomplished. The building has, however, been set back from the property line to allow wall line relief as well as extra landscaping near the building.

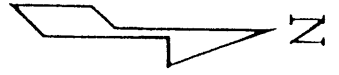
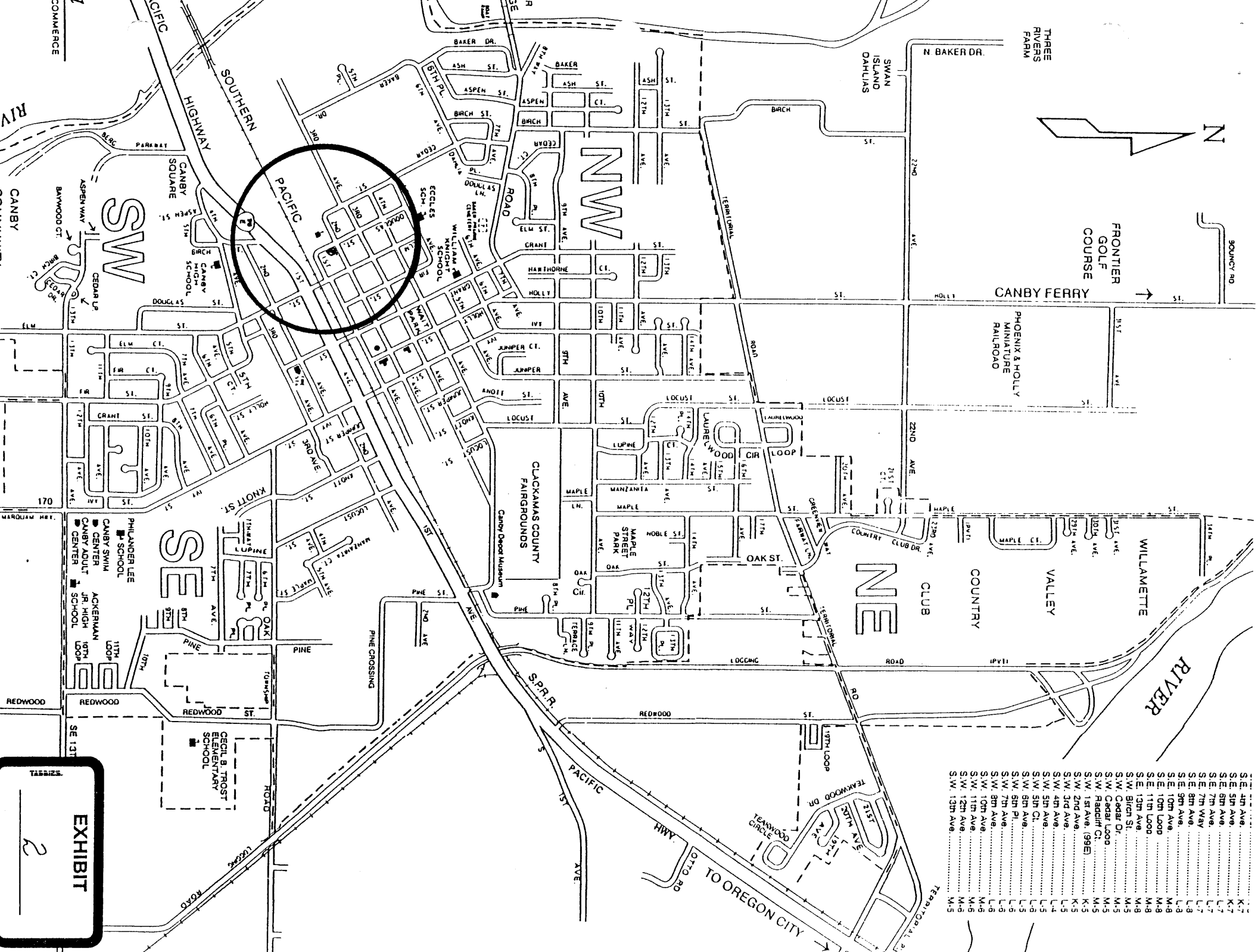
The building covers only 38% of the site compared to the 60% allowed. The building height is 14 feet to the parapet around the majority of the building and approximately 26 feet to the ridge at the sloped roof area, well below the 45 feet allowed.

Both the total landscape area and parking lot landscape area exceed the percentage required. The number of trees required at the parking area have been met. The permit set of drawings will have landscape irrigation plans as required. There are only two existing 6" trees on the site. These are small and in very poor shape and are slated for removal.

The street/curb/walk have been improved on 2nd Avenue. As part of this project, Douglas Street will be improved to the required width with a half street improvement (20'0" with curb and 5'0" sidewalk).

The building placement on the site defines the corner of this urban site and places the vehicular access in a location further from the street intersection. It also allows the building to screen the parking area. The design of this building responds to influences from both the street and parking lot with its double entry points. The only signage the owner desires for this building will be ±2" high letters on the glass adjacent to the entry doors.

The building is proposed to be brick of two colors with a metal roof at the sloped roof area. See submitted color board. The building owner is extremely conscience about the image this building is to portray. It is felt that this design will add visual interest to the area, create a pleasant place for workers and visitors, and will promote interest in a more creative built environment. We believe this proposal complies with all applicable requirements and this facility will be an asset to the Canby community.



S.E. 4th Ave.	K-7
S.E. 5th Ave.	K-7
S.E. 6th Ave.	K-7
S.E. 7th Ave.	L-7
S.E. 8th Ave.	L-7
S.E. 9th Ave.	L-8
S.E. 10th Ave.	L-8
S.E. 11th Loop	M-8
S.E. 12th Ave.	M-8
S.E. 13th Ave.	M-8
S.W. Birch St.	M-5
S.W. Cedar Loop	M-5
S.W. Cedar Dr.	M-5
S.W. Radcliff Ct.	M-5
S.W. 2nd Ave.	K-5
S.W. 3rd Ave.	K-5
S.W. 4th Ave.	L-5
S.W. 5th Ave.	L-5
S.W. 6th Ave.	L-5
S.W. 7th Ave.	L-5
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-6
S.W. 15th Ave.	M-5

TABULARS.

EXHIBIT

2

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 18, 1996

TO: FIRE, POLICE, CUB, CTANWT, NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY, ROY, STEVE, ODOT

The City has received DR 96-02 an application by Marvis R. Mackey (applicant/owner) for design review approval to construct a 6,155 square foot single-story professional office building with adjacent on-site parking for 23 cars. The site is located at the southeast corner of N. Douglas Street and N.W. 2nd Avenue [Tax 4500 of Tax Map 3-1E-33CC].

We would appreciate your reviewing the enclosed application and returning your comments by March 25, 1996 PLEASE. The Planning Commission plans to consider this application on April 8, 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: Jerry Stigler Date: 3/15/96
Title: Police Chief Agency: Canby Police

EXHIBIT
4
7 pages

PLEASE RETURN ATTACHMENTS!!!

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REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

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STEVE, ODOT

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Signature: Steve D. Plons Date: 3/16/96
Title: POTW Supervisor Agency: City of Canby

PLEASE RETURN ATTACHMENTS!!!

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Comments or Proposed Conditions:

Emphasize Pedestrian access and landscaping

~~- *Emphasize street trees*~~

- *Emphasize street trees*

Please check one box:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will **become available** through the development
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- Adequate public services **are not available** and will not become available

Signature: *Michael Jordan* Date: _____

Title: _____ Agency: _____

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 18, 1996

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Comments or Proposed Conditions:

With improvements on N. Douglas a storm system with catch basins shall be installed. The alley should be improved with asphalt. The alley is 20 feet wide with power poles with in that 20 feet. So approximately 18 feet of asphalt full length of application be placed. The existing house has a 6" inch lateral to property line. IF location cannot work for new building, a new lateral will need to installed.

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: Roy L. Hester Date: March 19, 1996

Title: Public Works Supervisor Agency: City of Canby

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 18, 1996

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

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Comments or Proposed Conditions:

Please check one box:

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

Signature: Tom Peterson Date: 3/20/96
Title: ENG CONSULTANT Agency: CTA & NWT

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

266-1574

P.O. Box 930, Canby, OR 97013

(503) 266-4021

DATE: March 18, 1996

TO: FIRE, POLICE, CUB, CTANWT, NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY, ROY, STEVE, ODOT

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Comments or Proposed Conditions:

No comments from District 2B permits - I will forward to Laurie Nicholson, Reg 1 Planning for her comments.

Post-it* Fax Note	7671	Date	3/19	# of pages	1
To	City of Canby	From	C #		
Co./Dept.	Planning	Co.	2B		
Phone #		Phone #			
Fax #		Fax #			

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: GARY HUNT Date: 3/19/96
Title: Permits Agency: ODOT - Dist 2B

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 18, 1996

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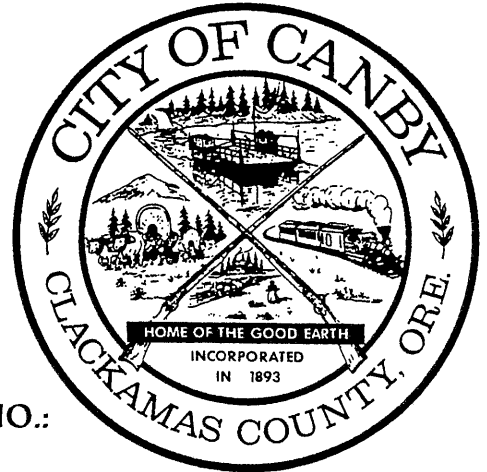
Comments or Proposed Conditions:

Please check one box:

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

Signature: Low Harbong Date: 3-19-96
Title: Fire Marshal Agency: CANBY FD #62

- STAFF REPORT -



APPLICANT:

Pahlisch Duncan Homes, LLC
15100 SW Koll Pkwy, Suite E
Beaverton, OR 97006

FILE NO.:

ANN 96-01
(Tofte Farms)

OWNER:

Harvey A. Tofte and D. Anne Tofte
371 SE 13th Avenue
Canby, OR 97013

STAFF:

James S. Wheeler
Planning Director

LEGAL DESCRIPTION:

Tax Lot 2200 of Tax Map 4-1E-3

DATE OF REPORT:

March 29, 1996

LOCATION:

South side of S.E. 13th Avenue
east of S. Ivy Street and west of
S. Redwood Street

DATE OF HEARING:

April 8, 1996
(City Council Hearing -
on earliest possible agenda)

COMP. PLAN DESIGNATION:

Low Density Residential

ZONING DESIGNATION:

County Zoning GAD-20 (will come
into City after Annexation as Low
Density Residential R-1)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to annex 38.11 acres, located on S.E. 13th Avenue Road east of S. Ivy Street, across S.E. 13th Avenue from the Valley Farms Phase 1 and Township Village Phase 7 subdivisions.

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 of the subject parcel is for Low Density Residential. City zoning for the subject parcel will be R-1, Low Density Residential. S.E. 13th Avenue is an arterial street. The subject parcel is currently zoned GAD-20 (General Agricultural District: 20-acre minimum lot size). The property to the east, south, and west is not in the City and is also zoned GAD-20. The property to the north is in the City and is zoned R-1 (Low Density Residential). All of the surrounding properties, except the property to the east, are within the Urban Growth Boundary.

The property is under application for subdivision (SUB 96-01), subject to the annexation of the land into the City.

The applicant has submitted a full report regarding the application's consistency with the Comprehensive Plan's goals and policies, but not the specific annexation approval criteria. The review is from the applicant's perspective, and the arguments have been left to stand on their own merits. Staff has added its perspective, opinion, and review regarding the specific annexation approval criteria. The applicant's report is exhibit 1 of the staff report. The report includes the applicant's arguments for the subdivision application. Please read the first 22 pages of the report for the applicant's arguments regarding the applications consistency with the Comprehensive Plan. Additional information provided by staff is found below.

B. Additional Staff Input

In reviewing the annexation application, the crux of the decision regarding annexation is narrowed to four issues: 1) priority phasing of land for the purpose of annexation; 2) development of agricultural land; 3) infrastructure capacity, specifically, streets and schools; 4) affordability and variety of housing. These four issues are listed in, what staff believes, to be the order of importance.

Priority Phasing

The property has been designated as Priority A for the purposes of annexation. This means, without consideration of other criteria or issues, that current annexation of this property is both appropriate and timely. Annexation of the whole parcel, when only a portion is currently proposed for development, is necessary as the property cannot be divided within the County, and the City will not have jurisdiction for partition review until after annexation.

Agricultural Uses

The applicant, on the bottom of page 11 and the top of page 12, argues that the continued agricultural use of the property is not relevant. Staff disagrees with this perspective. Clearly, Policies 1-R-A and 1-R-B are specifically germane to the review of this application.

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.

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

Under the first policy, there are two implementation measures that clarify the meaning of the policy: A) maintain zoning provisions which allow agricultural operations within the City limits; and, B) conduct development reviews such that agricultural operations are regarded as part of the accepted pattern of local land use rather than a nuisance to residents. The second measure is one that relates to a development application more than an annexation application. The first suggest that the whole parcel, or a portion of the parcel could be zoned AG. This zoning classification allows agricultural activities to continue (in accordance with section 16.14.010 and 16.14.020 of the Canby Land Development and Planning Ordinance), but would not allow residential development. Further residential development would only be permitted with further rezoning of the AG zoned land.

Under the second policy, there are four measures: A) coordinate water and sewerage planning to facilitate this policy; B) coordinate street and road improvements with this policy; C) encourage growth into areas where land is fragmented into small parcels which are not conducive to productive agricultural use; D) review annexation proposal in light of the growth phasing strategies of the Urban Growth Element. Street, water and sewerage facilities are in place to handle the annexation and development of the property. It is the last two measures that tend to conflict with one another. The property is not small, fragmented, and agriculturally unproductive. However, the property is in specific compliance with the growth phasing strategies of the Urban Growth Element. In light of only this policy, annexation of the property becomes questionable. In weighing the merits of retaining the agricultural land for agricultural purposes only, one must keep in mind that the owner, and farmer, of the property has expressed an interest in divesting the agricultural interest of the property in accordance with the City's Comprehensive Plan (priority phasing of annexation). Again, zoning the portion of the property not to be immediately developed as AG zone will help retain the agricultural productivity of the remaining portion of the annexed property.

This issue is picked up again under Policy 4 of the Economic Element:

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

Implementation Measure A) so long as there are other reasonable alternatives for urban growth, highly productive agricultural lands will be protected from urban encroachment.

Implementation Measure C) agricultural operations, even those within the incorporated area, will be encouraged to remain in operation for as long as it is economically feasible to do so. Where developments are proposed on a "phased" basis, the first phase should be situated and designed such that agricultural operations can continue on the remaining property.

If the agriculturally productive land is the only reason for recommending that the property not be annexed into the City, then it would appear to staff that a reasonable course of action for the City to take to permit annexation with all of the lands not proposed for immediate development to be zoned Agriculture. This zone will permit the agricultural operations to continue on the non-developed land (Implementation measure C above). Further development could occur only after further rezoning.

Infrastructure

All utility services are readily available for the development of the property. There are only two real questions that come to mind with the annexation and development of the property. The first is the impact on the intersection of S. Ivy and S.E. 13th. The intersection currently warrants a traffic signal, based upon accidents. Logic would suggest that as you increase traffic in the area, accidents will also increase, until the intersection's traffic pattern is altered (through signalization of the intersection). While it would seem that restriction from further growth in the area is warranted until the signalization occurs,

there is a problem with this reasoning. A halt of land use development applications due to infrastructure limitations is possible, but usually is considered to be a moratorium if it is not limited to a specific project. A moratorium is a course of action available to the City, but the City is required to provide a detailed plan on how the problem is to be remedied, and a time-line for the remedy to occur. A defacto moratorium, one that is not officially declared, is only a problem if it is challenged. Another difficulty in denying a land use application due to this intersection is that the primary means to pay for the signalization of the intersection will be through Transportation System Development Charges, which are collected with development. If development does not occur, then further SDC's will not be collected. This is legitimate reasoning if it is not carried to an extreme (development should not be approved merely because it will generate more SDC monies). The intersection of 13th and Ivy is a problem, and whether or not further development should occur or not will need to be weighed carefully: more SDC's to pay for the signalization vs. increased traffic with the potential of increased in the number of accidents prior to signalization.

Another infrastructure challenge for the annexation and development of this property is schools. Specifically, Trost Elementary School. This elementary school was built in 1992 and has been operating at or beyond the design capacity since the opening. This property is within the Trost Elementary School district. The Canby School District, which is responsible for how increases in student populations will be handled within each elementary school district, has been made aware of potential student population and timing of development (exhibit 3). The School District has indicated that adequate services are available to handle the development of this property.

Affordable/Variety of Housing

The policies of the Housing Element do not specifically deal with the cost of the average single-family residential home. However, it is an issue that should be discussed. The average value of a new home (generally a 3-bedroom, 1700 square foot home), is approximately \$150,000 (the value is based on the building code valuation formula). This translates to an annual increase of approximately 6% since 1983 (based on the figures presented on page 145 of the Comprehensive Plan). How this relates to the annexation application is that a very restrictive supply of land for building will artificially increase the value of the land, thus the cost of constructing homes on the land. In turn, this increase is shown in the cost of the homes to the future homeowners. While this is considered to be a boon to existing homeowners (as the overall housing values increase as well), it does mean that many families are priced out of the Canby housing market, for new or existing homes. This tends to create an economic dichotomy of City residents: low to low-middle income rents housing, while only middle to upper-middle income and higher families can afford the housing in Canby. This reasoning is meant to bring to mind another aspect of the ramifications of the actions on land use applications.

Summary

There is a balancing act of priorities and repercussions regarding the annexation and development of this property.

On the positive side:

1. The property is priority A, and in accordance with the growth phasing strategies of the Comprehensive Plan.
2. Infrastructure is adequately available to service the property.
3. Development of the property will assist in the acquisition and construction of the signalization of the S. Ivy Street and S.E. 13th Avenue intersection through the collection of Transportation System Development Charges.
4. The development of this property at this time, can help keep the cost of housing from being further artificially inflated through lack of available building lots.
5. Through the designation of the non-developed portion of the property as Agricultural Zone, the non-developed portion of the property can be productively farmed.

On the negative side:

1. A large piece of productive farm land will begin to be developed, while smaller, non-farm parcels within the priority A classification still will not be annexed into the City.
2. An increase in traffic, and possibly in accidents, at the intersection of S.E. 13th Avenue and S. Ivy Street will possibly occur prior to the signalization of the intersection.
3. The Trost Elementary School district will need to continue to handle the majority of the City's current growth.

Staff believes, that through the dual zoning of the property (zoning the proposed subdivision development portion of the property R-1 and the remaining portion of the property Ag), and the collection of Transportation SDC's, the property is both appropriate for annexation at this time, and consistent with the Comprehensive Plan.

C. Evaluation Regarding Annexation Consideration Criteria

1. The annexation proposal is compatible with the text and maps of the Comprehensive Plan, giving special consideration to those portions of policies relating to the Urban Growth Boundary.
2. The annexation proposal is in compliance with other applicable City ordinances or policies.
3. The City and other affected service-providing entities have the capability to amply provide the area of the proposed annexation with urban level services.

4. The annexation proposal complies with, all applicable sections of Oregon Revised Statutes.
5. The annexation proposal, being a Priority A area, is appropriate for annexation, when compared to other properties that may be annexed to the City.
6. There are no apparent natural hazards on the subject property.
7. The effect of urbanization of the subject 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. Adverse economic impacts to viable agricultural land are likely to result from the annexation of the subject property through the development of the property. The application is considered to be appropriate with the designation of the non-development portion of the property as Ag zone, thus permitting continued agricultural operations and minimizing the adverse impacts. Further, this application is considered to be appropriate in that the economic impact on the affordability of housing within Canby will be positive through the annexation and development of this property.

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 the Planning Commission recommend approval of ANN 96-01 to the PMALQBC (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, for that portion of the property under application for Subdivision (see tentative plat found immediately after page 28 of exhibit 1). The zoning classification for the remaining portion of the property upon annexation will be Ag, Agriculture.
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.
4. No guarantees of rezoning of the portion of the property to be designated Ag zone are given. Any rezoning application will be given appropriate and due consideration as required by section 16.54.040 of the Canby Land Development and Planning Ordinance.

Exhibits:

1. Application
2. Vicinity Map
3. Staff memo to School District
4. Request for Comments

Oregon
You're more than
Welcome.

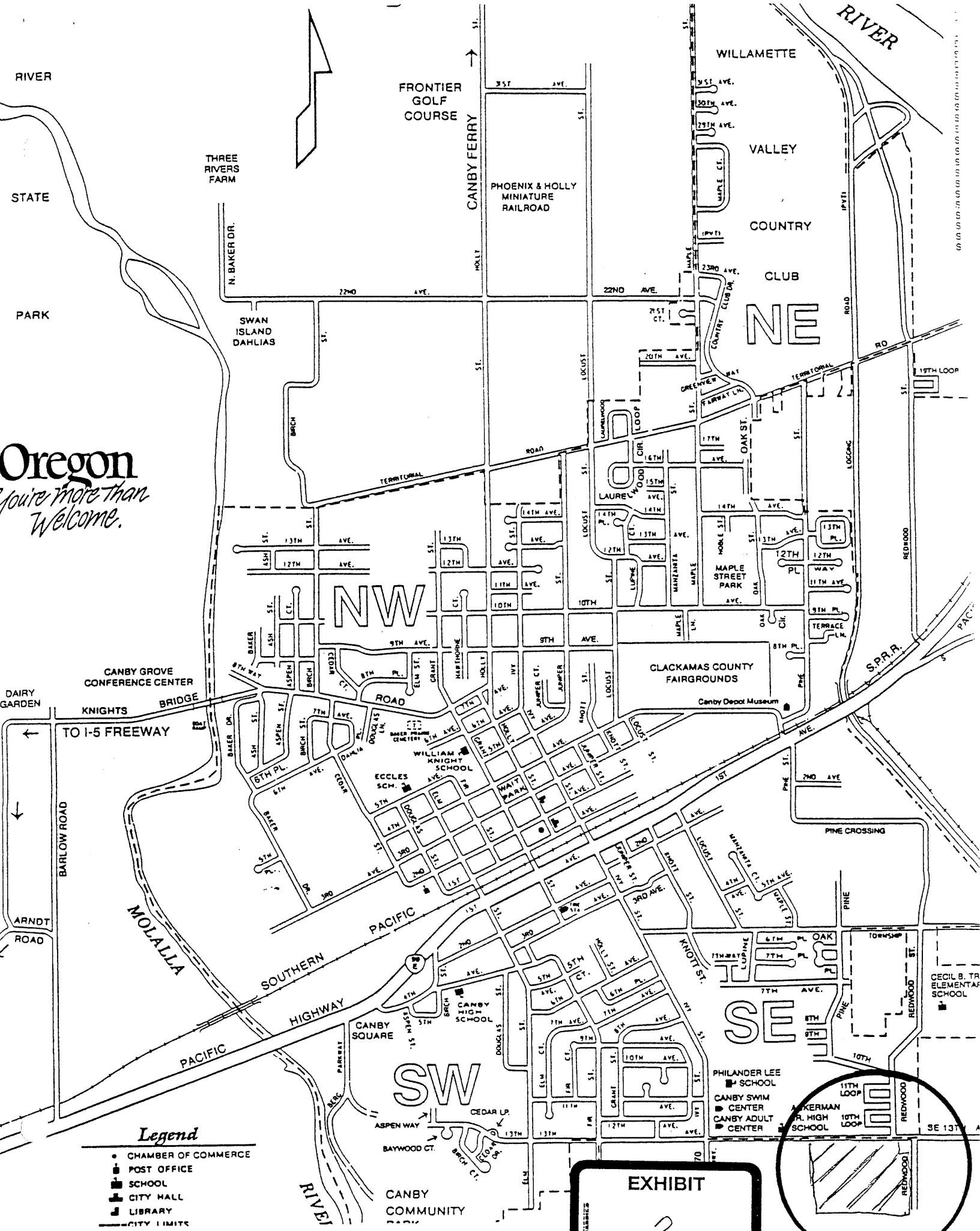
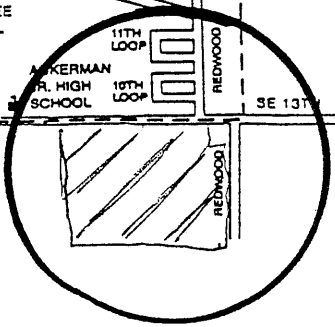
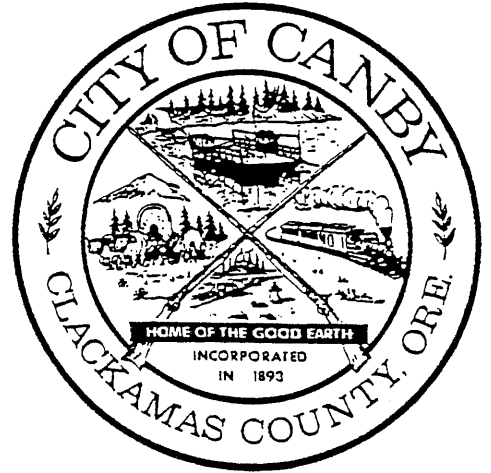


EXHIBIT
2



- Legend**
- CHAMBER OF COMMERCE
 - POST OFFICE
 - ▣ SCHOOL
 - ▣ CITY HALL
 - ▣ LIBRARY
 - CITY LIMITS



- M E M O -

TO: Steve Miller, Canby School District Superintendent
FROM: James S. Wheeler, Planning Director *JSW*
RE: Estimate of school impacts due to the enclosed annexation/subdivision proposal
DATE: March 15, 1996

The attached proposal is for annexation of 38.11 acres, located on the south side of S.E. 13th Avenue, across from Township Village, Phase 7 and Valley Farms. The 38-acre parcel of land has the potential for approximately 175 single family lots, and is located in the Trost Elementary School "District".

The subdivision application is for the "first phase" of development. This first phase is proposed to subdivide 57 lots. Using city-wide averages, a reasonable estimate of impact would be 0.63 children of school age per lot at build out, which would be about 36 children of school age generated from the development. Development and occupation of this 57 unit subdivision could be expected to occur during the 96-97 school year. There is a potential for a second phase to be applied for next year. It is reasonable to expect that within a four-year period, a majority (80%) of the 38 acres will be developed.

Also enclosed are the residential building numbers through February 29, 1996. A copy is enclosed for John Falkenstein.

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 18, 1996

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

The City has received *SUB 96-01*, an application by Pahlisch Duncan Homes, Inc. [applicant] for approval to develop a 57-lot subdivision known as Tofte Farms I. The site is located on the south side of S.E. 13th Avenue, east of S. Ivy Street and west of S. Redwood Street [Tax Lot 2200 of Tax Map 4-1E-3].

We would appreciate your reviewing the enclosed application and returning your comments by **March 25, 1996 PLEASE**. The Planning Commission plans to consider this application on **April 8, 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: *John Kelley* Date: 3/18/96

Title: *Chief Engineer* Agency: *Canby Telephone*

EXHIBIT	
4	6 pages

PLEASE RETURN ATTACHMENTS!!!

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Comments or Proposed Conditions:

The school district understands that the annexation subdivision
known as Tofte Farms I is a Priority A in the comprehensive plan.
Priority A annexations were a part of the long range student
population projections provided by the district's consultant.

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: Stephen E Miller

Date: 3-20-96

Title: Serpt

Agency: Canby Sch. Dist. FF 86

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Signature: *Ron Kirkbrugh* Date: *3/14/96*
Title: *Fire Marshal* Agency: *Canby FD #62*

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Comments or Proposed Conditions:

ANNEXATION - No Comment

*SUB - The proposed Pepperwood Street - Needs to be
Aligned with S Pine and Named the Same. ALL
SEWER LATERALS TO PROPERTY LINE SHALL BE 6 INCH NOT 4 INCH
A detail plan needs to be submitted FOR THE
SUB - DIVISION TO MAKE proper comments - before Pire - Construction
Conference*

Please check one box:

Adequate Public Services (of your agency) are available

Adequate Public Services will become available through the development *Annexation*

Conditions are needed, as indicated *SUB*

Adequate public services are not available and will not become available

Signature: *Roy L. Heater* Date: *March 25, 1996*

Title: *Public Works Supervisor* Agency: *City of Canby*

PLEASE RETURN ATTACHMENTS!!!

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P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 18, 1996

TO: FIRE, POLICE, SCHOOL, CUB, TELEPHONE/N. Willamette, NW NATURAL GAS,
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Comments or Proposed Conditions:

P.4 Section IV B. I believe this action must comply with Oregon's TPR if the City has not yet amended its Ordinance to reflect the State's TPR.

P.16 #4 The County's standard for sidewalks along arterials is for 6 unobstructed feet. ^{residential}

P.16 #7 The County designates all collectors and arterials (urban) as needing bike lanes. ^{Standard} 6 feet.
or, see State's bikeway standards.

Also P.25 #11 Same comments as above.

Traffic Analysis Appendix map 2 long range (east of site boundaries) cul-de-sacs should all connect through to a Redwood Street extension. Is there (should there be) neighborhood commercial close by, connected for pedestrian access?

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 mostly advisory — must meet County standards for the County Road, including sidewalk widths + bike lanes.
- Adequate public services are not available and will not become available

Signature: Richard Van dergen Date: March 21, 96

Title: Senior Planner Agency: Clackamas County

PLEASE RETURN ATTACHMENTS!!!

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[503] 266-4021

DATE: March 18, 1996

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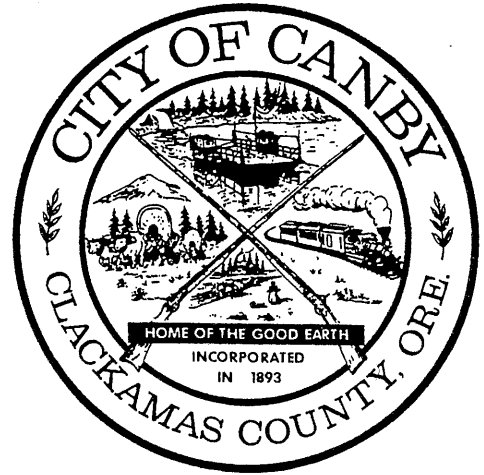
Comments or Proposed Conditions:

Please check one box:

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

Signature: Steve Hanson Date: 3/21/96
Title: DOTW Supervisor Agency: City of Canby

- STAFF REPORT -

**APPLICANT:**

Pahlisch Duncan Homes
15100 SW Koll Pkwy, Suite E
Beaverton, OR 97006

FILE NO.:

SUB 96-01
(Tofte Farms I)

OWNER:

Harvey A. and D. Anne Tofte
371 S.E. 13th Avenue
Canby, OR 97013

STAFF:

James S. Wheeler
Planning Director

LEGAL DESCRIPTION:

Tax Lot 2200 of Tax Map 4-1E-3

DATE OF REPORT:

March 29, 1996

LOCATION:

South side of S.E. 13th Avenue
east of S. Ivy Street and west
of S. Redwood Street

DATE OF HEARING:

April 8, 1996

COMP. PLAN DESIGNATION:

Low Density Residential

ZONING DESIGNATION:

Upon Annexation: R-1
(Low Density Residential)
Currently: G.A.D.-20
(General Agricultural District - 20 acre min.)

I. APPLICANT'S REQUEST:

The applicant is requesting approval for a 56 lot subdivision. The subdivision includes seven public roads. The layout of the proposed subdivision (Exhibit 3) has been altered from the original request (found in Exhibit 1).

II. APPLICABLE CRITERIA:

A. City of Canby Code Section 16.62.020

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

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

B. Other Applicable Policies and Regulations:

- **City of Canby General Ordinances:**

- 16.16 R-1 Low Density Residential Zone
- 16.60 Major and Minor Partitions (Subdivisions)
(especially 16.64, Subdivision Design)
- 16.70 Planned Unit Development and Condominium Regulations
- 16.76 Requirements (Planned Unit Developments)
- 16.86 Street Alignment
- 16.88 General Standards

III. FINDINGS:

A. Background and Relationships

The subject parcel is located on the south side of S.E. 13th Avenue, east of S. Ivy Street and west of S. Redwood. It is located across S.E. 13th Avenue from the Township Village Phase 7 subdivision.

A new local road network will be constructed with the proposed subdivision, accessing onto S.E. 13th Avenue. The 56 lots of the proposed subdivision will vary in size between 7,000 square feet to 13,500 square feet.

The property is currently not inside the City limits. The property is under application for annexation into the City (ANN 96-01). Because the proposed subdivision cannot be approved without the annexation of the property being approved, the review of this application will be contingent upon an approval of the annexation.

The applicant has submitted a full report regarding the application's consistency with the Comprehensive Plan's goals and policies, and the specific subdivision approval criteria. The review is from the applicant's perspective, and the arguments have been left to stand on their own merits. Staff has added its perspective, opinion, and review regarding the specific annexation approval criteria. The applicant's report is Exhibit 1 of the staff report. The report includes the applicant's arguments for the subdivision application. Please read the first 24 pages of the report for the applicant's arguments regarding the applications consistency with the Comprehensive Plan. Additional information provided by staff is found below.

B. Additional Staff Input

On page 8, some negative impacts of agricultural practices next to residential uses are mentioned, without any further comments. Policy 1-R-A of the Environmental Concerns Element states:

Canby shall direct urban growth such that viable agricultural uses within the urban growth boundary can continue as long as it is economically feasible to do so.

Implementation Measure B of that policy states:

Conduct development reviews such that agricultural operations are regarded as part of the accepted pattern of local land use rather than a nuisance to residents.

Assuming that the property will be annexed (otherwise this review would be moot), the adjacent farmland is not to be considered a nuisance. However, there is a certain lack of compatibility between residential and agricultural uses. Farming can produce dust, odors and noise, while residential uses can produce trespassing and complaints (of dust, odors and noises). Residents moving into a new residential neighborhood need to be aware that the existing agricultural uses on adjacent properties are appropriate and allowed. Further, a fence is needed to prevent unwanted, and sometimes destructive trespassing of pedestrian traffic from the residential neighborhood onto the farm land.

In the paragraph at the top of page 9 of the applicant's report (Exhibit 1), a development called "Beininger Farms" is mentioned. The actual name of that proposed development was Deininger Farms, a development that was withdrawn (the annexation of the property was recommended for denial).

On page 15, the applicant restates the traffic report's summary. The last line of paragraph 2 mentions that the subdivision's access to S.E. 13th Avenue will need to be controlled by "stop lighting". However, the traffic report's summary (page 10 of appendix A of the applicant's report (Exhibit 1), states that the local road access to S.E. 13th Avenue needs to be controlled by "stop signing".

The applicant's analysis of the subdivision's compliance with the Solar Ordinance design standards for new developments (starting at the bottom of page 21 of Exhibit 1) has been revised. The revision is due to the change in the tentative plat layout, and is Exhibit 2 of this report.

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

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

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

The tentative plat has been revised at staff's request, essentially to align the entrance to the subdivision with the existing S. Pine Street to the north. Due to this revision, staff will provide a full analysis of the subdivision under this section. This analysis applies to the revised tentative plat (Exhibit 3).

16.64.010 Streets.

The proposed street names are in accordance with the street naming ordinance. The master address grid calls for the south 1600 block to begin approximately where the proposed S.E. 16th Avenue is located. As such one of the previous three streets will need designation other than avenue, and according to the street naming ordinance, all east-west streets are to be numbered (City Code 12.04.030.B). Because the first street off of S.E. 13th Avenue will have only one row of houses between it and S.E. 13th Avenue, it is appropriate that this street be named S.E. 13th Place. The street proposed to run west of the main north-south street is off-set from both 14th and 15th Avenues and will be located within the 1400 address block, and therefore the designation of S.e. 14th Place is appropriate. All other east-west streets be designated as avenues, as shown on the revised tentative plat.

The north-south street are appropriately named, except that S. Pepperwood Lane should be designated as S. Pepperwood Street.

S. Pine Street, to the north of the proposed subdivision, is a collector street. According to the City's Transportation Plan, S. Pine Street ends as a collector street at S.E. 13th Avenue. Therefore, S. Pine Street becomes a local road within the confines of this subdivision. As such, a disjunctured street pattern is acceptable. The street layout is not the traditional grid pattern, but a modified grid pattern. The modified grid pattern allows for the functionality of a connected street system that allows vehicles to access various portions of the development (beyond this initial phase) without the need to take a circuitous route. This pattern also prevents the long, drawn-out appearance of a road that won't end. Thus, this pattern appeals to both the functionality and marketability needs of the City and the developer.

There are no specific cross-sections or other details of the streets proposed to be built or improved. The right-of-way widths for the local streets appear to be correct, and there is an appropriate amount of right-of-way width for S.E. 13th Avenue according to the City's Transportation Master Plan. The pre-construction plans for the subdivision will need to include the following in order to verify that all street construction standards will be complied with:

street construction and paving, curbs, sidewalks, utilities (telephone, cable, gas, electric, water, sewer), drywells, street lights, street trees, fire hydrant locations.

A 1-foot reserve strip has been proposed for the terminus' of all of the local streets. The reserve strips will provide control of access to the local streets from the undeveloped surrounding properties.

The angle of all proposed intersections are 90-degrees. All offsets of street intersections are a minimum of 150 feet, as measured from the centerline of the streets.

16.64.020 Blocks.

All blocks are less than 1200 feet in length.

16.64.030 Easements.

Six foot utility easements will be required to be located along all interior lot lines and twelve foot utility easements will be required to be located along all street frontages. A twelve foot tree-planting easement could also be provided along all street lot lines, which would allow the City to plant street trees at the desired location (11 feet from the curb), if the developer pays the cost of \$75 per tree.

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

16.64.040 Lots.

The lots will range in size from approximately 7,000 square feet to 13,500 square feet. All lots will meet the required minimum lot size of 7,000 square feet, and will be of such dimensions as not to preclude development with single-family homes for reasons of insufficient room for required setbacks. All lots are functional for residential uses. Direct access to S.E. 13th Avenue from the lots that abut on S.E. Township Road needs to be prohibited.

16.64.050 Public Open Spaces.

There are no required open spaces as a part of the development of this property.

16.64.060 Grading of building sites.

All lots will be graded in conformance with the Uniform Building Code, Chapter 70. There are no steep slopes or unusual circumstances to warrant bonding for the purposes of grading.

16.64.070 Improvements.

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

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

The layout and provision of services to the proposed subdivision has been described by staff in detail in the preceding sections (applicant's analysis, supplemented by staff (B & C) and the above section (D)). The design and arrangement of the lots and streets are functional.

IV. CONCLUSION

The Planning Commission must accept the findings of the traffic study, and the adjustment to the solar access requirements. If the Planning Commission accepts these items, then, the proposed subdivision is consistent with the Comprehensive Plan, all applicable requirements of the Land Development and Planning Ordinance, and the overall design and arrangement of lots is functional and will not unduly hinder use or development of adjacent properties. Conditions are proposed herein to provide the necessary changes and details required to meet the City's standards for subdivisions.

V. RECOMMENDATION

Based on the application, site plan, the facts, findings and conclusions presented in this report, and without benefit of public testimony, staff recommends that should the Planning Commission approve, with conditions, SUB 96-01, that the following conditions apply:

1. The subdivision's approval is contingent on the approval of the annexation of the property to be subdivided and dedicated. No construction approval, grading work, or plat approval shall be granted or permitted prior to the effective date of annexation.

For the Final Plat:

2. Twelve (12) foot utility and sidewalk easements shall be provided along all exterior lot lines. The interior lot lines shall have six (6) foot utility and sidewalk easements.
3. The final plat shall reference this land use application - City of Canby, File No. SUB 96-01, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits requested subsequent to the date of this approval.

4. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor, or his authorized Deputy, including, but not necessarily limited to, various matters related to land surveying, land title, plat security, and plat recordation.
5. The street proposed as S. Pepperwood Lane shall be designated S. Pepperwood Street.
6. The prohibition of direct access onto S.E. 13th Avenue from lots 1-6, shall be stated on the final plat.

As a part of construction:

7. A pre-construction conference shall be held prior to construction. The pre-construction plans shall be reviewed and approved by the Canby Utility Board, the Canby Telephone Association, Clackamas County (S.E. 13th Avenue) and the City prior to the pre-construction conference. The City's review and approval shall be coordinated through the Planning Office. The construction plans shall include the street design, sidewalks, storm water, sewer, water, electric, telephone & cable, gas, fire hydrant location, street lights, and street trees.
8. A Street Construction and/or Encroachment Permit shall be obtained from the Clackamas County Department of Transportation and Development prior to road construction and/or work along S.E. 13th Avenue.
9. Any necessary utilities shall be constructed to the specifications of the utility provider.
10. The construction of the sewer system and street storm water system for the subdivision shall meet the standards and specifications of the City for the local streets and the County for S.E. 13th Avenue.
11. All local streets shall be constructed to the City specifications and standards. The widening of S.E. Township Road shall be constructed to the City and the County specifications and standards. The improvements shall include the street, curbs, sidewalks, street lights, and street trees.
12. Erosion-control during construction shall be provided by following the recommendations of the "Erosion Control Plans Technical Guidance Handbook," as used by Clackamas County, dated August 1991, and as revised.
13. Street name and traffic control signs shall be provided at the developer's expense. This shall include "Stop" street signs where required by the Supervisor of Public Works.
14. The sidewalks shall be located against the curb, and shall be five-feet wide, including the curb. Where mailboxes, newspaper boxes or other obstructions (such as fire hydrants) are located at the curb, the sidewalk shall be set away from the curb such that the sidewalk remains unobstructed for a full five-foot width.
15. Street trees shall be planted along all streets. The type of street trees to be planted along all the streets shall be selected from the Recommended Street Tree list. The trees shall be a different variety for each street. The number of street trees to be planted shall be in accordance with the recommended spacing for the selected tree. The trees shall be planted eleven (11) feet from the street curb.

16. A six-foot high chain-link or solid wood fence shall be constructed along the perimeter of the subdivision, excepting the frontage along S.E. 13th Avenue. The fence that will be located along the dead-end portions of the interior roads shall be constructed so that the integrity of the fence is not lost when that portion is removed.

Prior to the signing of the Final Plat:

17. The subdivision development fee, as provided in the Land Development and Planning Ordinance Section 16.68.040(C), shall be paid.
18. The land divider shall follow the provisions of Section 16.64.070 Improvements, in particular, but not limited to, subparagraph (O) Bonds, which requires a surety bond, personal bond, or cash bond for subdivision improvements for any improvement not completed prior to the signing of the final plat. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.
19. Included in any Covenants, Conditions, and Restrictions filed with the subdivision, shall be wording that states that street trees are permitted, and will be planted, within the utility easement along the street frontage. If no other CC&R's are filed with the subdivision, then this wording shall be filed individually. A copy of the CC&R's to be filed with the subdivision shall be submitted to the City Planning Department with the Final Plat prior to the signing of the Final Plat.
20. One of two options shall be fulfilled for the planting of street trees prior to the signing of the final plat: Option 1, a contract, with a licensed landscape contractor, shall be executed, and the contract shall include the City as the contractee: Option 2, the developer shall pay the City \$11,715 for the 71 trees to be planted (\$165 a tree). If option 2 is chosen, the City becomes responsible for the planting of the street trees.

After construction:

21. "As-built" drawings shall be submitted to the City within sixty (60) days of completion.
22. Garages shall be set back a minimum of nineteen (19) feet from the back of the sidewalk. The distance shall be measured from the closest edge of the sidewalk at the driveway.

Additional Notes:

23. The final plat must be submitted to the City within one (1) year of the approval of the preliminary plat approval according to Section 16.68.020.
24. The approval will be null and void if the final plat is not submitted to the County within six (6) months after signing of the plat by the chairman of the Planning Commission (Section 16.68.070).

25. Prospective property owners shall be notified of the permitted agricultural uses on the adjacent fields.

Exhibits:

1. Application (including vicinity map)
2. Revised Solar Compliance Analysis
3. Revised Tentative Plat (*too large to reproduce*)
4. Staff memo to School District
5. Responses to Request for Comments

REVISION TO PROJECT NARRATIVE CONCERNING POLICY #2 OF THE ENERGY CONSERVATION ELEMENT OF THE CITY OF CANBY COMPREHENSIVE PLAN.

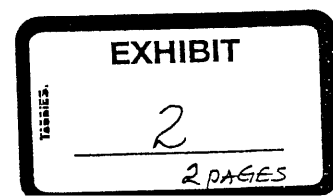
POLICY #2: Canby shall encourage development projects which take advantage of wind and solar orientation and utilization.

Analysis: Paragraph 16.95.030 Design Standard of the Solar Access Standards for Home Development contained in the Land Development and Planning Ordinance requires that 80 percent of the lots comply with the design options outlined in that paragraph. Development of this property as shown on the proposed Tentative Subdivision Plat will result in 42 of the 56 proposed lots (75%) complying with the requirements of this design standard. As part of this application, the developer is requesting adjustments to the requirements of the ordinance in conformance with paragraph 16.95.050.

Several site designs were prepared and construction cost estimates made of the proposed site improvements related to each design. It was found that complying with the 80% solar requirement increased the construction costs approximately \$1,400 per lot over the cost of the design proposed. This increase amounts to approximately 11% of proposed site plan costs.

Strict conformance with the 80% solar requirement for this project appears to be in conflict with the stated and implied goals of the Housing Element of the Comprehensive Plan. It is a well known fact that the price of land and the costs of construction have risen dramatically over the past few years. The net result of these rising costs has been the elimination of a growing number of families from the housing marketplace. From a review of the policies outlined in the Housing Element, it is clear that it is the intent of the City to provide a wide range of housing options which will be affordable to a variety of income levels.

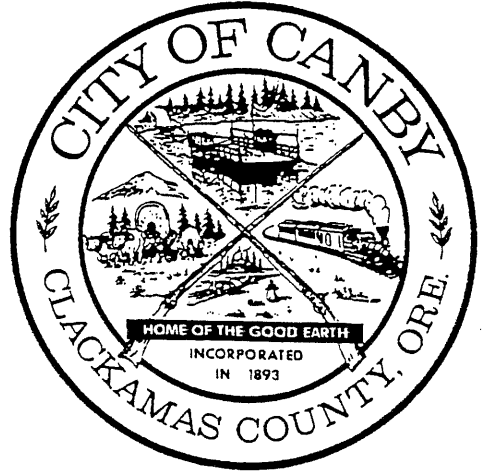
National studies have indicated that for every \$1,000 increase in the price of a home, approximately 40,000 families are eliminated from that market. On a national level, then, for a price increase of \$1,400, approximately 56,000 families are eliminated from the housing marketplace. When viewed from a mortgage loan qualification standpoint, an increase of \$1,400 in the price of a home requires the buyer to make approximately \$1,000 more per year in



salary. Although at first glance this may not seem like a lot of money, years of experience in selling homes and trying to qualify buyers has shown that it is, indeed, a lot of money.

In addition, development of this project in strict conformance with the 80% solar requirement will increase the amount of roads and utilities which will become the maintenance responsibility of the City of Canby. Development of the project as proposed will provide the same tax base as a solar conforming development but with a reduced cost of maintenance.

The primary difference between constructing this project as proposed and constructing it in strict conformance with the 80% solar requirement is the square footage of road and length of utility lines. Reducing the need for construction materials, an inherent part of the proposed design, has the cumulative effect of helping to preserve our natural resources, most notably, petroleum based asphalts.



- M E M O -

TO: Steve Miller, Canby School District Superintendent
FROM: James S. Wheeler, Planning Director *JSW*
RE: Estimate of school impacts due to the enclosed annexation/subdivision proposal
DATE: March 15, 1996

The attached proposal is for annexation of 38.11 acres, located on the south side of S.E. 13th Avenue, across from Township Village, Phase 7 and Valley Farms. The 38-acre parcel of land has the potential for approximately 175 single family lots, and is located in the Trost Elementary School "District".

The subdivision application is for the "first phase" of development. This first phase is proposed to subdivide 57 lots. Using city-wide averages, a reasonable estimate of impact would be 0.63 children of school age per lot at build out, which would be about 36 children of school age generated from the development. Development and occupation of this 57 unit subdivision could be expected to occur during the 96-97 school year. There is a potential for a second phase to be applied for next year. It is reasonable to expect that within a four-year period, a majority (80%) of the 38 acres will be developed.

Also enclosed are the residential building numbers through February 29, 1996. A copy is enclosed for John Falkenstein.

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 18, 1996

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

The City has received ***SUB 96-01***, an application by Pahlisch Duncan Homes, Inc. [applicant] for approval to develop a 57-lot subdivision known as Tofte Farms I. The site is located on the south side of S.E. 13th Avenue, east of S. Ivy Street and west of S. Redwood Street [Tax Lot 2200 of Tax Map 4-1E-3].

We would appreciate your reviewing the enclosed application and returning your comments by **March 25, 1996 PLEASE**. The Planning Commission plans to consider this application on **April 8, 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: *John L. Hoffman* Date: 3/19/96

Title: *Chief Engineer*

Agency: *Canby Telephone*

EXHIBIT
<u>5</u>
6 PAGES

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Comments or Proposed Conditions:

The school district understands that the annexation subdivision
known as Tofte Farms I is a Priority A in the comprehensive plan.
Priority A annexations were a part of the long range student
population projections provided by the district's consultant.

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: Stephen E Miller
Title: Sept.

Date: 3-20-96
Agency: Canby Sch. Dist. #86

PLEASE RETURN ATTACHMENTS!!!

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Comments or Proposed Conditions:

ANNEXATION - No Comment

SUB - The proposed Pepperwood Street - Needs to be Aligned with S. Pine and Named the Same. ALL seven LATERALS to Property Line shall be 6 inch not 4 inch. A detail plan needs to be submitted FOR the SUB-Division TO MAKE proper comments - before Pre-Construction Conference.

Please check one box:

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

Signature: *Roy L. Hester* Date: *March 25, 1996*
Title: *Public Works Supervisor* Agency: *City of Canby*

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P.O. Box 930, Canby, OR 97013

(503) 266-4021

DATE: March 18, 1996

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Comments or Proposed Conditions:

P.4 Section IV B. I believe this action must comply with Oregon's TPR if the City has not yet amended its Ordinance to reflect the State's TPR.

P.16 #4 The County's standard for sidewalks along arterials is for 6 unobstructed feet. ^{residential}

P.16 #7 The County designates all collectors and arterials (urban) as needing bikelanes. ^{Standard} 6 feet.
Or, see State's bikeway standards.

Also P.25 #11 same comments as above.

Traffic Analysis Appendix map 2 long range (east of site boundaries) cul-de-sacs should all connect through to a Redwood Street Extension. Is there (should there be) neighborhood commercial close by, connected for pedestrian access?

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 mostly advisory - must meet County standards for the County Road, including sidewalk widths + bikelanes.

Adequate public services are not available and will not become available

Signature: Richard Van der Grinten Date: March 21, 96

Title: Senior Planner Agency: Clackamas County

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DATE: March 18, 1996

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Please check one box:

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

Signature: Steve Hanson Date: 3/21/96
Title: PD/TW Supervisor Agency: City of Canby