

A G E N D A
CANBY PLANNING COMMISSION
REGULAR MEETING
CITY COUNCIL CHAMBERS
MONDAY, APRIL 24, 1995
7:30 P.M.

I. ROLL CALL

II. MINUTES

April 10, 1995

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMUNICATIONS

V. NEW BUSINESS

VI. FINDINGS

DR 95-07- Dusty and Nga Schmidt

VII. PUBLIC HEARINGS

SUB 95-02, an application by Marlon Financial Services for approval to subdivide a 5.85 acre parcel into three parcels, approximately 2.41 acres, 1.42 acres and 2.02 acres, respectively. The site is located at 700 S.E. 5th Avenue, between S. Maple Street and S. Pine Street, north of S. Township Road [Tax Lot 1200 of Tax Map 3-1E-34].

VIII. DIRECTOR'S REPORT

IX. ADJOURNMENT

THE CITY OF CANBY PLANNING COMMISSION WELCOMES YOUR INTEREST IN THESE AGENDA ITEMS. PLEASE FEEL FREE TO COME AND GO AS YOU PLEASE.

KURT SCHRADER, CHAIR
STAN ELLIOT
CARLIN JACKSON

LINDA MIHATA, VICE-CHAIR
DAN EWERT

BOB GUSTAFSON
TAMARA MAHER

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

DRAFT

A REQUEST FOR SITE AND DESIGN)
APPROVAL FOR A PARKING LOT)
AND "COSMETIC" EXTERIOR)
CHANGES)

FINDINGS, CONCLUSIONS & ORDER
DR 95-07
(Pioneer Antique Mall)

NATURE OF APPLICATION

The applicant is requesting site and design approval to construct new parking facilities with site landscaping to operate a retail establishment for the sales of antique furniture. Additionally, "cosmetic" renovation of the building will occur. The property is located on the northwest corner of S. Ivy Street and Highway 99-E (Tax Lots 9400 and 9500 of Tax Map 3-1E-33CD).

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of April 10, 1995.

CRITERIA AND STANDARDS

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

1. The Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:
 - A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
 - B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
 - C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.
2. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this section. If the Site and Design Review Plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.
3. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirement of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.

FINDINGS AND REASONS

The Planning Commission deliberated on all testimony presented at the April 10, 1995 public hearing, and incorporates the March 31, 1995 staff report and Commission deliberations as support for its decision. The Planning Commission accepts the findings in the March 31, 1995 staff report, insofar as they do not conflict with the following supplemental findings:

1. The use of the existing building and property for antique auctions has the potential deleterious effect of creating a hazardous traffic pattern at the access points with Highway 99-E. An auction has the potential of drawing numerable people and vehicles to the primary parking facilities along Highway 99-E, and this potential combined with both the limited access onto the Highway and the restricted distance between the traffic signals at S. Ivy and S. Grant Streets has the potential of creating a serious traffic problem and potential traffic hazard.
2. Due to the potential for traffic hazards, the police need to be contacted regarding monitoring the ingress and egress of traffic from the parking lots along Highway 99-E during auctions.
3. The operation of an auction during normal business hours (9:00 a.m. to 4:00 p.m., Monday through Friday) could cause a parking conflict with the City's parking facility north of the subject property. Since the City's parking facility will be used by the proposed business and auction, if the number of separate written complaints filed with the City regarding the parking situation during auction times exceeds 2 within a 10 day period, the auction is considered to have a deleterious effect.
4. Restriction of the hours of operation of the auction to non-business hours (business hours being 9:00 a.m. to 4:00 p.m., Monday through Friday) is considered to be a reasonable remedy to a parking conflict, if the situation as described in the above finding #3 occurs.
5. A reciprocal access easement is needed with the property to the west for the shared western access. The access is the sole access for the business to the west and the access for the loading facility and a portion of this properties parking.
6. In order to provide appropriate pedestrian circulation, a sidewalk connecting the Highway 99-E sidewalk with the eastern entrance to the building is needed.

CONCLUSION

The Planning Commission accepts the conclusions of the March 31, 1995 staff report that DR 95-07 can be made to comply with all applicable criteria by the application of certain conditions.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that DR 95-07 is approved, subject to the following conditions:

Prior to the Building Permit Application:

1. Either the two Tax Lots (9400 and 9500 of Tax Map 3-1E-33CD) shall be combined or a mutual parking, access, and maintenance agreement between the two Tax Lots (9400 and 9500 of Tax Map 3-1E-33CD) shall be recorded with Clackamas County. A copy of the agreement with the County recording number shall be submitted to the City or a copy of the approved "Cancel and Combine" form shall be submitted to the City.
2. A parking agreement for 22 parking spaces shall be finalized with the City, or shall be provided in accordance with the City's parking regulations and standards (Section 16.10).
3. A permit from the Public Utility Commission shall be received for the sidewalk connection between the City's parking lot and the parking lot on the subject property. This sidewalk shall be designed and located in accordance with the Public Utility Commission's and the City's standards.
4. A reciprocal access easement shall be recorded with the County for the western access. A copy of the recorded easement with the County's record number shall be provided to the City.

For the Building Permit Application:

5. A sidewalk shall be provided between the Highway 99-E sidewalk and the eastern entrance to the building.
6. A detailed landscape 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.
7. 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.

8. The sidewalks shall be located against the curb, and shall be eight-feet wide, including the curb. Where utility facilities or other obstructions (such as fire hydrants, mailboxes, etc.) are located at the curb, the sidewalk shall be set away from the curb such that the sidewalk remains unobstructed for a full eight-foot width.
9. The sidewalk at the intersection of S. Ivy Street and Highway 99-E shall have a handicap accessible ramp, constructed to A.D.A. standards.
10. The eastern parking lot shall have a dry well, constructed to the City's standards, to dispose of on-site drainage.
11. No more than six (6) parking spaces shall be less than 8'6" in width. All compact parking spaces (those less than 8'6" in width) shall be so designated.

Prior to Occupancy:

12. Wheel stops shall be provided for all parking spaces.
13. Signage shall be provided designating the right-turn only for the eastern ingress and egress.

Other Notes:

14. The maximum advertising signage permitted is 600 square feet. All signs shall received sign permit approval prior to installation. No signs advertising a delicatessen, or any other eatery, is permitted.
15. The police shall be contacted for necessary monitoring of ingress and egress to the property's Highway 99-E parking lots during all auctions.
16. If two (2) separate complaints are submitted to the City, in writing, over a period of ten (10) days, auctions shall be restricted to non-business hours. The nature of the complaints are to be connected to any parking conflicts with the City's parking facilities to the north during auctions. Business hours are, for this purpose, considered to be 9:00 a.m. to 4:00 p.m., Monday through Friday.

I CERTIFY THAT THIS ORDER approving DR 95-07 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 24th day of April, 1995.

Kurt Schrader, Chairman
Canby Planning Commission

Joyce A. Faltus
Secretary

ATTEST:

ORAL DECISION - April 10, 1995

AYES: Schrader, Mihata, Gustafson, Ewert, Jackson

NOES: None

ABSTAIN: None

ABSENT: Maher, Elliot

WRITTEN FINDINGS - April 24, 1995

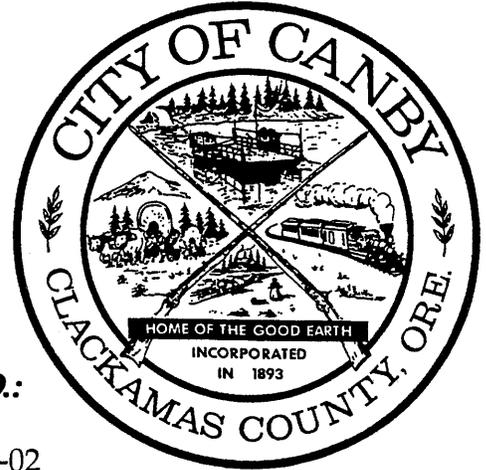
AYES:

NOES:

ABSTAIN:

ABSENT:

- STAFF REPORT -



APPLICANT:

Marlon Financial Services
7225 SW 13th Ave.
Portland, OR 97219

FILE NO.:

SUB 95-02

OWNER:

Same

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 1200 of Tax Map 3-1E-34C

DATE OF REPORT:

April 14, 1995

LOCATION:

700 S.E. 5th Avenue

DATE OF HEARING:

April 24, 1995

COMP. PLAN DESIGNATION:

High Density Residential

ZONING DESIGNATION:

R-2 (High Density Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to subdivide a 5.85 acre parcel into three parcels, approximately 2.41 acres, 1.42 acres and 2.02 acres, respectively. The property is located at 700 S.E. 5th Ave., between S. Maple and S. Pine Streets, north of Township Road.

A 92-unit apartment complex has been approved to be built at this location [DR 94-01]. The application proposes to split the 5.85 acre parcel along the lines delineating the approved 3 phases. Phase 1 of the apartment complex construction (28 units) has been completed, and is located wholly within proposed Parcel 1.

An application for a Minor Land Partition was made [MLP 95-02] and subsequently withdrawn. The application, which had the same layout as the current proposal, was withdrawn when it was evident that the building setback requirements for the existing and/or the proposed apartment buildings could not be met. The Planned Unit Development request has been made to allow for a reduction in the building setback requirements.

II. APPLICABLE CRITERIA:

This is a quasi-judicial land use application. Applications for a subdivision shall be evaluated based upon the following standards and criteria [Section 16.62.020]:

- A. Conformance with the text and the applicable maps of the Comprehensive Plan;
- B. Conformance with other applicable requirements of the Land Development and Planning Ordinance;
- C. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of 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.

III. OTHER APPLICABLE CRITERIA

- A. 16.20.030 Development Standards in R-2 Areas
- B. 16.56 General Provisions (for land divisions)
- C. 16.64 Subdivisions - Design Standards
- D. 16.70 Planned Unit Development and Condominium Regulations
- E. 16.76 Requirements (Planned Unit Developments)

IV. FINDINGS:

A. Location and Background

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 1200 of Tax Map 3-1E-34C. The property is located at 700 S.E. 5th Ave., between S. Maple and S. Pine Streets, and north of Township Road.

A 92-unit apartment complex has been approved to be built at this location [DR 94-01]. The application proposes to split the 5.85 acre parcel along the 3 phases. Phase 1 of the apartment complex construction (28 units) has been completed, and is located wholly within proposed Parcel 1. The cul-de-sac at the end of S.E. 5th Ave. was constructed as a part of the construction of Phase 1 of the apartment complex (proposed Parcel 1). There is approximately 314 feet of frontage along S. Pine Street (proposed Parcel 2) and approximately 40 feet of frontage along S.E. Township Road (proposed Parcel 3).

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 subdivision (see discussion under Public Services Element).

iii. Land Use Element

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

- Policy #1 Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.
- Policy #2 Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.
- Policy #3 Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.
- Policy #4: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.
- Policy #5 Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.
- Policy #6: Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the requirements of the land development and planning ordinance, in guiding the use and development of these unique areas.
- A) A map of "Areas of Special Concern" is to be regarded as having the full force and effect of the Land Use Map in determining appropriate land uses and levels of development. Development proposals, even those that appear to conform with existing zoning, will be considered to conform with the Comprehensive Plan only if they meet the requirements imposed here.
 - B) Area "O" includes several ownerships which are partially within the City limits and partially outside. All of Area "O" is adjacent to S. Pine Street, an unimproved public road with a right-of-way of only twenty (20) feet. City sewer service is not yet available to the area. Presently zoned R-1, the area is anticipated to eventually be developed to higher residential densities. Development of Area "O" could actually be connected with either the residential properties to the west or the area planned for industrial development to the east. In either case, Area "O" will play an important part in

the eventual improvement of S. Pine Street and the related public sewer improvements.

ANALYSIS

1. The property is under construction with apartments. The properties in all directions are zoned R-2 (High Density Residential), which is the same as the subject property. The uses include duplexes to 4-plexes to the west, a manufactured home park to the north, and single family residential to the east and south. The single family residential uses to the east and south are on acreage that can support additional development. It is therefore expected that all properties surrounding the subject property will be developed at similar densities, and similar uses.
2. The density of the development will not be altered by the subdivision. Section 16.76.010(B) states that the average area per dwelling unit shall not be less than that allowed within the zoning district in which the subdivision is located. The number of units in the apartment complex will remain the same and, therefore, the density of the development will remain as approved.
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, R-2, High Density Residential, is consistent with the Land Use Map designation for the property (High Density Residential). The minimum lot size for parcels in the R-2 zone is 5000 square feet, and all three proposed parcels will meet the minimum lot size.
6. The subject property is within the "Areas of Special Concern" O. This area has been annexed into the City and is zoned according to the Comprehensive Plan's Land Use Map. As a part of the construction of the apartments, S. Pine Street will be improved (half-street improvement) from the subject property north to S.E. 3rd Avenue. The subdivision is in conformance with this policy.

iv. Environmental Concerns

- **GOAL: 1) TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.**

2) TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION. TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

- Policy #1-R-A: Canby shall direct urban growth such that viable agricultural uses within the Urban Growth Boundary can continue as long as it is economically feasible for them to do so.
- Policy #1-R-B: Canby shall encourage the urbanization of the least productive agricultural area within the Urban Growth Boundary as a first priority.
- Policy #2-R: Canby shall maintain and protect surface water and groundwater resources.
- Policy #3-R: Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.
- Policy #4-R: Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.
- Policy #5-R: Canby shall support local sand and gravel operations and will cooperate with County and State agencies in the review of aggregate removal applications.
- Policy #6-R: Canby shall preserve and, where possible, encourage restoration of historic sites and buildings.
- Policy #7-R: Canby shall seek to improve the overall scenic and aesthetic qualities of the City.
- Policy #8-R: Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.
- Policy #9-R: Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.
- Policy #1-H: Canby shall restrict urbanization in areas of identified steep slopes.
- Policy #2-H: Canby shall continue to participate in and shall actively support the Federal flood insurance program.

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

ANALYSIS

1-R-A. The subject property has Class I soils. The property is currently undergoing urbanization.

1-R-B. The subject property, while partially vacant, is considered to be urbanized.

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

3-R. The existing use has not created a known pollution problem. Construction activity and industrial activity is required to comply with prescribed standards for air, water, and land pollution, through the building permit process and the State's Department of Environmental Quality standards. The subdivision will not, in of itself, generate any pollution of any form. Storm water drainage is mentioned in the above 2-R.

4-R. Noise will be expected as a result of construction activity. The subdivision will not, in of itself, generate any noise.

5-R. The subject property is not a sand and gravel operation, nor will the proposed subdivision 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 subdivision itself will not affect the scenic or aesthetic quality of the City.

8-R. The subject property is not considered to be open space at this time, as development of the property has been approved and started.

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

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

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

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

v. *Transportation*

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

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

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

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

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

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

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

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

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

- Policy #9: Canby shall support efforts to improve and expand nearby air transport facilities.
- Policy #10: Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.
- Policy #11: Canby shall work with private developers and public agencies in the interest of maintaining the transportation significance as well as environmental and recreational significance of the Willamette River.
- Policy #12: Canby shall actively promote improvements to State highways and connecting County roads which affect access to the City.

ANALYSIS

1. Road improvements are scheduled with the completion of Phase 2. South Pine Street will have a half-street improvement along the subject property's frontage with Phase 2. The plat map indicates that only the portion of S. Pine Street that extends north of the entrance to Phase 2 will be constructed. The full length of the property's frontage will be required to have the half-street improvement. S.E. Township Road will not have an improvement as the property's frontage along Township Road is approximately as wide as the entrance drive. The entrance drive and S.E. Township Road will be matched. All of these improvements are a part of the apartment complex construction.
2. Construction of S. Pine Street is needed. The Comprehensive Plan has called for a connection between Highway 99-E and 13th Avenue, along S. Pine Street. Another connection has been provided to the east, along S. Redwood Street, so the importance of this connection has been reduced. However, it has not been eliminated altogether. Additionally, access to Phase 2 (and Parcel 2) from S. Pine Street is necessary. Full-street improvement is desired, but the right-of-way is not yet available for the construction of a full-street. Half-street improvement, on the same side of the street which is necessary for this project, has been provided immediately to the north of this property, connecting to S.E. 3rd Avenue.
3. The subdivision will not affect the traffic pattern of the already approved apartment complex.

4. Sidewalks will be required for the property's frontage along S. Pine Street. Sidewalks are already in place along S.E. 5th Avenue.
5. The subject property is not involved in any possible overpass or underpass of Highway 99-E and the railroad.
6. Emergency service for the development of the property has already been considered under the review for the apartment complex approval. The subdivision will not change the ability to service the property with emergency services. Cross access easements for all three parcels will be required to provide the most efficient emergency access and service possible.
7. South Pine Street will be built to "collector" standards, which has room for the provision of a bike lane. S.E. Township Road will also have a bike lane.
8. The existing use and the proposed use of the property have no specific use for the rail facilities that exist in Canby.
9. The proposed subdivision has no bearing on efforts to improve or expand nearby air transport facilities.
10. The mass transit system in operation in Canby has no direct bearing on the proposed subdivision. 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 not near any "entry point" into the City.

vi. Public Facilities and Services

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

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

ANALYSIS

1. All needed public facility and service providers were sent a "Request for Comments" regarding this application. The subdivision will not affect services or the ability to provide services.
2. All needed 'public improvements' have been included in the approval of the apartment complex. The creation of the parcels does not, in this case, necessitate the improvements. The improvements will be completed with the completion of the apartment complex construction.
3. The subject property is a part of the area benefitting from the Logging Road Industrial Park road improvements project. The reimbursement charge has been paid for the whole property.
4. The City's internal organization is not germane to this application.
5. The City has adopted a Parks Master Plan in which appropriate sites or areas for recreation facilities are identified. No parks have been designated in the vicinity of the subject property.

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 development of the property is multi-family residential, as the current zoning of the subject property allows. The subdivision will not affect the allowed uses of the property, which do not include economic and industrial.
2. The proposed development is not commercial in nature, nor does the current zoning of the subject property allow what is commonly referred to as "commercial development" (retail/office uses).
3. The subject property is a part of the area benefitting from the Logging Road Industrial Park road improvements project. The development of the property has contributed to the repayment of the loan used to construct the improvement. The subdivision does not alter this situation in any way.
4. The property is currently not agricultural in nature. The subdivision will not change this status.

viii. Housing

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

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

- Policy #2: Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing.
- Policy #3: Canby shall coordinate the location of higher density housing with the ability of the City to provide utilities, public facilities, and a functional transportation network.
- Policy #4: Canby shall encourage the development of housing for low income persons and the integration of that housing into a variety of residential areas within the City.
- Policy #5: Canby shall provide opportunities for mobile home developments in all residential zones, subject to appropriate design standards.

ANALYSIS

1. The location and size of the Urban Growth Boundary is not a part of the proposed application. When the Urban Growth Boundary was designated and calculations to determine the amount of land needed for residential growth, in 1984 as a part of the acknowledged 1984 Comprehensive Plan, the subject property was designated for industrial/commercial development.
2. The proposed subdivision will not change the housing density, as it has been approved for the subject property.
3. The current development is higher density housing. The subdivision does not adversely affect the ability of services to be provided to the apartment complex.
4. The proposed development does not specifically include housing for low income persons. Apartments are usually considered to provide somewhat more affordable housing for lower income persons because long term financing is not required.
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 orientation of the subject property in this proposal meets the basic solar access standards for new residential developments.

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

4. The City's transportation standards, and this development, are in accordance with the City's 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 subdivision, 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 other applicable requirements of the Land Development and Planning Ordinance:

The subdivision does not allow for standard setback distances to existing or proposed buildings. Section 16.76.040(A) - Exceptions - under the Planned Unit Development division of the Planning Ordinance states that the Planning Commission may permit reduced yard setbacks. The only way that the partition of the original parcel into three parcels can occur is through a Planned Unit Development with reduced yard setbacks. The sole reason for the split of the land is to be able to finance each phase independently of the other. The intention of this proposal is not to change the apartment development as proposed and approved. The yards that would require approval of yard setback reductions are interior to the apartment complex. The locations of the buildings are not proposed to be changed from the approved Site and Design Review (DR 94-01), and therefore will not change or alter the impact of the development on neighboring properties.

Section 16.76.010.A. requires that a minimum of 10% of the gross area shall be devoted to park and recreation purposes. Ten percent of the gross 5.85 acres is 25,483 square feet of recreation space. The apartment complex, upon completion as designed and approved, will provide 31,687 square feet of recreation space.

- 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.

With the allowed reduction in the yard requirements to permit further development of the apartment complex as approved, the size and orientation of the proposed parcels is such that future development of either parcel is both possible and feasible. Mutual easements will be needed for the utilities, parking, access, play areas, and landscaping. The apartment project was designed and approved as one whole development, the easements are necessary to facilitate that design and function.

- 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.

The subdivision will not affect the provision of services or overburden any public facilities.

V. CONCLUSION

1. Staff concludes that the subdivision request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan, **provided that the standard yard setback requirements are permitted to be reduced. The reduction is only permitted to the point that allows the buildings to be constructed in the location approved in the Site and Design Review approval [DR 94-01].**
2. Staff concludes that the overall design of the proposed subdivision 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 SUB 95-02, the following conditions apply:

For the Final Plat:

1. The final plat shall reference this land use application - City of Canby, File No. SUB 95-02, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office.
2. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor, or his authorized Deputy, including, but not necessarily limited to, various matters related to land surveying, land title, plat security, and plat recordation.
3. Mutual easements for the utilities, parking, access, play areas, and landscaping shall be recorded with Clackamas County for each of the created parcels. Copies of the easements, with the County's recording number, shall be submitted to the City's Planning Department prior to the issuance of building permits.

Notes:

4. The buildings, and site development including recreation and open space, to be built on Parcels 2 and 3 shall be in conformance, especially regarding location, to the approved Site and Design Review for the apartment complex [DR 94-01].

Exhibits:

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

SUBDIVISION APPLICATION

Fee: \$900 +
\$30/lot

OWNER

APPLICANT

Name Marlon Financial Services, Inc Name same
Address 7225 SW 13th Ave Address _____
City Portland State OR Zip 97219 City _____ State _____ Zip _____
SIGNATURE [Signature] Phone: 1-503-246-4714

DESCRIPTION OF PROPERTY:

Tax Map 3S 1E 34C Tax Lot(s) 1200 Lot Size 5.70 Ac.
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy) Parcel 1 & 2
Plat Name Partition Plan 1990-79 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 Multi-Family
Proposed Multi-Family

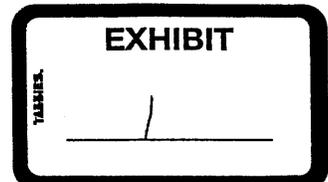
Existing Structures Four apartment structures

PROJECT DESCRIPTION

Replat property to allow financing for each phase.
Subdivide property to three parcels as shown on the
preliminary plat. Utilize P.U.D. ordinance to allow
subdivision in accordance with existing design review
approval.

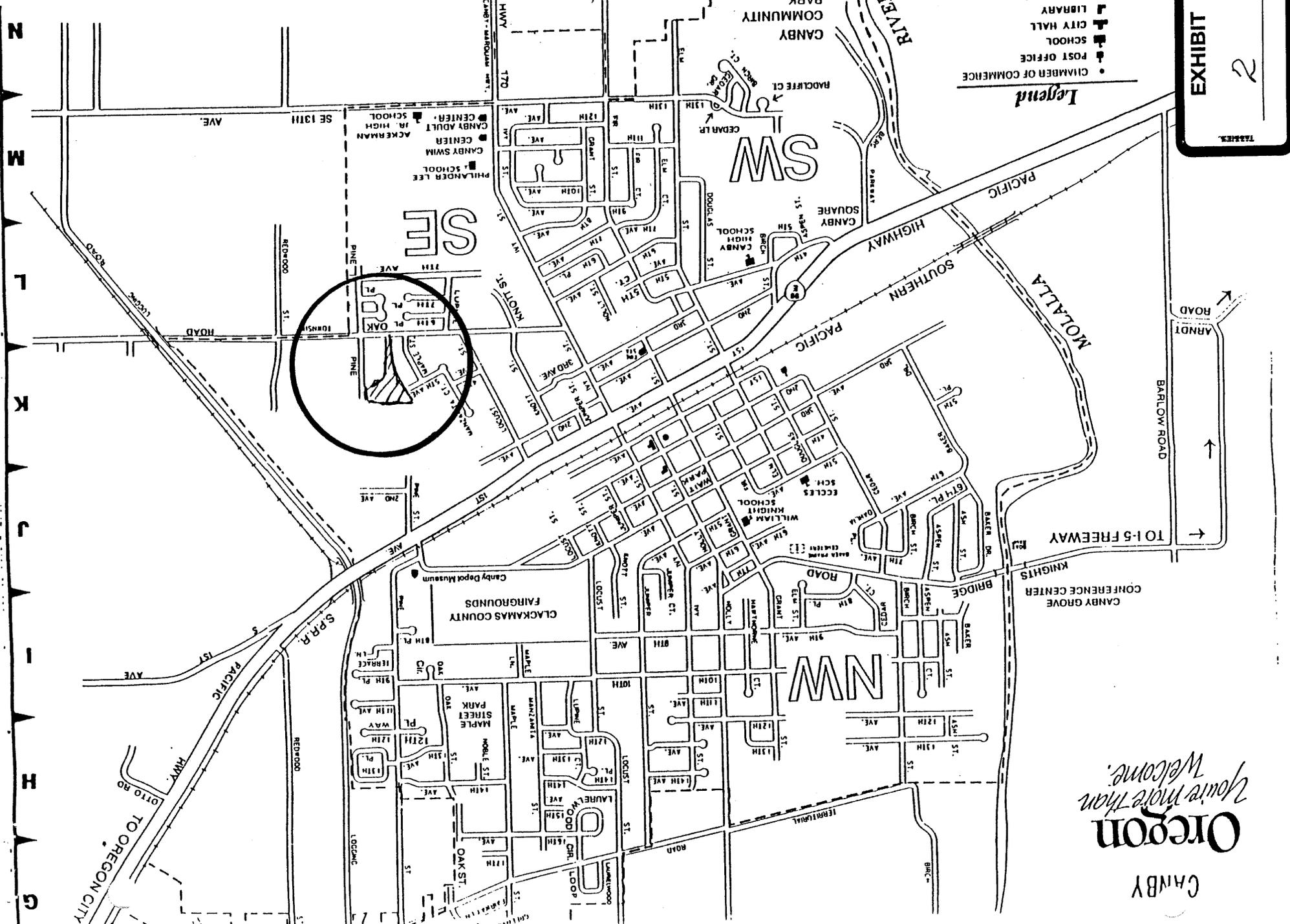
ZONING R-2 COMPREHENSIVE PLAN DESIGNATION R-2
PREVIOUS ACTION (if any) Partition 1990-79, DR 94-01

File No. SLB 95-02
Receipt No. 9372
Received by [Signature]
Date Received 3-27-95
Completeness Date _____
Pre-App Meeting _____
Hearing Date 4-24-95



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

VICINITY MAP



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

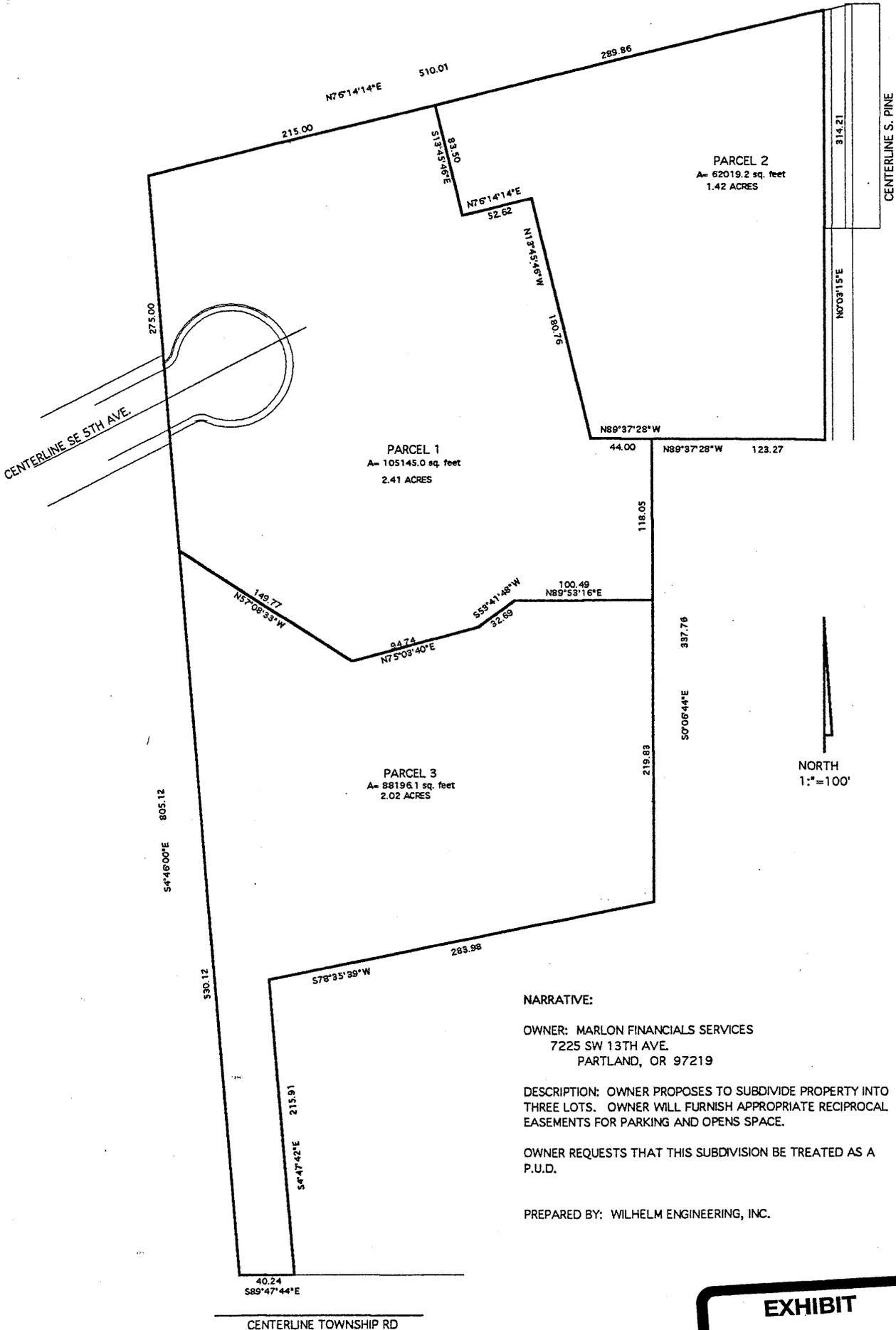
EXHIBIT

2

TABLES

Oregon
Your more than
Welcome.

CANBY



NARRATIVE:

OWNER: MARLON FINANCIALS SERVICES
7225 SW 13TH AVE.
PARTLAND, OR 97219

DESCRIPTION: OWNER PROPOSES TO SUBDIVIDE PROPERTY INTO THREE LOTS. OWNER WILL FURNISH APPROPRIATE RECIPROCAL EASEMENTS FOR PARKING AND OPENS SPACE.

OWNER REQUESTS THAT THIS SUBDIVISION BE TREATED AS A P.U.D.

PREPARED BY: WILHELM ENGINEERING, INC.

EXHIBIT
TABLES
3
2 pages

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 29, 1995

TO: FIRE, POLICE, CUB, TOM PIERSON, TELECOM (SCHMIT), NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY, ROY, STEVE

The City has received SUB 95-02, an application by Marlon Financial Services for approval to replat the parcel into 3 planned unit development parcels, to secure financing for each phase of development. The site is located east of S.E. 5th Avenue, west of S. Pine Street, and north of S.E. Township Road [Tax Lot 1200 of Tax Map 3-1E-34].

We would appreciate your reviewing the enclosed application and returning your comments by April 10, 1995 PLEASE. The Planning Commission plans to consider this application on April 24, 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:

OK - As long as ALL existing conditions
stay in force.

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

EXHIBIT	
4	7 pages

Signature: Roy L. Hester Date: April 4, 1995

Plats 66-28
66-29

PLEASE RETURN ATTACHMENTS!!!

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P.O. Box 930, Canby, OR 97013

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Comments or Proposed Conditions:

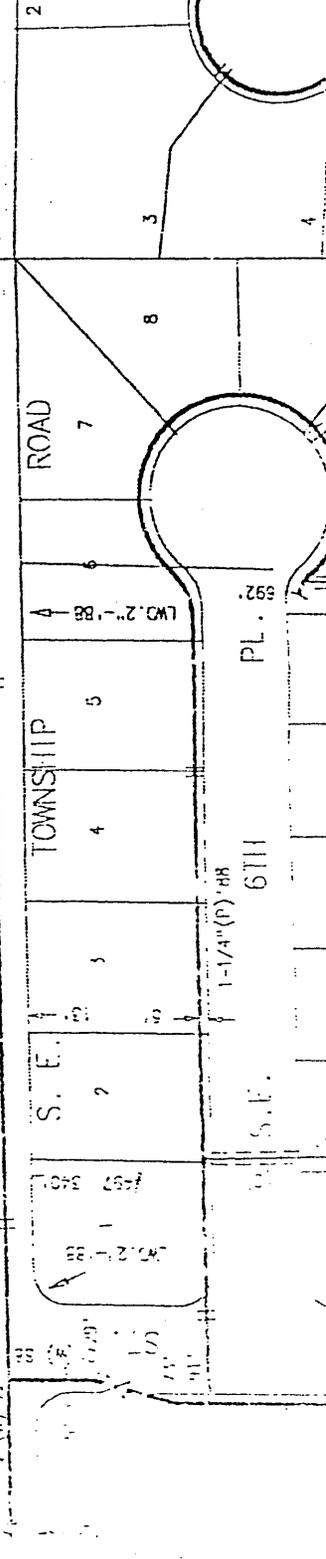
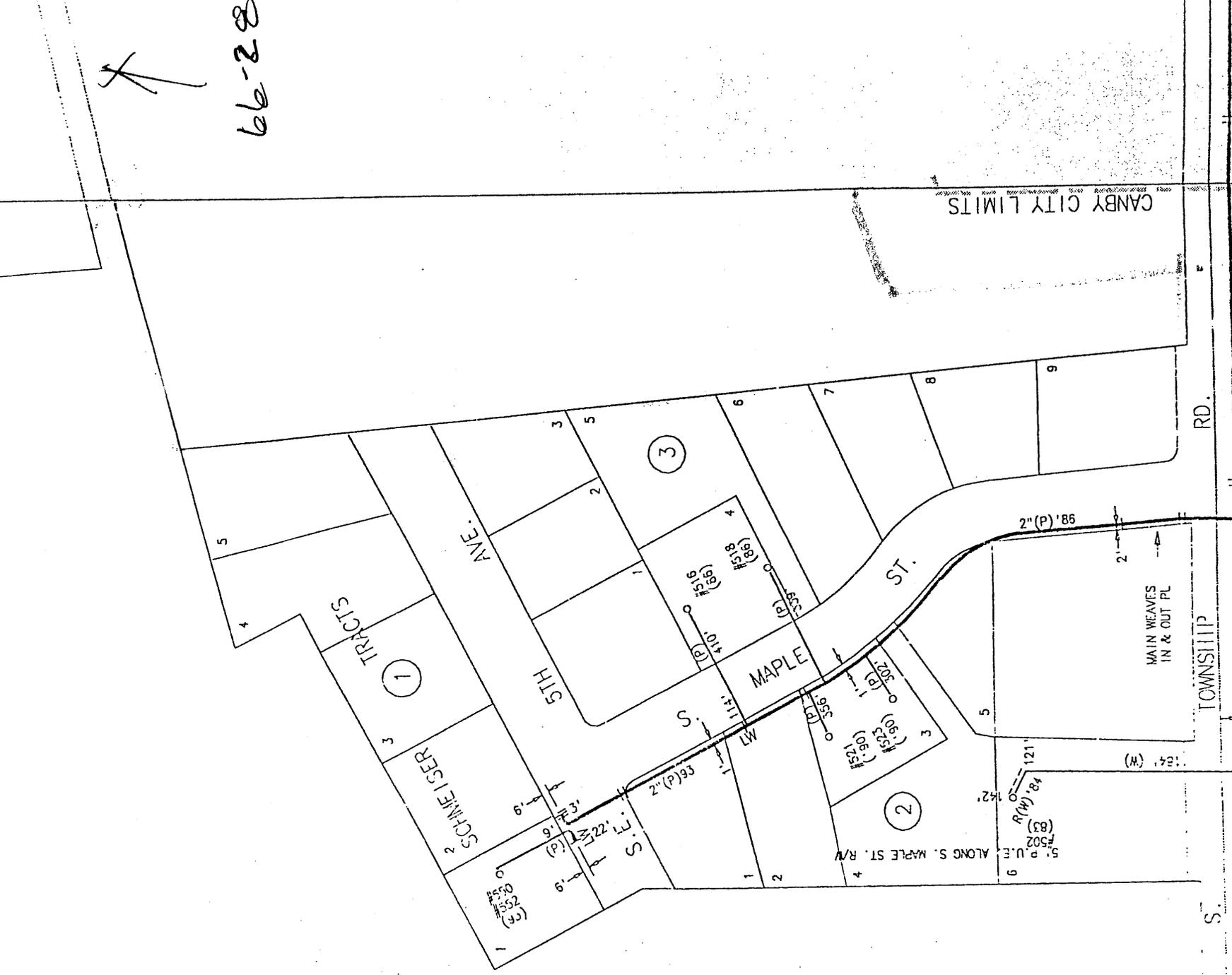
Please check one box:

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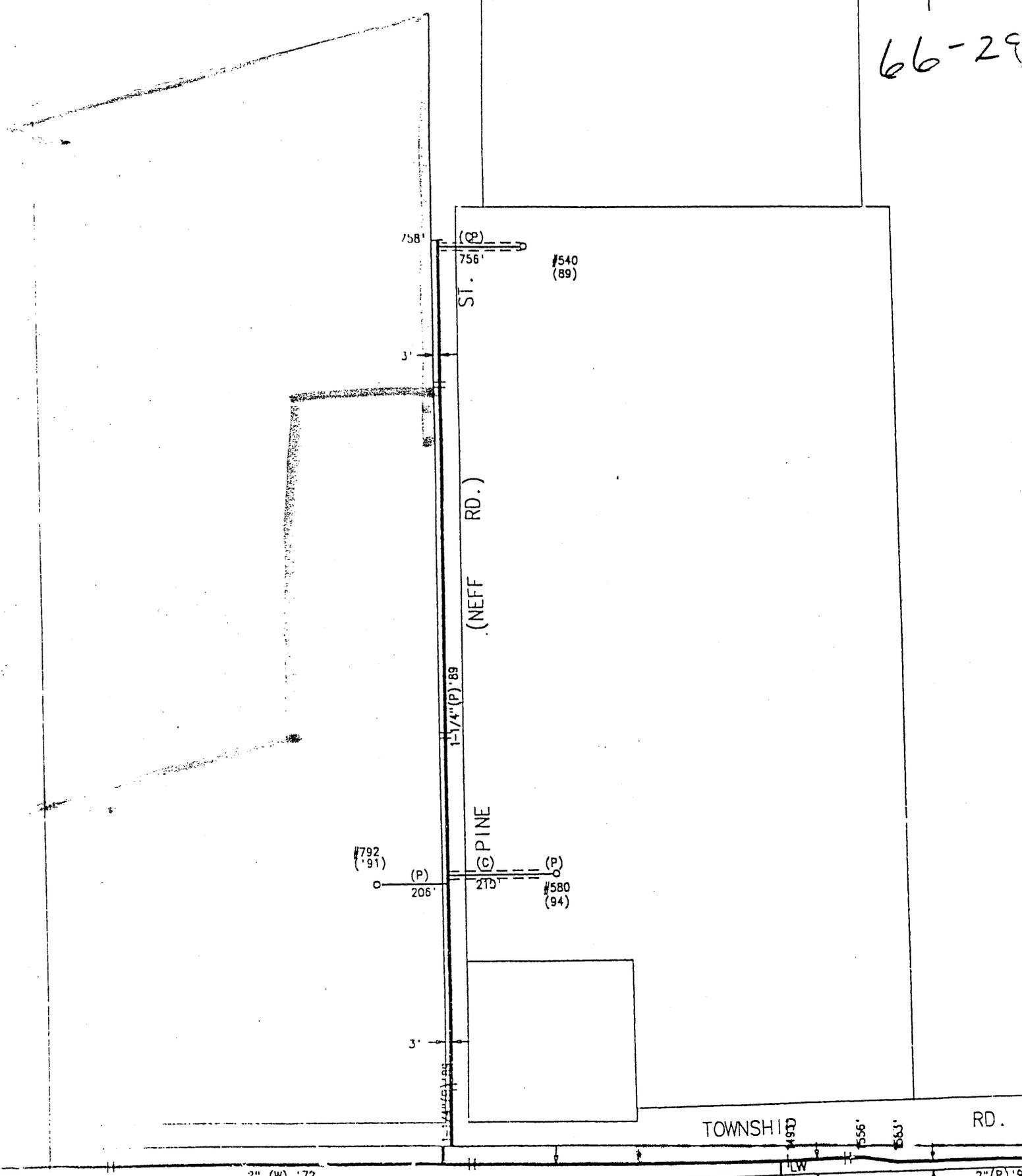
Signature: Larry F. Hyatt Date: 4/5/95



66-28



66-29



#540
(89)

ST.
(NEFF RD.)

PINE
(C)

#792
(91)

#580
(94)

TOWNSHIP RD.

2" (W) '72

1487'

1493'

13'

556'

563'

2" (P) '9

2

1

#552
(92)

#544

#585

#755

PLEASE RETURN ATTACHMENTS!!!

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Comments or Proposed Conditions:

None

Please check one box:

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

Signature: Steve Hanson

Date: 3/31/95

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 29, 1995

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Comments or Proposed Conditions:

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Signature: Jerry Tiger

Date: 4/3/95

PLEASE RETURN ATTACHMENTS!!!

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DATE: March 29, 1995

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Comments or Proposed Conditions:

no comments or Proposed Conditions at this time

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: *Jack Stark*

Date: 3-30-95