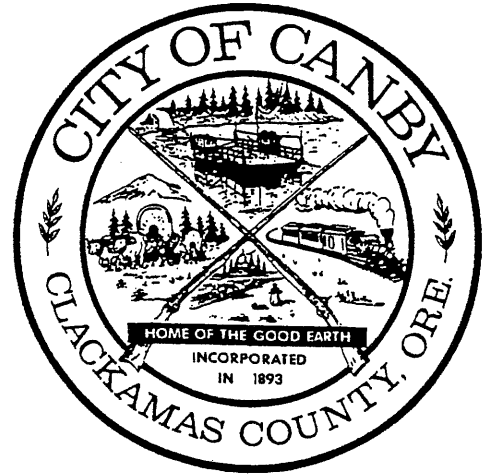


- STAFF REPORT -

**APPLICANT:**

Kevin Howard & Cam Warren
12033 NE Marx Street
Portland, OR 97220

FILE NO.:

DR 96-03
(Highway 99-E Mini-Storage)

OWNER:

Kevin Howard & Cam Warren
12033 NE Marx Street
Portland, OR 97220

STAFF:

James S. Wheeler
Planning Director

LEGAL DESCRIPTION:

Tax Lot 300 of Tax Map 3-1E-34C

DATE OF REPORT:

April 12, 1996

LOCATION:

1239 SE 1st Avenue, south side of
Highway 99-E, east of S. Pine Street

DATE OF HEARING:

April 22, 1996

COMP. PLAN DESIGNATION:

Commercial Manufacturing

ZONING DESIGNATION:

C-M (Commercial/Manufacturing)

I. APPLICANT'S REQUEST:

The applicant is requesting site and design approval to add 23,200 square feet of storage in 5 building. The additional 175 units will be built in phases.

II. APPLICABLE REGULATIONS

- City of Canby General Ordinances:
 - 16.10 Off-Street Parking and Loading
 - 16.30 C-M - Commercial/Manufacturing 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 expand the existing mini-storage facility for an additional 175 storage units, in 5 buildings, and covering 23,200 square feet. The approval date for the partitioning of the original property, that provided the land for the mini-storage development, was September 13, 1993 (MLP 93-02). The mini-storage development received site and design review approval September 26, 1994 (DR 94-11). A revision of the approved signage for the development was approved by the City Council January 16, 1996 (DR 94-11A).

A cellular communications tower received site and design review approval February 12, 1996 (DR 96-01). The cell tower location is in the southeast corner of the property. A change in the location and alignment of the tower's equipment cabinets is necessary in order to accommodate the proposed expansion of the mini-storage facility. This is being worked out between the property owners and the cell tower owners.

B. Evaluation Regarding Site and Design Review Approval Criteria

1. Part IV - Section 2, No. 2

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

The minimum amount of landscaping required for the, approximately, 43,200 square foot undeveloped portion of the property is 6,480 square feet (15%). The Planning Commission, in the approval of the development, permitted a reduced percentage of landscaping. The approved percentage was approximately 9% of the total developed site. The current proposal will not add any landscaping within the property boundaries. The applicant is proposing to upgrade the landscaping on the slope of the adjacent Logging Road.

It was determined during the original site and design approval that interior landscaping would be impractical. Specifically, the Planning Commission made the following finding:

"The Planning Commission finds that the self-service storage facility is a unique use that was not contemplated by the ordinance in regards to parking lot and parking lot landscaping requirements."

If that argument is continued to this application, then no further landscaping should be provided along the interior of the development.

2. Parking.

No additional parking spaces have been provided. The Planning Commission's finding, as stated above, applies to parking as well as landscaping. Therefore, if that argument is continued to this application, then no further parking spaces should be provided.

The loading areas for the storage units are found along the interior drive. This is in compliance with the original approval of the mini-storage facility.

3. Access

The Oregon Department of Transportation has requested a traffic study regarding access to Highway 99-E. Currently, the property has deeded and permitted access onto the Highway. Due to the further intensification of the development of the property, further review of the access permit will occur by ODOT. Staff suggest that any requirements that ODOT desires, such as a traffic study, be made a part of their review of the access permit. The reason for this position is that ODOT will have the determination of whether or not the access ought to be altered based on the results of a traffic study, not the City. Therefore, requiring a traffic study as a part of the Site and Design Review, in order to accommodate ODOT, will unnecessarily delay the City's review of the application. Further, the City will have a difficulty in complying with the 120-rule for reviewing land use applications if an appeal is rendered by any interested parties (applicant and ODOT included).

The highway access that the mini-storage facility has is a right-turn only ingress and egress. A concern that traffic attempting to return to Canby proper (heading southbound on the Highway) would attempt to make a left turn resulted in the requirement that an exit be provided onto S.E. 2nd Avenue. While this has been physically provided, in practice, the gate is locked and blocked. If the gate is controlled in a manner that is similar to the entrance gate, the tenants of the storage units will, in reality, be able to exit the facility onto S.E. 2nd Avenue, instead of attempting a left-turn at a right-turn only intersection.

The driveways between the buildings will be a minimum of 25 feet, the same as the existing driveways.

4. Architecture

The buildings will be of the same design, color and material as the existing buildings.

5. Other Aspects

a. Utilities

Service providers have not indicated that there would be any problem in servicing this proposal. All utilities are available and in place within the existing facility.

b. Landscaping

The proposed landscaping will consist of upgrading the existing vegetative cover of the Logging Road, and upgrading the existing landscaping at the northern end of the property.

The landscaping will include:

Trees: 15 Red Alders, 5 Balsam Cottonwoods, 3 California Hazelnuts, 3 Scotch Pines (transplanted), 2 Black Pines, 1 Douglas Hawthorne, and 1 Oregon White Oak

Shrubs: Red Twig Dogwood, Serviceberry, Nootka Rose, Salmonberry, and Rugosa Rose (transplanted from existing landscaping)

c. Parking Lot Landscaping

In the original approval of the mini-storage facility, the Planning Commission found that the facility was exempt from the parking lot landscaping requirements:

"The Planning Commission finds that the paved maneuvering areas for the self-service storage facility are similar enough to a utility storage lot or a truck loading area to warrant the exemption from landscaping requirements within a parking lot (16.49.120.2) that the other two uses have."

d. Density and yards and height

The setbacks and the height requirements for the C-M 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 96-03, the following conditions apply:

Prior to the issuance of a Building Permit:

1. Approval of the driveway access to State Highway 99-E shall be obtained from the Oregon Department of Transportation, prior to the issuance of the building permit.

For the Building Permit Application:

2. 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.

3. 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.

During Construction:

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

Prior to Occupancy:

5. Prior to the occupancy of any further buildings, the gate to the S.E. 2nd Avenue exist shall be operational in the same manner as the entrance gate.

Notes:

6. The exit gate shall remain accessible for all tenants during the hours that the storage units are available to the tenants.

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 <u>WARREN/HOWARD #9</u>	NAME <u>WARREN/HOWARD</u>
ADDRESS <u>12033 NE MARX ST</u>	ADDRESS <u>12033 NE MARX ST</u>
CITY <u>PORTLAND</u> STATE <u>ORE</u> ZIP <u>97220</u>	CITY <u>PORTLAND</u> STATE <u>ORE</u> ZIP <u>97220</u>
SIGNATURE <u>[Signature]</u>	PHONE: <u>255-5621</u>

DESCRIPTION OF PROPERTY:

TAX MAP 3 IE 34C TAX LOT(S) 00300 LOT SIZE 3 acres
(Acres/Sq. Ft.)

OR

LEGAL DESCRIPTION, METES AND BOUNDS (ATTACH COPY)

PLAT NAME _____ LOT _____ BLOCK _____

PROPERTY OWNERSHIP LIST

ATTACH A LIST OF THE NAMES AND ADDRESSES OF THE OWNERS OF PROPERTIES LOCATED WITHIN 200 FEET OF THE SUBJECT PROPERTY (IF THE ADDRESS OF THE PROPERTY OWNER IS DIFFERENT FROM THE SITUS, A LABEL FOR THE SITUS MUST ALSO BE PREPARED AND ADDRESSED TO "OCCUPANT"). LISTS OF PROPERTY OWNERS MAY BE OBTAINED FROM ANY TITLE INSURANCE COMPANY OR FROM THE COUNTY ASSESSOR. IF THE PROPERTY OWNERSHIP LIST IS INCOMPLETE, THIS MAY BE CAUSE FOR POSTPONING THE HEARING. THE NAMES AND ADDRESSES ARE TO BE *typed onto an 8-1/2 x 11 sheet of labels*, JUST AS YOU WOULD ADDRESS AN ENVELOPE.

USE

EXISTING MINI STORAGE
PROPOSED MINI STORAGE

EXISTING STRUCTURES _____

SURROUNDING USES COMMERCIAL

PROJECT DESCRIPTION EXPANSION OF EXISTING MINI STORAGE

ZONING _____ COMPREHENSIVE PLAN DESIGNATION _____

PREVIOUS ACTION (IF ANY) _____

FILE NO. DR 96-03
 RECEIPT NO. 9898
 RECEIVED BY [Signature]
 DATE RECEIVED 3/13/96
 COMPLETENESS DATE _____
 PRE-AP MEETING _____
 HEARING DATE 4-22-96

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

EXHIBIT

1

2 pages



KEVIN HOWARD REAL ESTATE

"Specializing in Mini Storage"

NARRATIVE
HWY 99 MINI STORAGE
CANBY, OREGON
SITE AND DESIGN REVIEW

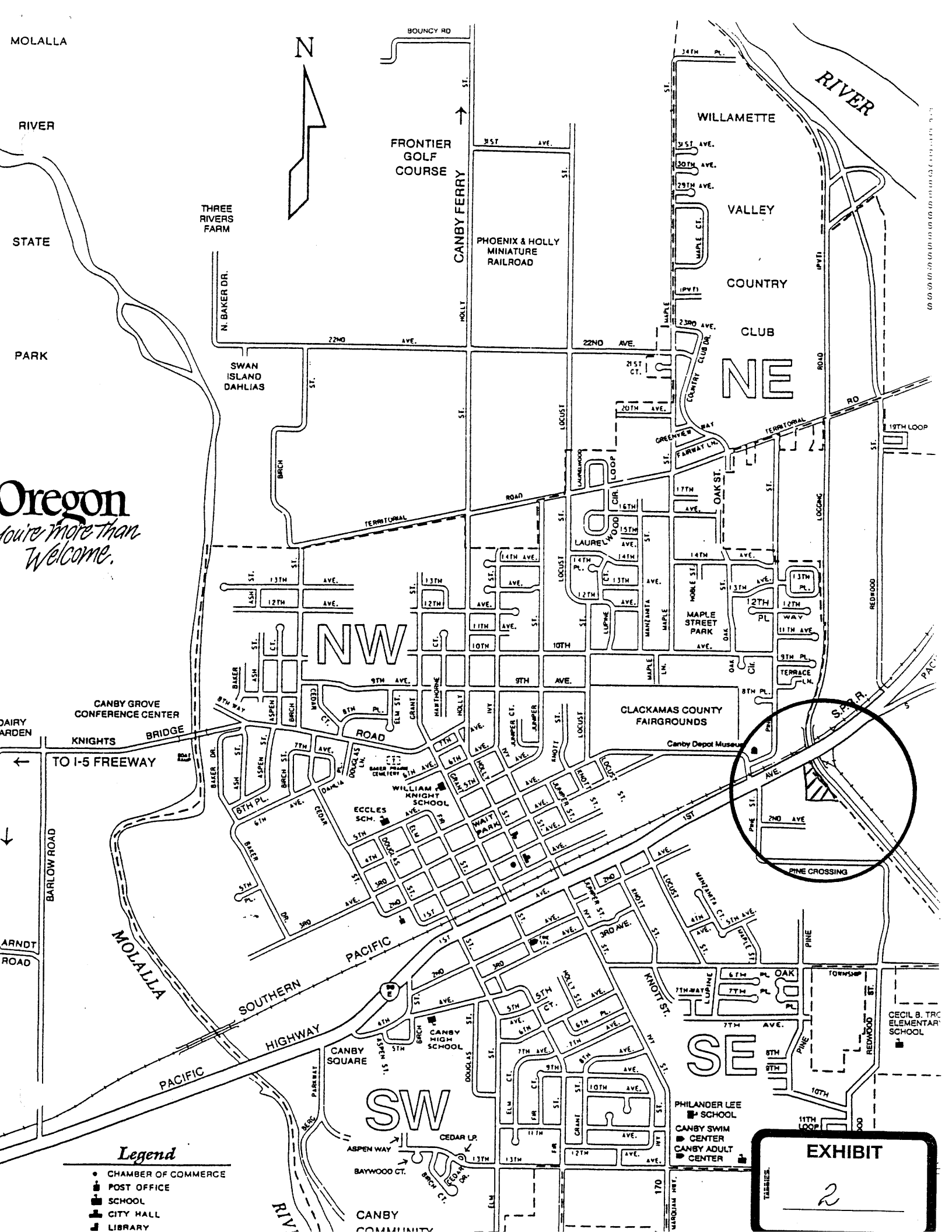
The applicants, Kevin Howard and Cam Warren, in a Co-Tenancy known as Warren/Howard #9, are seeking a small expansion to their Hwy 99 Mini Storage facility in Canby, Oregon. The partners own three acres and initially built a mini storage facility on two of the acres a year ago.

Because the original 300+ units filled up in less than half the amount of time anticipated, the applicants are seeking a small further expansion. The project has maintained 98% to 100% occupancy during the normally slow winter months. Eventually the applicants would like to complete four additional buildings and these are shown on the over-all site plan. At present, they anticipate building just one interior building and extending a building across the back property line, as shown. This would add approximately 100 more storage units available for customers' use.

The materials and type of construction will be exactly the same as the phase I, the colors and sub-contractors supplying the materials will be exactly the same as the first phase of construction. In the current expansion we are attempting to build the size of storage units that were in most demand during phase 1. We are also intending to put some heated units in the central building as we did in phase 1. This was met with great demand and acceptance by our Canby customers.

This expansion of the existing project will place very little demand on City utilities and services, if any. It complies with all LCDC goals and guidelines. The expansion meets with applicable design review criteria. The applicants are proposing adding additional trees and landscaping along the Forest Road to enhance that appearance.

Included with this narrative are the \$750.00 application fee and a completed application. Also included are the lists of property owners and the engineering requirements for site and design review.



Oregon
You're More Than
Welcome.

Legend

- CHAMBER OF COMMERCE
- ☐ POST OFFICE
- ▣ SCHOOL
- ▣ CITY HALL
- ▣ LIBRARY

EXHIBIT

2

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 25, 1996

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

The City has received DR 96-03 an application by Kevin Howard/ Cam Warren (applicants/owners) for design review approval to add 23,200 square feet of storage in 5 buildings. The additional 175 units will be built in phases. The site is located on the south side of Highway 99-E, east of S. Pine Street [Tax Lot 300 of Tax Map 3-1E-34C].

We would appreciate your reviewing the enclosed application and returning your comments by April 8, 1996 PLEASE. The Planning Commission plans to consider this application on April 22 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: Steve Hama Date: 4/2/96
Title: PBTW Supervisor Agency: City of Canby

EXHIBIT
4
5 pages

PLEASE RETURN ATTACHMENTS!!!

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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: *Jerry Jordan* Date: *4/9/96*
Title: *Chief of Police* Agency: *County Police Dept.*

PLEASE RETURN ATTACHMENTS!!!

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REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

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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: Lon Harbrough Date: 4-3-96
Title: Fire Marshal Agency: Canby Fire Dist. #62

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 25, 1996

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

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We would appreciate your reviewing the enclosed application and returning your comments by April 8, 1996 PLEASE. The Planning Commission plans to consider this application on April 22 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:

The development of additional storage is needed. I think with the added storage it will create more transportation impact at 99E entrance & exit. An alternate traffic plan should be thought about. The entrance and exit are signed as required by ODOT, the problem is they are not always obeyed.

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 Dexter Date: April 5, 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 25, 1996

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

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We would appreciate your reviewing the enclosed application and returning your comments by April 8, 1996 PLEASE. The Planning Commission plans to consider this application on April 22 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:

ODOT would like a TRAFFIC study
identifying the new units - the study should
show EXISTING conditions and also a scenario
with the future ALTERNATE ACCESS to pine
street.

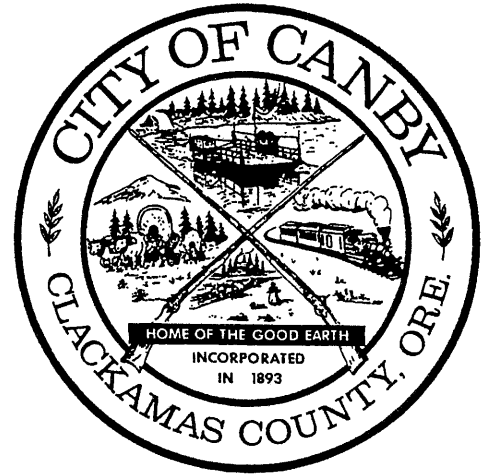
Please check one box:

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

Signature: [Signature] Date: 4/8/96

Title: Permits Agency: ODOT Dist 2B

- STAFF REPORT -



APPLICANT:

Tracy Boyce
P.O. Box 759
Canby, OR 97013

FILE NO.:

DR 96-04
(OBC Northwest, Inc.)

OWNER:

Tracy & Melody Boyce
3027 Turner Road
West Linn, OR 97068

STAFF:

James S. Wheeler
Planning Director

LEGAL DESCRIPTION:

Tax Lot 200 and 201 of Tax Map 4-1E-5A

DATE OF REPORT:

April 12, 1996

LOCATION:

East side of S. Berg Parkway, immediately south of the Canby Square Shopping Center

DATE OF HEARING:

April 22, 1996

COMP. PLAN DESIGNATION:

Light Industrial

ZONING DESIGNATION:

M-1 (Light Industrial)

I. APPLICANT'S REQUEST:

The applicant is requesting site and design approval to construct a 7,500 square foot addition to an existing warehouse building.

II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

16.10	Off-Street Parking and Loading
16.32	M-1 - Light Industrial Zone
16.49	Site and Design Review
16.88	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 7,500 square foot addition to an existing warehouse building. The property is located on the east side of S. Berg Parkway. S. Berg Parkway will eventually be connected to S.W. 13th Avenue.

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 127454 square foot developed portion of the parcel is 19,118 square feet (15%). The total amount of landscaping proposed is approximately 19,425 square feet (15.2%). This does not include some undeveloped portion of the property in the northeast corner.

2. Parking.

The number of parking spaces required for the total existing development is 35 (32.3 for the 32,300 square feet of existing warehouse space, and 2.5 for the 720 square feet of existing office space). There is currently room for at least 37 parking spaces. The proposed warehouse requires an additional 8 parking spaces. The applicant has stated that the proposed warehouse is for storage purposes only, and will not result in any additional employees, or parking demand. Therefore, the applicant maintains that no additional parking is necessary for the proposed warehouse.

Unless specifically waived by the Planning Commission, in accordance with the provisions of 16.10.010.A ("A lesser number of spaces may be permitted by the Planning Commission based on clear and objective findings that a lesser number of parking spaces will be sufficient to carry out the objective of this section."), 6 additional parking spaces are required. Possible "clear and objective findings" for no additional parking spaces is that there will be no additional personnel as a result of the warehouse addition, and therefore no further parking demand.

More parking spaces could be provided in the middle of the parking lot. Currently, this area is used for the maneuvering of large semi's. While it will be feasible to accommodate both the additional parking spaces and the truck maneuvering area, it will provide a more restricted environment that may not be warranted.

Two new loading docks are proposed.

The existing surface of the parking lot is gravel. Section 16.10.070 Parking lots and access states:

"Areas used for standing or maneuvering of vehicles shall have paved asphalt or concrete surfaces maintained adequately for all weather use and so drained as to avoid the flow of water across sidewalks." (page 22)

This requirement was in place at the time when OBC Northwest, Inc. was constructed (1963). It was a new ordinance requirement at the time, and apparently not enforced. Further, the company added buildings in 1965, 1974, 1976, 1979, and 1986. None of these additions were required to receive Site and Design Review (a 1990 ordinance).

While compliance with this ordinance requirement is appropriate and necessary, given the history of the property and building activity, and given the nature of the proposed activity (adding 7500 square feet to over 32,000 square feet of existing buildings), it appears that it would be appropriate to allow the paving of the main parking area over a period of time. Staff suggest that the paving of the parking lot, with striping for the parking spaces, be completed by October 31, 1998. This time period would allow for three full dry seasons to accomplish the task in phases.

3. Access

The access to the property is at the northwest corner. South Berg Parkway will eventually be connected to S.W. 13th Avenue. At the time that this occurs, it will be necessary, for safety reasons, for the entrance to be located along the western property line, closer to the middle of the property. Because the timing of the connection of S. Berg Parkway and S.W. 13th Avenue is, as yet, unknown, and because the existing road is not fully improved, staff is not recommending that the entrance be relocated at this time.

The improvement of S. Berg Parkway, at the time that it will be connected to S.W. 13th Avenue, will necessitate dedication of a small portion of right-of-way in the southwestern corner of the property. The northwestern corner of the property may also be affected. Staff will have a final recommendation regarding a requirement of right-of-way dedication at the public hearing. Such a requirement will not be proposed at this time.

4. Architecture

The building will be of similar size, material, and color, as the existing storage warehouse which is being expanded.

There are no new signs proposed for the site.

5. Other Aspects

a. Utilities

Service providers have not indicated that there would be any problem in servicing this proposal. All utilities are available in S. Berg Parkway.

If floor drains are installed in the building, a Data Disclosure Form will need to be filled out and approved by the Wastewater Treatment Plant Supervisor.

b. Landscaping

There is already some existing landscaping. Additional landscaping is being proposed as follows:

Seven Red Maple trees with Periwinkle groundcover in the parking lot area. English Ivy groundcover and cypress shrubs along the eastern perimeter of the parking lot.

English Ivy groundcover and pine shrubs along the northern and western perimeters of the parking lot (including an existing oak).

English Ivy groundcover, pine and cypress shrubs along the northern and western perimeter of the overall property (including two existing oaks).

c. **Parking Lot Landscaping**

The total paved surface, upon completion, will cover approximately 48,800 square feet. This amount of paving requires 17 trees to be located within 10 feet of the paved surface. There are proposed to be 8 trees along the perimeter of the parking lot. Because S. Berg Parkway will be improved in the near future, it is not recommended that trees be planted along the western perimeter of the parking lot. The future improvements would, most likely, significantly damage the trees. Staff is not recommending the planting of more trees because the nature of the application is a relatively small addition to the site and the parking lot is an existing feature. The applicant is proposing additional landscaping and trees that will enhance the site.

d. **Density and yards and height**

The setbacks and the height requirements for the M-1 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 96-04, the following conditions apply:

Prior to the issuance of the Building Permit:

1. The Data Disclosure Form shall be completed and submitted to the City's Sewer Department prior to the issuance of a building permit.

For the Building Permit Application:

2. The landscape plan, with a planting schedule (when the planting of the landscaping is to occur) shall accompany the building permit application. The landscaping shall be completed or bonded prior to occupancy of the new building.

During Construction:

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

Notes:

4. The parking lot shall be paved, in its entirety, by October 31, 1998. A bond, or set-aside letter from a bank, or a similar form of assurance that is acceptable to the City Attorney, shall be filed with the City for the completion of the paving.
5. Right-of-way dedication for the improvement of S. Berg Parkway will be needed in the near future. The City will make an effort to minimize the impact on this property. The improvement will require a realignment of the entrance to the parking lot.

Exhibits:

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

SITE AND DESIGN REVIEW APPLICATION

Fee: \$750

OWNER

APPLICANT

NAME Tracy + Melody Boyce
ADDRESS 3027 Turner Road
CITY West Linn STATE Or. ZIP 97068
SIGNATURE [Signature]

NAME Tracy T. Boyce
ADDRESS PO Box 759
CITY Canby STATE Or. ZIP 97013
PHONE: (503) 266-2021

DESCRIPTION OF PROPERTY:

TAX MAP 4-1E-5A TAX LOT(S) 200:201 LOT SIZE 445'.6" X 338'.3" = 150,690 sq. ft. (Acres/Sq. Ft.)

OR

LEGAL DESCRIPTION, METES AND BOUNDS (ATTACH COPY)

PLAT NAME LOT BLOCK

* PROPERTY OWNERSHIP LIST

ATTACH A LIST OF THE NAMES AND ADDRESSES OF THE OWNERS OF PROPERTIES LOCATED WITHIN 200 FEET OF THE SUBJECT PROPERTY (IF THE ADDRESS OF THE PROPERTY OWNER IS DIFFERENT FROM THE SITUS, A LABEL FOR THE SITUS MUST ALSO BE PREPARED AND ADDRESSED TO "OCCUPANT").

USE

EXISTING Metal Warehouse
PROPOSED adding on to existing warehouse

EXISTING STRUCTURES yes

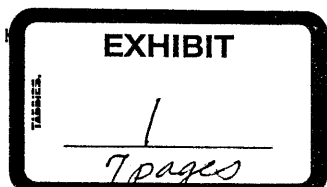
SURROUNDING USES additional warehousing and light manufacturing
PROJECT DESCRIPTION

OBC Northwest, Inc. would like to add 7,500 sq. ft. to a existing metal warehouse of 7,500 making the total building 15,000 sq. ft.

ZONING M-1 COMPREHENSIVE PLAN DESIGNATION
PREVIOUS ACTION (IF ANY)

FILE NO. DR 96-04
RECEIPT NO. 9921
RECEIVED BY [Signature]
DATE RECEIVED 3-26-96
COMPLETENESS DATE 3-29-96
PRE-AP MEETING
HEARING DATE 4-22-96

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





P.O. BOX 759
CANBY, OREGON 97013
PHONE (503) 266-2021
FAX (503) 266-6837

March 26, 1996

RE: Parking Space Availability
at O.B.C. Northwest

To Whom It May Concern:

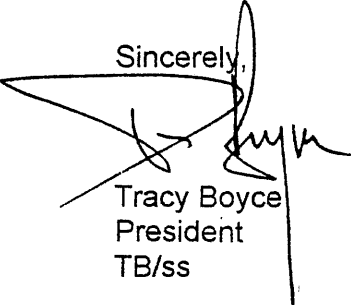
We are submitting plans to add to our existing warehouse located at 1076 SW Berg Parkway, Canby, Oregon.

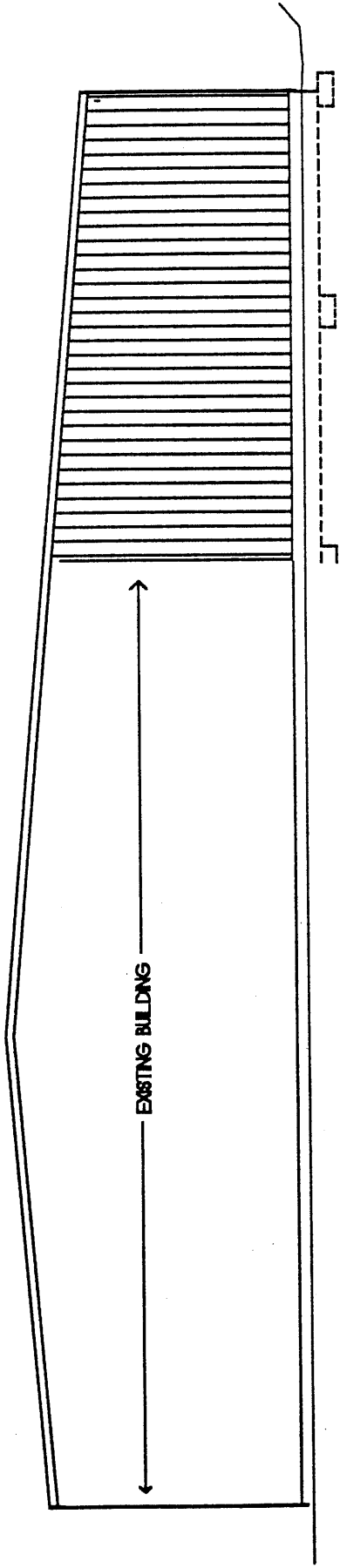
We have some concerns concerning our parking spaces. Currently we have Forty-nine employees. Of those, four are outside sales people who do not park at O.B.C. Northwest. Another three ride bikes to work and most of our Hispanic employees carpool to work. Currently we have twenty-three cars where employees park.

The addition to the warehouse is only being built for storage only. We will not be employing any additional people because of this new construction.

I will hope the site review committee will consider our situation.

Sincerely,

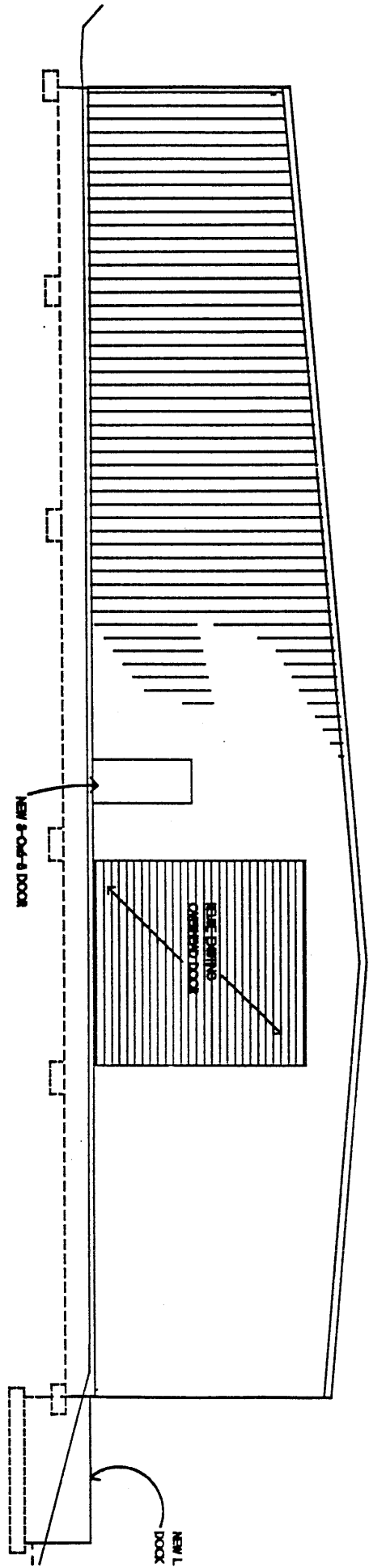

Tracy Boyce
President
TB/ss

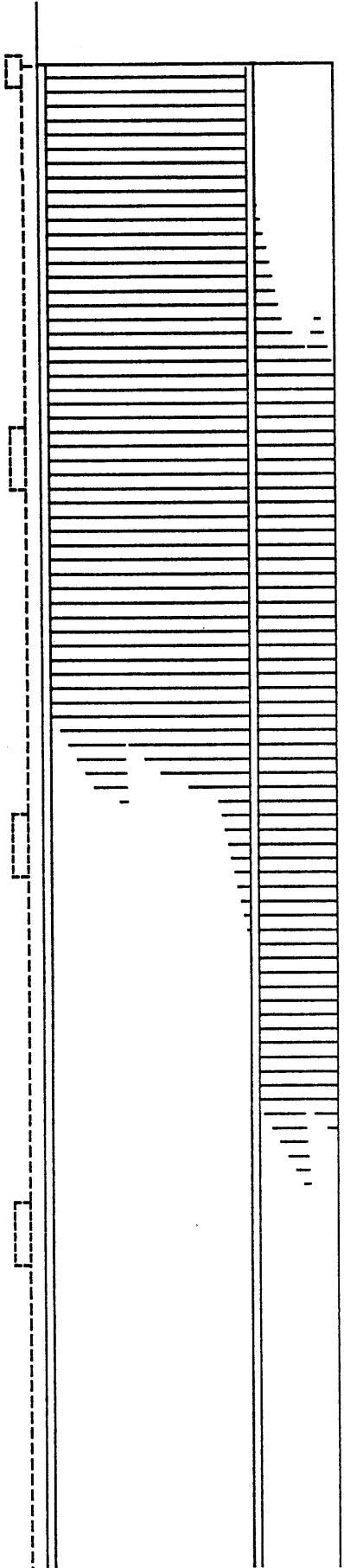


SOUTH ELEVATION
SCALE 3/32"=1'-0"

NORTH ELEVATION

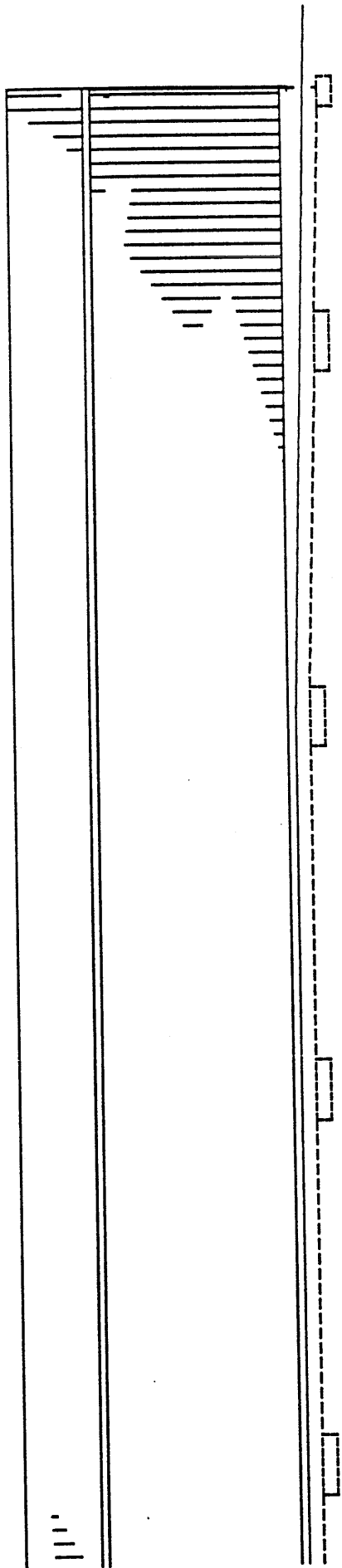
SCALE 3/32"=1'-0"





EAST ELEVATION

SCALE 3/32"=1'-0"



NOTES

PRELIMINARY

LEGAL DESCRIPTION:

Part of Section 5, Township 4 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at a point on the North boundary of the L.D. Cross Donation Land Claim, which is 879.8 feet West of the Southeast corner of the Lucius A. Seeley Donation Land Claim, and that certain deed to George S. Berg and Albert Berg, recorded February 13, 1943 in Book 303, Page 139, Deed records, and the true point of beginning of the property to be described; thence West to an intersection with the East line of that tract conveyed to the City of Canby by deed recorded April 30, 1958 in book 639, Page 440, Deed Records; thence Northerly following the East Line of said City of Canby tract to the Southwest corner of the first tract of land described in the deed to George and Albert Berg in Book 303, Page 139; thence East along the South line of said Berg tract 445.5 feet to the West line of the second tract described in the above mentioned deed to George S. Berg and Albert E. Berg; Thence South 338.25 feet to the point of beginning.

REQUIREMENTS FOR ZONING AND SETBACKS

(Source: Jim Wheeler, Assistant Planner City of Canby and City of Canby Land Development and Planning Ordinance).

- Zone: M1 (Light Industrial)
- Occupancy classification: B2 Warehouse - use permitted outright.
- Abutting zones: North - C2, East - C2, South - M1, West - M1
- Minimum building setbacks: 1. Street yard: None, except where abutting a residential zone (therefore, none).
2. Interior yard: None except ten feet where abutting a residential zone (therefore, none).
- Maximum lot coverage: no limit
- Maximum height: 45 feet
- Minimum frontage: 50'
- Minimum lot size: 5000 sq ft
- Parking requirements: 1/1000sf = 39 spaces total for site, one of which must be handicapped accessible.
- Landscaping requirements: 15% of developed area.

BUILDING CONSTRUCTION:

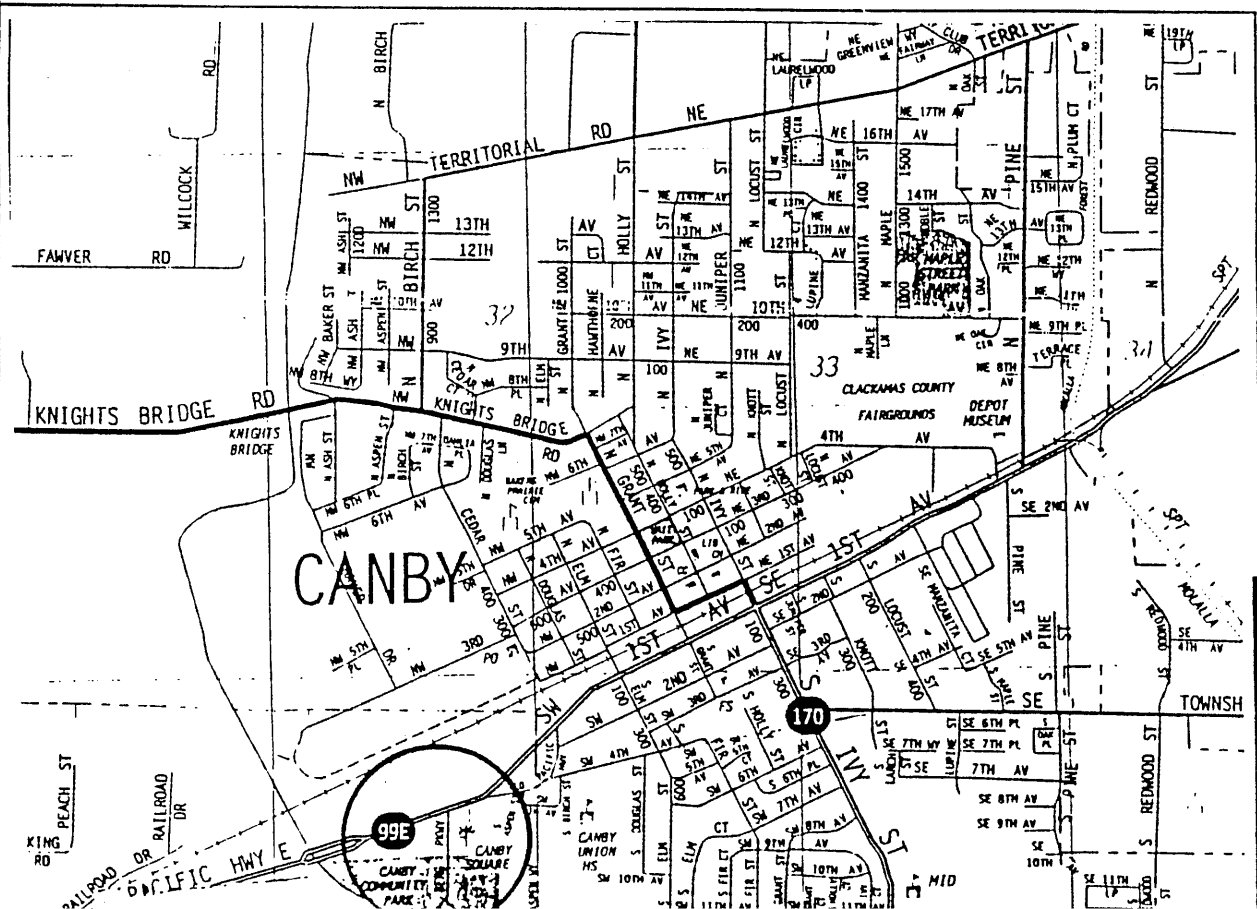
(Source: Bob Goden, City of Canby Bureau of Buildings & 1991 UBC)

- Building construction: Type V-N
- Existing sf, bldg #8: 7,500 sf.
- Maximum allowable basic sf 8,000 (per '91 Uniform Building Code).
- Minimum setback from property line for unprotected wall: 20 feet
- Area increases due to separation on J sides: 8,000 (cannot exceed 100%, therefore: 7,500sf).

the ARCHITECTS

JOHN OWER SACHS AIA, ARCHT
PATRICK E. LOOKES AIA, ARCHT

720 SW WASHINGTON
PORTLAND, OR 97205
503 226 0340

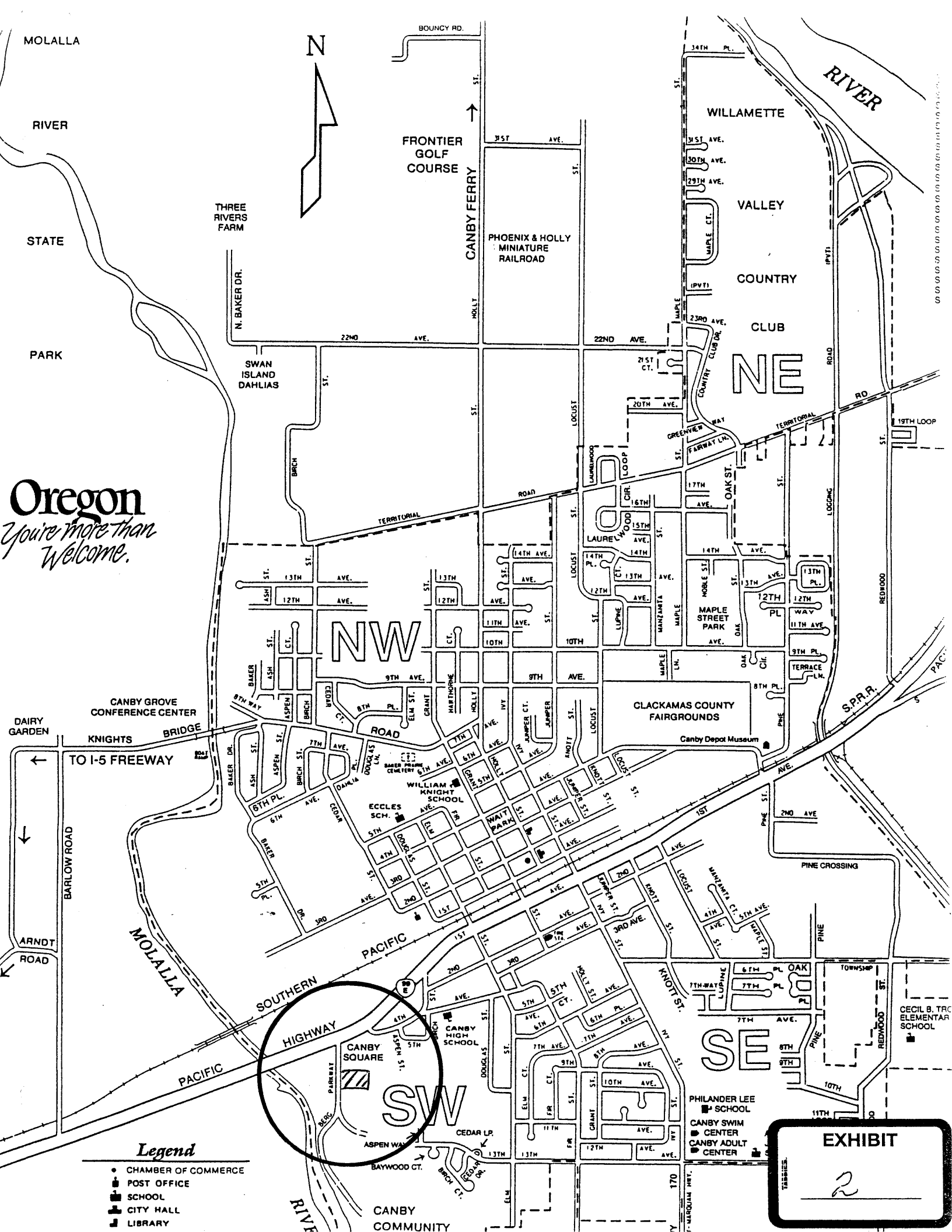


SITE INVESTIGATION for
OBC NORTHWEST
P.O. BOX 759
CANBY OREGON 97013

JOB NO. : 9511.00

DATE : 12/11/95

REV.



MOLALLA RIVER
STATE PARK

WILLAMETTE VALLEY COUNTRY CLUB

FRONTIER GOLF COURSE

PHOENIX & HOLLY MINIATURE RAILROAD

THREE RIVERS FARM

NE

NW

CLACKAMAS COUNTY FAIRGROUNDS

CANBY GROVE CONFERENCE CENTER

TO I-5 FREEWAY

WILLIAM KNIGHT SCHOOL

ECCLES SCH.

CANBY SQUARE

CANBY HIGH SCHOOL

PHILANDER LEE SCHOOL

CANBY SWIM CENTER

CANBY ADULT CENTER

CECIL B. TRC ELEMENTARY SCHOOL

Legend

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

EXHIBIT
2

CANBY COMMUNITY

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 25, 1996

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

The City has received *DR 96-04* an application by Tracey and Melody Boyce [on behalf of OBC Northwest, Inc.] for approval to add 7,500 square feet to an existing 7,500 square foot metal warehouse. The site is located on the east side of S. Berg Parkway, south of Highway 99-E [Tax Lots 200 and 201 of Tax Map 4-1E-5A]

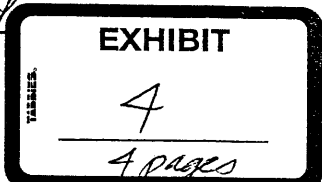
We would appreciate your reviewing the enclosed application and returning your comments by April 8, 1996 PLEASE. The Planning Commission plans to consider this application on April 22 1996. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. 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: *erry Neizer* Date: *4/9/96*
Title: *Chief of Police* Agency: *Canby Police Dept*



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Signature: *Don Harbrough* Date: *4-8-96*
 Title: *Fire Marshal* Agency: *Canby F.D. #62*

PLEASE RETURN ATTACHMENTS!!!

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Comments or Proposed Conditions:

IF more warehouse footage is needed there is
no objection. The main parking lot should be made
of HARD SURFACE material. Also some dedication
for future transportation from Berg Ave. to S.W. 13th
should be provided or documented.

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 Hester Date: Apr. 5, 1996

Title: Public Works Supervisor Agency: City of Canby

PLEASE RETURN ATTACHMENTS!!!

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REQUEST FOR COMMENTS

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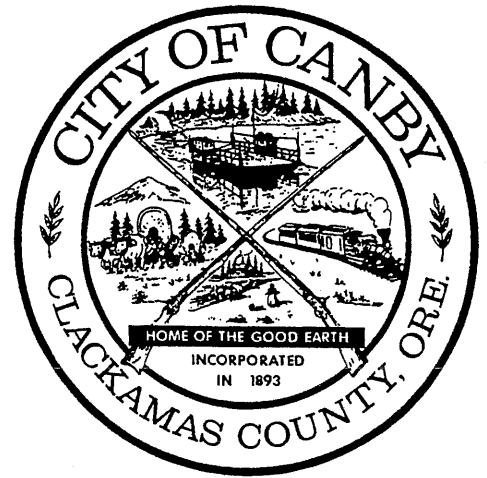
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Please check one box:

- 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 Hans Date: 4/2/96
Title: POTW Spence Agency: City of Canby

- STAFF REPORT -



APPLICANT:

Mark & Karen Callahan
1478 N. Locust Street
Canby, OR 97013

FILE NO.:

ANN 96-02

OWNER:

Mark & Karen Callahan
1478 N. Locust Street
Canby, OR 97013

STAFF:

James S. Wheeler
Planning Director

LEGAL DESCRIPTION:

Tax Lot 1101 of Tax Map 3-1E-28DC

DATE OF REPORT:

March 29, 1996

LOCATION:

1478 N. Locust Street
East side of N. Locust Street
north of N.E. 14th Avenue

DATE OF HEARING:

April 8, 1996 (Not a hearing)
(City Council Hearing - at
earliest possible Council meeting)

COMP. PLAN DESIGNATION:

Medium Density Residential

ZONING DESIGNATION:

County Zoning RRRF-5 (will come
into City after Annexation as Medium
Density Residential R-1.5)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to annex 0.33 acres, located on N. Locust Street, north of N.E. 14th Avenue.

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. Territorial Road is an arterial street. The subject parcel is currently zoned RRFF-5 (Rural Residential, Farm and Forest: 5-acre minimum lot size). All of the surrounding properties are inside the City limits, and are developed with single family residences. The properties to the north, east, and south are zoned R-1.5 (Medium Density Residential). The properties to the west are zoned R-1 (Low Density Residential). The property is currently being serviced by City water, electricity, and telephone. The property owners are seeking to annex the

property into the City for the purposes of servicing the home with City sewer. The septic drain field is now considered to be failing, necessitating hook-up to the City's sewer system.

B. Comprehensive Plan Consistency Analysis

I. Citizen Involvement

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

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

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

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

ANALYSIS

1. The notification process and public hearing are a part of the compliance with adopted policies and process regarding citizen involvement. The Planning Commission seeks input of all citizens at the 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.
3. The review of the contents of the Comprehensive Plan is not germane to this application.

ii. Urban Growth

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

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

ANALYSIS

1. The County was sent a "Request for Comments" form. No response has been received at the time that this report was written.
2. No changes to the Urban Growth Boundary are proposed with this application.
3. The proposal is to bring 0.33 acres into the City, thus allowing the property to be serviced with all necessary urban services. All public facilities and services are available for the property. Sewer is currently the only service that the property is not receiving. The property is priority A, for the purposes of annexation.

iii. Land Use Element

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

- Policy #1 Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.
- Policy #2 Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.
- Policy #3 Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.
- Policy #4: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.
- Policy #5 Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.
- Policy #6: Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the

requirements of the land development and planning ordinance, in guiding the use and development of these unique areas.

Area "N" consists of a wide strip of property bordering N.E. Territorial Road. It includes properties which are planned for medium density residential use and properties planned for high density residential use. Present development in the area includes apartments, condominiums, single-family dwellings, and vacant lots. Present zoning includes some R-2 areas and a pre-dominance of R-1 areas. Street dedications and, in some cases, street improvements are needed to make some of the properties suitable for higher density development. new developments, other than one single-family dwelling per lot, will require prior upzoning to either r-1.5 or R-2, as appropriate.

ANALYSIS

1. The current use of the property is residential. The 0.33-acre parcel is similar to other properties in the immediate vicinity in both size and development (single family residential). The existing use is compatible with the surrounding uses.
2. The annexation of the 0.33-acre parcel could permit two more residential units. Use of the 0.33-acre property for single-family residential development or a duplex/triplex is in accordance with the Comprehensive Plan and will help minimize urban sprawl.
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-1.5, Medium Density Residential) is consistent with the Land Use Map designation for the property (Medium Density Residential). The minimum lot size for parcels in the R-1.5 zone is 6,000 square feet, and the property will meet the minimum lot size.
6. The subject property is identified as one of the "unique" sites or "areas of special concern". This area is a mix of residential zones and uses. The surrounding uses, and the existing use of the property is single-family residential. The surrounding zones (except for the properties to the west, which are not in the same "unique" area) are zoned R-1.5 (Medium Density Residential), as will this property be zoned upon annexation.

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 residential construction, beyond a duplex would be permitted without further development review. Construction activity, the development activity directly related to residential development, is required to comply with prescribed standards for air, water, and land pollution, through the building permit process. Storm water drainage is mentioned in the above 2-R.

4-R. Noise will be expected as a result of residential construction. No residential construction, beyond a duplex would be permitted without further development review. There is a noise ordinance, by which activities within a residential area 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. Future development of the 0.33-acre parcel, should it be annexed into the City will not adversely affect the scenic and aesthetic quality of the City.

8-R. The subject property is not considered to be open space at this time.

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. No right-of-way dedications and road improvements will be necessary for the further development of this property.

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. Locust Street. At this time, that intersection is not considered to be a "problem intersection". The proposed annexation will not impact a "problem intersection". There is no proposed development of the property and the maximum development potential of the property is two additional dwelling units. If two additional dwelling units are added to the property, it will result in the payment of Transportation System Development Charges which, in accordance with the adopted Transportation Systems Plan for the City, will pay for the impact that this development may have on intersections and streets.

4. Sidewalks and other pedestrian or non-motorized vehicle amenities are specifically handled in the process of the further 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. Neither the fire district nor the police department have responded to the Request for Comments at this time. The property is currently serviced by City water and all surrounding properties are serviced by both the City Police Department and the Canby Fire District.

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 no direct bearing on the proposed annexation. No future transit stops have been proposed. Any future development of the property will be reviewed in light of the Transportation Systems Plan.

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

12. The subject property is not on a county or state road.

vi. **PUBLIC FACILITIES AND SERVICES**

- **GOAL: TO ASSURE THE PROVISION OF A FULL RANGE**

**OF PUBLIC FACILITIES AND SERVICES TO MEET
THE NEEDS OF THE RESIDENTS AND PROPERTY
OWNERS OF CANBY.**

- Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.
- Policy #2: Canby shall utilize all feasible means of financing needed public improvements and shall do so in an equitable manner.
- Policy #3: Canby shall adopt and periodically update a capital improvement program for major city projects.
- Policy #4: Canby shall strive to keep the internal organization of city government current with changing circumstances in the community.
- Policy #5: Canby shall assure that adequate sites are provided for public schools and recreation facilities.

ANALYSIS

1. All needed public facility and service providers were sent a "Request for Comments" regarding this application. No responses were received at the time that this report was written. The property is serviced by City water, electricity, telephone, police, fire and schools.
2. 'Public improvements' are not required for annexation. No improvements to N. Locust Street will be needed as a part of development of the property after annexation.
3. This policy is not applicable to this annexation application.
4. The City's internal organization is not germane to this application.
5. The City has adopted a Parks Master Plan in which appropriate sites or areas for recreation facilities are identified. No park facilities have been designated in any nearby areas. 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. Any further development of this site will provide residences for Canby business owners and employees, and also will provide a few employment opportunities and expand the market for Canby businesses.
4. The proposed subdivision will not 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.
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 be increased as a result of the proposed annexation. The applicant is not proposing any further development, however, an additional two dwelling units would be permitted under the R-1.5 (Medium Density Residential) zoning designation after annexation and Site and Design Review.
3. The proposed development does not include higher density housing. Future development of the property could 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 medium-density housing (single, duplex or triplex 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.

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. Any further development of the property will be required to meet the solar ordinance requirements, through the building permit process.
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:

After reviewing 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. Improvements to road infrastructure will be required with development of the property, and will be borne by the developer. Development will pay for impacts on existing systems through System Development Charges.

No other adverse impacts are anticipated.

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 96-02 to the PMALC/BC (Boundary Commission), through the City Council, the following understandings should apply:

1. The zoning classification for the property upon annexation will be R-1.5, Medium 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

ANNEXATION APPLICATION

Fee: \$1500

OWNER

APPLICANT

Name MARK + KAREN CALLAHAN

Name MARK + KAREN CALLAHAN

Address 1478 N LOCUST

Address 1478 N LOCUST

City CAUBY State OR Zip 97013

City CAUBY State OR Zip 97013

SIGNATURE [Handwritten Signature]

Phone: 503 266-5211

DESCRIPTION OF PROPERTY:

Tax Map 31E280C0101 Tax Lot(s) 01101 Lot Size 66 x 220 FT.
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Lot 44 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 single family residence
Proposed same

Existing Structures _____

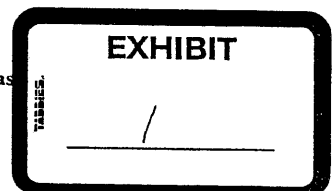
PROJECT DESCRIPTION

ZONING _____ COMPREHENSIVE PLAN DESIGNATION _____

PREVIOUS ACTION (if any) _____

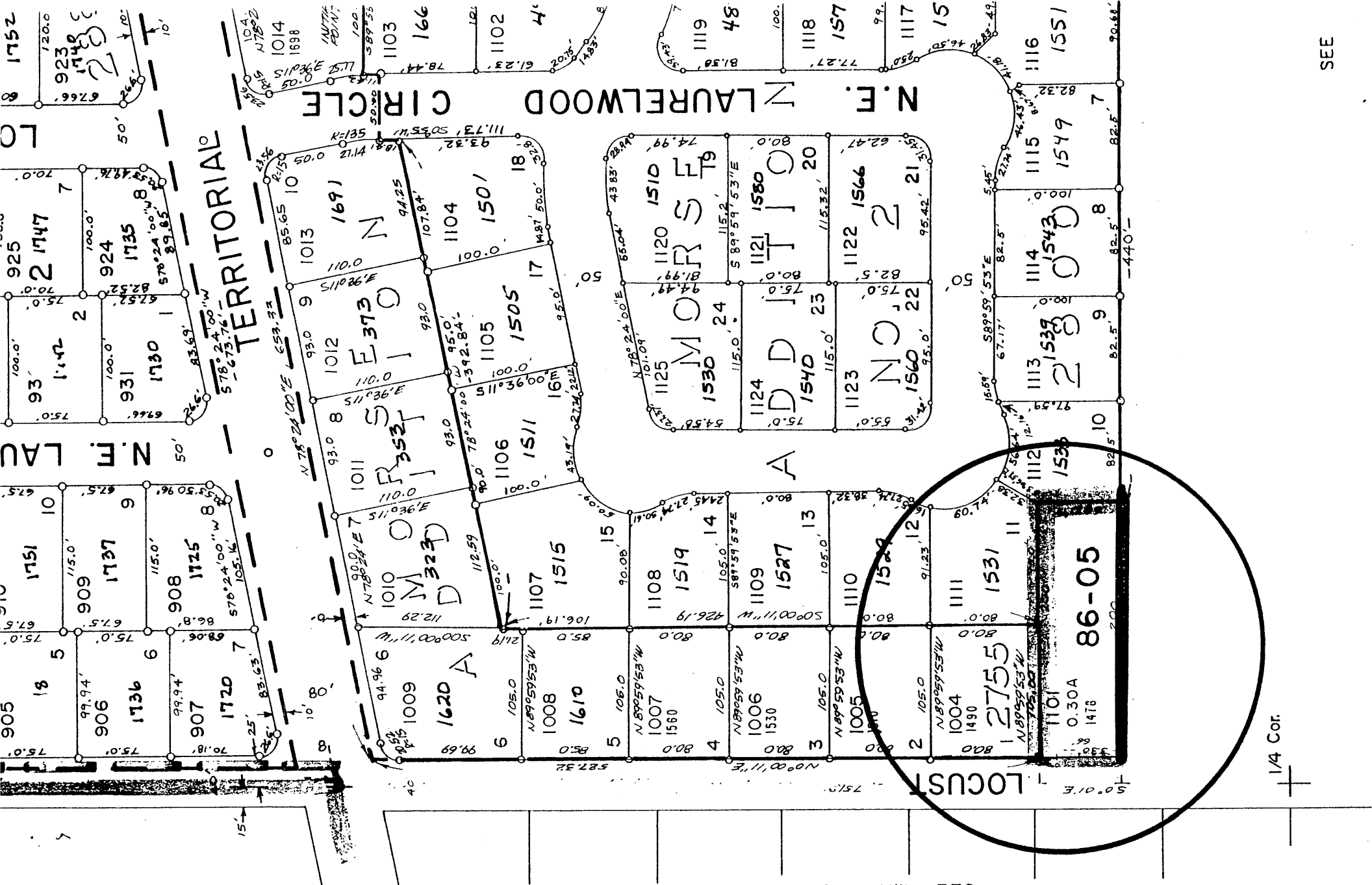
File No. ANN 96-02
Receipt No. 9919
Received by [Handwritten]
Date Received 3-25-96
Completeness Date 3/25/96
Pre-App Meeting _____
Hearing Date 4-22-96

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



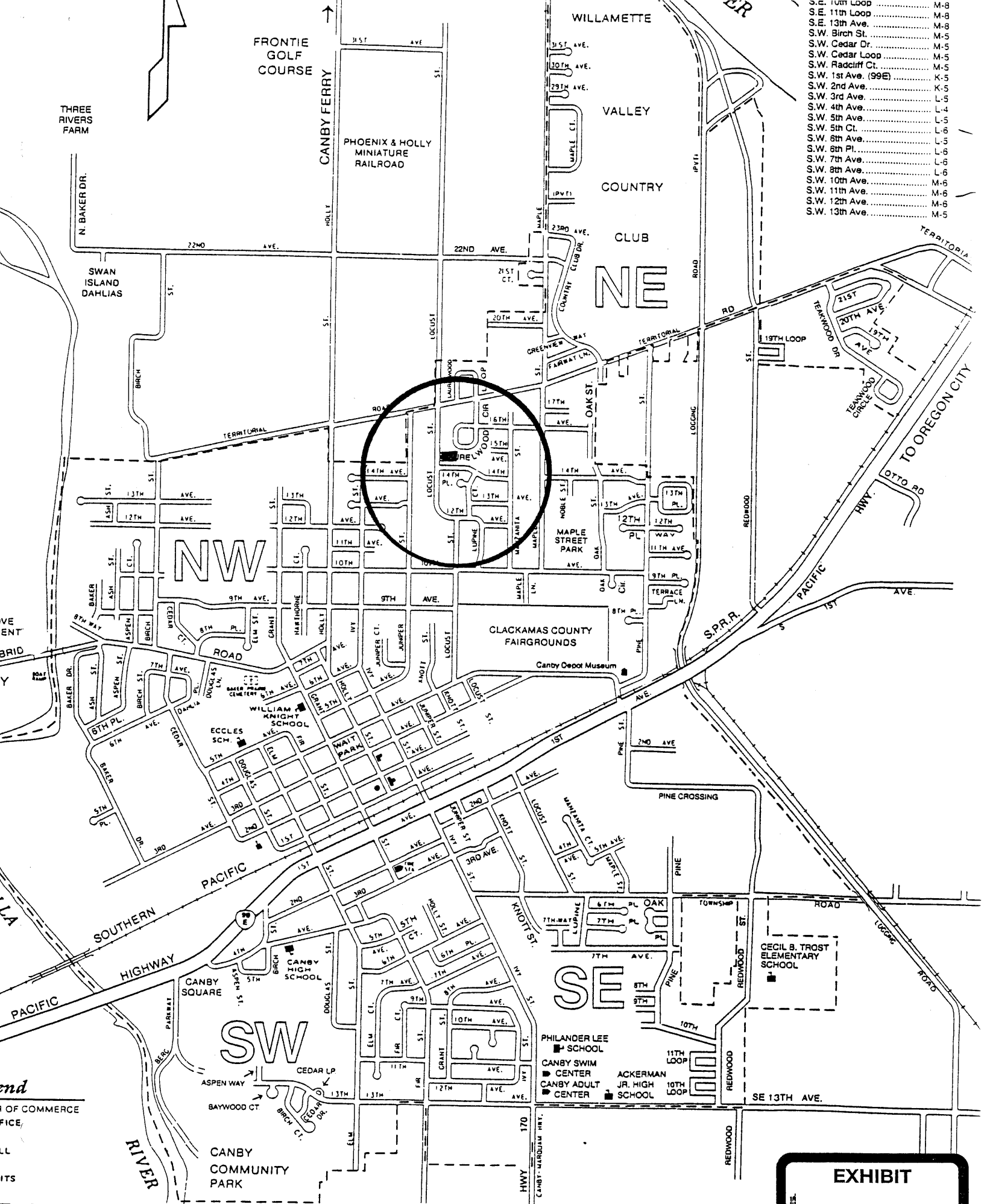
SEE MAP

SEE MAP 3 IF 28CD



1/4 Cor.

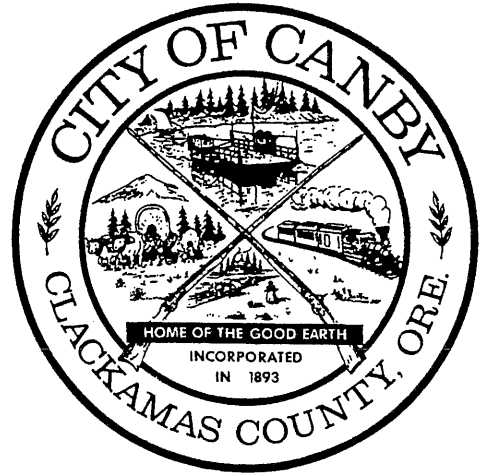
SEE



- S.E. 17th Loop M-8
- S.E. 11th Loop M-8
- S.E. 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-6
- S.W. 6th Ave. L-5
- S.W. 6th Pl. L-6
- 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



- STAFF REPORT -

APPLICANT:

Eyman Equipment, Inc.
9718 S. Barnards Road
Canby, OR 97013

FILE NO.:

MLP 96-01

OWNER:

Adrian Fisher
30218 Appaloosa Dr.
Mollala, OR 97038

STAFF:

James S. Wheeler
Planning Director

LEGAL DESCRIPTION:

Tax Lot 404 of Tax Map 4-1E-5

DATE OF REPORT:

March 29, 1996

LOCATION:

North side of Highway 99-E,
immediately north of S. Berg Parkway

DATE OF HEARING:

April 8, 1996

COMP. PLAN DESIGNATION:

Commercial-Manufacturing

ZONING DESIGNATION:

C-M (Commercial-Manufacturing)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to partition a 4.6 acre parcel into two parcels, approximately 3.03 acres and 1.33 acres, with .24 acres of land being dedicated to the City for street right-of-way purposes. The property is located on the north side of Highway 99-E, immediately north of the S. Berg Parkway intersection.

182 N. Holly P.O. Box 930 Canby, OR 97013 (503) 266-4021 FAX (503) 266-9316

II. APPLICABLE CRITERIA:

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

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

III. OTHER APPLICABLE CRITERIA

- A. 16.30.032 Development Standards in C-M Zone
- B. 16.56 General Provisions (for land divisions)
- C. 16.60 Major or Minor Partitions
- D. 16.64 Subdivisions - Design Standards

IV. FINDINGS:

A. Location and Background

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 404 of Tax Map 4-1E-5. It is located on the north side of Highway 99-E. The property is one of three parcels that was created with the 1990 partition of the Southern Pacific property (MLP 90-12).

The partition will split the property by the dedication of land for the extension of S. Berg Parkway north through the property. No development is proposed for either parcel at this time. The primary purpose of the partition, at this time, is to dedicate the street right-of-way and establish the access to Highway 99-E.

B. Comprehensive Plan Consistency Analysis

I. Citizen Involvement

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

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

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

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

ANALYSIS

1. The notification process and public hearing are a part of the compliance with adopted policies and process regarding citizen involvement. The Planning Commission seeks input of all citizens at the public hearing of all applications.

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

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

ii. Urban Growth

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

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

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

Policy #2: Canby shall provide the opportunity for amendments to the urban growth boundary (subject to the requirements of statewide planning goal 14) where warranted by unforeseen changes in circumstances.

Policy #3: Canby shall discourage the urban development of properties until they have been annexed to the city and provided with all necessary urban services.

ANALYSIS

1. The property is entirely within both the Urban Growth Boundary and the City Limits. No direct input from the County has been determined to be necessary or desirable nor was any sought.

2. No changes to the Urban Growth Boundary are proposed with this application.

3. All necessary urban services are, or will be available for the partition (see discussion under Public Services Element).

iii. Land Use Element

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

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

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

Policy #3 Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.

Policy #4: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.

Policy #5 Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.

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

Area "A" is significant because of its location on Highway 99-E at a main entry to the city. This site has long been zoned for industrial development but has remained vacant because of topographic constraints, lack of State highway access, and limited rail access. With the installation of traffic signals at the intersection of Highway 99-E and S.W. Berg Parkway, the opportunity for major access improvements to the site can be seen. It no longer appears that commercial development would better utilize this area, but with a large adjacent area designated for industrial development, it would seem most reasonable to allow either light industrial or general commercial development (provided that any commercial development utilize the signalized intersection for access to Highway 99-E). The development of Area "A" is expected to have an impact on access to Area "B," which is adjacent. Area "A" has been rezoned C-M.

ANALYSIS

1. The properties to the south, east and west are zoned Commercial Manufacturing (C-M), the same as the subject property. These properties are mainly commercial in nature. The properties to the north and southwest are zoned Light Industrial (M-1). The property to the north is undeveloped, while the property to the southwest is developed industrially. The zoning and uses of the surrounding properties are considered to be compatible.
2. The partition of the property will permit a more intense use of the commercial/industrial property.
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. The embankment that is located on the north side of the property is a part of the property to the north.
5. The zoning of the property, M-1, Light Industrial, is consistent with the Land Use Map designation for the property (Light Industrial). The minimum lot size for parcels in the M-1 zone is 5000 square feet, and both parcels will meet the minimum lot size.
6. The proposal is in direct compliance with the provisions of the "area of special concern A", in that the partition with the street dedication will permit the development of the properties with access to the signalized intersection of S. Berg Parkway and Highway 99-E. Further development review will also consider the access of any development on these parcels.

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 not been used agriculturally.

1-R-B. The subject property, while currently under-utilized, is considered to be urbanized. No agricultural operations have occurred on the property in the recent past.

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

3-R. The existing use has not created a known pollution problem. Construction activity is required to comply with prescribed standards for air, water, and land pollution, through the building permit process and the State's Department of Environmental Quality standards. The minor land partition will not, in of itself, generate any pollution of any form.

4-R. The minor land partition will not, in of itself, generate any noise. The existing use is not known to generate excessive noise, or have a noise pollution problem. A future commercial/industrial use may generate noise, depending on the type of use, however, it will not impact any residential areas.

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

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

7-R. The partition itself will not affect the scenic or aesthetic quality of the City. Future development of either of the proposed parcels will affect the scenic and aesthetic quality of the City. The development of open space changes the scenic or aesthetic quality of the City, sometimes for the better and sometimes for the worse. The visual impacts of development of the subject parcel will be reviewed through the Site and Design Review process or the subdivision/partition review process in the future.

8-R. The subject property is considered to be open space at this time. Preservation of open space on the property in perpetuity is impractical. The Parks Master Plan does not call for any specific open or recreation space at, or near, the subject property.

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

1-H. The subject property has steep slopes on the northern side of the property. The partition will not adversely affect the slope.

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-drained soil. No expansive soils, shallow topsoil, high water table, or other potential risks associated with construction on the subject property have been identified.

v. **TRANSPORTATION**

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

Policy #1: Canby shall provide the necessary improvement to city streets, and will encourage the county to make the same commitment to local county roads, in an effort to keep pace with growth.

Policy #2: Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the city's growth needs.

Policy #3: Canby shall attempt to improve its problem intersections, in keeping with its policies for upgrading or new construction of roads.

Policy #4: Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents.

Policy #5: Canby shall actively work toward the construction of a functional overpass or underpass to allow for traffic movement between the north and south side of town.

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

Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.

Policy #8: Canby shall work cooperatively with the State Department of Transportation and the Southern Pacific Railroad Company in order to assure the safe utilization of the rail facilities.

Policy #9: Canby shall support efforts to improve and expand nearby air transport facilities.

Policy #10: Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.

Policy #11: Canby shall work with private developers and public agencies in the interest of maintaining the transportation significance as well as environmental and recreational significance of the Willamette River.

Policy #12: Canby shall actively promote improvements to state highways and connecting county roads which affect access to the city.

ANALYSIS

1. No additional road improvements will be needed for S. Berg Parkway at this time. Dedication of right-of-way for the eventual construction of Berg Parkway, north of Highway 99-E is needed and proposed. The extension of S. Berg Parkway will be a part of the eventual connection between N.W. 3rd Avenue/N. Baker and Highway 99-E, which will become the primary access for industrial traffic to the northwest industrial area. The right-of-way is a part of the City's Transportation Systems Plan as a collector road. A sixty (60) foot right-of-way dedication is needed and proposed. The alignment of this right-of-way, as proposed, has been reviewed and considered acceptable by the engineer for the City.
2. No construction is required at this point in time. Construction of S. Berg Parkway will be necessary with the development of either of the parcels.
3. The nearest major intersection to the subject property is the intersection of S. Berg Parkway and Highway 99-E. At this time, that intersection is not considered to be a "problem intersection".
4. Sidewalks will be constructed with the construction of the road connection, which will occur with the development of the parcels.
5. The subject property is involved in a possible overpass of the railroad. The connection between the Highway and N. Baker Drive will necessitate an overpass of the railroad. The right-of-way dedication that is proposed with this partition is a necessary first step toward this overpass. Nothing further is required from this partition.
6. The fire district has responded to the Request for Comments. There are no concerns regarding emergency access to the property. The Police Department has responded with no concerns.
7. South Berg Parkway will eventually be built to "collector" standards, which will have room for the provision of a bike lane.
8. The property does not have access to the rail facilities that exist in Canby. The rail lines exist to the north of the property, and at a lower elevation than the property.
9. The proposed partition has no bearing on efforts to improve or expand nearby air transport facilities.

10. The mass transit system in operation in Canby has no direct bearing on the proposed partition. No future transit stops have been proposed. The City has adopted a Transportation Master Plan study which included mass transit considerations. Any future development of the property will be reviewed in light of the Transportation Master Plan.

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

12. The subject property is fully within the City limits and is near any "entry point" into the City. As stated in the "Areas of Special Concern" discussion (Land Use Element, Policy 6), the partition and the street right-of-way dedication as proposed, will enhance development and access along this portion of Highway 99-E, which is a major entry point into the City. The proposal complies with this policy.

vi. **PUBLIC FACILITIES AND SERVICES**

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

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

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

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

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

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

ANALYSIS

1. All needed public facility and service providers were sent a "Request for Comments" regarding this application. Positive responses were received from the Public Works Department, Waste Water Treatment Plant, Police Department, Canby Telephone Association, and the Fire District. For further development of the property, sewer and water service will need to be provided. All other facilities and services are available. The Canby Utility Board, Northwest Natural Gas, and the Oregon Department of Transportation have not responded to the "Request for Comments". There has been no recent indication, unofficial or otherwise, of potential inadequacy of facilities or services from these providers.

2. There are no needed 'public improvements' beyond the sixty (60) foot right-of-way dedication for extension of S. Berg Parkway.
3. The City has adopted a Transportation Systems Development Charge (SDC) to cover needed capital improvements in the transportation system, as outlined in the Transportation Master Plan. This development will contribute to those improvements through the SDC's at the time that the proposed parcels are further developed.
4. The City's internal organization is not germane to this application.
5. The City has adopted a Parks Master Plan in which appropriate sites or areas for recreation facilities are identified. No new park or recreation facilities are identified for this area.

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. Development of the property could be either industrial or commercial, as the current zoning of the subject property allows. The partition will provide the necessary and appropriate access for further development.
2. Same as Policy 1 discussion above.
3. The partition of the subject property is not a part of a special project, however, the partitioning will allow for increased industrial/commercial construction and jobs.
4. There is no specific proposed development at this time. Eventual development will be industrial/commercial in nature. The project will have no direct adverse impacts on agricultural operations.

viii. HOUSING

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

- Policy #1: Canby shall adopt and implement an urban growth boundary which will adequately provide space for new housing starts to support an increase in population to a total of 20,000 persons.
- Policy #2: Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing.
- Policy #3: Canby shall coordinate the location of higher density housing with the ability of the city to provide utilities, public facilities, and a functional transportation network.
- Policy #4: Canby shall encourage the development of housing for low income persons and the integration of that housing into a variety of residential areas within the city.
- Policy #5: Canby shall provide opportunities for mobile home developments in all residential zones, subject to appropriate design standards.

ANALYSIS

1. The location and size of the Urban Growth Boundary is not a part of the proposed application. When the Urban Growth Boundary was designated and calculations to determine the amount of land needed for residential growth, in 1984 as a part of the acknowledged 1984 Comprehensive Plan, the subject property was designated for commercial/industrial development.
2. The proposed partition, and any associated future development, will not affect housing density.
3. The proposed development does not include higher density housing. Future development of the property will not include higher density housing.
4. The proposed development does not include housing for low income persons. Future development of the property will not include housing for low income persons.
5. The proposed development is not a mobile home development. Future development of the property will not include mobile/manufactured home development.

ix. ENERGY CONSERVATION

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

- Policy #1: Canby shall encourage energy conservation and efficiency measures in construction practices.
- Policy #2: Canby shall encourage development projects which take advantage of wind and solar orientation and utilization.
- Policy #3: Canby shall strive to increase consumer protection in the area of solar design and construction.
- Policy #4: Canby shall attempt to reduce wasteful patterns of energy consumption in transportation systems.
- Policy #5: Canby shall continue to promote energy efficiency and the use of renewable resources.

ANALYSIS

1. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.
2. The subject property, being zoned for commercial/industrial uses, is not required to meet the basic solar access standards for new residential developments.
3. The project will not hinder any residential access to solar energy.
4. The City has adopted a Transportation Master Plan. City standards, transportation patterns of all developments will be reviewed through the Transportation Master Plan.
5. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.

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

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

C. Evaluation Regarding Minor Land Partition Approval Criteria

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

See above discussion.

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

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

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

The size and orientation of the proposed parcels is such that future development of both parcels is both possible and feasible. Access facilities are available. Utility easements along the new property lines, with the exception of the location of the existing building, will be needed to allow for potential utility extensions.

- D. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

As best as staff has been able to determine, all required public facilities and services are available, or will become available through future development, to adequately meet the needs of any development of either of the proposed parcels. No indication of difficulties have been mentioned, officially or otherwise, with regards to these public facilities and services providing service to any development.

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

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

V. CONCLUSION

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

VI. RECOMMENDATION

Based upon the application and drawings submitted, facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that should the Planning Commission approve MLP 96-01, the following conditions should apply:

For the Final Plat

1. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 96-01.
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
3. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
4. All monumentation and recording fees shall be borne by the applicant.
5. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:
 - 6 feet in width along all lot lines, except,
 - 12 feet in width along the dedicated S. Berg Parkway frontage, except,
6. Dedication of right-of-way for street purposes shall be made according to the proposed location provided in the application.

Notes

7. The final plat must be recorded with Clackamas County within one (1) year of the approval of the preliminary plat approval in accordance to Section 16.60.060. The mylar for the final plat must be signed by the City prior to the recording of the plat.
8. In conjunction with development of either parcel, construction of S. Berg Parkway shall be required, including street paving, curbs, sidewalks and utilities. Sidewalks along Highway 99-E shall be required with the development of each parcel.

Exhibits:

1. Application
2. Vicinity Map
3. Partition Plat
4. Request for Comments Responses

MINORTM LAND PARTITION APPLICATION

Fee: \$900

OWNER

Name Adrian Fisher
Address 30218 Appaloosa Drive
City Molalla State OR Zip 97038
Signature: *Adrian Fisher*

APPLICANT

Name Eyman Equipment, Inc.
Address 9718 S. Barnards Road
City Canby State OR Zip 97013
Phone: (503) 266-2567

DESCRIPTION OF PROPERTY:

Tax Map 41E5 Tax Lot(s) 404 Lot Size 4.60 Acres
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Lot _____ Block _____

PROPERTY OWNERSHIP LIST

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

USE

Existing _____ Proposed _____

Existing Structures _____

PROJECT DESCRIPTION

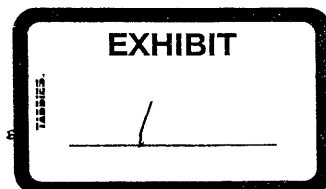
To divide the property into two (2) pieces that are separated by a right-of-way that will be deeded to the City of Canby.

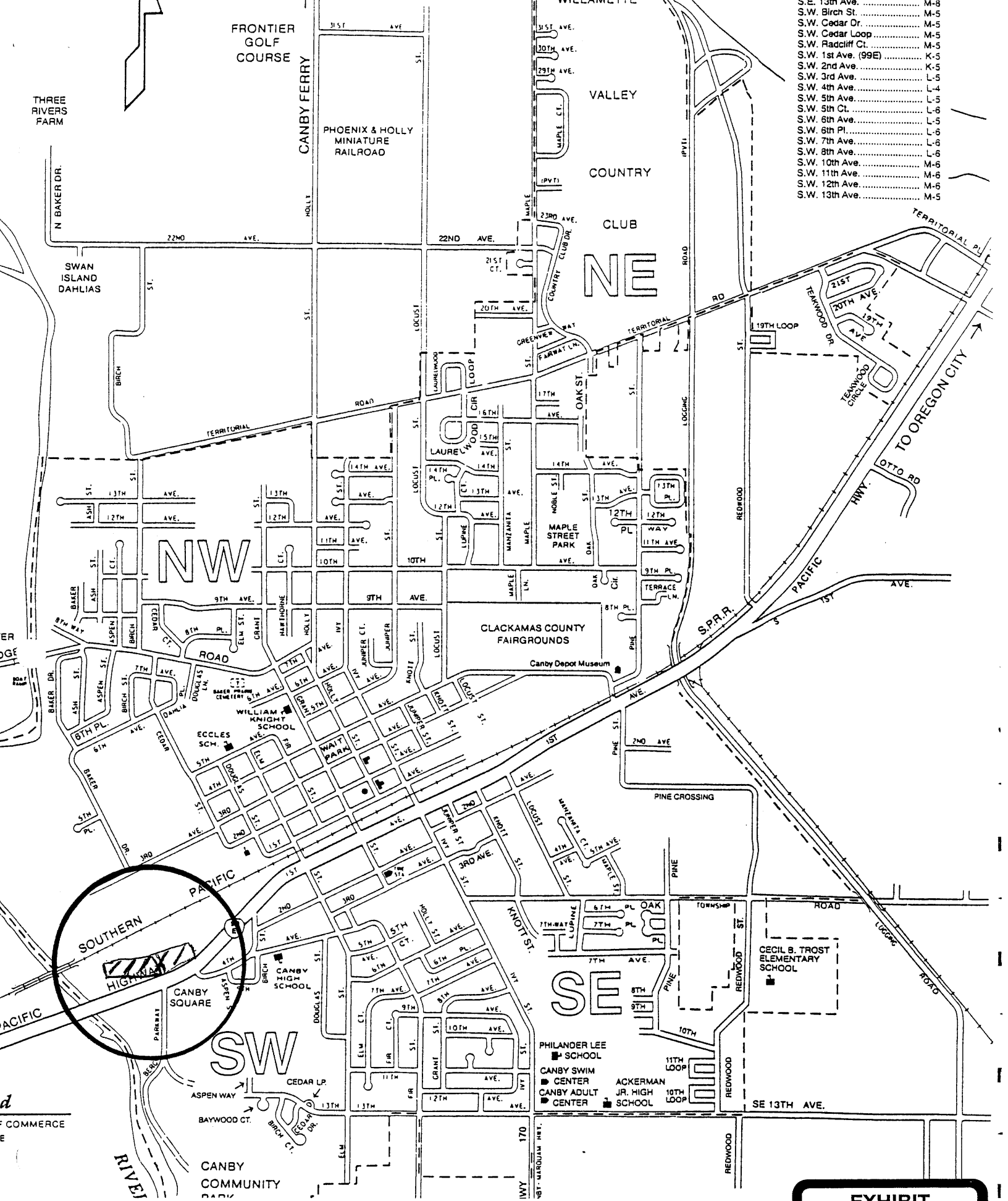
ZONING _____ COMPREHENSIVE PLAN DESIGNATION _____

PREVIOUS ACTION (if any) _____

File No. MLP 96-01
Receipt No. 9878
Received by D. Hansen
Date Received 2-27-96
Completeness Date _____
Pre-App Meeting _____
Hearing Date 4-8-96

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

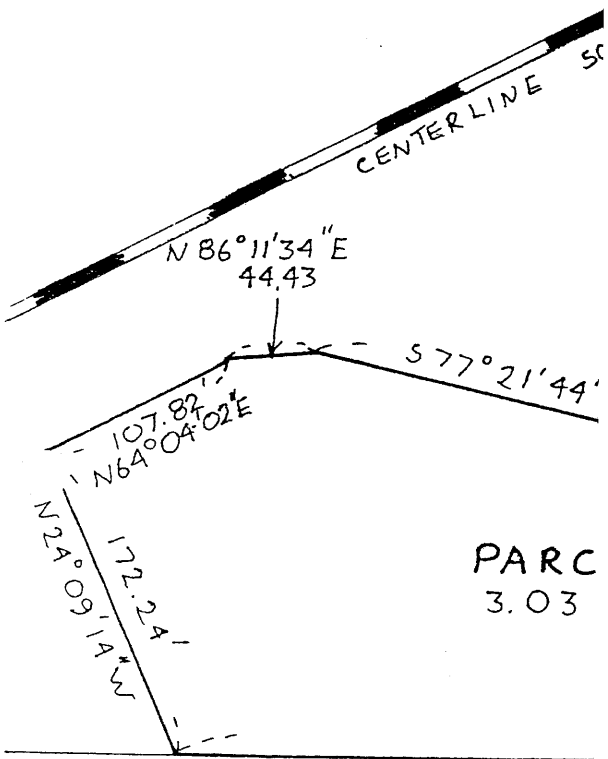




PROPOSED PART

TAX LOT 404 -
4S 1E SEC 5
CANBY, OREGON-

OWNER: ADRIAN & M
30218 S. AP
MOLALLA,
PHONE: 829-



TA)
FEE
"FI.

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 12, 1996

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

The City has received MLP 96-01, an application by Eyman Equipment, Inc. for approval to partition an approximate 4.60 acre parcel into two parcels, 3.03 acres and 1.33 acres, respectively, which will be separated by a right-of-way which will be deeded to the City of Canby. The site is located on the north side of Highway 99-E, immediately north of S. Berg Parkway [Tax Lot 400 of Tax Map 4-1E-5].

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, 1995**. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

With no SANITARY system AVAILABLE - IF SANITARY is
needed, the Applicant shall provide a system to
serve this Application.

Applicant should contact ODOT, Region 1 for required
improvements of Berg Ave dividing Parcel 1 & 2 connecting
to 99E and build Road as required on same.

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. Neater

Date: March 19, 1996

Agency: City of Canby

Title: Public Works

EXHIBIT

4

5 pages

PLEASE RETURN ATTACHMENTS!!!

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Signature: Jerry Stigler Date: 3/15/96
Agency: Canby Police Dept. Title: Police Chief

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Signature: Steve Odot Date: 3/16/96
Agency: City of Canby Title: POTW Supervisor

PLEASE RETURN ATTACHMENTS!!!

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

PLEASE RETURN ATTACHMENTS!!!

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Comments or Proposed Conditions:

WATER SUPPLY FOR FIRE SUPPRESSION WILL BE
REQUIRED.

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: Ron Harbrough Date: 3-19-96
Agency: CANBY F.D. # 62 Title: Fire Marshal