

A G E N D A
CANBY PLANNING COMMISSION
REGULAR MEETING
City Council Chambers
Monday, October 9, 1995
7:30 p.m.

I. ROLL CALL

II. MINUTES

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMUNICATIONS

V. DISCUSSION OF PLANNING ISSUES

Steve Miller - Canby School District : School Capacity Report

VI. OLD BUSINESS

DR 95-15 (Pine Terrace Apts) - Tree Removal

VII. NEW BUSINESS

VIII. FINDINGS

DR 95-16 (Larios)
DR 95-17 (Wilson Construction Company)

IX. PUBLIC HEARINGS

ANN 95-01/SUB 95-01, an application by Douglas F. Kolberg [applicant] and Joan Jones and Gertrude Thompson [owners] for approval to annex a 45.42 acre parcel into the City of Canby, and to develop a 209-lot planned unit development subdivision. The property is bounded by Township Rod on the north, the Molalla Forest Road on the east, and Trost Elementary School on the west [Tax Lots 900, 1100 and 1200 of Tax Map 4-1E-3]. **Subdivision portion continued from July 10, 1995.**

DR 94-11A, an application by Kevin Howard for Design Review approval of a Mini-Storage/R.V. Storage Center Sign. The site is located on the south side of Highway 99-E, east of S. Pine Street [Tax Lot 300 [part] of Tax Map 3-1E-34C].

SUB 95-05, an application by Hilda M. Wiederhold for approval to subdivide Parcel #2 of Partition Plat 1995-48 into 3 single family residential lots, ranging in size from 7,700 square feet to 10,750 square feet. The site is located west of Township Village IV and east of the Jehovah Witness Kingdom Hall, where S. Knott and S.E. 7th Way both terminate [Tax Lot 1101 of Tax Map 4-1E-4AB].

WITHDRAWN

CUP 95-03/DR 95-18, an application by the Canby Utility Board (C.U.B.) [applicant] and the City of Canby [owner] for approval to expand the water treatment facility, to include two new structures and rehabilitate the existing structures. The site is located on the west side of N. Cedar Street [Tax Lot 1000 of Tax Map 3-1E-32D].

X. DIRECTOR'S REPORT

Bob Gustafson's letter of resignation
Planning Commission training workshop

XI. 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
James Larson
Carlin Jackson

Linda Mihata, Vice-Chair
Dan Ewert

Bob Gustafson
Brad Gerber



MEETING TIMELINES AND PROCEDURES

- In order not to restrict any person from testifying but, rather, to encourage everyone to do so, the Canby Planning Commission shall try to adhere as closely as possible to the following timelines:
 - Applicant (or representative[s]) - not more than 15 minutes
 - Proponents - not more than 5 minutes
 - Opponents - not more than 5 minutes
 - Rebuttal - not more than 10 minutes
- Everyone present is encouraged to testify, even if it is only to concur with previous testimony. For more complete presentations, Proponents and Opponents may "buy" time from one another. In so doing, those either in favor, or opposed, may allocate their time to a spokesperson who can represent the entire group.
- All questions must be directed through the Chair.
- Any evidence to be considered must be submitted to the hearing body for public access.
- All written testimony received, both for and against, shall be summarized by staff and presented briefly to the hearing body during presentation of the Staff Report.

The applicable substantive criteria for evaluating the application are displayed on the walls. Please direct your testimony to these criteria or other criteria in the Plan or land use regulations which you believe apply to the decision. Failure to raise an issue at this hearing with sufficient specificity to afford the Commission or Council and the parties an opportunity to respond to the issue precludes appeal to LUBA on that issue. A decision shall be made by the hearing body at the close of the hearing or the matter will be continued to a date certain in the future. This will be the only notice of that date that you will receive.



-M E M O R A N D U M-

TO: *Planning Commission*

FROM: *James S. Wheeler, Assistant City Planner* } SW

DATE: *October 5, 1995*

RE: *10/09/95 Planning Issue Discussion*

The Planning Issue Discussion of school capacity with Steve Miller will need to be postponed. The School Board is having a special meeting on the 9th, which Steve Miller will need to be in attendance. The mix-up on the date was due to a three-way conversation, in which the actual confirmed date did not get to Mr. Miller. Additionally, Mr. Miller did not receive the packet of questions until 10/4/95. This is in part because of Planning Department staffing shortage, and in part because of a delay in the School District Office. Because of the need to work on findings and staff reports, and one secretary on vacation, Planning Staff did not deliver the school questions until 10/2/95. Mr. Miller will also be seeking some clarifications on what is being asked, so that he will be able to properly answer the Planning Commission's questions.

What staff is proposing, is that this planning issue discussion take place either in a special meeting be held October 30, 1995 or at the regular November 13, 1995 meeting. Staff would like to get the tentative meeting date resolved at the 10/09/95 meeting, and have it confirmed at the 10/23/95 meeting. This has been discussed with Steve Miller, and is agreeable.

M E M O R A N D U M

TO: Planning Commission

FROM: James S. Wheeler, Assistant Planner *JSW*

DATE: September 29, 1995

RE: DR 95-17 (Wilson Construction Company)
Slope Stability and Water Testing Costs

Curt McLeod, contract engineer for the City, contacted Landslide Technology regarding the cost to assess the stability of the embankment in relation to the development for the Wilson Construction Company site. The attached page is a faxed copy of the letter stating that the report would cost no more than \$1,900.00. Landslide Technology conducted soil boring test south of the project site, in the vicinity of S. Berg Parkway, approximately five (5) years ago. They would come out to the site, and first determine whether or not the soils match. If the soils match, an assessment of the proposed facility's impact on the slope will be assessed utilizing the previously gathered data. If the soils do not match, additional cost could be incurred.

I contacted WFR Environmental Lab, Inc., a company that the Canby Utility Board has done water quality test work with. The cost to test primary and secondary metals, and basic organics (oil, grease, etc.) is approximately \$325 per test. They charge \$50 per hour to come and gather the sample. The proposed base line test, and seven (7) tests (two per year for the first two years, and once a year for the following three years) should costs no more than \$3,150, over five (5) years.



Landslide Technology

The Lincoln Building, Suite 111
10250 S.W. Greenburg Rd.
Portland, Oregon 97223-5460

Tel. (503) 452-1200 • Fax (503) 452-1528

Curran-McLeod
6655 SW Hampton, Suite 210
Portland, OR 97223

Attn: Mr. Curt McLeod

Slope Stability
Proposed Wilson Construction Company Facility
Canby, Oregon

Dear Mr. McLeod:

In accordance with your request, we are pleased to present this proposal and estimated costs to provide services for the above-mentioned project.

We understand the proposed facility is located at the top of a steep slope adjacent to the east side of the Molalla River, and on the north side of NW Third Street in Canby. A paved parking/storage area is proposed to be constructed within 5 feet of the top of the bluff.

The proposed scope of work consists of: (a) a site visit to visually examine the river bluff and to assess its present stability, (b) provide our opinion on the impact to the slope from the proposed facility, and (c) provide a summary letter-report on our assessment.

Our fee for the scope of work outlined above is a Not-to-Exceed sum of \$1,900.00. The terms and conditions under which our services are offered are stipulated in the attached Agreement for Professional Services. We are prepared to complete our assessment and provide a letter-report within two weeks of receiving a notice to proceed.

We appreciate the opportunity to be of assistance to Curran-McLeod on this project. If you have any questions, please call.

Sincerely,

LANDSLIDE TECHNOLOGY

By Ermel Quevedo

Ermel Quevedo, P.E.
Vice President

Post-it™ brand fax transmittal memo 7871

To	Curt McLeod	From	Charlie Hammond
Co.	Curran-McLeod	Co.	Landslide Technology
Dept.		Phone #	452-1200
Fax #	624-8247	Fax #	
		# of pages	3

September 29, 1995

MEMORANDUM

TO: Planning Commission

FROM: James S. Wheeler, Assistant Planner *JSW*

DATE: September 29, 1995

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September 29, 1995

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Co.	Curran-McLeod	Co.	Landslide Technology		
Dept.		Phone	452-1200		
Fax #	624-8247	Fax #			

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Sincerely,

LANDSLIDE TECHNOLOGY

By Ermel Quevedo
Ermel Quevedo, P.E.
Vice President

-M E M O R A N D U M-

TO: *Planning Commission*

FROM: *James S. Wheeler, Assistant City Planner* *JSW*

DATE: *September 25, 1995*

RE: *DR 94-11a Revision Request for Highway 99E Mini-Storage signage*

Kevin Howard is requesting a revision to the original Site and Design Approval (DR 94-11, approved 9/26/94). The revision request is for a change in the permitted color of the signage. The applicant, in the 1994 application submitted color photos of similar developments in Sandy and Baseline (Hillsboro area). The project narrative did not specify that the color photos were to be used for the color of the signage. However, in the August 12, 1995 staff report (page 5), staff linked the appearance of the signage to that shown in the photos, which indicated a blue and white sign, with just a hint of red in the form of a line or narrow outline. Staff recommended a condition of approval that referenced the appearance of the proposed signage to be similar to that found in the submitted photos (condition #11 of 8/12/95 staff report, condition #10 of 9/2/95 supplemental staff report, and condition #10 of the Findings, and Final Order). During the public hearing and Planning Commission discussion at the 9/14/95 special meeting, discussion revolved around the reader board and the color of the letters on the reader board. Specific mention of the color of the sign was not made during the meeting. The applicant did not appeal the Planning Commission's approval, with condition #10 regarding the color of the signage.

The applicant is not requesting that the Planning Commission approve a revision that will permit the yellow, black, red, and white sign that has been erected, to remain. The applicant has submitted numerous photos with the following color combinations:

blue, white, yellow	predominately blue	NAPA
Yellow, blue	predominately yellow	Heritage Real Estate
Canby Farm Garden & Pet is outside of the City limits	(predominately yellow)	
Hazel Dell Gardens is outside of the City limits	(predominately white, with some yellow)	
Millar's Hiway Tire has since been changed to green and white		
Yellow, red, black, white	predominately yellow	Les Schwab
Yellow, red, black, white	predominately yellow	Shell
White, buff, yellow, blue, black	predominately white	Canby Inn
White, black, red, orange, yellow	predominately white	Pacific Pride
Yellow, white, blue, black, red	predominately white and yellow	Canby Booster Club
** Red, yellow, white, black	predominately red	McDonald's

**	Red, yellow	predominately red	Payless
	Red, yellow, black, white	predominately red	Family Bargain Center
	Black, yellow, white	predominately black	Subway
	Yellow, black	predominately yellow	TNT Market
	Yellowish white, black	predominately yellowish white	Canby Cleaners
	Yellow, black, red	predominately yellow	Canby Char-Broiler
	Yellow, red, black	predominately yellow	Canby Shoe Repair

This list of signs along Highway 99E show that quite a few use yellow, black, and red in the signage. The list does not include the red Videoland signage, which is still an unresolved matter. The above list only include two signs that the Planning Commission reviewed through Site and Design Review process: McDonald's and Payless. The gas station that is Shell was originally approved as a Chevron gas station. Neither of these applications had the color restriction and/or association with submitted pictures for the signage.

Canby's Site and Design Review Ordinance does not have specific requirements regarding signage colors. There are provisions which permit discretion on the part of the Planning Commission. These provisions are discussed by the applicant in the revision project narrative. Whether or not they have merit to warrant a revision in the permitted signage colors is a matter for the Planning Commission to discuss and decide. As a matter of compliance with strictly objective and quantifiable standards of the Ordinance, the proposed signage colors (the colors currently being used) are in compliance.

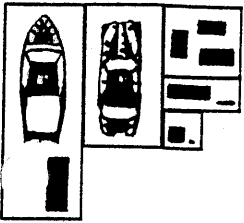
An issue that is being dealt with separate from the color issue, is the location of the sign. The sign encroaches on the Highway 99E right-of-way by approximately ten (10) inches. Regardless of the action that the Planning Commission takes regarding the color of the signage, staff suggest that the Planning Commission should also make a finding that the action taken, in no way, indicates that the Commission condones the signs encroachment upon the Highway 99E right-of-way.

The applicant refers to the Statewide Planning Goals (Goal number 2) for a definition of "compatibility". The following is the full definition, as provided by the Statewide Planning Goals:

"COMPATIBLE, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses."

The subparagraph 4 mentioned in the definition is part of a set of standards used to determine whether a local government may adopt an exception to a goal. The subparagraph is as follows:

"(4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts."



KEVIN HOWARD REAL ESTATE

"Specializing in Mini Storage"

September 1, 1995

City of Canby Planning Department
182 N. Holly
P.O. Box 930
Canby, OR 97013

RE: APPLICATION FOR SITE AND DESIGN REVIEW APPROVAL FOR
FREESTANDING SIGN PURSUANT TO CANBY ZONING ORDINANCE
("CZO") CHAPTER 16.49

Dear Planner,

This letter is accompanied by a formal application together with a list of names in the surrounding radius of the subject property and accompanying letter addressing the subject. I have also included 20 pictures showing similar signs along Hwy 99E in Canby.

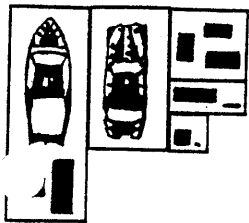
The accompanying letter should be self explanatory however, I would appreciate a phone call if there are any questions or further explanation needed. Thank you for your attention. I look for the opportunity to present this matter to the Planning Commission and City Council.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Howard".

Kevin Howard

encls



KEVIN HOWARD REAL ESTATE

"Specializing in Mini Storage"

September 1, 1995

Mr. Jim Wheeler
Assistant Planner
City of Canby Planning Department
182 N Holly
PO Box 930
Canby OR 97013

Re: Application for Design Review Approval pursuant to
Canby Zoning Ordinance ("CZO") Chapter 16.49

Dear Jim:

Enclosed with this letter is a completed application form, an additional letter and a picture board explaining my request for approval of design review for a sign for the mini-storage project at 1239 S.E. 1st. As you are aware, I currently have a design review approval. That design review approval will become void on September 26, 1995. CZO § 16.49.060. My purpose in submitting this application is to obtain either a new or amended design review approval for the same sign. As you are also aware, my attorney, Michael Robinson, had filed an appeal of the Planning Commission's decision on my request to amend the existing design review approval. Michael and the City Attorney agreed that my appeal would be withdrawn, the appeal fee applied to this application and that the Planning Commission and City Council would consider a request for an amended design review application.

The criteria for approval for design review are found in CZO § 16.49.040(1)-(4). CZO § 16.49.040(3) and (4) are inapplicable to this request. The remainder of this letter explains how the application complies with the applicable approval criteria.

1. CZO § 16.49.040(1)(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"

RESPONSE:

The proposed sign complies with applicable dimensional and setback requirements contained in the CZO.

2. CZO § 16.49.040(1)(B):

"The proposed design of the development is compatible with the design of other developments in the same general vicinity; and"

RESPONSE:

The CZO does not define the term "compatible" or the phrase "the same general vicinity." Compatible, however, means capable of co-existing with other similar uses in harmony. Compatible is not an absolute standard. It allows for some adverse impact. See, for example, the definition of "Compatible" in Statewide Planning Goal 2. "The same general vicinity" means the surrounding area which, in this case, are other highway frontages along State Highway 99E.

The accompanying letter explains that this sign is similar in color to other signs in the same general vicinity. The proposed sign has a yellow background with black text. At least 17 other signs along State Highway 99E in Canby contain a similar color arrangement. Moreover, a sign of this type is compatible with other developments in the same general vicinity because each development along the highway seeks to maximize its visibility of the passing traffic in conformance with applicable zoning ordinance requirements.

3. CZO § 16.49.040(1)(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."

RESPONSE:

The same definition of compatible above applies here. The proposed sign is compatible with the proposed development and other structures in the same vicinity. As explained in the attached letter, the proposed sign is characteristic for signage advertising other mini-warehouse developments by this applicant. Moreover, the sign is appropriate to the design character of other structures in the same vicinity because it uses the same color scheme.

4. CZO § 16.49.040(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."

RESPONSE:

CZO § 16.49.010 sets forth the Findings and objectives for this chapter as follows:

"A. The City Council finds that excessive uniformity, dissimilarity, inappropriateness, or poor quality of design in the exterior appearance of structures and signs, and the lack of proper attention to site development and landscaping, in the business, commercial, industrial and certain residential areas of the City hinders the harmonious development of the City; impairs the desirability of residence, investment or occupation in the City; limits the opportunity to attain the optimum use and value of land and improvements; adversely affects the stability and value of property; produces degeneration of property in such areas with attendant deterioration of conditions affecting the peace, health and welfare of the City; and destroy a proper relationship between the taxable value of property and the cost of municipal services thereof.

"B. The City Council declares that the purpose and objectives of site development requirements and the design review procedures are to:

"1. Encourage originality, flexibility and innovation in site planning and development,

including the architecture, landscaping and graphic design of said development.

"2. Discourage monotonous, unsightly, dreary and inharmonious development.

"3. Promote the City's natural beauty and visual character and charm by insuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements.

"4. Protect and enhance the City's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties.

"5. Stabilize and improve property values and present blighted areas and thus increase tax revenue.

"6. Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and thus decrease the cost of governmental services.

"7. Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement.

"8. Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment and thus promote and protect the peace, health and welfare of the City.

"9. Determine the appropriate yard setbacks, building heights, minimum lot sizes and sign sizes, when authorized to do so by City ordinance. (Ord. 848, Part I, § 1, 1991)

The proposed sign is consistent with the objectives and standards set forth in this section. The purpose of the Code is to, among other things, prohibit excessive uniformity. While the sign is compatible with and similar to other signs in the area, it is not the same either in dimension, location or color as all the other signs in the area, so the proposal does not encourage excessive uniformity. Alternatively, it is not sufficiently dissimilar to other signs in the area so as to promote

September 1, 1995

Page 5

dissimilarity. The sign is appropriate to its purpose and use and it is of high quality design and exterior appearance.

With respect to the purpose of § 16.49, the chapter is intended to promote flexibility in, among other factors, graphic design. The proposed sign request promotes flexibility because it allows the developer to select a color scheme which is most effective in advertising the location of the business.

The proposed sign is not monotonous, unsightly, dreary nor is it inharmonic with the surrounding development. The attached letter explains that it is similar to many other signs located along State Highway 99E.

The proposed sign is properly related to its site and to the surrounding sites and structures considering its location and aesthetics.

The proposed sign does not detract from the City's appeal to tourists and visitors. In fact, it supports and stimulates business and industry because it encourages the use of an existing Canby business.

The other purposes of § 16.49 appear to be inappropriate to review of a sign request.

For the reasons described above, the City Planning Commission may approve this design review request.

Please see that any notices of public hearings are provided to me at the above address and to Michael Robinson, Stoel Rives, 900 SW Fifth Avenue, Suite 2300, Portland, Oregon 97204-1268.

Very truly yours,



Kevin Howard

KH:MCR:saa

cc: Michael C. Robinson

Fee: \$750

OWNER NAME WARREN/HOWARD #9 APPLICANT NAME SAMB
 ADDRESS 12033 NE MAX ST ADDRESS _____
 CITY PORTLAND STATE OR ZIP 97220 CITY _____ STATE _____ ZIP _____
 SIGNATURE [Signature] PHONE: _____

DESCRIPTION OF PROPERTY:

TAX MAP PARCEL T TAX LOT(S) _____ LOT SIZE 3.0⁰⁰ AC.
 OR OF PARTITION PLAT NO 1994-142 (Acres/Sq. Ft.)

LEGAL DESCRIPTION, METES AND BOUNDS (ATTACH COPY)

PLAT NAME _____ LOT _____ BLOCK _____

PROPERTY OWNERSHIP LIST

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

USE

EXISTING MINI-STORAGE
 PROPOSED SMB

EXISTING STRUCTURES MINI STORAGE FACILITY

SURROUNDING USES TO SHOW COLOR OF EXISTING SIGN IS IN COMPLIANCE
 PROJECT DESCRIPTION WITH CITY CODES

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

FILE NO. DR 94-11a
 RECEIPT NO. _____
 RECEIVED BY JSW
 DATE RECEIVED 9/1/95
 COMPLETENESS DATE _____

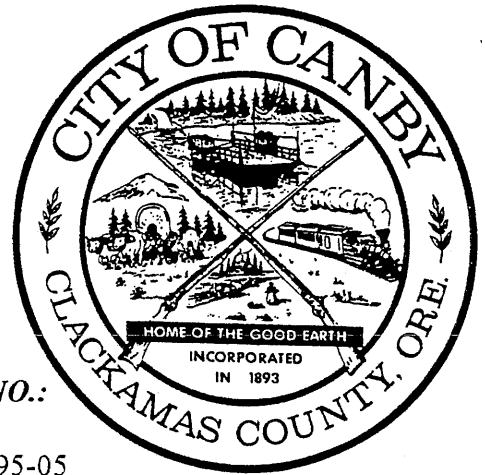
PRE-AP MEETING _____
 HEARING DATE _____

IF THE APPLICANT IS NOT THE PROPERTY OWNER, HE
 MUST SIGN THIS APPLICATION

Post-It™ brand fax transmittal memo 7671 # of pages ▸

To <u>DAVID DEMERS</u>	From <u>DTFE</u>
Co. _____	Co. <u>City of Clatsop</u>
Dept. _____	Phone # _____
Fax # <u>220-2480</u>	Fax # _____

- STAFF REPORT -



APPLICANT:

Hilda M. Wiederhold
P.O. Box 30802
Portland, OR 97294

FILE NO.:

SUB 95-05
(Wiederhold Village)

OWNER:

Hilda M. Wiederhold, Charitable Trust
P.O. Box 30802
Portland, OR 97294

STAFF:

James S. Wheeler
Assistant City Planner

LEGAL DESCRIPTION:

Tax Lot 1101 of Tax Map 4-1E-4AB

DATE OF REPORT:

September 29, 1995

LOCATION:

South of S. Knott Street, west of S.E.
7th Avenue, and east of the Jehovah
Witnesses Kingdom Hall

DATE OF HEARING:

October 9, 1995

COMP. PLAN DESIGNATION:

Medium Density Residential

ZONING DESIGNATION:

R-1 (Low Density Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval for a three (3) lot subdivision. The connection of S.E. 7th Avenue and S. Knott Street is technically a separate development as it is required regardless of the approval or denial of this subdivision proposal.

II. APPLICABLE CRITERIA:

A. City of Canby Code Section 16.62.020

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

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

B. Other Applicable Policies and Regulations:

■ City of Canby General Ordinances:

- 16.16 R-1 Low Density Residential Zone
- 16.60 Major and Minor Partitions (Subdivisions)
(especially 16.64, Subdivision Design)
- 16.86 Street Alignment
- 16.88 General Standards

III. FINDINGS:

A. Background and Relationships

The subject property is located east of the Jehovah Witnesses Kingdom Hall, south of S. Knott Street, and west of Township Village Phase IV. The subject property was partitioned from the Kingdom Hall property in 1994 (MaLP 94-01, approved 1/24/94). As a condition of both the partition approval (MaLP 94-01, conditions #9 and #10) and the conditional use permit approval for the Kingdom Hall (CUP 94-01, approved 1/24/94, condition #4), the connection of S.E. 7th Way and S. Knott Street is required. The street connection is required, under the bonding for the completion of the Kingdom Hall, to be completed by December 20, 1995. This connection is required independent of this subdivision application.

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

- **GOALS:** 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, WITHIN 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. The project does not directly impact any County Road.
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.

Area "C" includes all of the property shown on the Land Use Map within the "Residential-Commercial" category and having frontage on S. Ivy Street. Ever-increasing traffic on S. Ivy Street necessitates special treatment for access, especially where commercial or multi-family residential development occurs. The site plan review process shall be used to assure that strict adherence to parking and access requirements are maintained. Portions of this area which have already been zoned R-2 and developed residentially will be allowed to remain in R-2 zoning. C-R zoning has begun to be used as individual applications for zone changes have been processed. There is no reason to attempt to hasten this transition process because residential uses can eventually be converted to mixed residential/commercial use.

ANALYSIS

1. The parcel is zoned R-1, Low Density Residential and is proposed to be developed with single family residential structures. The Comprehensive Plan land use designation of the subject parcel is Commercial/Residential, which is a higher designation than the current zoning and the proposed development. The principle reason for the Comprehensive Plan designation is property frontage along S. Ivy Street. When the partition split the Kingdom Hall portion of the property from the subject property, the Comprehensive Plan designation was not changed for the subject property.

The proposed development is compatible with the surrounding land uses. Immediately to the west is a church-like facility that fronts on S.

Ivy Street. To the south is a storage facility. To the north and east is residential developments.

The proposed development density for the subject parcel (4.7 lots per developable acre) is equal to that of the comprehensive plan "density assumption" used to estimate the amount of area that is needed for low density residential areas (4.7 lots per developable acre, p.36). However, this density is substantially lower than that of the comprehensive plan "density assumption" used to estimate the amount of area that is permitted for residential development within the commercial/residential zone (8.0 units per developable acre, p.36 - as medium density development). The "density assumptions" are averages with some areas developing above the "average" and other areas developing below the "average".

2. The zoning of the property is R-1, Low Density Residential. The Comprehensive Plan land use designation of the property is Commercial/Residential, equivalent to R-1.5. The density of the subdivision is equal to what the Comprehensive Plan calculates for the amount of land needed for low residential development (4.7 lots per developable acre), but is lower than what the Comprehensive Plan calculated for the amount of land needed for medium residential development (8.0 units per developable acre).

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 (Commercial/Residential). However, there is no application for a zone change from the current R-1, Low Density Residential zone. Further, such a change would most be considered to be inappropriate in that the C-R zone is essentially for properties that have frontage on S. Ivy Street, which this property does not have. The minimum lot size for parcels in the R-1 zone is 7000 square feet, and all of the proposed lots meet the minimum lot size requirement.

6. The subject property is identified as one of the "unique" sites or "areas of special concern". As mentioned in the previous discussion, the "areas of special concern C" is meant for properties with frontage along S. Ivy Street. With the 1994 partition of the property, this portion of the original property lost its frontage along S. Ivy Street. The development that did occur on the S. Ivy portion of the original parcel conforms with the Commercial/Residential development desired in the Comprehensive Plan. The most appropriate development for this portion of that original parcel is low density residential development.

iv. Environmental Concerns

■ **GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.**

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 property is not viable agricultural land, nor has been since the adoption of the Comprehensive Plan.

1-R-B. With the development of the adjoining lands, and the provision of all the necessary public utilities to the subject property, the property is considered to be "urbanized".

2-R. The storm water drainage of the subject property, except for the drainage for the public roads, is handled on-site. Clackamas County reviews storm water management and compliance with the Federal Clean Water Act, for each individual lot upon development of that lot. The street drainage is reviewed by the City.

3-R. The existing use has not created a known pollution problem. Construction activity, the development activity directly related to residential development, is required to comply with prescribed standards for air, water, and land pollution, through the building permit process. Storm water drainage is mentioned in the above 2-R.

4-R. Noise will be expected as a result of residential construction. Further, residential construction noise is regulated by the City's Noise Ordinance.

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. There are no historic buildings on or around the subject property. The subject property and surrounding properties are not historic sites.

7-R. Development of this property will not affect the scenic and aesthetic quality of the City, as the property is not considered to be "open land".

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

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

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

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

3-H. The subject property has 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. The City has adopted a Transportation Master Plan that specifies the City's responsibilities, and acknowledges the County's and State's responsibilities for improving existing roads due to normal travel wear. The Transportation Master Plan also recognizes that as vacant property abutting a road in need of improvement develops, the development is responsible for the necessary improvements. The connection of S.E. 7th Way and S. Knott Street is already required.

2. The connection of S.E. 7th Avenue and S. Knott Street is proposed. The construction of this public road will need to conform to the road construction standards set for local streets.

The local standards include: thirty-six (36) feet of paving, curb to curb; ten (10) inches of crushed rock and two (2) inches of Class "C" asphalt concrete pavement - with another one and a half (1-1/2) inches of Class "C" asphalt concrete pavement overlay applied one (1) year later; curbs; five (5) foot sidewalks, including the curbs; street trees; storm water drainage; extension of the utilities; and street lights.

The location of the planting of the trees needs to be both compatible with the placement of the utilities for the subdivision and such that the trees have adequate room to grow. The street trees shall be planted on the south side only. In order to accommodate utilities and street trees, with the limited right-of-way space street trees are to be planted eleven (11) feet behind the curb. In order to insure, as best as possible, the proper planting of the trees, the trees will need to be planted by a licensed landscape contractor. The planting of the trees is a subdivision improvement, and improvements are required to be completed or bonded prior to the signing of the subdivision plat. Since the planting of street trees is inadvisable prior to the construction of the homes, the trees will need to be bonded. One other option is for the developer to pay the City to take responsibility for the planting of the trees. This option requires a payment to the City of \$165 a tree. The cost covers both the purchase of the trees and the cost to contract the work of planting the trees. An easement that specifically permits the street trees to be planted within the utility easement along the street is necessary because the trees may not be planted until after the home has been occupied, and the new homeowner should know at the earliest possible time that the trees will be planted. Three trees are required, one tree per lot. The location of the trees will be designated with the construction plans.

3. There is one major intersection near the subject property, the intersection of S.E. Township Road (a collector) and S. Ivy Street (an arterial). The intersection is considered to be a "problem intersection". The City has adopted a Transportation Systems Development Charge (SDC). This subdivision development will contribute to the improvement of the intersections through the SDC at the time the individual homes are constructed within the subdivision.

4. Sidewalks will be required for both sides of all proposed public roads. The sidewalks need to be five (5) feet wide and placed alongside the curb. The sidewalks will be looped around mailboxes and other obstructions to provide a clear five (5) foot sidewalk. The location of the sidewalks on the existing S.E. 7th are set in from the curb by approximately two feet. The new sidewalks will need to make the adjustment from the existing sidewalk location to the curb location in a short of distance as can be practically accomplished.

In order to provide unobstructed use of the sidewalk, and to allow for off-street vehicle parking in front of the garage, a minimum distance of nineteen (19) feet will need to be maintained between the back of the sidewalk and the face of the garage, as measured from the outward most facing of the garage. If the newspaper boxes and/or mailboxes are located adjacent to the driveway approach, such that the sidewalk is set back from the curb, the minimum distance is from the back of the sidewalk, as it meets the driveway, that is the closest to the house.

5. The subject property is not involved in any possible overpass or underpass of Highway 99-E and the railroad.
6. Neither emergency service provider indicated any problem with access to the proposed subdivision.
7. The roads proposed in the subdivision are to be local roads. According to the Transportation Master Plan, no special provision for bicycles or slow moving vehicles are considered necessary in the construction of local roads.
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 partition. No future transit stops have been proposed. The City has undergone a Transportation Master Plan study which includes mass transit considerations.
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 development does not involve any County or State roadways.

vi. *Public Facilities and Services*

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

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

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

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

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

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

ANALYSIS

1. All needed public facility and service providers were sent a "Request for Comments" regarding this application. Positive responses have been received from the School District, Public Works Department, Police Department, and Sewer Department. All have indicated that adequate facilities and/or services are available, or will be made available through the development. The NW Natural Gas, Fire District, Canby Telephone Association, and Canby Utility Board have not responded. There has been no recent indication, unofficial or otherwise, of potential inadequacy of facilities or service from these providers.

Easements for utility construction and maintenance have been provided.

2. Needed 'public improvements' include street construction with curbs, sidewalks, street trees, street lights, and storm water system. All of these improvements have been discussed under the Transportation Element discussion. Additional improvements include the needed utility infrastructure.

3. The City has adopted a Transportation Systems Development Charge (SDC). The improvements that will be needed for the intersection of S.E. Township Road and S. Ivy Street, as well as other needed off-site transportation improvements, will be funded by through SDC according to the City's Transportation Systems Plan. This subdivision development will contribute to those improvements through the SDC's at the time that homes are constructed on the subdivision's individual lots.

4. The City's internal organization is not germane to this application.

5. The City has adopted a Parks Master Plan in which appropriate sites or areas for recreation facilities are identified. No park land has been indicated for this area.

vii. Economic

- **GOAL:** *TO DIVERSIFY AND IMPROVE THE ECONOMY OF THE CITY OF CANBY.*

- Policy #1: Canby shall promote increased industrial development at appropriate locations.
- Policy #2: Canby shall encourage further commercial development and redevelopment at appropriate locations.
- Policy #3: Canby shall encourage economic programs and projects which will lead to an increase in local employment opportunities.
- Policy #4: Canby shall consider agricultural operations which contribute to the local economy as part of the economic base of the community and shall seek to maintain these as viable economic operations.

ANALYSIS

1. 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.

ANALYSIS

1. The location and size of the Urban Growth Boundary is not a part of the proposed application. When the Urban Growth Boundary was designated and calculations to determine the amount of land needed for residential growth, in 1984 as a part of the acknowledged 1984 Comprehensive Plan, the subject property was counted for commercial/residential development.
2. The proposed development will increase the overall housing density, as the Comprehensive Plan did not specifically consider the commercial/residential properties in the calculation for residential lands.
3. The proposed development does not include higher density housing.
4. The proposed development does not include housing for low income persons.
5. The proposed development is not a mobile home development.

ix. Energy Conservation

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

Policy #1: Canby shall encourage energy conservation and efficiency measures in construction practices.

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

- Policy #3: Canby shall strive to increase consumer protection in the area of solar design and construction.
- Policy #4: Canby shall attempt to reduce wasteful patterns of energy consumption in transportation systems.
- Policy #5: Canby shall continue to promote energy efficiency and the use of renewable resources.

ANALYSIS

1. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.
2. Of the 3 proposed lots, 2 will meet the basic solar access standards for new residential developments (66.7%). The odd configuration of the parcel does not allow itself for the third lot to meet the basic solar access standard. The "Protected Solar Building Line Option" (16.95.030.B.) is feasible. The requirement is for there to be seventy (70) feet between the middle of the lot to the south (the property to the south of the development) and the protected solar building line, and forty-five (45) feet between the protected solar building line and the northern edge of the buildable area (minimum of seven feet from the northern property line of lot 3 - the lot that does not meet the basic solar requirements). The lot to the south is 138 feet wide, thereby putting the middle of the lot 68 feet from the southern property line of lot 3. The protected solar building line would then be located two (2) feet inside of lot 3, within the setback and utility easement. Further designation of the solar building line is unnecessary, as the development of lot 3 cannot occur beyond the solar line.

Overall, the development meets the requirements of the solar access standards for new developments in that, at least 80 percent of the lots comply with two of the option in section 16.95.030 as stated in the above paragraph.

3. Any building will be required, as a part of the building permit review process, to be reviewed for compliance to the Solar Ordinance.
4. 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.

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

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

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

16.64.010 Streets.

The street name will be S.E. 7th Way, which is in accordance with the street naming ordinance. The design of the street will be in compliance with the City's standards. The local roads will be constructed at a paved width of thirty-six (36) feet, with a five (5) foot sidewalk provided against the curb, and utilities and street trees behind the sidewalk.

16.64.030 Easements.

Six foot utility easements will be required to be located along all interior lot lines. Utility easements for all exterior lot lines have already been provided.

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

16.64.040 Lots.

The lots will range in size from approximately 7,730 square feet to approximately 10,800 square feet. All lots will meet the minimum required area of 7,000 square feet, and will be of such dimensions as not to preclude development with single-family homes for reasons of insufficient room for required setbacks. All lots are at least 60 feet in width for interior lots and at least 65 feet for corner lots. All lots are functional for residential uses.

16.64.070 Improvements.

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

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

The layout and provision of services to the proposed subdivision has been described by staff in detail in the preceding sections (B & D). The design and arrangement of the lots and streets are functional.

IV. CONCLUSION

In general, the proposed subdivision is consistent with the Comprehensive Plan, all applicable requirements of the Land Development and Planning Ordinance, and the overall design and arrangement of lots is functional and will not unduly hinder use or development of adjacent properties. Conditions are proposed herein to provide the necessary changes and details required to meet the City's standards for subdivisions.

V. RECOMMENDATION

Based on the application, site plan, the facts, findings and conclusions presented in this report, and without benefit of public testimony, staff recommends that should the Planning Commission approve, with conditions, SUB 95-05, that the following conditions apply:

For the Final Plat:

1. The interior lot lines shall have six (6) foot utility easements. An easement for street tree planting shall be recorded for the twelve (12) foot utility along the S.E. 7th Way connection.
2. The final plat shall reference this land use application - City of Canby, File No. SUB 95-05, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits requested subsequent to the date of this approval.

3. 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.
4. The name of the street shall be S.E. 7th Way.

As a part of construction:

5. A pre-construction conference shall be held prior to construction. The pre-construction plans shall be reviewed and approved by the Canby Utility Board, the Canby Telephone Association, and the City prior to the pre-construction conference. The City's review and approval shall be coordinated through the Planning Office. The construction plans shall include the street design, storm water, sewer, water, electric, telephone, gas, street lights, mail boxes and street trees. The street tree planting location shall be determined as a part of the pre-construction review process.
6. Any necessary utilities shall be constructed to the specifications of the utility provider.
7. Street name and traffic control signs shall be provided at the developer's expense. This shall include "Stop" street signs where required by the Director of Public Works.
8. Erosion-control during construction shall be provided by following the recommendations of the "Erosion Control Plans Technical Guidance Handbook," as used by Clackamas County, dated August 1991, and as revised.
9. The construction of the sewer system and street storm water system for the subdivision shall be approved by the Public Works Supervisor.
10. The local roads shall be constructed to the City specifications and standards. The improvements shall include: thirty-six (36) feet of paving, curb to curb; ten (10) inches of crushed rock and two (2) inches of Class "C" asphalt concrete pavement - with another one and a half (1-1/2) inches of Class "C" asphalt concrete pavement overlay applied one (1) year later; curbs; five (5) foot sidewalks, including the curbs; street trees; storm water drainage; extension of the utilities; and street lights.
11. The sidewalks shall be located against the curb, and shall be five-feet wide, including the curb. Where mailboxes, newspaper boxes or other obstructions (such as fire hydrants) are located at the curb, the sidewalk shall be set away from the curb such that the sidewalk remains unobstructed for a full five-foot width. The sidewalks that are adjacent to the existing sidewalks shall be adjusted from the existing sidewalk setback of two feet to the new location against the curb. This adjustment shall occur in the shortest distance that is practicable.

12. Three (3) street trees shall be planted. The trees shall be planted eleven (11) feet from the street curb.

Prior to the signing of the Final Plat:

13. The subdivision development fee, as provided in the Land Development and Planning Ordinance Section 16.68.040(G), shall be paid.
14. The land divider shall follow the provisions of Section 16.64.070 Improvements, in particular, but not limited to, subparagraph (O) Bonds, which requires a surety bond, personal bond, or cash bond for subdivision improvements for any improvement not completed prior to the signing of the final plat. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.
15. One of two options shall be fulfilled for the planting of street trees prior to the signing of the final plat: Option 1; a contract, with a licensed landscape contractor, shall be executed. The contract shall include the City as the contractee: Option 2; the developer shall pay the City \$495 for the 3 trees to be planted (\$165 a tree). If option 2 is chosen, the City becomes responsible for the planting of the street trees.

Notes:

16. "As-built" drawings shall be submitted to the City within sixty (60) days of completion. A copy of the "as-built" drawings shall be submitted on a computer disk in an autocad format.
17. Garages shall be set back a minimum of nineteen (19) feet from the back of the sidewalk. The distance shall be measured from the closest edge of the sidewalk at the driveway.
18. The final plat must be submitted to the City within one (1) year of the approval of the preliminary plat approval according to Section 16.68.020.
19. The approval will be null and void if the final plat is not submitted to the County within six (6) months after signing of the plat by the chairman of the Planning Commission (Section 16.68.070).

Exhibits:

1. Application
2. Vicinity Map
3. Responses to Request for Comments
4. Tentative Plat (*too large to reproduce*)

SUBDIVISION APPLICATION

Lloyd/Kam VanLoon 777-
Family Homes Inc 354

Fee: \$900 +
\$30/lot

OWNER	APPLICANT
Name <u>Charitable Trust</u> <u>Hilda M. Wiederhold</u>	Name <u>Hilda M. Wiederhold</u>
Address <u>P.O. Box 30802</u>	Address <u>P.O. Box 30802</u>
City <u>Portland</u> State <u>OR</u> Zip <u>97294</u>	City <u>Portland</u> State <u>OR</u> Zip <u>97294</u>

SIGNATURE M. Francis Schafer Phone: 254-4444
M Francis Schafer Trustee Richard King Trustee - 255-8790

DESCRIPTION OF PROPERTY:

Tax Map 4 1 E 4 AB Tax Lot(s) 1101 Lot Size 0.64 acres
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name Partition Plat 1995-48 Lot- -Block- Parcel 2

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 Vacant
Proposed Single Family Residential

Existing Structures None

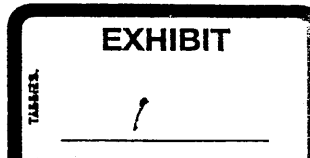
PROJECT DESCRIPTION

Applicant desires to subdivide parcel 2 of Partition Plat 1995-48 into 3 single family residential lots ranging in size from 7700 s.f. to 10,750 s.f. Development of the subdivision will include constructing SE 7th Way to the intersection with Knott St. within the Right of Way dedicated on Partition Plat 1995-48.

ZONING R-1 COMPREHENSIVE PLAN DESIGNATION R-1

PREVIOUS ACTION (if any) Partition 1995

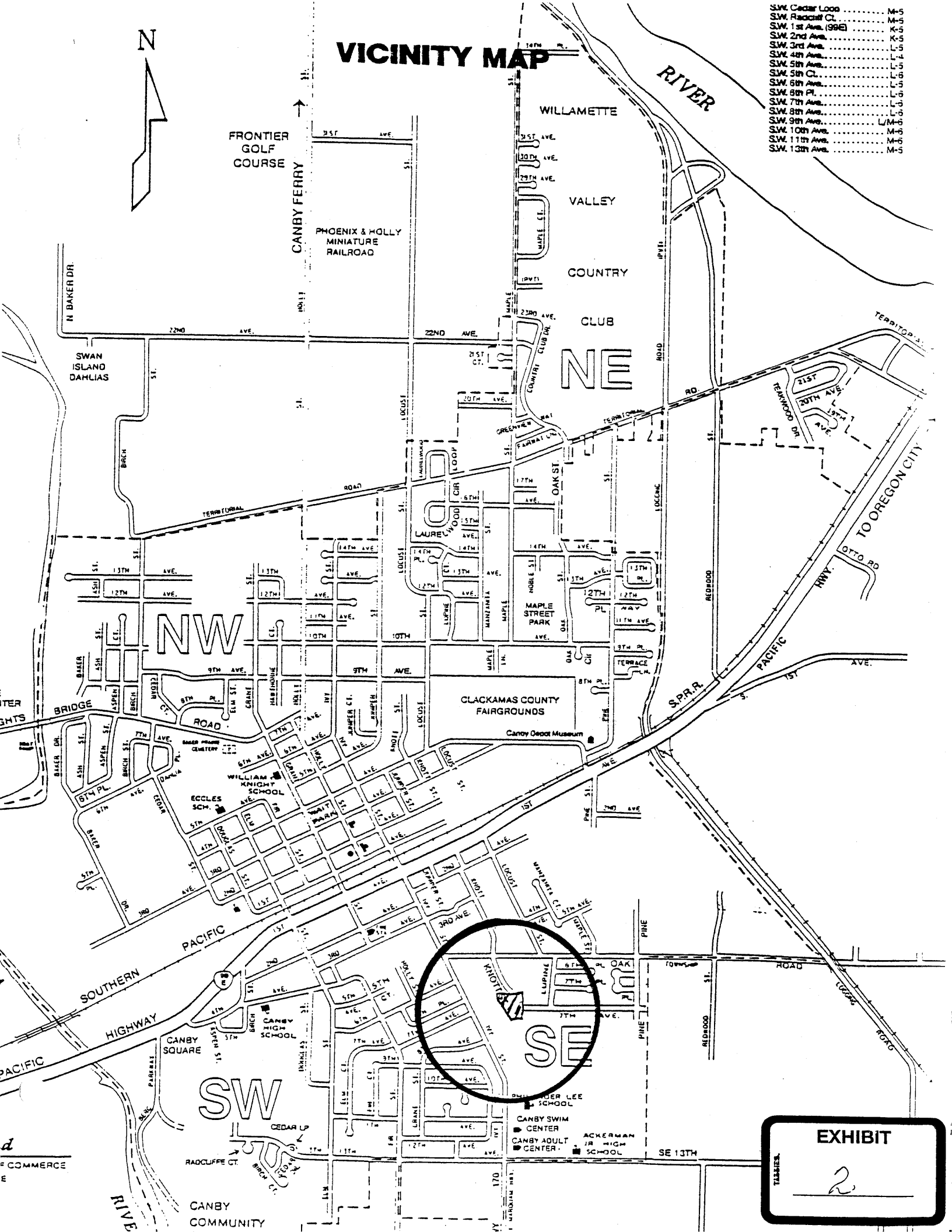
File No. SUB 95-05
Receipt No. 5676
Received by R. Harms
Date Received 9-11-95
Completeness Date 9/13/95
Pre-Ap Meeting
Hearing Date 10-9-95



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

VICINITY MAP

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



EXHIBIT

2

TABULAR

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: September 13, 1994

TO: FIRE, POLICE, SCHOOL, CUB, TELEPHONE, NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY, ROY, STEVE. CURT McLeod

The City has received SUB 95-05, an application by Hilda M. Wiederhold for approval to subdivide Parcel #2 of Partition Plat 1995-48 [MaLP 94-01] into 3 single family residential lots ranging in size from 7,700 square feet to 10,750 square feet. The site is located west of Township Village IV and east of the Jehovah Witness Kingdom Hall, where S. Knott and S.E. 7th Way both terminate [Tax Lot 1101 of Tax Map 4-1E-4AB].

We would appreciate your reviewing the enclosed application and returning your comments by September 25, 1995 PLEASE. The Planning Commission plans to consider this application on October 9, 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:

Please check one box:

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

Signature: [Handwritten Signature]

Date: 9/18/94

EXHIBIT
3
4 pages

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

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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: Steph Flone, POTW Sup. Date: 9-21-95

PLEASE RETURN ATTACHMENTS!!!

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P.O. Box 930, Canby, OR 97013

[503] 266-4021

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Comments or Proposed Conditions:

OK

Comments will be made on construction plans

Please check one box:

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

Signature: [Handwritten Signature]

Date: 9-25-95

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: September 13, 1994

TO: FIRE, POLICE, SCHOOL, CUB, TELEPHONE, NW NATURAL GAS, MIKE JORDAN, JOHN KELLEY, ROY, STEVE. CURT McLeod

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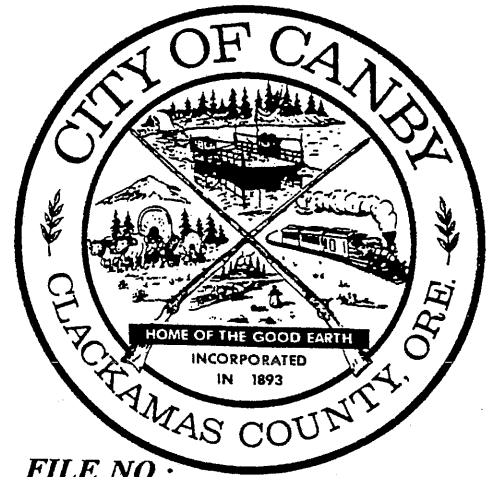
Please check one box:

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

Signature: Stephen Miller

Date: 9-22-95

- STAFF REPORT -



APPLICANT

Canby Utility Board
154 N.W. 1st Avenue
Canby, OR 97013

FILE NO.:

CUP 95-03
DR 95-18

OWNER:

City of Canby
182 N. Holly Street
Canby, OR 97013

STAFF:

James S. Wheeler
Assistant City Planner

LEGAL DESCRIPTION:

Tax Lot 1000 of
Tax Map 3-1E-32D

DATE OF REPORT:

September 29, 1995

LOCATION:

591 N. Cedar Street
West side of N. Cedar Street
south of N.W. 6th Avenue

DATE OF HEARING:

October 9, 1995

COMP. PLAN DESIGNATION:

High Density Residential

ZONING DESIGNATION:

R-2 (High Density Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval of Conditional Use and Site and Design Review applications to expand the existing Water Treatment Facility.

II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**
 - 16.20 R-2 High Density Residential Zone
 - 16.49 Site and Design Review
 - 16.50 Conditional Uses
 - 16.88 General Standards

- **City of Canby Comprehensive Plan:**
 - I. Citizen Involvement
 - II. Urban Growth
 - III. Land Use
 - IV. Environmental Concerns
 - V. Transportation
 - VI. Public Facilities and Services
 - VII. Economics
 - VIII. Housing
 - IX. Energy

III. MAJOR APPROVAL CRITERIA

16.50.010 Authorization to Grant or Deny Conditional Uses

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

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

16.49.040 Site and Design Review Criteria and Standards

The Planning Commission, sitting as the Design Review Board, shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:

- A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
- B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
- C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.

The Design Review Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing.

IV. FINDINGS:

A. Background and Relationships:

The water treatment facility was constructed in 1971, and expanded in 1980. The current building is approximately 4,117 square feet in size, with a 1,963 square foot reactor tank and a 6,362 square foot clearwell. The proposed addition is 4,266 square feet in size.

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 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 project is entirely within the City limits and within the Urban Growth Boundary.
2. No changes to the Urban Growth Boundary are proposed with this application.
3. The project is entirely within the City limits and are serviced with all necessary urban services (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.

ANALYSIS

1. The water treatment facility is a public utility and is considered to be a conditional use. A conditional use permit has not been received by the facility to this date. The location of the facility is in between high density residential property to the south and east, and industrial property to the west. The property to the north is zoned for high density residential development, but has not been developed at this time. Arbovitae are proposed to be planted along the eastern property boundary, which will provide visual separation between the facility and the apartments.
2. The expansion of the conditional use is an intensification of the use on the subject property. The expansion will provide the facility with additional capacity for water treatment. Currently, the summer time peak use is near or at capacity.
3. Request for comments have been sent to all public facility and service providers for the Clinic (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).
6. The subject property is not identified as one of the "unique" sites or "areas of special concern".

iv. ENVIRONMENTAL CONCERNS

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

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

Policy #1-R-A: Canby shall direct urban growth such that viable agricultural uses within the urban growth boundary can continue as long as it is economically feasible for them to do so.

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

Policy #2-R: Canby shall maintain and protect surface water and groundwater resources.

Policy #3-R: Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.

Policy #4-R: Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.

Policy #5-R: Canby shall support local sand and gravel operations and will cooperate with county and state agencies in the review of aggregate removal applications.

Policy #6-R: Canby shall preserve and, where possible, encourage restoration of historic sites and buildings.

Policy #7-R: Canby shall seek to improve the overall scenic and aesthetic qualities of the City.

Policy #8-R: Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.

Policy #9-R: Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.

Policy #1-H: Canby shall restrict urbanization in areas of identified steep slopes.

Policy #2-H: Canby shall continue to participate in and shall actively support the federal flood insurance program.

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

ANALYSIS

1-R-A. The subject property is not viable for agricultural uses. The use of the property for the past 24 years has been a water treatment facility.

1-R-B. The subject property was "urbanized" in 1971.

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. The expansion is of the same character as the existing use and will not create air, water or land pollution. Storm water drainage is mentioned in the above 2-R.

4-R. Noise will be expected as a result of construction. Once construction of the expansion and remodeling is complete, no additional noise from the current operation is expected. Noise from construction activity is covered by the Noise Ordinance, as the property is within a residential zone.

5-R. The subject property is not a sand and gravel operation, nor does the expansion of the current use hinder any sand and gravel operation. There is no sand and gravel operation within the City limits.

6-R. The existing building and the buildings on the surrounding properties are not historic buildings. The subject property and surrounding properties are not historic sites.

7-R. The proposed project is subject to Site and Design Review. The Site and Design Review will be presented later in this report.

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

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

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

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

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

v. ***TRANSPORTATION***

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

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

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

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

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

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

- Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.
- Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.
- Policy #8: Canby shall work cooperatively with the State Department of Transportation and the Southern Pacific Railroad Company in order to assure the safe utilization of the rail facilities.
- Policy #9: Canby shall support efforts to improve and expand nearby air transport facilities.
- Policy #10: Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.
- Policy #11: Canby shall work with private developers and public agencies in the interest of maintaining the transportation significance as well as environmental and recreational significance of the Willamette River.
- Policy #12: Canby shall actively promote improvements to state highways and connecting county roads which affect access to the city.

ANALYSIS

1. The street in front of the subject property is not in need of improvement, according to the Public Works Supervisor.
2. No new streets are needed as a result of the proposed expansion.
3. The nearest major intersection to the subject property is the intersection of N.W. 6th Avenue and N. Cedar Street. At this time, that intersection is not considered to be a "problem intersection". The proposed expansion will not impact any "problem intersection".

4. The subject property is a flag lot, and has no street frontage. There is proposed to be a construction drive for the expansion, from the vacant property to the north. There is also a possibility that the construction drive will eventually become the main drive used to enter the property. If this occurs, sidewalks along the property to the north will be needed.
5. The subject property is not involved in any possible overpass or underpass of Highway 99-E and the railroad.
6. No additional requirements are needed for emergency services.
7. No additional accommodation for bicycle use is needed. Visitation to the facility by anyone is rare. Employees coming to the facility on bicycles will be able to store the bikes without bike racks.
8. The existing use and the proposed expansion have no specific use for the rail facilities that exist in Canby.
9. The proposed expansion 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 expansion. No future transit stops have been or proposed.
11. The subject property is not near the Willamette River and will have no effect on the transportation potential or use of the Willamette River.
12. The subject property is not on a road which serves as an access road 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. The public facilities needed for the use of the property are already serving the existing facility. The expansion will not require any new public facilities or services. All needed public facility and service providers were sent a "Request for Comments" regarding this application. Positive responses have been received from the Public Works Department and Police Department. All have indicated the adequate facilities and/or services are available. The Canby Telephone Association, Fire District, NW Natural Gas, and Sewer Treatment Plant have not responded. The Sewer Treatment Plant returned the request unsigned and unmarked. The Canby Utility Board was not sent a request as it is their proposal. There has been no recent indication, unofficial or otherwise, of potential inadequacy of facilities or service from these providers. Because the construction access drive is temporary at this time, no curb cut is proposed or granted, and any damage to the curb will need to be repaired.
2. The only 'needed' public improvement indicated for the subject property is a sidewalk on the vacant property to the north, **if the construction drive becomes a permanent drive**. Additionally, if the construction drive becomes a permanent drive, the drive will need to be hard-surfaced.
3. This application is not involved in any major city projects.
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. The subject parcel is not one of the identified sites or in an area in which a park or recreation facilities has been identified as being needed.

vii. ECONOMIC

■ **GOAL:** *TO DIVERSIFY AND IMPROVE THE ECONOMY OF THE CITY OF CANBY.*

Policy #1: Canby shall promote increased industrial development at appropriate locations.

Policy #2: Canby shall encourage further commercial development and redevelopment at appropriate locations.

Policy #3: Canby shall encourage economic programs and projects which will lead to an increase in local employment opportunities.

Policy #4: Canby shall consider agricultural operations which contribute to the local economy as part of the economic base of the community and shall seek to maintain these as viable economic operations.

ANALYSIS

1. The proposed development is not industrial in nature, nor does the current 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. The proposed development has not been identified with any specific economic program or project. No increase in employment was specifically mentioned to be a result of the proposed development.
4. The proposed development is not an agricultural operation, nor does it replace or hinder any agricultural operation.

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 being used for the water treatment facility. The proposed development furthers the use and should not increase nor create any further need for expansion of the Urban Growth Boundary as a result of non-residential development in residentially-zoned land.
2. The proposed development will neither increase nor decrease the housing density. The potential for housing will also not be decreased as a result of the proposed development. The proposed development is a continuation of the existing non-residential use of the subject property.
3. The proposed development does not include higher density housing.

4. The proposed development does not include housing for low income persons.
5. The proposed development is not a mobile home development.

ix. ENERGY CONSERVATION

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

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

ANALYSIS

1. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.
2. The orientation of the subject property and the existing building are set. The proposed expansion is in relation to the functionality of the existing building and does not specifically incorporate solar or wind orientation. The proposed expansion will be required, as a part of the building permit review process, to be reviewed for compliance with the Solar Ordinance.
3. The proposed expansion will be required, as a part of the building permit review process, to be reviewed for compliance to the Solar Ordinance.

4. Land use patterns as a determinant of transportation efficiency is not germane to this application.

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:

Based upon the above described analysis, the proposal is consistent with or can, with conditions, be made consistent with the policies of the Comprehensive Plan.

C. Evaluation Regarding Conditional Use Approval Criteria

1. Comprehensive Plan Consistency

The previous discussion determined the proposal's relation to Comprehensive Plan consistency. The application for expansion of the water treatment facility is found to be consistent with the policies of the Comprehensive Plan.

2. Site Suitability

The site is generally flat, and is large enough to accommodate the proposed use and building with the appropriate setbacks.

3. Availability of Public Services and Facilities for the Site

Utility and public safety facilities and services are available in adequate capacity to serve the proposed use and expansion.

4. Compatibility with Surrounding Uses

The proposed expansion will not change the use of the property. The use of the property will be intensified. The properties to the south and east are residential in nature. The property to the north is vacant, but residentially zoned. The property to the west is industrial in nature. The proposed expansion will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone. Noise from construction activity comes under the jurisdiction of the Noise Ordinance due to the residential zoning of the property.

D. Evaluation Regarding Site and Design Review Approval Criteria

1. Part IV - Section 2, No. 2

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

The minimum amount of landscaping required for the 44,400 square foot developed portion of the parcel is 13,320 square feet (30%). The total amount of landscaping proposed is approximately 12,000 square feet (27.0%). The additional needed landscaping can be provided by eliminating paving in the southern paved area. Staff request that some flexibility at this time be permitted as to how this will be accomplished, but still maintaining 30% landscaping (an additional 1,320 square feet).

2. Parking.

The number of parking spaces required for an industrial use such as is proposed is 10 (2.0 for the office/staff space, and 7.8 for the water treatment facility space). There are 10 parking spaces being proposed, including 1 ADA (American Disabilities Act) parking space (1 required). The ADA parking space is "van accessible" (1 required).

The loading area will be between the chemical feed building and the existing clearwell. The access to this area is restrictive, but the current situation is also restrictive. The loading area will not be within public view.

Wheel stops are required for all the parking spaces the first and third parallel parking spaces (as marked from east to west), as these parking spaces front either a walkway or landscaping.

3. Access

The access to the site is from an easement across the apartment building property immediately to the east. A gravel construction drive will be provided across the vacant property to the north. If this construction drive is used for access after construction, hard-surfacing will be required. Additionally, sidewalk along that property's street frontage and pedestrian access public sidewalk to the office entrance will also be necessary.

4. Architecture

The expansion of the metal buildings will be similar to the existing light greens and white, with one natural accent color (forest green or similar color). The existing rock walls will be refinished white or light gray. Color samples will be available at the public hearing.

No additional signage is proposed.

5. Other Aspects

a. Utilities

This element has been discussed under the Conditional Use Permit review. (Public Services and Facilities Analysis, page 12).

b. Landscaping

The landscaping will consists primarily of grass. There will be an arborvitae hedge planted along the eastern property boundary, and there is a similar hedge along the southern and western property lines. Five (5) trees will be planted as a part of the parking lot landscaping requirements.

c. Parking Lot Landscaping

The amount of paved area for parking and vehicle maneuvering area is approximately 12,000 square feet. The amount of landscaping required for that amount of area is 1,800 square feet (15%), and is to be within ten feet of the parking/ maneuvering area. A rough calculation of the amount of landscaping provided

within ten feet of the parking/maneuvering area is approximately 2,890 square feet (24.1%). This takes into account the reconfiguration of the landscape area recommended in subsection 1 of the Site and Design Review. The 12,000 square foot paved parking/vehicle maneuvering area is required to have five (5) trees planted within ten (10) feet of the paved area (calculated at 1 tree per 2800 square feet of paved surface). The types of trees to be planted are proposed to be: fir, cedar, hemlock, dogwood, crabapple, alder, cascara (buckthorn). Because these trees are to be in close proximity to vehicle maneuvering areas, it is recommended that the coniferous trees (fir, cedar, hemlock) not be planted.

d. Density and yards and height

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

V. CONCLUSION

Based on the above analysis, and without benefit of a public hearing, staff concludes that, with appropriate conditions:

1. The proposed development of the site is consistent with the applicable standards and requirements of the Canby Municipal Code and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
2. The characteristics of the site are suitable for the proposed use;
3. That all required public facilities and services exist to adequately meet the needs of the existing structure and proposed use, and that no significant increase in demand for public facilities and service will result; and,
4. The proposed use will not alter the character of the surrounding areas in such a way as to substantially limit or preclude the uses allowed.
5. The proposed design for the development is compatible with the design of other developments in the same general vicinity; and

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

VI. RECOMMENDATION:

Based upon the application 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 CUP 95-03/DR 95-18, the following conditions apply:

1. The types of trees permitted to be planted are: dogwood, crabapple, alder, cascara (buckthorn).
2. An additional 1,320 square feet of landscaping shall be provided
3. If the construction access drive is utilized beyond construction, the following shall be provided: The access drive shall be hard-surfaced (i.e. asphalt, concrete); a sidewalk along N. Cedar Street, for the street frontage of the property immediately to the north; a walkway along the access drive connecting the sidewalk and the office entrance.

Exhibits:

1. Application for Conditional Use and Site and Design Review
2. Site Plan
3. Request for Responses

SITING AND DESIGN REVIEW APPLICATION
Fee: \$750

OWNER

APPLICANT

NAME City of Canby

NAME Canby Utility Board

ADDRESS 182 N. Holly

ADDRESS 154 NW First Ave.

CITY Canby STATE OR ZIP 97013

CITY Canby STATE OR ZIP 97013

SIGNATURE [Signature]

PHONE: (503) 266-1056

DESCRIPTION OF PROPERTY:

TAX MAP 31E 32D TAX LOT(S) 1000 LOT SIZE 1.03 AC

(Acres/Sq. Ft.)

OR

LEGAL DESCRIPTION, METES AND BOUNDS (ATTACH COPY)

PLAT NAME _____ LOT _____ BLOCK _____

PROPERTY OWNERSHIP LIST

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

USE

EXISTING Municipal Water Treatment Plant

PROPOSED same

EXISTING STRUCTURES _____

SURROUNDING USES Residential/Industrial

PROJECT DESCRIPTION Expansion of the water treatment facility including two new structures and rehabilitation of existing.

ZONING R2 COMPREHENSIVE PLAN DESIGNATION Public

PREVIOUS ACTION (IF ANY) Unknown

FILE NO. DR 95-18

RECEIPT NO. 9625

RECEIVED BY [Signature]

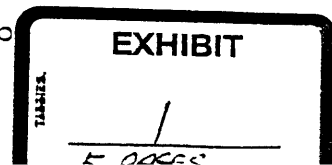
DATE RECEIVED 9/8/95

COMPLETENESS DATE 9/6/95

PRE-AP MEETING _____

HEARING DATE 10/9/95

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



CONDITIONAL USE APPLICATION

Fee: \$900

OWNER

APPLICANT

Name City of Canby

Name Canby Utility Board

Address 182 N. Holly

Address 154 NW First Ave.

City Canby State OR Zip 97013

City Canby State OR Zip 97013

SIGNATURE *[Signature]*

Phone: (503) 266-1056

DESCRIPTION OF PROPERTY:

Tax Map 31E 32D Tax Lot(s) 1000 Lot Size 1.03 AC
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Lot _____ Block _____

PROPERTY OWNERSHIP LIST

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

USE

Existing Municipal Water Treatment Plant
Proposed same

Existing Structures _____

PROJECT DESCRIPTION

Expansion of the water treatment facility including two
new structures and rehabilitation of existing.

ZONING R2 COMPREHENSIVE PLAN DESIGNATION Public
PREVIOUS ACTION (if any) Unknown

File No. ~~95-03~~ CUP 95-03
Receipt No. 9625
Received by JSW
Date Received 9/5/95
Completeness Date _____
Pre-App Meeting _____
Hearing Date 10/19/95

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

September 8, 1995

Mr. Jim Wheeler
City of Canby
182 N. Holly
Canby, OR 97013

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6055 SW HAMPTON STREET, SUITE 210
PORTLAND, OREGON 97223
PHONE (503) 684-3478

**RE: CANBY UTILITY BOARD
WATER TREATMENT PLANT EXPANSION
CONDITIONAL USE APPLICATION**

Dear Jim:

Our office is in the process of completing a design for expansion of the Canby Utility Board Water Treatment Plant. This improvement will be located on the same site as the existing plant and will require planning commission approval of a conditional use and Site Design Review.

Enclosed are twenty-five copies of tentative plans showing the site improvements and building elevations. We have received approval for temporary construction access across the Johnson Controls property which will minimize the construction impact on the apartment complex.

The plant expansion will include:

- *Rehab of the existing control building including complete interior remodel, and exterior improvements for appearance;
- * Construction of a second filter building 68' x 42', of metal construction similar to the existing filter building , with metal siding to match the existing;
- *Construction of a new chemical feed building 30' x 47' with loading dock and similar metal siding;
- *Landscaping and paving the existing site as shown, including site screening east of the plant site.

This work is a continuation of the long term planning efforts initiated in the early 70's with construction of the first plant improvements. The capacity of the existing plant is 4.0 million gallons per day. This expansion will provide space for an additional 4.0 MGD capacity however we are only installing an additional 2.0 MGD of equipment at this time. This will satisfy system demands up to a population of approximately 16,700 people.

Mr. Jim Wheeler
September 8, 1995
page 2

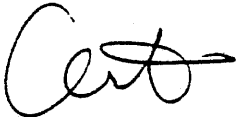
We anticipate soliciting bids in November and completing construction by June or July 1996.

Colors of the improvements will be similar to the existing light greens and white with one natural accent color, forest green or similar. The existing rock walls will be refinished white or light gray. We will prepare a colored print for your hearings.

Enclosed with these applications is a check for \$1,650 for both Conditional Use and Site Design Review. If you need anything additional, please call.

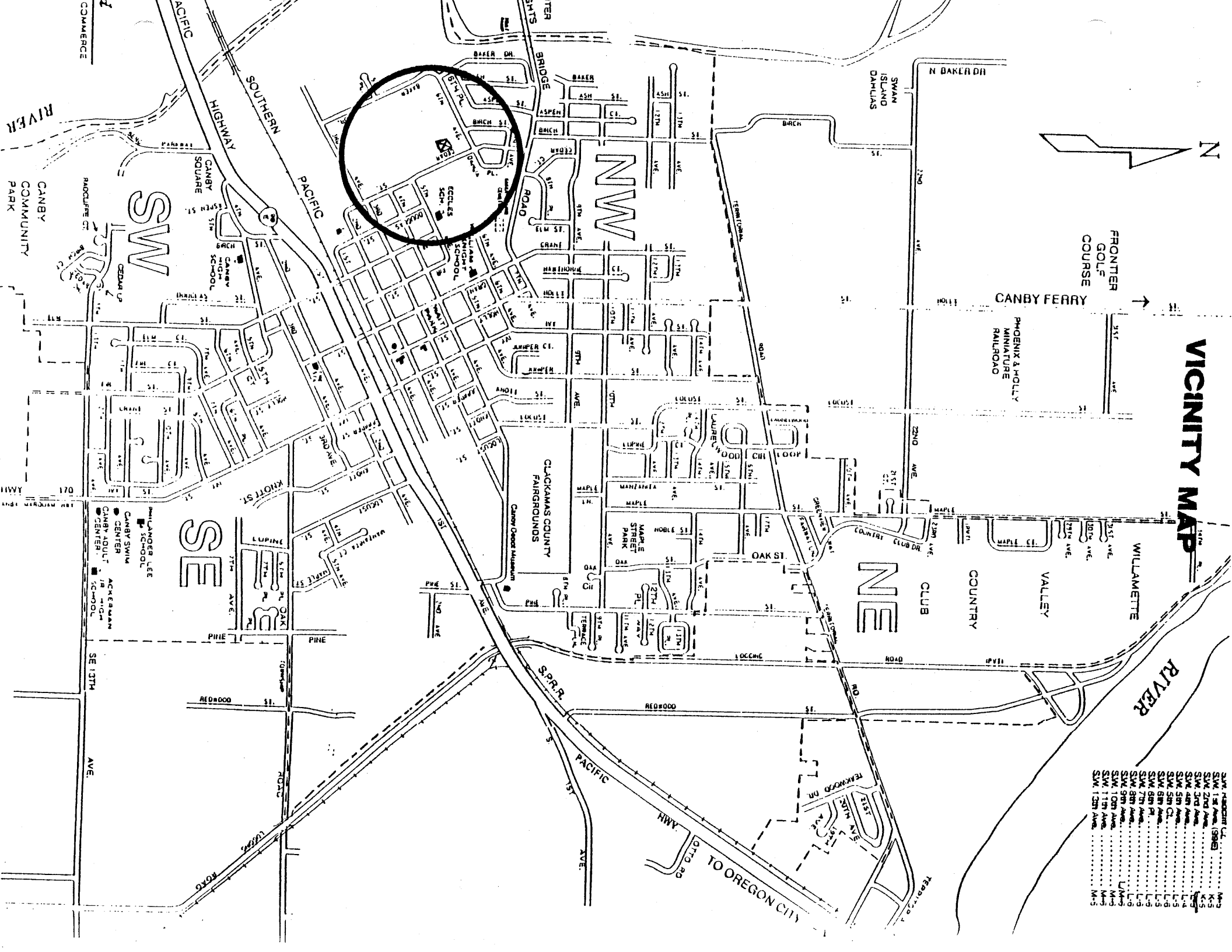
Very Truly Yours,

CURRAN-McLEOD, INC.



Curt J. McLeod, P.E.
CJM:kmr

cc: Mr. Dirk Borges



VICINITY MAP



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PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-4021

DATE: September 13, 1995

TO: FIRE, POLICE, MIKE JORDAN, ROY, STEVE, NW NATURAL GAS, TELEPHONE, JOHN KELLEY

The City has received CUP 95-03/ DR 95-18, an application by the Canby Utility Board (C.U.B.) [applicant] and the City of Canby [owner] for aproval to expand the water treatment facility, to include two new structures and rehabilities of the existing structures. The site is located on the west side of N. Cedar Street [Tax Lot 1000 of Tax Map 3-1E-32D].

We would appreciate your reviewing the enclosed application and returning your comments by September 25, 1995 PLEASE. The Planning Commission plans to consider this application on October 9, 1995. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

With no drive way approach at curb line per
construction drawings. Any approach to curb line
will the responsibility of C.U.B. Is this
permanent or temporary?

Please check one box:

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

Signature: [Signature]

Date: 9-2

EXHIBIT
3
3 pages

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: September 13, 1995

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Please check one box:

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

Signature: *[Handwritten Signature]*

Date: 9/16/95

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: September 13, 1995

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

Signature: _____ Date: _____