PLANNING COMMISSION TESTIMONY SIGN-IN FORM

Date: December 11, 1995 PLEASE PRINT CLEARLY

NAME	ADDRESS
IDAY MARNELLA	17367 Cond CIRCLE L.O. OR 97030

MEMORANDUM

TO: Planning Commission

FROM: James S. Wheeler, Assistant City Planner

DATE: December 7, 1995

RE: Setback requirements and measurements

John Watson is appealing, in an informal process, staff's interpretation of the Planning Commission's approval of Pine Crossing Manufactured Home Park. On May 24, 1995, staff wrote a memo to the files (and I believe it was at least shown, if not given, to Mr. Watson) in which specific siting requirements for individual manufactured homes were stated. Among those requirements was included:

All permanent buildings on one site are required to be a minimum of fourteen (14) feet from all permanent buildings on an adjacent site. "Permanent buildings" includes the homes, garages, carports, and any storage structure larger than 120 square feet.

Section 16.44.030.F. states:

A minimum of fourteen feet of separation shall be maintained between individual units, as well as between units and permanent buildings.

What is being asked is that garages and carports on adjacent lots, be permitted to be closer than fourteen (14) feet (and no closer than six (6) feet) from each other, while maintaining at least fourteen (14) feet from the actual adjacent manufactured home park (meeting the code requirements). The May 24, 1995 staff interpretation is more restrictive than the ordinance requirement (16.44.030.F.).

To be perfectly honest, I do not recall specifically how or why the staff's interpretation came about to be more restrictive than the ordinance requirement. I do recall that the memo was written in an effort to provide consistent review of individual manufactured home siting applications, with known and written criteria. I do not foresee any problems or adverse precedents with overturning staff's interpretation to allow the application of the ordinance requirement as it is written. If the interpretation is upheld, siting of homes on a few lots will be problematic at best, and may not allow a carport or garage (which are not explicit requirements in this park).

P. O. Box 1242 Canby, OR 97013 3-December-1995

Mr. James Wheeler, Asst. Planner City of Canby 182 N. Holly St. Canby, OR 97013

RE: Existing placement permit applications for spaces #39 and #71 Future placement permit applications for spaces #27 and #61/62

Dear Mr. Wheeler:

Per our recent discussion at your office, we need a clarification regarding the separation or clearance requirements between the manufactured homes/units and carports. The early direction and interpretation required a minimum clearance between carports of 6 ft., and not the 14 ft. now being interpreted and required. Prior to design and engineering of the development, we had two pre-design meetings at the City with our design engineer, myself, Bob Hoffman and Bob Godon (attended only one of the two meetings). With regard to separation and clearance, there was specific discussion and questions at these meetings regarding Canby's requirements. Canby's requirements exceeded both the State and HUD requirements, and therefore the extra level of attention and clarification was given to Canby's requirements.

Canby's direction and apparent requirements at the time of design (1991-1992) was to maintain a separation of at least 14 ft. between units, and that <u>enclosed</u> garages would be treated as part of the unit and therefore subject to the 14 ft. minimum. We specifically raised the question regarding carports and were told, "On carports we measure through the carport to the body of the unit, but in no case can an adjoining structure, be it a carport or mobile home, be closer than 6 ft."

Our drawings submitted for both C.U.P. and subsequent Design Review approval for the original 68 units complied with these directions and interpretation, and were reviewed and approved with these configurations. These original plans had separations of less than 14 ft., but greater than 6 ft., at spaces 27/28, 38/39/, 41/42, 53/54, 61/62 and later 70/71.

Canby selected the final routing of the new Pine Street after we had completed C.U.P, Design Review and submitted final plans for construction permits. We were asked to submit revised plans for our entry. Our original submission of the entry with the six additional spaces (#69 through #74) indicated all units with enclosed double garages. We were advised that the two garages on spaces 70/71 did not meet the 14 ft. separation requirement. We discussed the option of a single 4-car detached garage, but settled on the option of a carport on Sp. #70, with garage remaining on Sp. #71. This met the 6 ft. "carport" requirement. This was as submitted for the Design Review for this area, and subsequently included and submitted for final permit drawings, which was approved as submitted.

The entire development was constructed per the approved plans and each home placement, (requires a separate placement permit) has been generally placed per these plans and meets or exceeds your requirements. In fact, early on we agreed that with each individual home placement permit, we would include a smaller scale plot drawing showing either existing or future homes or structures. This was being done in an effort to avoid future conflicts. Some 15 or more permits had been issued before there was any indication of any change in the interpretation of the separation or clearance requirements. Included in these already approved and issued placement permits (see drawings submitted and approved for Sp. #28, Bldg. Permit #4903, and Sp. #41, Bldg. Permit #4925) showing the 6 ft. clearance to future structure. It should be further noted that on Sp. #28, we inadvertently showed a 5 ft. separation and the City "redlined" our drawing and changed it to 6 ft. to meet the requirement.

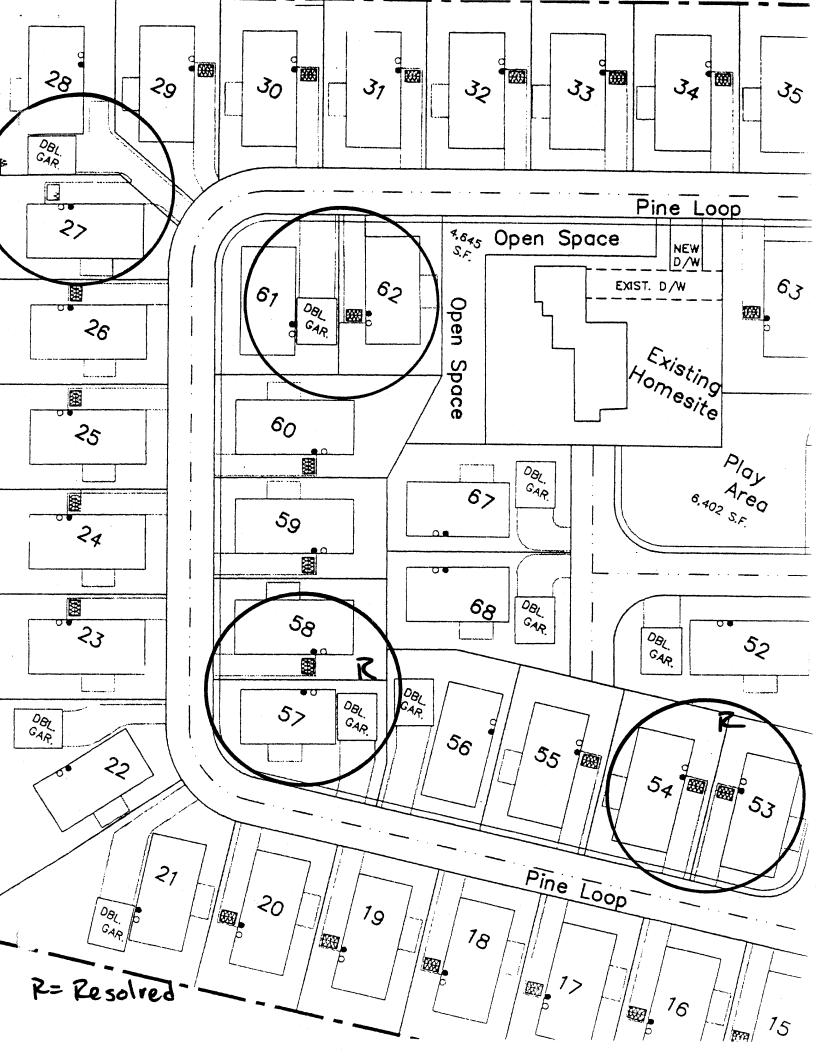
Of the original potential seven conflicts, we have been able to resolve this conflict and meet the 14 ft. requirement at spaces 41/42, 53/54 and 57/58. We are unable to come up with a resolution to this problem at spaces 39, 71 and 61/62. We have room and could resolve it at Sp. #39, but the carport driveway would be placed just a few feet from the main entry intersection into the park and create an unsafe condition.

We are asking that either at the planning staff or planning commission level that we be allowed to continue with our home placements per the plans that were reviewed and approved.

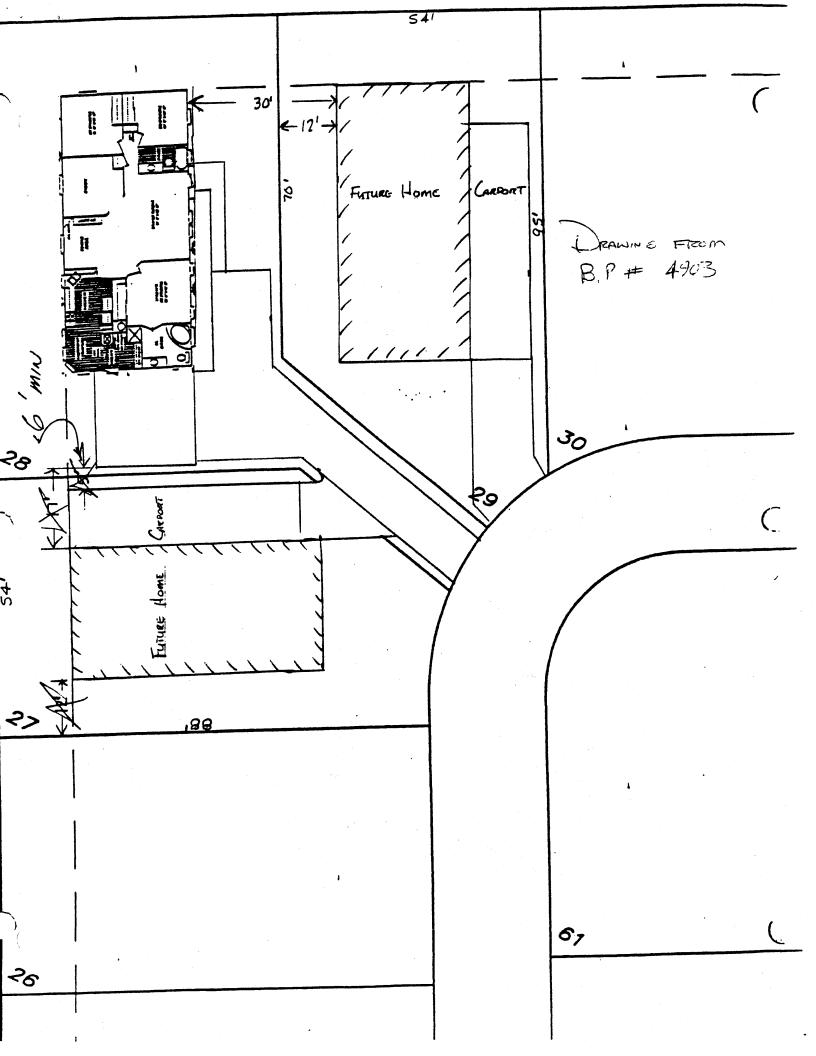
Respectfully.

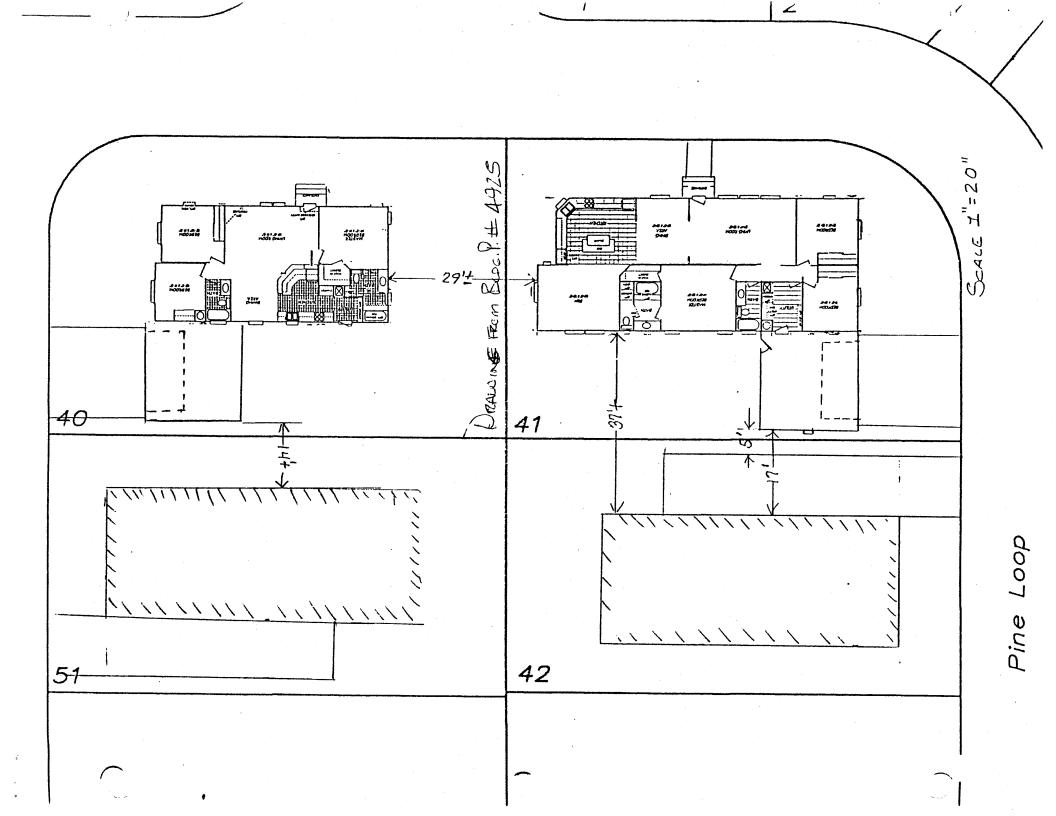
John Watson, Owner Pine Crossing Manufactured Home Park

Attachments: Drawings as reviewed and approved for spaces in question Placement Permit drawings reviewed and approved prior to interpretation change.











APPLICANT:

Jim & JoAnn Free 3424 Oak Street Hubbard, OR 97032

OWNER:

Jim & JoAnn Free 3424 Oak Street Hubbard, OR 97032

LEGAL DESCRIPTION:

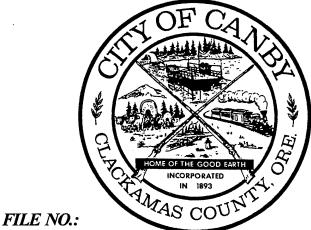
Tax Lots 100 of Tax Map 3-1E-33CB

LOCATION:

680 N. Grant Street, the southeast corner of N. Grant Street and N.E. 7th Avenue

COMP. PLAN DESIGNATION:

High Density Residential



2

MLP 95-07

STAFF:

James S. Wheeler Assistant City Planner

DATE OF REPORT:

December 1, 1995

DATE OF HEARING:

December 11, 1995

ZONING DESIGNATION:

R-1 (Low Density Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to partition a 17,250 square foot lot into two parcels, approximately 7,015 square feet and 10,235 square feet, respectively. The property is located at 680 N. Grant Street, on the southeast corner of N. Grant Street and N.E. 7th Avenue.

II. APPLICABLE CRITERIA:

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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

А.	16.16.030	Development Standards in R-1 Areas
B.	16.56	General Provisions (for land divisions)
С.	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 100 of Tax Map 3-1E-33CB. It is located on the southeast corner of N. Grant Street and N.E. 7th Avenue. There is a single family residence, which faces N. Grant Street, on proposed parcel 2.

> Staff Report MLP 95-07 Page 2 of 16

Comprehensive Plan Consistency Analysis

i. Citizen Involvement

B.

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

ANALY SIS

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.

> > Staff Report MLP 95-07 Page 3 of 16

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

- 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.

ANALY SIS

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 "M" is a developed neighborhood of single-family dwellings on conventional City lots. It is planned for eventual redevelopment to more of a multiple family and duplex character. The existing developed nature of the area obviates any need for an immediate zone change at this time. Any proposals for new development or redevelopment of the area, other than for onesingle-family dwelling per lot, will require prior upzoning to R-2.

ANALY SIS

1. There is currently one existing single family home on the property. The surrounding properties are zoned residentially. The properties to the west are zoned High Density Residential (R-2), and the subject property and the properties to the south and east are zoned Low Density Residential (R-1), but are designated as High Density Residential in the Comprehensive Plan.

2. The partition of the property will permit the more "in-fill" development, which will, in a small way, help increase the housing density of the City.

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-1, Low Density Residential, is not consistent with the Land Use Map designation for the property (High Density Residential). The minimum lot size for parcels in the R-1 zone, 7,500 square feet, meets the minimum lot size requirements of the High Density Residential zone, which is 5000 square feet.

While the current zoning of the property is not in conformance with the Comprehensive Plan land use map, this application is not a rezoning application, and therefore this policy is not applicable to this application review. The partition will not preclude the rezoning of the property and the possibility for some further development and intensification of the housing density.

6. As stated in the analysis of Policy #5, the current zoning of the property does not conform with the land use designation of the Comprehensive Plan. The

Staff Report MLP 95-07 Page 5 of 16 property is in an "area of special concern". The area of special concern does not impose any special requirements upon further development of the property, except one. The one special requirement is that any further development or redevelopment of the property, other than one single family home on one lot, first requires rezoning of the property. The application under review is to divide the property for the purpose of developing one single family home on one lot. This proposal is therefore in compliance 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.

ANALY SIS

1-R-A. The subject property has Class I soils. The land use designation of the property is for residential and the property is currently within the City limits with all necessary infrastructure readily available.

1-R-B. The subject property, while currently under-utilized, 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 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. Insubstantial noise will be expected as a result of residential activity. The minor land partition will not, in of itself, generate any noise.

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.

8-R. The subject property is not considered to be open space at this time. The property is considered to be an oversized urban residential lot.

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.

ANALY SIS

1. No road improvements will be required for either N.E. 7th Avenue or N. Grant Street. N. Grant Street already has curbs, and is at full width. N.E. 7th Avenue is an oil mat street with no curbs. The Public Works Supervisor has stated that this street services only the houses that are located on it (one house with direct access, and five other houses that are facing in other directions with other access points), and will not function in any other capacity in the future. Therefore, the Public Works Supervisor has stated that no further street improvements are required, or desired.

2. No street construction or improvement is required.

3. The nearest major intersection to the subject property is the intersection of N. Grant Street and Knight's Bridge Road. At this time, that intersection is not considered to be a "problem intersection". The proposed partition will not significantly impact this intersection.

4. There are no sidewalks along N.E. 7th Avenue. The Planning Commission has made it a practice to require sidewalks for any development where none are existing. As such, sidewalks are required for N.E. 7th Avenue. Normally, sidewalks are not required until construction has been significantly completed. Therefore, the construction of the sidewalks should be tied to the occupancy of parcel 2. This means that prior to occupancy of any development of parcel 2, a sidewalk across parcels 1 and 2 along N.E. 7th Avenue will be required to be constructed. An A.D.A. (American Disabilities Act) access ramp for the sidewalk at the corner of N. Grant Street and N.E. 7th Avenue is required.

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

5. The subject property is not involved in any possible overpass or underpass of Highway 99-E and the railroad.

6. Access to the proposed new lot is adequate for all emergency response vehicles. With the provision of sidewalks, safe and convenient access will be available for the general public.

7. N. Grant Street is built to "collector" standards, and can accommodate a bike lane. N.E. 7th Avenue is a local street, and is not required to provide for bike lanes.

8. The existing use and the proposed use of the property have no specific use for the rail facilities that exist in Canby.

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

10. The mass transit system in operation in Canby has no direct bearing on the proposed partition. No future transit stops have been proposed. The City has adopted a Transportation Systems Plan study which included mass transit considerations. 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 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.

ANALY SIS

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, Wastewater Department, NW Natural Gas, and Police Department. All have indicated that adequate facilities and/or services are available. The Canby Utility Board, Canby Telephone Association,

School District and Fire District 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. Electric, water, and telephone facilities are available in S. Locust Street and/or S.E. Township Road.

2. Needed 'public improvements' include the improvement and widening of S.E. Township Road. These improvements will occur with the partitioning of the property.

3. A capital improvement program is not a part of this 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 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.

ANALY SIS

1. The proposed development is not industrial in nature, nor does the current zoning of the subject property allow industrial development.

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

3. Development of this site, with homes, 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 no effect on agricultural operations that contribute to the local economy.

viii. HOUSING

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

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

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

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

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

ANALY SIS

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 residential development.

2. The proposed partition will allow for the residential development of an 7,015 square feet of land beyond the existing home. Any development will increase housing density.

3. The proposed development does not include higher density housing.

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

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

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.

ANALY SIS

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.

Staff Report MLP 95-07 Page 13 of 16 2. The orientation of the subject property in this proposal does 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 patters 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.

The proposed partition is in 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.

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 parcel 1 (the vacant parcel) is both possible and feasible. The existing home on parcel 2 will meet all the necessary setbacks as a result of the partition. Access facilities are available. Parcel 1 has access to N.E. 7th Avenue, and parcel 2 has access to both N.E. 7th Avenue and N. Grant Street.

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 the development, to adequately meet the needs of the proposed land division. 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 95-07, 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 95-07.
- 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, and sidewalks shall be provided as follows:
 - 12 feet in width along street frontages.

Prior to Occupancy of Parcel 1 (vacant parcel)

6. A sidewalk, five (5) feet in width, shall be constructed along the full N.E. 7th Avenue frontage of **both** parcels 1 and 2, and shall include an A.D.A. (American Disabilities Act) access ramp for the sidewalk at the corner of N. Grant Street and N.E. 7th Avenue.

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.

Exhibits:

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

Staff Report MLP 95-07 Page 16 of 16

MIINOIR LANID PAIRTITITION AIPPILICATTION Fee: \$900

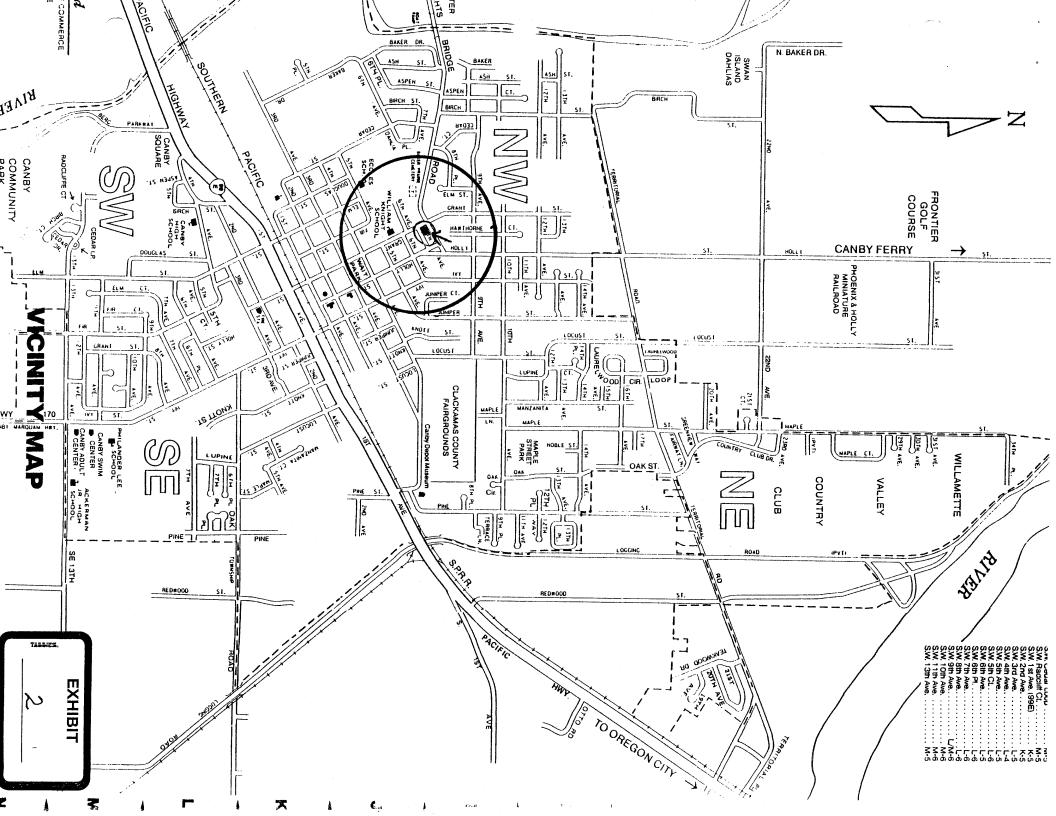
OWNER	APPLICANT
Name LIM + LO ANN TREE	Nametin # Schn FREE
Address 3424 Car STREET	Address 3424 OAK STREET
City+UBBARD State Q Zip 97032	CityState C Zip 97032
Signature: Jack The	Phone: 982-4729 - 1266-3067
DESCRIPTION OF PROPERTY:	
Tax Map <u>R3 = 336 B</u> Tax Lot(s) 100	Lot Size $\frac{115 \times 150}{(\text{Acres/Sq. FL})}$ 17,250 (Acres/Sq. FL)
or	(Acres/Sq. FL)
Legal Description, Metes and Bounds (Attach Copy) Plat Name	Lot 7-9 Block 3

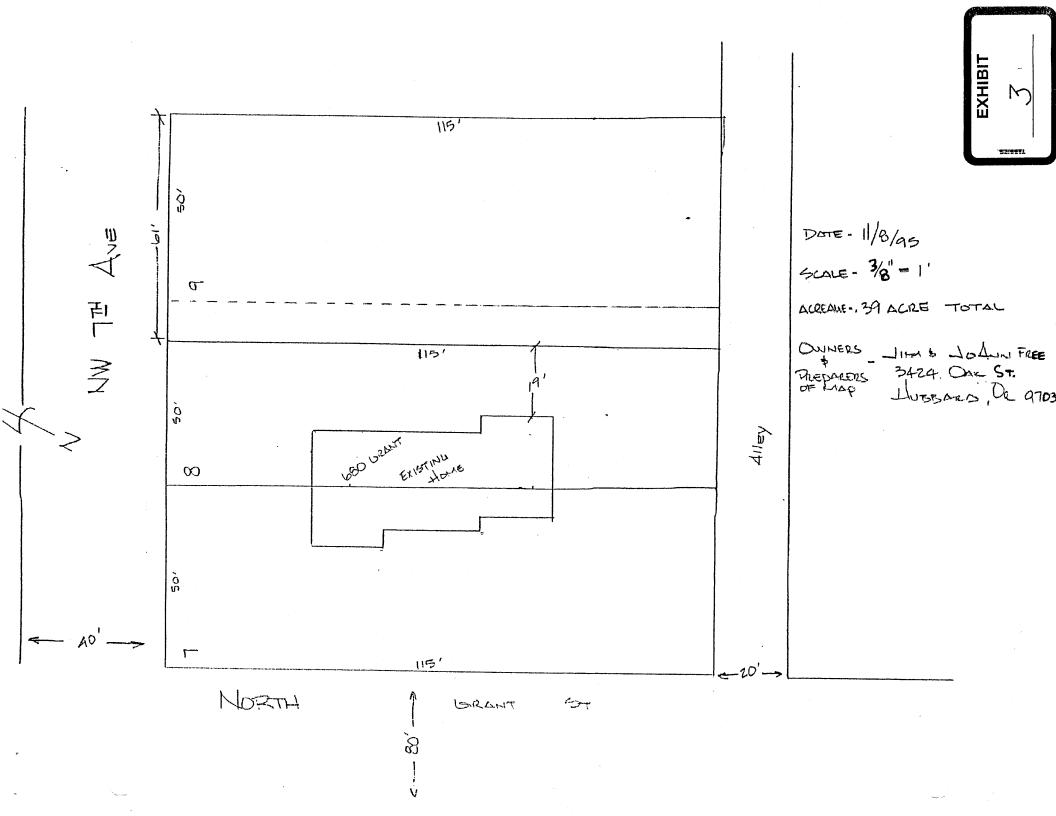
PROPERTY OWNERSHIP LIST

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) $8-1/2 \times 11$ sheets of labels, just as you would address an envelope.

USE	
Existing REDENTIAL Proposed KESIDENTIAL	
Existing Structures 13:00 \$ SINGLE FAMILY RES	
PROJECT DESCRIPTION	
TO PARTITION OFFA 61 X 115 LOT FROM T	TE EAST
DETIDE OF THE SUBJECT PROPERLY. HE	PART, JDN
INDID CREATE A TOBOT LAT AND LEA	
ZONING \mathbb{R}_{-1} comprehensive plan designation \mathbb{R}_{-1}	
PREVIOUS ACTION (if any) N/A	
File No. 1949 95-07	
Receipt No. 97/8	
Received by Dolarmo	EXHIBIT
Date Received <u>11/15/95</u> Completeness Date	
Pre-Ap Meeting	
Hearing Date 12 - 11 - 95	

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





CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: November 15, 1995

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

The City has received **MLP 95-07**, an application by Jim and JoAnn Free [applicants/owners] for approval to partition a 17,250 square foot parcel into two parcels, 7,015 square feet, and 10,235 square feet, respectively. The site is currently known at 680 N. Grant Street [Tax Lot 100 of Tax Map 3-1E-33CB].

We would appreciate your reviewing the enclosed application and returning your comments by **November 27, 1995 PLEASE.** The Planning Commission plans to consider this application on **December 11, 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:

MLP is acceptuble. ane recoled 777. Employements ON N.W. 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 Mister Date: 11-16-95 Andry Title: Public Works Signature:_ Agency: _ **EXHIBIT**

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

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Comments or Proposed Conditions:

Please check one box:

Adequate Public Services (of your agency) are available

Adequate Public Services will become available through the development

Conditions are needed, as indicated

Adequate public services are not available and will not become available

Date: 11/14/95 Title: 10/10E Chief Signature: Agency:

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

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Comments or Proposed Conditions:

Please check one box:

Adequate Public Services (of your agency) are available

Adequate Public Services will become available through the development

Conditions are needed, as indicated

Adequate public services are not available and will not become available Signature: <u>Harfford</u> <u>Date: 11/29/95</u> Agency: <u>NWNetural Ans</u> <u>Title: Field Engineering Supervisor</u>

HOUSING UNITS WITH BUILDING PERMITS

YEAR	SFR*	MH*	MFR*	TOTAL*
1976	63	-	32	95
1977	205	-	160	365
1978	157	-	22	179
1979 ,	64	-	12	76
1980	49	-	5	54
1981	29	-	24	53
1982	12	-	38	50
1983	7	-	0	7
1984	21	-	0	21
1985	21	20	0	41
1986	22	46	0	68
1987	37	34	0	71
1988	40	10	1	51
1989	47	6	37	90
1990	85	6	42	133
1991	84	21	10	115
1992	69	8	9	86
1993	108	32	59	199
1994	150	38	34	222
1995	45	48	58	151
				<u> </u>

TOTAL	SFR	MH MFR		TOTAL
1976 - 1995	1315	269	543	2127
% of Total	61.8%	12.6%	25.5%	

* Totals do not include demolitions or replacements

1995				
YEAR	SFR*	MH*	MFR*	TOTAL*
Jan	2	7	0	9
Feb	4	0	0	4
Mar	8	6	2	16
Apr	5	7	0	12
May	8	5	28	41
Jun	5	2	0	7
Jul	0	8	0	8
Aug	1	0	28	29
Sep	6	0	0	6
Oct	1	4	0	5
Nov	5	9	0	14
Dec				0
Total	45	48	58	151

* Totals do not include demolitions or replacements

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11/30/95

Sort by alphabetical listing

Sort by year approved

NUMBER OF LOTS/UNITS CREAT	ED SINCE 1	988	Elementary
			School
Subdivisions	Lots	Built	District
Canby Garden Estates		0	Knight
Cedar Ridge	56	54	Knight
Fairgrounds Park	13	13	Knight
Harvest Oak Estates No. 2	10	9	Knight
Lillian's Meadow, Phase I	11	11	Eccles
Lillian's Meadow, Phase II	10	2	Eccles
Noble Addition (Evergreen)	4	1	Knight
North Pine Addition No. 2	13	9	Knight
North Woods Addition	8	7	Knight
Rebecca Estates	31	30	Eccles
Redwood Meadows	21	21	Knight
South Redwood Estates	6	2	Trost
Township Village, Phase I	42	42	Trost
Township Village, Phase II	30	30	Trost
Township Village, Phase III	36	36	Trost
Township Village, Phase IV	19	19	Trost
Township Village, Phase V	27	26	Trost
Township Village, Phase VI	12	12	Trost
Township Village, Phase VII	32	4	Trost
Township Village, Phase VIII	97	0	Trost
Twelfth & Pine Addition	14	13	Knight
Valley Farms, Phase I	43	42	Trost
Valley Farms, Phase II	42	42	Trost
Valley Farms, Phase III	20	20	Trost
Villa Nova Estates (Pizzuti)	7	2	Eccles
Wiederhold Village	3	0	Trost
Willow Creek, Phase I	49	48	Knight
Willow Creek, Phase II	37	7	Knight
Total	700	502	1

				11/30/95	
					Elementary
					School
Year	Subdivisions	Lots	Built	PCT	District
1988	Fairgrounds Park	13	13	100.0	Knight
1988	Township Village, Phase I	42	42	100.0	Trost
1989	Repecca Estates	31	30	96.8	Eccles
1989	Township Village, Phase II	30	30	100.0	Trost
1989	Twelfth & Pine Addition	14	13	92.9	Knight
1990	Cedar Ridge	56	54	96.4	Knight
1990	Harvest Oak Estates No. 2	10	9	90.0	Knight
	Lillian's Meadow, Phase I	11	11	100.0	Eccles
	Township Village, Phase III	36	36	100.0	Trost
1991	North Pine Addition No. 2	13	9	69.2	Knight
1991	Willow Creek, Phase I	49	48	98.0	Knight
1991	Willow Creek, Phase II	37	7	18.9	Knight
1992	Lillian's Meadow, Phase II	10	2	20.0	Eccles
1992	North Woods Addition	8	7	87.5	Knight
1992	Redwood Meadows	21	21	100.0	Knight
1992	Township Village, Phase IV	19	19	100.0	Trost
1992	Township Village, Phase V	27	26	96.3	Trost
1992	Valley Farms, Phase I	43	42	97.7	Trost
1992	South Redwood Estates	6	2	33.3	Trost
1993	Valley Farms, Phase II	42	42	100.0	Trost
1993	Valley Farms, Phase III	20	20	100.0	Trost
1993	Noble Addition (Evergreen)	4	1	25.0	Knight
	Township Village Phase VI	12	12	100.0	Trost
1994	Township Village, Phase VI	32	4	12.5	Trost
1994	Villa Nova Estates (Pizzuti)	7	2	28.6	Eccles
1994		l ż	ō	0.0	Knight
1995	Canby Garden Estates	97	lo	0.0	Trost
1995	Township Village Phase VIII	3	lõ	0.0	Trost
1995	Wiederhold Village 1988-1995	700	502	71.7	
1	1990-1990	1.00			

	Sort by year approved Within each school boundary			11/30/95	Elementary School District	Permits Issued This Month
Year	Subdivisions	Lots	Built	96.8	Eccles	0
1989	Rebecca Estates	31	30	100.0	Eccles	ŏ
1990	Lillian's Meadow, Phase I	11	11	20.0	Eccles	1
1992	Lillian's Meadow, Phase II	10	2	28.6	Eccles	Ó
1994	Villa Nova Estates (Pizzuti)	7	2 13	100.0	Knight	lo
1988	Fairgrounds Park	13	13	92.9	Knight	Ō
1989	Twelfth & Pine Addition	14	54	96.4	Knight	0
1990	Cedar Ridge	56	- 04 9	90.0	Knight	O O
1990	Harvest Oak Estates No. 2	10	9	69.2	Knight	Ō
1991	North Pine Addition No. 2	13 49	48	98.0	Knight	0
1991	Willow Creek, Phase I		- 7	18.9	Knight	0
1991	Willow Creek, Phase II	37	7	87.5	Knight	Ó
1992	North Woods Addition	8	21	100.0	Knight	0
1992	Redwood Meadows	21	1	25.0	Knight	0
1994	Noble Addition (Evergreen)	4		0.0	Knight	0
1995	Canby Garden Estates	7	42	100.0	Trost	0
1988	Township Village, Phase I	42	30	100.0	Trost	1 0
1989	Township Village, Phase II	30	36	100.0	Trost	0
1990	Township Village, Phase III	36	19	100.0	Trost	4
1992	Township Village, Phase IV	19	19	96.3	Trost	0
1992	Township Village, Phase V	27	42	97.7	Trost	0
1992	Valley Farms, Phase I	43		33.3	Trost	Ō
1993	South Redwood Estates	6	2	100.0	Trost	l o
1993	Valley Farms, Phase II	42	42	100.0	Trost	Ō
1993	Valley Farms, Phase III	20	20	100.0	Trost	Ó
1994	Township Village Phase VI	12	4	12.5	Trost	Ŏ
1994	Township Village, Phase VII	32		0.0	Trost	ŏ
1995	Township Village Phase VIII	97		0.0	Trost	ŏ
1995	Wiederhold Village	3	502	71.7		5
-	1988-1995	700	45	76.3		1
	Eccles	59	182	78.4	1	Ó
1	Knight	232	275	67.2		4
	Trost	409	2/5	1 01.2		

			Elementary
			School
Developments	Units	Built	District
Canby Apartments	76	28	Trost
Elmwood M.H.P. Expansion	22	22	Knight
H.O.P.E. (Adult Living Facility)	366	0	Eccles
Maple Terrace Apartments	28	28	Knight
Marlon South Apartments	92	56	Trost
N. Knott Apartments	10	10	Knight
Pine Crossing M.H.P.	60	40	Trost
Pine Terrace Apartments	40	0	Knight
Rackleffe House (Convelescent)	25	25	Knight
Redwood Terrace Apartments	57	57	Knight
Village on the Lochs M.H.P.	133	78	Knight
Total	909	344	

_

					School
Year	Developments	Units	Built	Pct.	District
	Rackleffe House (Convelescent)	25	25	100.0	Knight
		22	22	100.0	Knight
1989	Elmwood M.H.P. Expansion	10	10	100.0	Knight
1989	N. Knott Apartments			100.0	Knight
1990	Maple Terrace Apartments	28	28		Eccles
1991	H.O.P.E. (Adult Living Facility)	366	0	0.0	
1993	Village on the Lochs M.H.P.	133	78	58.6	Knight
1993	Redwood Terrace Apartments	57	57	100.0	Knight
1994	Pine Crossing M.H.P.	60	40	66.7	Trost
	Marion South Apartments	92	56	60.9	Trost
1995		76	28	36.8	Trost
1995	Canby Apartments	40	õ	0.0	Knight
1995	Pine Terrace Apartments			37.8	- rungin
	1988-1995	909	344	31.0	

Flementary

					Elementary	Permits
					School	Issued
		Units	Built	Pct.	District	This Mont
Year	Developments	366	0	0.0	Eccles	0
1991	H.O.P.E. (Adult Living Facility)	25	25	100.0	Knight	0
	Rackleffe House (Convelescent)	10	10	100.0	Knight	0
	N. Knott Apartments	22	22	100.0	Knight	0
1989	Elmwood M.H.P. Expansion	28	28	100.0	Knight	0
1990	Maple Terrace Apartments	57	57	100.0	Knight	0
1993	Redwood Terrace Apartments	133	78	58.6	Knight	8
1993	Village on the Lochs M.H.P.	40	l o	0.0	Knight	0
1995	Pine Terrace Apartments	60	40	66.7	Trost	1
1994	Pine Crossing M.H.P.	92	56	60,9	Trost	0
1995	Marton South Apartments	76	28	36.8	Trost	0
1995	Canby Apartments	909	344	37.8		
	1988-1995	366	0	0.0		0
	Eccles	315	220	69.8		8
	Knight		124	54.4	1	1
	Trost	228	124	1		

1	1/30/95
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	11/30/95				
					Elementary
	0.1.11.1	1	D. 11	567	School
Year	Subdivisions	Lots	Built	PCT	District
1988	Township Village, Phase I	42	42	100.0	Trost
1993	Valley Farms, Phase II	42	42	100.0	Trost
1990	Township Village, Phase III	36	36	100.0	Trost
1989	Township Village, Phase II	30	30	100.0	Trost
1992	Redwood Meadows	21	21	100.0	Knight
1993	Valley Farms, Phase III	20	20	100.0	Trost
1992	Township Village, Phase IV	19	19	100.0	Trost
1988	Fairgrounds Park	13	13	100.0	Knight
1994	Township Village, Phase VI	12	12	100.0	Trost
1990	Lillian's Meadow, Phase I	11	11	100.0	Eccles
1991	Willow Creek, Phase I	49	48	98.0	Knight
1992	Valley Farms, Phase I	43	42	97.7	Trost
1989	Rebecca Estates	31	30	96.8	Eccles
1990	Cedar Ridge	56	54	96.4	Knight
1992	Township Village, Phase V	27	26	96.3	Trost
1989	Twelfth & Pine Addition	14	13	92.9	Knight
1990	Harvest Oak Estates No. 2	10	9	90.0	Knight
1992	North Woods Addition	8	9 7	87.5	Knight
1991	North Pine Addition No. 2	13	9	69.2	Knight
1993	South Redwood Estates	6	2	33.3	Trost
1994	Villa Nova Estates (Pizzuti)	7	2	28.6	Eccles
1993	Noble Addition (Evergreen)	4	1	25.0	Knight
1992	Lillian's Meadow, Phase II	10	2	20.0	Eccles
1991	Willow Creek, Phase II	37	7	18.9	Knight
1994	Township Village, Phase VII	32	4	12.5	Trost
1995	Township Village Phase VIII	97	0	0.0	Trost
1995	Canby Garden Estates	7	0	0.0	Knight
1995	Wiederhold Village	3	Ō	0.0	Trost
	1994-1995 Subdivisions	162	19	11.7	
	1988-1993 Subdivisions	538	483	89.8	
					لا

Sort by percentage of buildout within each school boundary

11/30/95

					Elementary
					School
Year	Subdivisions	Lots	Built	PCT	District
1990	Lillian's Meadow, Phase I	11	11	100.0	Eccles
1989	Rebecca Estates	31	30	96.8	Eccles
1994	Villa Nova Estates (Pizzuti)	7	2	28.6	Eccles
1992	Lillian's Meadow, Phase II	10	2	20.0	Eccles
1988	Fairgrounds Park	13	13	100.0	Knight
1992	Redwood Meadows	21	21	100.0	Knight
1991	Willow Creek, Phase I	49	48	98.0	Knight
1990	Cedar Ridge	56	54	96.4	Knight
1989	Twelfth & Pine Addition	14	13	92.9	Knight
1990	Harvest Oak Estates No. 2	10	9	90.0	Knight
1992	North Woods Addition	8	7	87.5	Knight
1991	North Pine Addition No. 2	13	9	69.2	Knight
1993	Noble Addition (Evergreen)	4	1	25.0	Knight
1991	Willow Creek, Phase II	37	7	18.9	Knight
1995	Canby Garden Estates	7	0	0.0	Knight
1988	Township Village, Phase I	42	42	100.0	Trost
1989	Township Village, Phase II	30	30	100.0	Trost
1990	Township Village, Phase III	36	36	100.0	Trost
1992	Township Village, Phase IV	19	19	100.0	Trost
1993	Valley Farms, Phase II	42	42	100.0	Trost
1993	Valley Farms, Phase III	20	20	100.0	Trost
1994	Township Village, Phase VI	12	12	100.0	Trost
1992	Valley Farms, Phase I	43	42	97.7	Trost
1992	Township Village, Phase V	27	26	96.3	Trost
1993	South Redwood Estates	6	2	33.3	Trost
1994	Township Village, Phase VII	32	4	12.5	Trost
1995	Township Village Phase VIII	97	0	0.0	Trost
1995	Wiederhold Village	3	0	0.0	Trost
	Eccles	59	45	76.3	
	Knight	232	182	78.4	
	Trost	409	275	67.2	

					Elementary
					School
Year	Developments	Units	Built	Pct.	District
1993	Redwood Terrace Apartments	57	57	100.0	Knight
1990	Maple Terrace Apartments	28	28	100.0	Knight
1988	Rackleffe House (Convelescent)	25	25	100.0	Knight
1989	Elmwood M.H.P. Expansion	22	22	100.0	Knight
1989	N. Knott Apartments	10	10	100.0	Knight
1994	Pine Crossing M.H.P.	60	40	66.7	Trost
1995	Marlon South Apartments	92	56	60.9	Trost
1993	Village on the Lochs M.H.P.	133	78	58.6	Knight
1995	Canby Apartments	76	28	36.8	Trost
1991	H.O.P.E. (Adult Living Facility)	366	0	0.0	Eccles
1995	Pine Terrace Apartments	40	0	0.0	Knight
	1994-1995	268	124	46.3	
	1988-1993	641	220	34.3	

					Elementary
•					School
Year	Developments	Units	Built	Pct.	District
1991	H.O.P.E. (Assisted Living Facility)	366	0	0.0	Eccles
1993	Redwood Terrace Apartments	57	57	100.0	Knight
1990	Maple Terrace Apartments	28	28	100.0	Knight
1988	Rackleffe House (Convelescent)	25	25	100.0	Knight
1989	Elmwood M.H.P. Expansion	22	22	100.0	Knight
1989	N. Knott Apartments	10	10	100.0	Knight
1993	Village on the Lochs M.H.P.	133	78	58.6	Knight
1995	Pine Terrace Apartments	40	0	0.0	Knight
1994	Pine Crossing M.H.P.	60	40	66.7	Trost
1995	Marlon South Apartments	92	56	60.9	Trost
1995	Canby Apartments	76	28	36.8	Trost
	Eccles	366	0	0.0	
	Knight	315	220	69.8	
	Trost	228	124	54.4	