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**A G E N D A**  
**CANBY PLANNING COMMISSION**

**REGULAR MEETING**  
*City Council Chambers*  
*Monday, July 24, 1995*  
*7:30 p.m.*

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**I.           ROLL CALL**

**II.           MINUTES**

June 12, 1995  
June 26, 1995  
July 10, 1995

**III.          CITIZEN INPUT ON NON-AGENDA ITEMS**

**IV.          COMMUNICATIONS**

**V.           OLD BUSINESS**

**VI.          NEW BUSINESS**

Pumpco Distributors

**VII.         FINDINGS**

ANN 95-01 - Kolberg

**VIII.        PUBLIC HEARINGS**

*SUB 95-04*, an application by Regan Enterprises for approval to develop Phase 8 of Township Village, a 97-lot subdivision. The site is located south of S.E. 7th Avenue, west of the western ends of S.E. 8th, 9th, and 10th Avenues, and north of the Philander Lee and Ackerman Junior High campuses [Tax Lots 4800 of Tax Map 4-1E-4AA and Tax Lot 700 of Tax Map 4-1E-4A].  
*Continued from June 26, 1995.*

*VAR 95-01*, an application by Ronald A. Holm [applicant] and A. Wayne Scott [owner] for approval to develop a retail motor fuel facility featuring Chevron products and an upscale conveyORIZED car wash, with the edge of the overhead canopy 19 feet closer to the property line than is permitted by the Zoning Ordinance. The site is located on the northeast corner of Highway 99-E and N. Ivy Street [Tax Lot 6300 of Tax Map 3-1E-33DB].

*DR 95-12*, an application by Ronald A. Holm [applicant] and A. Wayne Scott [owner] for approval to develop a retail motor fuel facility featuring Chevron products and an upscale conveyORIZED car wash. The site is located on the northeast corner of Highway 99-E and N. Ivy Street [Tax Lot 6300 of Tax Map 3-1E-33DB].

*MLP 95-04*, an application by H.O.P.E. to partition a 32.67 acre parcel into two parcels, a 27.67 acre parcel and a 5 acre parcel, in order to develop the first phase of the H.O.P.E. Retirement Community. The property is located on the southwest corner of S. Ivy and SW 13th Avenue [Tax Lots 800 and 801 of Tax Map 4-1E-4D].

*DR 95-13*, an application by H.O.P.E. for site and design review approval to develop the first phase of the H.O.P.E. Retirement Community. The property is located on the southwest corner of S. Ivy and S.W. 13th Avenue [Tax Lots 800 and 801 of Tax Map 4-1E-4D].

*MLP 95-05*, an application by John Stout [applicant] and Carl and Judith Soles [owners] for approval to partition a 4.5 acre parcel into two parcels, with the dividing line running along the central axis of the roadway easement from S.W. Berg Parkway to the rear property line. The site is located on the east side of S.W. Berg Parkway [Industrial Seating] [Tax Lot 900 of Tax Map 4-1E-4B].

**VIII. DIRECTOR'S REPORT**

**IX. ADJOURNMENT**

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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  
Carlin Jackson

Linda Mihata, Vice-Chair  
Dan Ewert

Bob Gustafson  
Brad Gerber

James Larson



**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.



July 13, 1995

City of Canby Planning Commission  
City Council Chambers  
N.W. 2nd Avenue  
Canby, OR 97013

TO WHOM IT MAY CONCERN:

Pumpco Distributors, Inc. has been doing business in Canby since August 19, 1994. Pumpco Distributors is a wholesale distributor of domestic and agricultural water well products.

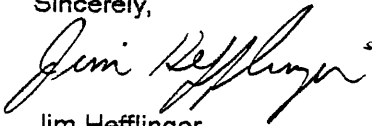
On September 15, 1994 Pumpco Distributors, Inc. received a performance bond to complete the final phase of our construction, which is to pave our parking lot located at 421 N.E. 3rd Ave., Canby, Oregon on or before September 15, 1995.

Due to the unusual amount of rain over the winter and spring our business is down 40%. We employ seven people in our Canby operation. We have kept them employed through this difficult time and we would like to keep all of our employees working.

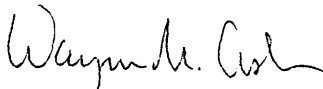
In order for Pumpco to keep all of our employees employed, we are requesting that the City of Canby Planning Commission grant Pumpco a one year extension on the paving of the parking lot. We will take out another performance bond to guarantee the work will be done on or before September 15, 1996.

We encourage each of you to come look at our facility and parking lot. We are open from 8:00 a.m. to 5:00 p.m. Monday through Friday. We will be available for questions concerning this request at 266-1153. We will also be present at your city council meeting to answer any questions you might have.

Sincerely,



Jim Hefflinger  
President, Pumpco Distributors, Inc.



Wayne Askew  
Vice-President, Pumpco Distributors, Inc.

ENCLOSURE: Copy of performance bond

# CBIC

**CONTRACTORS BONDING  
AND INSURANCE COMPANY**

## PERFORMANCE BOND

**Oregon:**  
1827 NE 44th Ave., Suite 100  
P.O. Box 12053  
Portland, OR 97212-0053  
(503) 287-6000  
(800) 926-CBIC National  
(503) 287-6100 FAX

Bond No.: S20457Premium: \$ 400.00KNOW ALL MEN BY THESE PRESENTS, That we, Pumpco Distributors Inc.\_\_\_\_\_ called the Principal, and CONTRACTORS BONDING AND INSURANCE COMPANY, a Washington corporation, called the Surety, are held and firmly bound unto City of Canby Oregon\_\_\_\_\_ called the Owner, in the sum of Twenty Thousand and No/100\_\_\_\_\_ Dollars (\$ 20,000.00 ) for the payment whereof said Principal and Surety bind themselves firmly by these presents.WHEREAS, the Principal has, by written Agreement, dated the \_\_\_\_\_, 19 \_\_\_\_\_, entered into a contract with the Owner, for Paying for Parking Lot Located at  
421 NE 3rd in Canby. Oregon

a copy of which is by reference made a part hereof;

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That if the Principal shall faithfully perform the construction work required under the contract, and indemnify and save harmless the Owner from all damages which the Owner may suffer by reason of the failure to perform the construction work, then this obligation shall be void; otherwise to remain in full force and effect.

Signed and sealed this 15th day of September, 19 94.Pumpco Distributors Inc.

Principal

By: Wayne M. ColeCONTRACTORS BONDING AND INSURANCE COMPANYBy: Deanna Davis

Deanna Davis

Attorney in Fact



# CBIC

**CONTRACTORS BONDING  
AND INSURANCE COMPANY**

**Limited  
Power of Attorney**

Home Office:  
1213 Valley Street  
P.O. Box 927  
Seattle, WA 98109-0271  
(206) 622-7053

KNOW ALL MEN BY THESE PRESENTS that CONTRACTORS BONDING AND INSURANCE COMPANY, a corporation duly organized and existing under the laws of the State of Washington and having its principal office in Seattle, King County, Washington, does by these presents make, constitute and appoint DEANNA DAVIS, of Vancouver, Washington its true and lawful attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver: (1) SBA guaranteed performance and payment bonds not exceeding the penal sum of \$500,000; (2) bid bonds for jobs where, if the contract is awarded, the SBA guaranteed performance and/or payment bond(s) will not exceed \$500,000; (3) all other bonds coded and classified by the Surety Association of America in its Rate Manual of Fidelity, Forgery and Surety Bonds (including future amendments thereto) as Judicial, Contract (excluding bid bonds), Miscellaneous, License and Permit, and Federal not exceeding the penal sum of \$250,000; (4) bid bonds for jobs written pursuant to the authority in clause (3) above where, if the contract is awarded, the performance and/or payment bond(s) will not exceed \$250,000; and (5) all other bonds not exceeding the penal sum of \$50,000. Provided, however, that DEANNA DAVIS is granted power and authority to exceed the applicable penal limit previously set forth for any bond in an amount equal to the amount of any letter of credit, or similar security, received as collateral security by the Company as an inducement to issue the bond; and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary; heraby ratifying and confirming all that the said attorney-in-fact may do in the premises. Said appointment is made under and by authority of the following resolutions adopted by the Board of Directors of the CONTRACTORS BONDING AND INSURANCE COMPANY on May 17, 1993:

RESOLVED that the President is authorized to appoint as attorney-in-fact of the Company DEANNA DAVIS with power and authority to sign on behalf of the Company: (1) SBA guaranteed performance and payment bonds not exceeding the penal sum of \$500,000; (2) bid bonds for jobs where, if the contract is awarded, the SBA guaranteed performance and/or payment bond(s) will not exceed \$500,000; (3) all other bonds coded and classified by the Surety Association of America in its Rate Manual of Fidelity, Forgery and Surety Bonds (including future amendments thereto) as Judicial, Contract (excluding bid bonds), Miscellaneous, License and Permit, and Federal not exceeding the penal sum of \$250,000; (4) bid bonds for jobs written pursuant to the authority in clause (3) above where, if the contract is awarded, the performance and/or payment bond(s) will not exceed \$250,000; and (5) all other bonds not exceeding the penal sum of \$50,000.

RESOLVED FURTHER that DEANNA DAVIS is granted power and authority to exceed the applicable penal limit set forth in the preceding resolution for any bond in an amount equal to the amount of any letter of credit, or similar security, received as collateral security by the Company as an inducement to issue the bond.

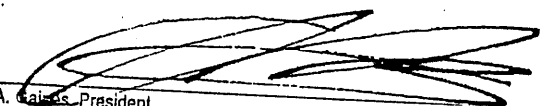
RESOLVED FURTHER that the authority of the Secretary of the Company to certify the authenticity and effectiveness of the foregoing two resolutions in any Limited Power of Attorney is hereby delegated to the following persons, the signature of any of the following to bind the Company with respect to the authenticity and effective-ness of the foregoing resolutions as if signed by the Secretary of the Company: Donald Sirkin, Charles J. Falskow, Steven A. Gaines, Jane Thorsen, Debi Lewis, Pat Dorney, Tom Dymont and Rikka Witham.

RESOLVED FURTHER that the signatures (including certification that the Power of Attorney is still in force and effect) of the President, Notary Public and person certifying authenticity and effectiveness, and the corporate and Notary seals appearing on any Limited Power of Attorney containing this and the foregoing resolutions as well as the Limited Power of Attorney itself and its transmission, may be by facsimile; and such Limited Power of Attorney shall be deemed an original in all aspects.

RESOLVED FURTHER that all resolutions adopted prior to today appointing the above named as attorney-in-fact for CONTRACTORS BONDING AND INSURANCE COMPANY are hereby superseded.

IN WITNESS WHEREOF, CONTRACTORS BONDING AND INSURANCE COMPANY has caused these presents to be signed by its President and its corporate seal to be hereof affixed this 17th day of May, 1993.

CONTRACTORS BONDING AND INSURANCE COMPANY

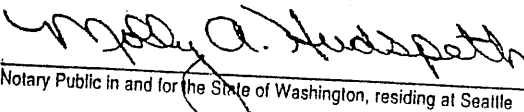
By:   
Steven A. Gaines, President

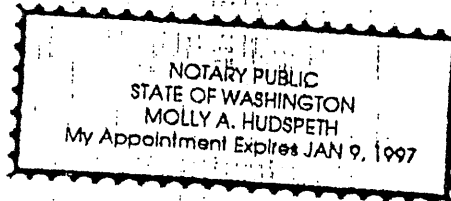


STATE OF WASHINGTON—COUNTY OF KING

On this 17th day of May, 1993, personally appeared STEVEN A. GAINES, to me known to be the President of the corporation that executed the foregoing Limited Power of Attorney and acknowledged said Limited Power of Attorney to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said Limited Power of Attorney.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

  
Notary Public in and for the State of Washington, residing at Seattle



The undersigned, acting under authority of the Board of Directors of CONTRACTORS BONDING AND INSURANCE COMPANY, hereby certifies, as or in lieu of Certificate of the Secretary of CONTRACTORS BONDING AND INSURANCE COMPANY, that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Company, and does hereby further certify that the said Power of Attorney is still in force and effect.

GIVEN under my hand at Portland Oregon, this 15<sup>th</sup> day of September, 19 94.

**DRAFT**

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

**A REQUEST FOR ANNEX- ) FINDINGS, CONCLUSION & FINAL ORDER  
ATION OF A 45.42-ACRE ) ANN 95-01  
PARCEL ) (Deininger Farms)**

**NATURE OF APPLICATION**

The applicant is requesting approval to annex 45.42 acres located on the south side of S.E. Township Road between the Molalla Forest Road on the east and Trost Elementary School on the west (Tax Lots 900, 1100, 1200 of Tax Map 4-1E-3).

**HEARINGS**

The Planning Commission considered this application at its meetings of May 22, 1995 and July 10, 1995.

**CRITERIA AND STANDARDS**

The Planning Commission forms a recommendation that the City Council may consider after conducting a public hearing. The City Council then forwards its recommendation to the Portland Metropolitan Area Local Government Boundary Commission (PMALGBC), where a final hearing and decision will be made.

- A. Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Commission shall give ample consideration to the following:
  - 1. Compatibility with the text and maps of the Comprehensive Plan, giving special consideration to those portions of policies relating to the Urban Growth Boundary.

2. Compliance with other applicable City ordinances or policies.
  3. Capability of the City and other affected service-providing entities to amply provide the area with urban level services.
  4. Compliance of the application with the applicable section of ORS 222.
  5. Appropriateness of the annexation of the specific area proposed, when compared to other properties that may be annexed to the City.
  6. Risk of natural hazards that might be expected to occur on the subject property.
  7. Effect of the urbanization of the subject property on specially designated open space, scenic, historic, or natural resource areas.
  8. Economic impacts which are likely to result from the annexation.
- B. Comprehensive Plan, Urban Growth Element, Policy 3, Implementation Measure D

The adopted maps showing growth phasing shall be used as a general guideline for the City's outward expansion. Area designated as Type "A" urbanization lands shall generally be annexed prior to those shown as Type "B", etc. Annexation which is not in keeping with the phased growth concept shall only be permitted when the following findings are made:

- Proponents of the proposed annexation have borne the burden of proving the appropriateness of the annexation. Such burden being greatest for those proposals which are least in keeping with the phased growth concept.
- There will be some special benefit to the City overall as a result of the annexation which would not occur if the phased growth pattern was followed.
- The annexation will result in no adverse impacts on the City's planned provision of public facilities and services.
- The annexation is appropriate in terms of timing for City growth and development.

## ***FINDINGS AND REASONS***

The Planning Commission deliberated on all input presented at the May 22, 1995 and the July 10, 1995 meetings, and incorporates the May 12, 1995 staff report, and Commission deliberations as support for its decision. The Planning Commission accepts the findings in the May 12, 1995 staff report, in so far as they do not conflict with the following supplemental findings:

1. The Planning Commission finds that the subject property is economically viable agricultural land, in that properties with similar size and soils that have a commercial well for irrigation have profitable agricultural operations. Operations specifically mentioned were the properties located north of Territorial Road, west of Maple Street, Wright's Nursery along Township Road, and Tofte's property south of S.E. 13th Avenue. The Planning Commission finds that while the subject property does not have a commercial well, permits to develop such a well are obtainable.
2. The Planning Commission finds that the application is in conflict with Policies 1-R-A and 1-R-B of the Environmental Concerns Element of the Comprehensive Plan, in that: the subject property is viable agricultural land; it is economically feasible to farm with appropriate investment in available infrastructure; and less productive or smaller land can be annexed into the City prior to the subject property.
3. The Planning Commission finds that the subject property is of an appropriate size for an economically feasible agricultural operation in that the property that is currently being farmed is approximately 40 acres in size, and that other economically viable agricultural operations are similar in size or smaller.
4. The Planning Commission finds that there is sufficient land in the "Priority A" and "Priority B" lands that have yet to be annexed into the City. Specifically, 82.9% of the "Priority A" and 79.2% of the "Priority B" low density residential lands available in 1984 have yet to be annexed into the City. The Planning Commission finds that the total acreage of "Priority A" and "Priority B" low

density residential lands that have yet to be annexed into the City of 468.03 acres will provide sufficient amount of land for the residential growth of the City for the near future.

5. The Planning Commission finds that the priority classification of lands within the Urban Growth Boundary for annexation purposes is proper for the use of facilities' planning.
6. The Planning Commission finds that the water supply of the City is insufficient, during peak summer time use hours, to accommodate the annexation, in that the annexation of the land into the City is for the purposes of developing the land at urban level densities, which will overburden the City's water supply, for urban level of service, during peak summer time use hours. The Planning Commission finds that the Canby Utility Board's plans for expansion of their water treatment plant are not at a point where it is reasonable to presume that additional capacity will be available when the development of the subject property occurs.
7. The Planning Commission finds that while the Canby School District has stated that there is sufficient capacity to handle the annexation, and the subsequent development, which will create a need for the Canby School District to react to growth instead of proactively planning for future growth.
8. The Planning Commission finds that the condition of Township Road is insufficient to handle additional traffic that will result from annexation, in that the annexation of the land into the City is for the purposes of developing the land at urban level densities, which will overburden Township Road. Further, the Planning Commission finds that the County does not, at this time, have the funds available to improve Township Road to an acceptable construction standard, nor has the applicant offered, in their application, to improve Township Road, and therefore, Township Road is not in a condition to handle the additional loads the annexation, and subsequent development, would create.

9. The Planning Commission finds that the intersection of S. Ivy Street and S.E. Township Road has a "level of service D" during the afternoon peak hour, and is considered to be the busiest non-signalized intersection in the City.
10. The Planning Commission finds that Policy 1 of the Urban Growth Element has not been complied with in that coordination with Clackamas County has not resolved the jurisdiction and maintenance problems of Township Road.
11. The Planning Commission finds that the functional transportation network is insufficient to handle the traffic impact of the annexation in that the annexation of the land into the City is for the purposes of developing the land at urban level densities, which will overburden Township Road.
12. The Planning Commission finds that the proposed 5.09 acre park dedication is too isolated to provide appropriate wildlife habitat and is too delicate to provide and park for urban level use.
13. The Planning Commission finds that the City has experienced a higher than average growth rate over the past few years in that the growth rate in the past few years has been approximately 6% and the overall average growth rate for Canby over the past 50 years has been approximately 4%.

### ***CONCLUSION***

The Planning Commission of the City of Canby concludes that based on the findings and conclusions contained in the staff report, from testimony and Commission deliberations at the May 22, 1995 and July 10, 1995 public hearings:

1. Annexation approval criteria 1 has not been met for the following reasons:
  - a. The subject property can be, with appropriate investment, economically viable agricultural land, and that, according to the Comprehensive Plan's Policies 1-R-A and 1-R-B of the Environmental Element, and Policy 4 of the Economic Element, the subject property should be retained as farmland.

- b. The Comprehensive Plan's Policy 3 of the Land Use Element calls for discouraging development that will result in the overburdening of community facilities. The Planning Commission concludes that the intersection of Township Road and S. Ivy Street, Township Road itself, the City's water supply capacity, and the school system will be overburdened by the annexation, as the purpose for the annexation is to develop the property with an urban level residential development.
- c. The Comprehensive Plan's Policy 3 of the Transportation Element and Policy 1 of the Urban Growth Element has not been satisfied due to the lack of resolution to the traffic problem at the intersection of S. Ivy Street and S.E. Township Road, and the condition of S.E. Township Road.
- d. Implementation Measure D of Policy 3 of the Urban Growth Element of the Comprehensive Plan has not been met for the following reasons:
  - 1. The proposed annexation is not appropriate at this time in that there has been too much recent growth to warrant annexation of "Priority C" lands, and there is sufficient "Priority A" and "Priority B" lands that have yet to be annexed to handle the City's expected growth over the next several years.
  - 2. The 5.09 acre wooded parcel of land that is proposed to be dedicated is not special enough, in light of the adverse impacts that annexation and development would create, to warrant annexation of the subject property ahead of "Priority A" and "Priority B" land in accordance with the phased growth pattern provided for in the Comprehensive Plan.
  - 3. The applicant has not provided adequate evidence to make the required findings needed to annex the subject "Priority C" property ahead of other "Priority A" and "Priority B" lands in accordance with the criteria of the Comprehensive Plan's Urban Growth Element, Policy 3, Implementation Measure D.

2. It is bad planning to create a situation, such as is proposed, in which the infrastructure providers, specifically the Canby School District, must react to growth instead of proactively plan and accommodate growth.
3. The City and other service providers, the Canby Utility Board, Clackamas County Department of Transportation, and the Canby School District, are not able, at this time, to provide adequate level of services for the proposed annexation and subsequent development.
4. The annexation of the subject property is not appropriate at this time, specifically when compared to other properties which might reasonably be expected to be annexed to the City, such as "Priority A" and "Priority B" lands. The applicant has not adequately borne the burden of proof to show that the property should be taken out of sequence from that shown on the City's "Growth Priorities Map".
5. The loss of economically viable agricultural land is not appropriate or needed at this time.

**ORDER**

**IT IS RECOMMENDED BY THE PLANNING COMMISSION** of the City of Canby that the City Council forward to the Portland Metropolitan Area Local Government Boundary Commission a recommendation to deny this application ANN 95-01.

Should the Portland Metropolitan Area Local Government Boundary Commission decide to approve of the application, the Planning Commission recommends that the City Council forward the following *understandings*:

1. The zoning classification for the property upon annexation will be R-1, Low Density Residential.
2. All development and recording costs are to be borne by the developer when the property is developed.
3. All City and service provider regulations are to be adhered to at the time of development.



The applicant has argued that the proposed dedication of the 5.09 acre forested parcel to the City purports a special benefit to the City. If the dedication to the City of the 5.09 acre forested parcel is not made a condition to annexation of the 45.42 acres into the City, then the Planning Commission recommends that the City Council recommend denial of ANN 95-01 to the PMALGBC.

*I CERTIFY THAT THIS ORDER* recommending that the City Council forward to the Portland Metropolitan Area Local Government Boundary Commission a recommendation to deny ANN 95-01 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 24th day of July, 1995.

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Kurt Schrader, Chairman  
Canby Planning Commission

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Joyce A. Faltus  
Secretary

**ATTEST:**

**ORAL DECISION - July 10, 1995**

AYES: Schrader, Mihata, Ewert, Gustafson, Jackson

NOES: None

ABSTAIN: Larson

ABSENT: Gerber

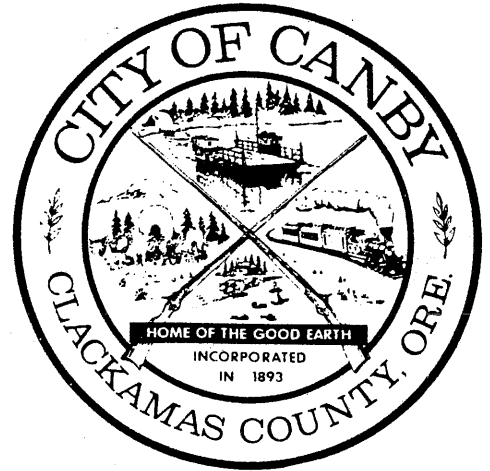
**WRITTEN FINDINGS - July 24, 19945**

AYES:

NOES:

ABSTAIN:

ABSENT:



## **- STAFF REPORT -**

**APPLICANT:**

Ronald A. Holm  
1200 N.E. Territorial Rd #97  
Canby, OR 97013

**FILE NO.:**

VAR 95-01

**OWNER:**

A. Wayne Scott  
1988 N.E. 19th Avenue  
Canby, OR 97013

**STAFF:**

James S. Wheeler  
Assistant Planner

**LEGAL DESCRIPTION:**

Tax Lot 6300 of Tax Map 3-1E-33DB

**DATE OF REPORT:**

July 14, 1995

**LOCATION:**

Northeast corner of Highway 99-E  
and S. Ivy Street

**DATE OF HEARING:**

July 24, 1995

**COMP. PLAN DESIGNATION:**

Highway Commercial

**ZONING DESIGNATION:**

C-2 (Highway Commercial)

**I. APPLICANT'S REQUEST:**

The applicant is requesting that the street yard setback distance for the gas service station canopy be reduced from twenty feet to one foot. This would allow for full covering for vehicles and employees for all gas pumping islands.

**II. APPLICABLE CRITERIA:**

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

**16.88.150.D Standards and Criteria.**

A variance may be granted only upon determination that all of the following conditions are present:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the City and within the same zone. These exceptional or extraordinary circumstances result from tract size or shape, topography or other circumstances over which the owners of the property have no control; and
2. The variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the city and within the same zone; and
3. Granting of this variance will not be materially detrimental to the intent or purposes of the City's Comprehensive Plan or the Land Development and Planning Ordinance; and
4. Granting of this variance will not be materially detrimental to other property within the same vicinity; and
5. The variance requested is the minimum variance which will alleviate the hardship; and
6. The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives, acting in deliberate violation of these or other City regulations.

**III. OTHER APPLICABLE CRITERIA:**

- A. 16.28.030 Development Standards in C-2 Areas

**IV. REVIEW FOR CONFORMANCE TO SECTION 16.88.150(D):**

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the City and within the same zone. These exceptional or extraordinary circumstances result from tract size or shape, topography or other circumstances over which the owners of the property have no control.

The applicant states that the canopy is necessary for customer comfort and convenience, and for the owner to achieve success after substantial land and development costs.

The lack of depth of this property is not exceptional for commercial or industrial properties along Highway 99-E or S. Ivy Street. It is along Highway 99-E and S. Ivy Street where the street yard setback distance is greater than for other commercial properties. Approximately 20% of the commercial or manufacturing properties with frontage along either of these two roads have 80 feet or less depth. Staff finds that the subject property's lack of depth is not exceptional or extraordinary in that there are numerous properties with the similar development difficulty of a lack of substantial depth.

The depth of the property is 87 feet. The proposal to have a car wash facility on the property, which takes up approximately 31 feet of depth, necessitates the closer location of the pump islands to Highway 99-E. The review of DR 95-12 questions the design and functionality of the station with the car wash facility. Without a car wash facility, which no other gas station along Highway 99-E operates, the pump islands and the canopy will be able to meet all the setbacks without a variance.

- B. The variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the city and within the same zone.

The applicant states that several blocks further west on Highway 99-E, the former Chevron station, now the Shell station, was granted a variance for the same reason as the applicant is requesting.

There are 6 gas service stations currently located along Highway 99-E; Texaco, Shell, BP, Union 76, formerly Lan's Country Mart (currently not in use), and the station in front of Canby Square (currently not in use). The station that is currently Shell was approved in 1993 with the pump islands a minimum of 20 feet from the highway right-of-way and a variance granted for the canopy to be closer than 20 feet from the highway right-of-way. The construction of the station that is currently Texaco is unknown based on the available building permit records, however the canopy was remodeled in 1971 and was permitted to be located at the property line with no variance. The gas pump islands are located approximately 18 feet from the curb. There were no setback requirements (no zoning ordinance) prior to 1963. The station that is currently Union 76 was approved in 1968. The pump islands and canopy are closer than 20 feet to the curb, the pump islands are approximately 16 feet from the curb. The setback in 1968 was 40 feet to the highway. The construction of the station that is currently BP is unknown based on the available building permit records. The canopy and pump islands are closer than 20 feet to the curb, the pump islands are

approximately 13 feet to the curb. The station that was Lan's Country Mart was constructed in 1967. There is no canopy and the pump islands are approximately 21 feet from the curb. The setback requirements in 1967 were 40 feet to the curb. The construction of the gas station in front of Canby Square is unknown based on the available building permit records. There is no canopy for this station and the pumps are approximately 37 feet from the curb. The highway was widened around 1975 and the information regarding how much wider and where the right-of-way lines prior to the widening were not available at the time that this report was written. The above-mentioned gas stations, with the exception of the station that is currently Shell, have been considered to be nonconforming structures, which mean that they were legally built, but are not in conformance with the existing zoning ordinance.

The convenience of having a canopy over 100% of the pumping islands and vehicle lanes is not necessary for the functioning of the use, a gas service station. Staff finds that the property rights of the owner are substantially the same property rights as those possessed by other owners of other property similarly zoned and located, without the granting of the variance for the canopy or the gas pump islands. Without a car wash facility, which no other gas service station along Highway 99-E operates, there is sufficient room for the gas pump islands and the canopy without a variance.

- C. Granting of this variance will not be materially detrimental to the intent or purposes of the City's Comprehensive Plan or the Land Development and Planning Ordinance.

The applicant states that, to the best of his knowledge, the granting of this variance will not be detrimental to the City of Canby's Comprehensive Plan.

The reason for the 20' setback along Highway 99-E and S. Ivy Street is general in nature. The general functionality of the restriction is to keep the traffic corridors more visually open by setting structures further back than what would normally be required in commercial zones. The structure proposed is a canopy, which is of nominal width located approximately 15' off of the ground. Staff finds that the granting of a variance for the canopy would not be materially detrimental to the intent or purposes of the City's Comprehensive Plan or the Land Development and Planning Ordinance.

The pump islands are not as visually intrusive as a building is, however they do intrude on the visual openness of the highway corridor. Staff finds that the granting of a variance for the gas pump islands would be materially detrimental to the intent or purposes of the City's Comprehensive Plan or the Land Development and Planning Ordinance.

- D. Granting of this variance will not be materially detrimental to other property within the same vicinity.

The applicant states that the granting of this variance will not, to the best of his knowledge, have any effect or be detrimental to any adjacent businesses.

The property is isolated by the Highway to the south, the railroad tracks to the north, and by a city street to the west. A convenience store, TNT Market, is located to the east. On the other side of the railroad tracks is a storage area for Canby Builders Supply. The market has an open parking and drive area in front of the store and the nature of that use is quite compatible with the use nature of the gas station. Staff finds that a granting of a variance will not be materially detrimental to other properties within the same vicinity.

- E. The variance requested is the minimum variance which will alleviate the hardship.

The applicant states that the variance requested is the minimum variance necessary to alleviate the problem caused by the narrow lot.

The canopy extends 12 feet beyond the southern gas pumps, while extending only 10 feet beyond the northern pump stations. An extension of the canopy of 8 feet beyond the southern pump stations should adequately meet the needs that the applicant is stating, and will be 4 feet less intrusive than proposed. Additionally, the pump islands are 22 feet apart, which is insufficient to allow traffic to pass between the pump islands when vehicles are being filled on both sides, but is excessive for maximum efficiency and minimal intrusion into the setback. A reduction of the space between the pump islands by 2 feet will provide safe use of the islands by the vehicles and reduce the intrusion. The pump islands can only be moved 2 feet further to the north, without the removal of the car wash facility. Staff finds that a variance of 13 feet for the canopy (to be located 7 feet from the southern property line) and a variance of 4 feet for the southern gas pump islands (to be located 16 feet from the southern property line) is the minimum variance which will alleviate the "hardship".

- F. The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives, acting in deliberate violation of these or other City regulations.

The applicant states that the unique narrowness of this property was not caused by the land owner, Wayne Scott, or the applicant, Ronald Holm.

The "exceptional or unique" conditions of the property which necessitate the issuance of a variance is the shape of the lot, which is not the result of any actions of the applicant or the applicant's employees.

**V. CONCLUSION**

Staff finds that the variance requested for the canopy does not meet criteria A and B and a revision is necessary for the request to meet criteria E. Staff finds that the variance requested for the southern gas pump islands does not meet criteria A, B, and C and a revision is necessary for the request to meet criteria E. Staff finds that the other criteria for the granting of a variance have been met. Staff concludes that the requested variance be denied, in that, the shape or dimensions of the property are not exceptional or extraordinary considering the zoning and location along the highway, having a full canopy is not necessary for the owner to have substantially the same property rights as owners of other property similarly zoned and located, and having a car wash facility that necessitates a closer location to the Highway of the gas pump islands is not necessary for the owner to have substantially the same property rights as owners of other property similarly zoned and located.

**VI. RECOMMENDATION:**

Based upon the findings and conclusions in this report, the information submitted by the applicant, and without benefit of public hearing, staff recommends denial of VAR 95-01.

**Exhibits:**

1. Application and Vicinity Map
2. Applicant's Site Plan
3. Requests for Comments



VARIANCE APPLICATION

Fee: \$900

OWNER  
Name A. Wayne Scott  
Address 9888 N.E. 19  
City CANBY State OR Zip 97013  
SIGNATURE [Signature]

APPLICANT  
Name RONALD A HOLM 1200 NE  
Address ~~1200 NE~~ 1200 NE  
City CANBY State OR Zip 97013  
Phone: 266-5193

DESCRIPTION OF PROPERTY:

Tax Map 31 E 330B Tax Lot(s) 6300 Lot Size 17,873 sq. ft.  
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

PROPERTY OWNERSHIP LIST

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property (if the address of the property owner is different from the situs, a label for the situs must also be prepared and addressed to "Occupant"). 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 LOT  
Proposed RETAIL MOTOR FUEL FACILITY AND CAR WASH

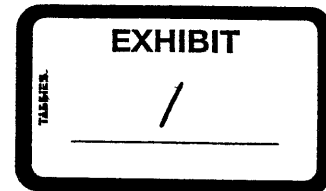
Existing Structures NONE

PROJECT DESCRIPTION DEVELOPMENT OF A RETAIL MOTOR FUEL FACILITY FEATURING CHEVRON PRODUCTS AND AN UPSCALE CONVEYORIZED CAR WASH. IMPROVEMENTS WILL INCLUDE 3 UNDERGROUND STORAGE TANKS, A 36' X 52' CANOPY, 4 MULTI-PURPOSE DISPENSERS, A 70' CAR WASH BLDG, WITH 2 10X30' PODS FOR OFFICE, CASHIERING, STORAGE, SUPPLIES, EQUIPMENT, VENDING ROOM, ADA RESTROOM, ETC. ALL IMPROVEMENTS WILL COMPLY WITH CHEVRON'S "MALLMARK" IMAGE STANDARDS.

ZONING \_\_\_\_\_ COMPREHENSIVE PLAN DESIGNATION \_\_\_\_\_

PREVIOUS ACTION (if any) \_\_\_\_\_

File No. VAR 95-01  
Receipt No. 9488  
Received by JSW  
Date Received 6/14/95  
Completeness Date 6/21/95  
Pre-Ap Meeting \_\_\_\_\_  
Hearing Date 7/10/95

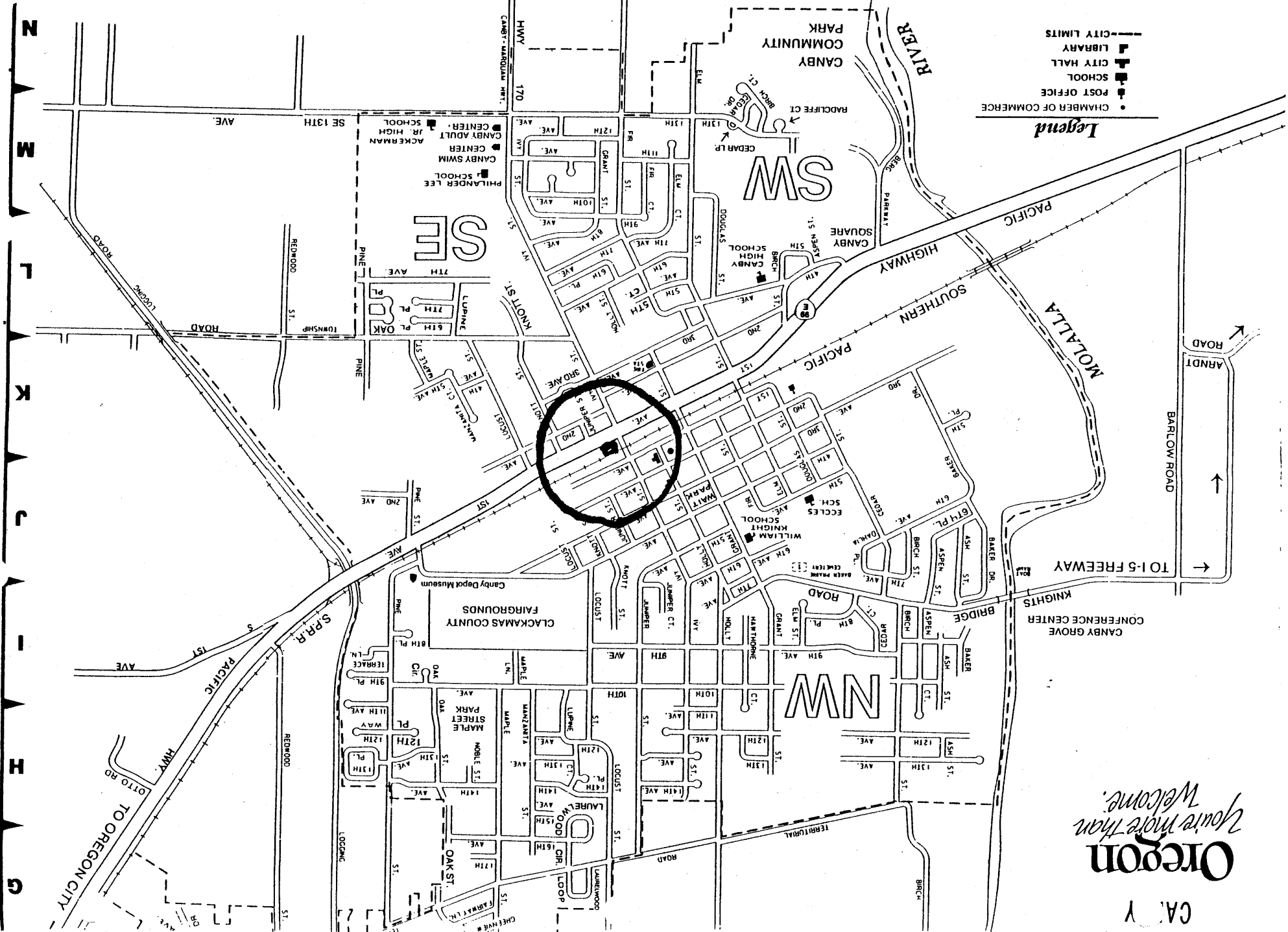


\* If the applicant is not the property owner, he must attach documentary evidence of his authority to act as agent in making application.

APPLICATION FOR VARIANCE  
BY  
RONALD A. HOLM

STANDARDS AND CRITERIA

1. This application is to gain a variance so that the edge of the overhead canopy can be closer to the sidewalk and/or the property line. (see plot plan) This is required to fulfill the intended use of a four pump motor fuel station and an exterior car wash. The lot is narrow (87,') and the turning radius necessitates this request to ensure customer comfort and convenience and for the owner to achieve success after substantial land and development costs.
2. Several blocks further west on 99 E, the former Chevron and now Shell station was granted a variance for the same reason.
3. To the best of my knowledge, the granting of this variance will not be detrimental to the City of Canby's Comprehensive Plan.
4. The granting of this variance will not, to the best of my knowledge, will not have any effect or be detrimental to any adjacent businesses.
5. Yes, the variance requested is the minimum variance necessary to alleviate the problem caused by a narrow lot.
6. The unique narrowness of this property was not caused by the land owner, Wayne Scott, or the applicant, Ronald Holm.



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

*You're more than  
you think you are.*

CANBY

Oregon

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: July 3, 1995

TO: FIRE, POLICE, CUB, TOM PIERSON/TODD SCHMIDT, NW NATURAL GAS,  
MIKE JORDAN, JOHN KELLEY, ROY, STEVE, STATE Dept. of Transp.

The City has received VAR 95-01, an application by Ronald A. Holm [applicant] and A. Wayne Scott [owner] for approval to develop a retail motor fuel facility featuring Chevron products and an upscale conveyORIZED car wash, with the edge of the overhead canopy 19 feet closer to the property line than is permitted by the Zoning Ordinance. The site is located on the northeast corner of Highway 99-E and S. Ivy Street [Tax Lot 6300 of Tax Map 3-1E-33DB].

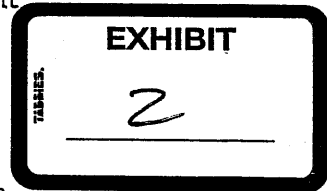
We would appreciate your reviewing the enclosed application and returning your comments by July 7, 1995 PLEASE. The Planning Commission plans to consider this application on July 24, 1995. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

The CANOPY should be built, so Refueling Tanker  
CAN PASS under it. This is so the truck can  
ENTER AND EXIT as the PLOT PLAN shows. ALSO  
Right Turn ONLY From Site should be Allowed.  
To make LEFT Turn, 3 TRAFFIC LANEs would be  
Crossed, This would CAUSE TRAFFIC Problems, on site  
and 99E TRAFFIC Volume.

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: Don L. Hester

Date: July 6, 1995

Agency: City of Canby

Title: Public Works Supervisor

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Comments or Proposed Conditions:

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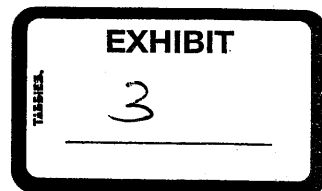
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Please check one box:

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



Signature: Gary F. Hyatt Date: 6/29/95  
Agency: NW Natural Gas Title: Field Engineering Supervisor

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\* TO: → CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS

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(503) 266-4021

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Comments or Proposed Conditions:

NO COMMENT, AS LONG AS CANOPY  
IS NOT ON STATE HIGHWAY R/W.

Please check one box:

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

Signature: [Handwritten Signature]

Date: 6/27/95

Agency: ODOT - Dist 2B

Title: Permits

\* NO ORIGINAL WILL FOLLOW.

# PLEASE RETURN ATTACHMENTS!!!

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[503] 266-4021

DATE: July 3, 1995

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Comments or Proposed Conditions:

Will Need Data disclosure form completed for pretreatment  
evaluation - prior to Building Permit

Please check one box:

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

Signature: Steve Holm Date: 7/6/95

Agency: City of Canby WWTP Title: POTW Supervisor

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Comments or Proposed Conditions:

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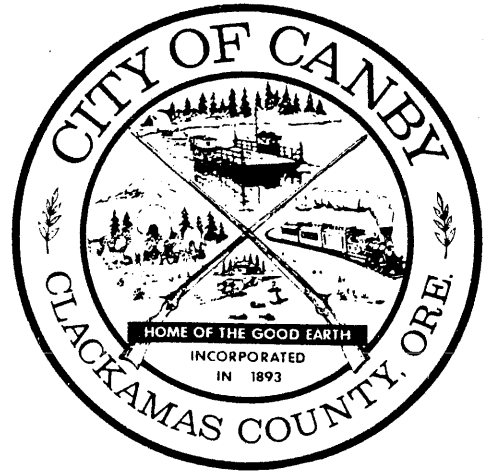
Please check one box:

- 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: *R. Yarbrough* Date: *6-26-95*  
Agency: *Canby F. D. #62* Title: *Fire Marshal*



**- STAFF REPORT -**



**APPLICANT:**

Ronald A. Holm  
1200 N.E. Territorial Road  
Canby, OR 97013

**FILE NO.:**

DR 95-12  
(Chevron Gas Station)

**OWNER:**

A.Wayne Scott  
1988 N.E. 19th Avenue  
Canby, OR 97013

**STAFF:**

James S. Wheeler  
Assistant Planner

**LEGAL DESCRIPTION:**

Tax Lot 6300 of Tax Map 3-1E-33DB

**DATE OF REPORT:**

July 14, 1995

**LOCATION:**

Northeast corner of S. Ivy Street and  
Highway 99-E

**DATE OF HEARING:**

July 24, 1995

**COMP. PLAN DESIGNATION:**

Highway Commercial

**ZONING DESIGNATION:**

C-2 (Highway Commercial)

**I. APPLICANT'S REQUEST:**

The applicant is requesting site and design approval to construct a retail motor fuel facility featuring Chevron products and an upscale conveyORIZED exterior car wash.

## **II. APPLICABLE REGULATIONS**

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

## **III. MAJOR APPROVAL CRITERIA**

### **Site and Design Review**

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

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

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

## **IV. FINDINGS:**

### **A. Background and Relationships:**

The applicant is requesting approval to construct a gas station and car wash facility. The use is permitted outright in the C-2 zone. The most recent previous use of the property was a Chevron gas station, however, access was at that time permitted onto S. Ivy Street, and no car wash facility was present.

The property is located on the northeast corner of the intersection of S. Ivy Street and Highway 99-E. The old Chevron Station was removed in 1989.

## B. Evaluation Regarding Site and Design Review Approval Criteria

### 1. Part IV - Section 2, No. 2

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

The minimum amount of landscaping required for the 17,873 square foot developed portion of the parcel is 2,861 square feet (15%). The total amount of landscaping proposed is approximately 2,087 square feet (11.7%). With the recommended changes, specifically no car wash, the amount of landscaping is approximately 4,281 square feet (24.0%). With the recommended changes, but allowing the car wash facility to remain, the amount of landscaping is approximately 2,928 square feet (16.4%).

### 2. Parking.

There is approximately 2060 square feet of building space proposed, between the cashier rooms, equipment room, restrooms, and car wash equipment buildings. There is no specific number of parking spaces given as a requirement for a gas station. Under the "all other commercial uses" category, at 1 parking space per 550 square feet of building, a total of 4 parking spaces are required. Three parking spaces are proposed. The 2 non-A.D.A. (American Disabilities Act) parking spaces are angled such that the most reasonable way to use the parking spaces is to go through the car wash facility. There is sufficient room for the parking spaces to be placed at a 90-degree angle from the east property line. Another parking space is needed to meet the requirements for the proposed facilities. If the car wash facility is not built, then only 2 spaces are required. All three parking spaces can be provided immediately south of the A.D.A. parking space. Because there is a paved lot immediately to the east, a 2-foot landscape buffer is needed between the parking spaces, including the A.D.A. parking space, and the east property line. Wheel stops are required for all of the parking spaces.

No loading berths are required.

### 3. Access

Access to the proposed development will be from Highway 99-E. An "entrance only" access point will be located approximately 20 feet from the east property line, and an "exit only" access point will be located 65 feet further to the west, or approximately 53 feet from the intersection of S. Ivy Street and Highway 99-E. The entrance drive is shown at a 42-foot width. The maximum permitted width for a driveway access is 40 feet. The Oregon Department of Transportation is requiring, at this

time, that two access permits be obtained for these two access points. Additionally, separate permits are required for all utility connections that will occur within the highway right-of-way.

The curb return for the intersection between Highway 99-E and S. Ivy Street will need to be a 40-foot radius to meet the City's standards, instead of the 20-foot radius proposed. This is the recommendation of the engineer for the City. This change will necessitate a relocation of the traffic light standard (pole) at this corner. Curbs are needed for both the property's frontages along S. Ivy Street and Highway 99-E. The sidewalk will need to be 8 feet wide along Highway 99-E and 5 feet along S. Ivy Street.

The internal circulation of the station is suspect with the car wash facility. Vehicles desiring to use the car wash exclusive of receiving gas will need to enter the property, drive by the pump islands (and wait if there are vehicles in each of the four pumping lanes), use the car wash, and then they must drive by the pump islands (and wait if there are vehicles in each of the four pumping lanes) again in order to exit. The more likely scenario is that this vehicle will enter using the "exit only" access point, use the car wash, and then exit using the "enter only" access point. The internal circulation of the station without the car wash facility is fine. The unrestricted access from the entrance and exit is also questionable. At this time, ODOT has not required a right-turn in only and a right-turn out only for these access points. However, given the proximity to the intersection of Highway 99-E and S. Ivy Street, the busiest intersection within the City limits, allowing traffic to attempt to cross Highway 99-E within 70 feet of the intersection appears to be unwise at best, and hazardous at worst, not to limit the entrance and exit to right-turn only.

Fuel delivery needs to be restricted to the early a.m. (before 7 a.m.) or the late p.m. (after 7 p.m.) hours in order to prevent a situation where the station cannot be exited by the customers.

Not having the car wash facility and limiting the access points to right-turn in only and right-turn out only will alleviate all of the traffic concerns mentioned.

#### 4. Architecture

No specifics were given for the construction material, however, it is assumed by staff to be similar in material and appearance as the station that was approved in 1993, which was a Chevron. The construction is assumed to be masonry construction, painted white. The canopy will be steel, painted blue. The buildings will have metal roofs, painted blue with red trim. A color copy of a photo depicting a

"typical" station is in the file and will be available at the public hearing.

No specifics were given for the amount or location of signage. A pole sign is proposed for the corner of S. Ivy Street and Highway 99-E. The total amount of signage that is permitted for this use is 320 square feet.

The amount of total signage permitted will be reduced to 240 square feet, if the car wash facility is not approved.

**5. Other Aspects**

**a. Utilities**

Service providers have not indicated that there would be any problem in servicing this proposal. To coordinate efforts for construction activity with the utility providers, developers, and city departments, a pre-construction conference will be necessary.

A Data Disclosure Form is needed to be completed and submitted to the Wastewater Treatment Plant prior to the building permit being issued. This form is the best means the City has to assure the City's compliance with water quality discharges under the Department of Environmental Quality compliance rules and standards.

**b. Landscaping**

The landscaping is primarily on the east and west perimeters of the property. The landscaping proposed is entirely lawn with a short arborvitae hedge along the western and northwestern property lines. The sidewalk along S. Ivy Street will be located approximately 7 feet from the right-of-way line, and no landscaping has been proposed for this area. Additionally, no street trees have been proposed. Flame Ash trees have been approved for the west side of S. Ivy Street between the railroad tracks and Highway 99-E. Two Flame Ash trees should be planted on this side of S. Ivy Street, and can be done so without unduly inhibiting the advertising exposure of the station. Another street tree can be planted toward the southeastern corner of the property. The type of street tree is not as important, as long as it is on the City's recommended street tree list. The small linear arborvitae hedge will provide a buffer from vehicle headlights, but is less aesthetically appealing and inviting while being more austere than a staggered line of various evergreen flowering and non-flowering shrubs.

As proposed, there is sufficient room for an 8-foot sidewalk along Highway 99-E, however, there isn't sufficient room for both a sidewalk and some form of landscaping. Without the car wash facility and moving the gas pump islands further back, there is sufficient room for a 10-foot wide landscape area between the access points that can be planted with a groundcover and some small shrubs. However, juniper is an inappropriate shrub in order to maintain aesthetically pleasing and pedestrian friendly landscaping. If the car wash facility is approved, a 4-foot wide strip of land between the access points should still be provided. Automatic irrigation is needed for the maintenance of the landscaping.

**c. Parking Lot Landscaping**

The amount of paved area for parking and vehicle maneuvering area is 12,515 square feet. The amount of landscaping required for that amount of area is 1,877 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 2,155 square feet (17.2%). Without the car wash facility, and using a very simple design, the amount of landscaping provided within ten feet of the parking/maneuvering area is approximately 2,108 square feet. At the formula of one tree per 2800 square feet of paved vehicular maneuvering and parking area, a total of 5 trees are needed. There are 0 trees within or adjacent to the paved vehicle parking/maneuvering area proposed. With the recommended street trees, 3 trees will be provided. A 4th tree can be added closer to the parking spaces, north of the street tree to be planted at the southeast corner of the property.

**d. Density and yards and height**

With the recommended revisions or a variance, the setbacks and the height requirements for the C-2 zone have been met by this development proposal.

**V. CONCLUSION**

The staff hereby concludes that, with appropriate conditions and the recommended revisions, the proposed development as described in the application, site plan, and this report, is in conformance with the standards of this and other applicable ordinances; the design is compatible with the design of other developments in the vicinity; and, the location, design, size, and materials of the exterior of the structure will be compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.

Further, staff concludes that, with approval conditions:

1. the proposed development of the site is consistent with the applicable standards and requirements of the Canby Municipal Code and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
2. the proposed design for the development is compatible with the design of other developments in the same general vicinity; and
3. the location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity; and
4. the conditions listed are the minimum necessary to achieve the purposes of the Site and Design Review Ordinance, and do not unduly increase the cost of housing.

**VI. RECOMMENDATION:**

Based upon the application, elevations, the site plan received by the City, the facts, findings and conclusions of this report, and without the benefit of a public hearing, staff recommends that should the Planning Commission approve DR 95-12, the following conditions apply:

*Prior to the Building Permit Application:*

1. A preconstruction conference shall be held prior to the issuance of the building permit. The conference shall be coordinated through the Planning Office.
2. A Data Disclosure Form shall be completed and submitted to the Wastewater Treatment Plant.

*For the Building Permit Application:*

3. The car wash facility is not approved for this location. The gas station pump islands and canopy shall be located fifteen (15) to twenty (20) feet further north. The canopy shall be at least twenty (20) feet from the southern property line. If the car wash facility is approved, then either a variance for the canopy and southern gas pump islands shall be obtained or the canopy and the gas pump islands shall be a minimum of twenty (20) feet from the southern property line.

4. Access/driveway permits shall be obtained from the Oregon Department of Transportation (ODOT) for the two access points. Separate permits from ODOT shall be obtained for any utility connections that occur within the right-of-way of Highway 99-E.
5. The access drives shall not be more than forty (40) feet in width.
6. The curb return for the intersection of S. Ivy Street and Highway 99-E shall be constructed at a forty (40) foot radius. All utilities shall be relocated, if necessary, behind the sidewalk.
7. Curbs and sidewalks shall be constructed along the property's frontages of S. Ivy Street and Highway 99-E. The sidewalk shall be five (5) feet in width, including the curb, along S. Ivy Street, and shall be eight (8) feet in width, including the curb, along Highway 99-E. The sidewalks shall be located against the curb and shall maintain a minimum of five (5) in width around any and all pedestrian obstructions. A sidewalk ramp meeting the American Disabilities Act (ADA) standards shall be constructed at the curb intersection of S. Ivy Street and Highway 99-E.
8. The entrance and exit drives shall be restricted to right-turn only and signs shall be posted to this effect.
9. The parking spaces shall be placed side by side and shall be oriented 90-degrees from the east property line. The location of the parking spaces shall be the same as proposed on the plat for the ADA parking space. The parking spaces shall be eighteen (18) feet in depth and shall be located two (2) feet from the east property line. Wheel stops shall be used on all the parking spaces. If the car wash facility is approved, one additional parking space shall be provided.
10. A detailed landscape construction plan shall be submitted with the building permit. The detailed landscape plan shall show: the number of plants, plant spacing/location of planting, the type of plants, the size of plants, the schedule of planting, and irrigation plans.
11. The landscaping shall be planted at such a density so as to provide a minimum of 95% coverage of the landscape areas with vegetation, within a 3-year time period. Bark mulch and similar material shall consist of not more than 5% of the total landscape area after the 3-year period. The plant spacing and starting plant sizes shall meet the ODOT plant spacing/starting size standards.
12. Two (2) Flame Ash trees shall be planted along S. Ivy Street. A tree from the City's recommended street tree list shall be planted near the southeastern corner of the property. Another tree, preferably from the City's recommended street tree list shall be planted along the eastern property line,



south of the parking spaces. All street trees shall be planted six feet behind the sidewalk, and shall be at least 2" caliper trees when planted.

13. The area between the vehicle maneuvering area on the property and the sidewalk on S. Ivy Street shall be landscaped. The landscaping along S. Ivy Street shall include a staggered line of evergreen flowering and non-flowering medium shrubs (no more than three (3) feet in height).
14. A landscape area ten (10) feet in width, tapering down to the access points, between the access point shall be provided. If the car wash facility is approved, then this landscape area shall be four (4) feet in width. The landscaping shall consist of low-growing shrubs and groundcover. Juniper shrubs or groundcover is not permitted.
15. The total signage area is not to exceed two hundred and forty (240) square feet. If the car wash facility is approved, the total signage area is not to exceed three hundred and twenty (320) square feet.

**Notes:**

16. Fuel delivery shall be limited to the evening and early morning hours, between 7 p.m. and 7 a.m.

**Exhibits:**

1. Application for Design Review
2. Vicinity Map
3. Site Plan/Landscape Plan
4. Department Responses to "Request for Comments"

SI... AND DESIGN REVIEW APPLICATION

Fee: \$750

OWNER

Name A. Wayne Scott
Address 1955 N.E. 19th Ave
City Canby State OR Zip 97013
SIGNATURE [Signature]

APPLICANT

Name RONALD A. HOLM
Address [Address]
City CANBY State OR Zip 97013
Phone: 266-5193

1200 NE Territorial Rd #97

DESCRIPTION OF PROPERTY:

Tax Map 31E 33 DB Tax Lot(s) 6300 Lot Size 17,873 SQ. FT. (Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name Lot Block

PROPERTY OWNERSHIP LIST

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property...

USE

Existing VACANT LOT
Proposed RETAIL MOTOR FUEL FACILITY AND CAR WASH

Existing Structures NONE

Surrounding Uses BP SERVICE STATION - TNT & 7-11 CONV. STORES

PROJECT DESCRIPTION DEVELOPMENT OF A RETAIL MOTOR FUEL FACILITY FEATURING CHEVRON PRODUCTS AND AN UPSCALE CONVEYORIZED EXTERIOR CAR WASH...

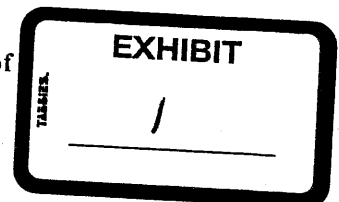
ZONING COMPREHENSIVE PLAN DESIGNATION

PREVIOUS ACTION (if any)

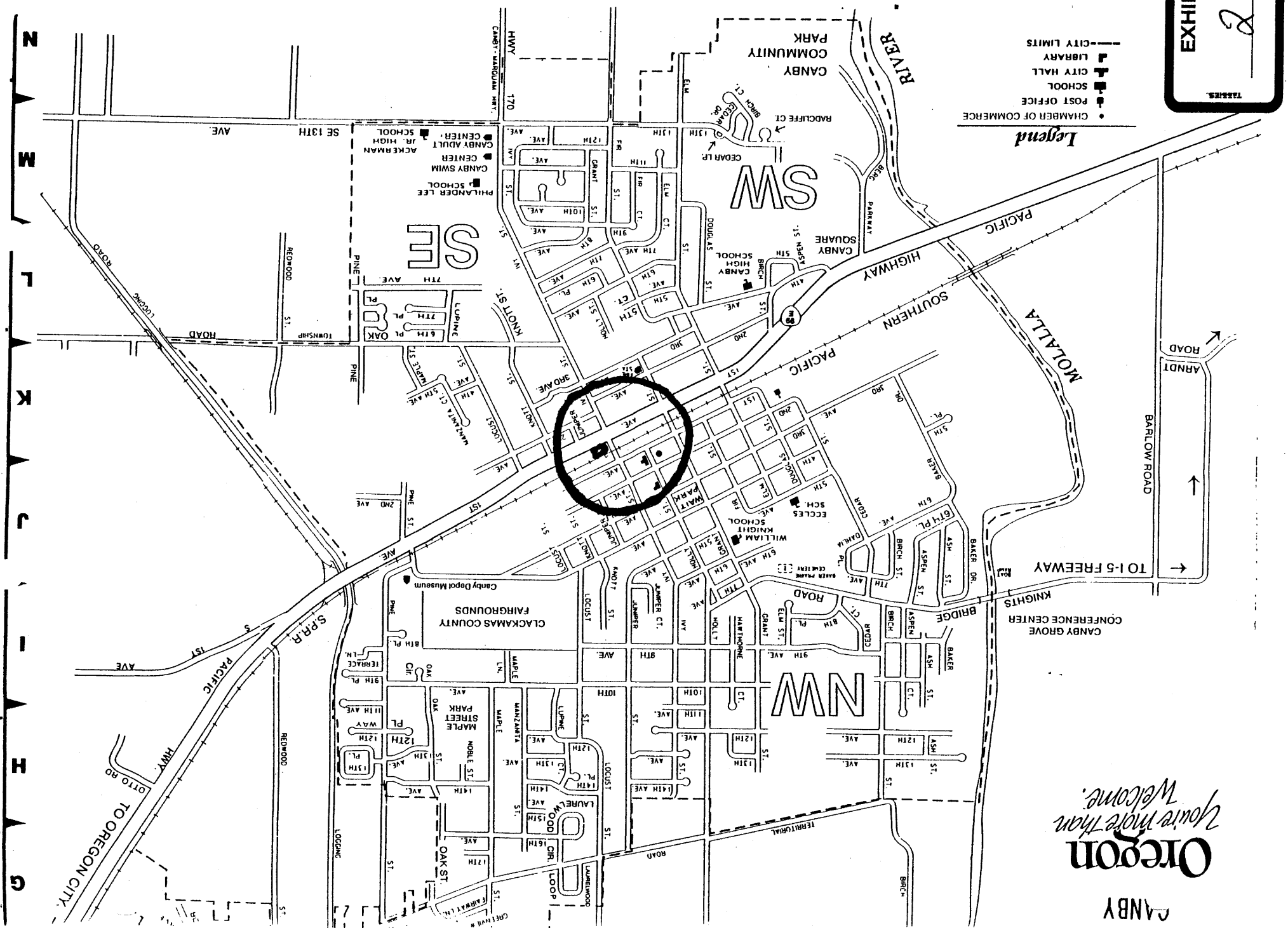
File No. DR 95-12
Receipt No. 9489
Received by ASW
Date Received 6/14/95
Completeness Date 6/21/95
Pre-Ap Meeting
Hearing Date 7/10/95

ALL IMPROVEMENTS WILL COMPLY WITH CHEVRON'S HALL MARK IMAGE STANDARDS.

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



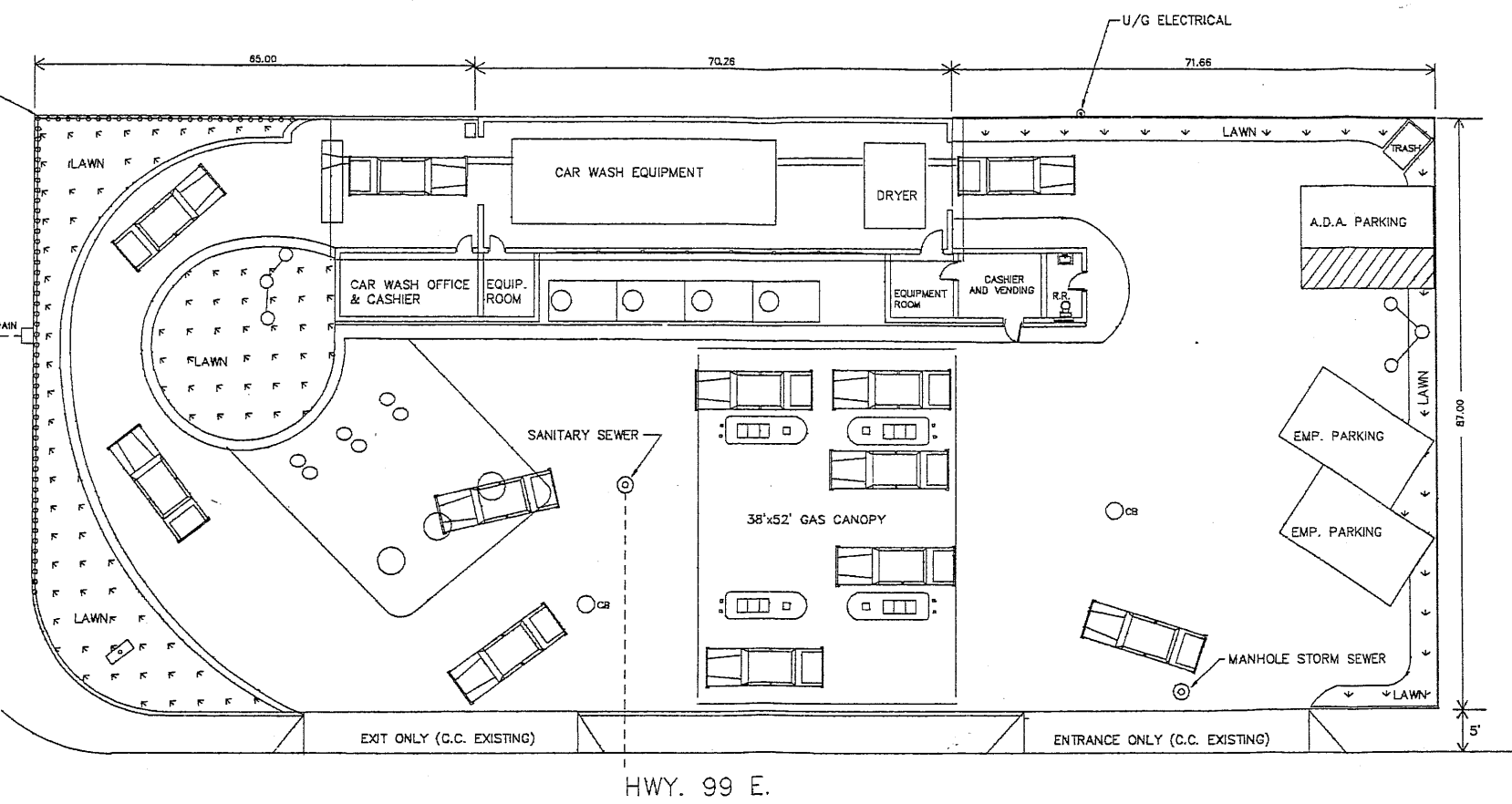
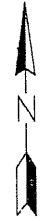
- Legend**
- CHAMBER OF COMMERCE
  - POST OFFICE
  - SCHOOL
  - CITY HALL
  - LIBRARY
  - CITY LIMITS



*Your more than  
Oregon  
Welcome.*

CANBY

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# PLAN VIEW

TALKER	EXHIBIT
	3

SITE STUDY		SCALE: 1" = 10'-0"
G.V.B.	RON HOLM 118 S.E. HWY 99 E.	PROJECT: RH-CO-001

July 6, 1995

CURRAN-MCLEOD, INC.  
CONSULTING ENGINEERS

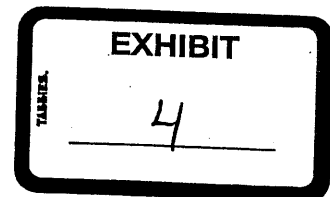
6655 SW HAMPTON STREET, SUITE 210  
PORTLAND, OREGON 97223  
PHONE (503) 684-3478

**MEMORANDUM**

**TO:** Roy Hester  
**FROM:** Curt J. McLeod, P.E. *Curt*  
**RE:** **IVY STREET/HWY. 99E INTERSECTION**

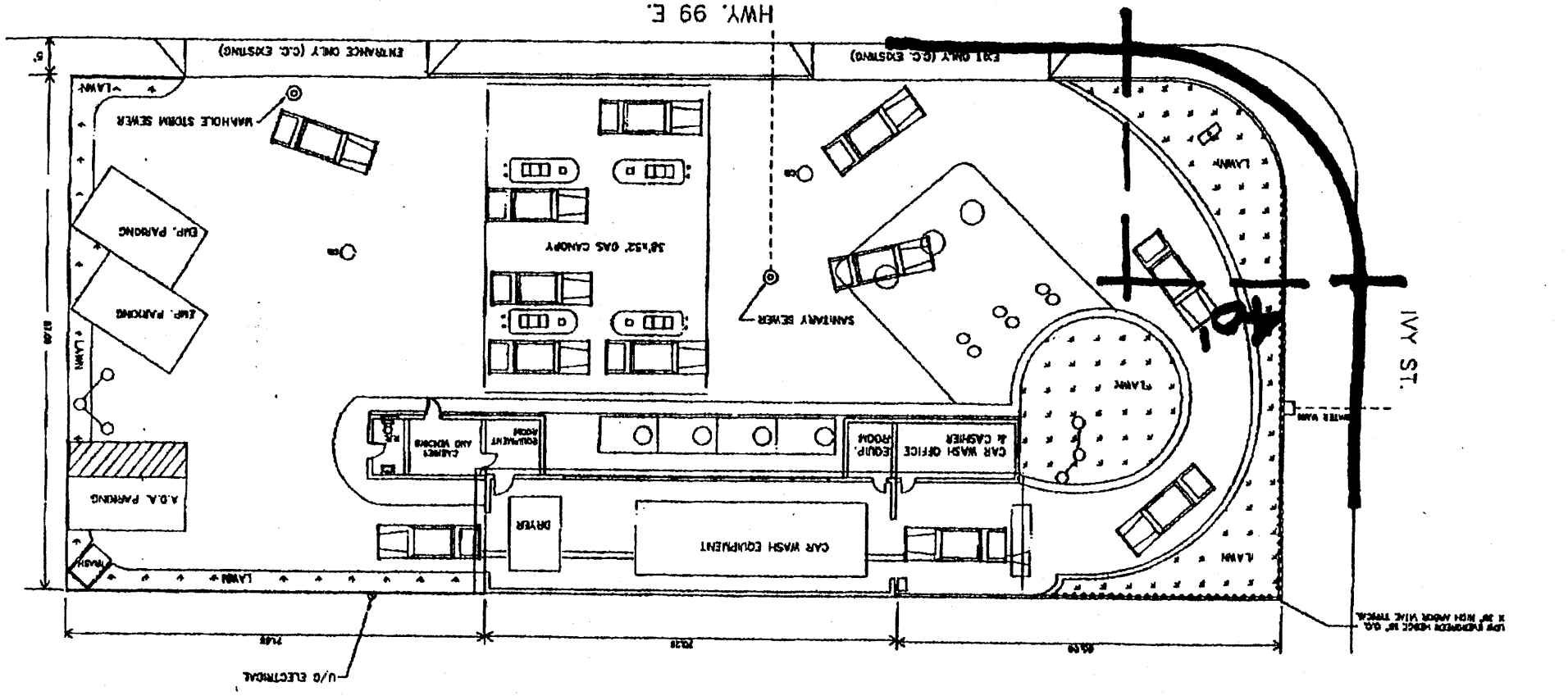
We briefly reviewed the Chevron layout and have some concerns regarding the traffic layout. The exit only driveway located immediately adjacent to the westbound highway stop bar will cause difficulty exiting the station. If only two or three cars are stopped at the light or if two or three cars are stopped in the westbound turn lane onto Ivy Street no traffic can exit the station. There are no obvious alternatives that are any better. The original Chevron station had access to Ivy Street and 99E which improved the traffic pattern. O.D.O.T. may be the definitive opinion.

The curb return radius at Ivy Street and 99E is too small to permit truck traffic to exit North Ivy. The City's standards are a 40' radius. This will conflict with the light/signal poles and again O.D.O.T. may be the most definitive opinion. If the pole is not a major obstacle we should require a larger radius.



JUL-06-1995 10:35 PM JFM CURRIN-MCLEOD, INC. TO 2661574 P.03

# PLAN VIEW



TOTAL AREA 17,873 SQ. FT.  
 LANDSCAPE 15% = 2,681 SQ. FT.

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: July 3, 1995

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

The City has received DR 95-12, an application by Ronald A. Holm [applicant] and A. Wayne Scott [owner] for approval to construct a retail motor fuel facility featuring Chevron products and an upscale conveyerized exterior car wash. The site is located on the northeast corner of Highway 99-E and S. Ivy Street [Tax Lot 6300 of Tax Map 3-1E-33DB].

We would appreciate your reviewing the enclosed application and returning your comments by **July 7, 1995 PLEASE**. The Planning Commission plans to consider this application on July 24, 1995. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

ODOT should be requested to move the street signal mast pole. The radius at Ivy + 99E should be increased to a 40 foot or 50 foot radius. For right turn off 99E going north, the fuel tanks on site will create a traffic impact when refilled. A condition should be that tanks could only be filled in the early A.M. Also a permit from PUC should be applied for, to have sidewalk across SP rails.

Please check one box:

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

Signature: Ron J. Kester Date: July 6, 1995  
Agency: City of Canby Title: Public Works Supervisor

# PLEASE RETURN ATTACHMENTS!!!

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Comments or Proposed Conditions:

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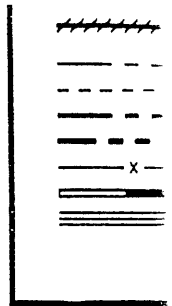
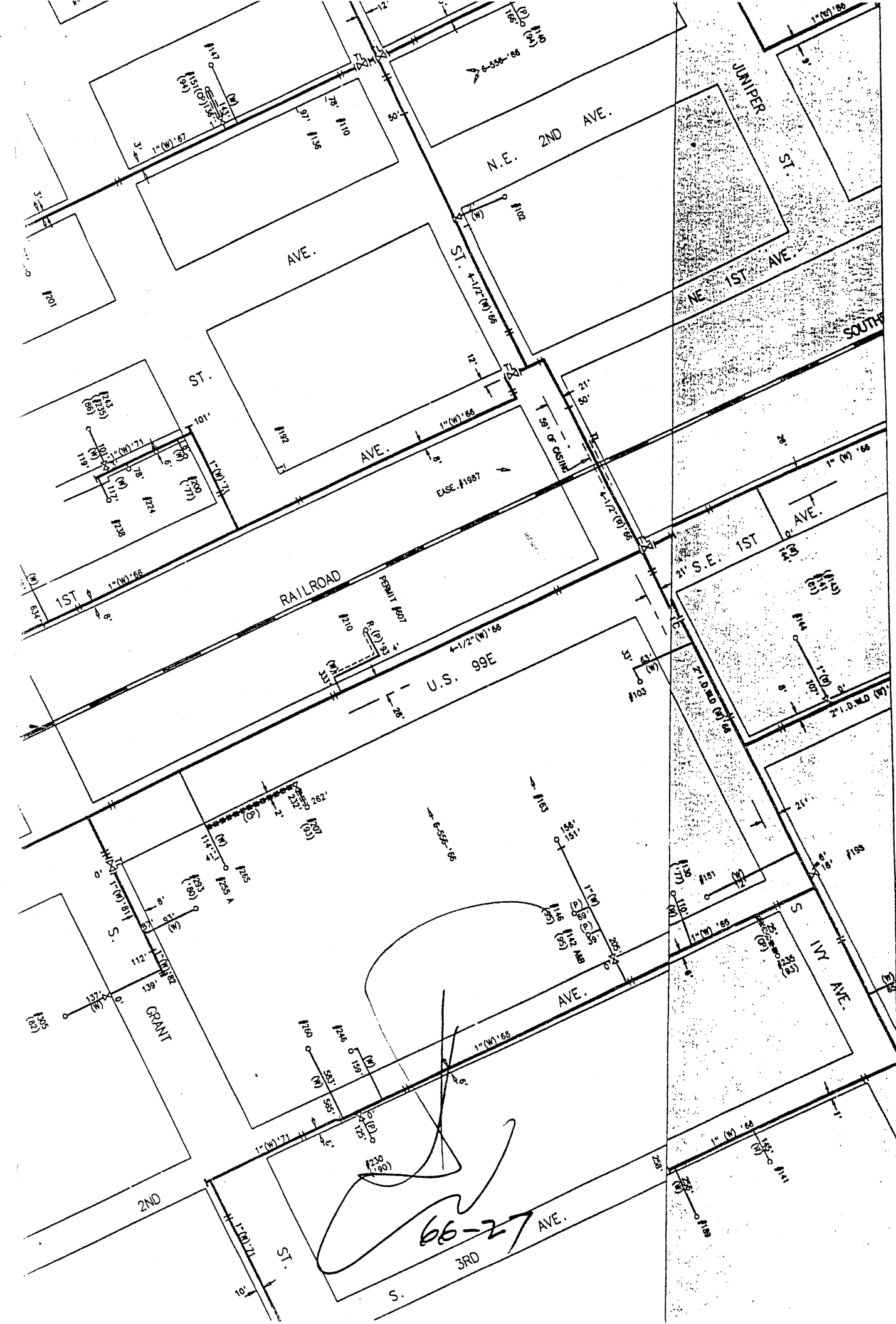
Please check one box:

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

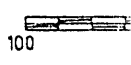
Agency: \_\_\_\_\_ Title: \_\_\_\_\_





A-65-26	
A-66-26	
A-67-26	

See adjacent maps for information

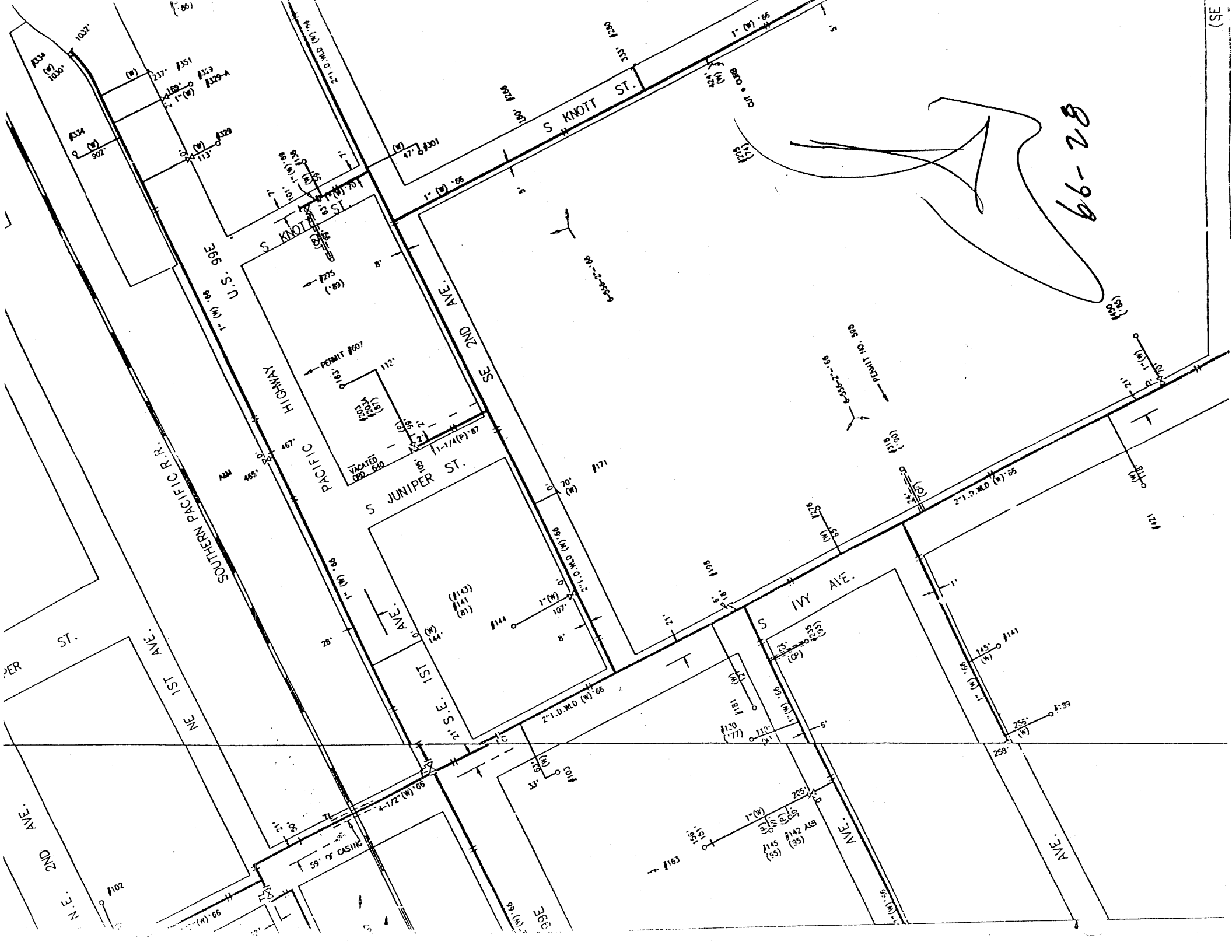


FAC NORTHWEST PO

This plat map is for informational purposes only and does not constitute a legal description of our facilities.

Legal:  
County:  
City:  
State:  
Wat Map No.:

*Handwritten scribble:* 66-27 AVE.



# PLEASE RETURN ATTACHMENTS!!!

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Comments or Proposed Conditions:

CONSIDER STREET TREES,

CIRCULATION PATTERN APPEARS TIGHT

~~IF~~ ~~B~~

LAWN MAY NOT DO WELL IN SUCH SMALL AREAS

ARBORVITAE MAY NOT BE THE BEST CHOICE ALONG EAST EDGE

Please check one box:

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
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Signature: Michael Jordan

Date: 6-28-95

Agency: City

Title: CITY ADMIN.

# PLEASE RETURN ATTACHMENTS!!!

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(503) 266-4021

DATE: July 3, 1995

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Comments or Proposed Conditions:

2 Access permits are required and must be obtained from this office. please inform applicant to submit a written request to:

ALL UTILITY CONNECTIONS, WITHIN Hwy R/W, will require a separate permit.  
GARY K. HUNT  
ODOT - Dist. 2B  
PO Box 1339  
CLACKAMAS, OR. 97015

Please check one box:

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

\* To: Planning Dept.

Signature: [Signature]

Date: 6/27/95

Agency: ODOT / Dist 2B

Title: Permit

\* NO ORIGINAL WILL FOLLOW.

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Comments or Proposed Conditions:

*Will need data disclosure form complete for  
pretreatment evaluation prior to Building Permit*

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
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Signature: *Steve Napp* Date: *6/23/95*  
Agency: *City of Canby WWTP* Title: *POTW Sup.*

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DATE: July 3, 1995

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Comments or Proposed Conditions:

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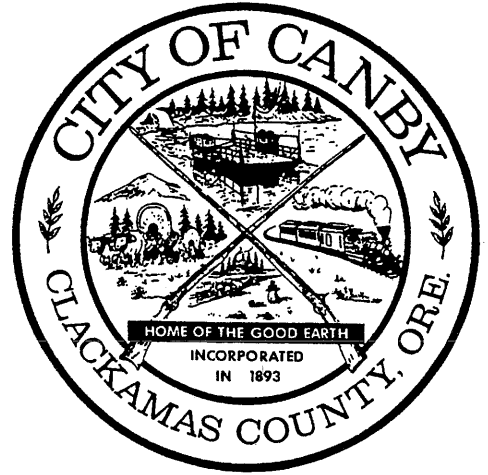
Signature: Ron Yarbrough

Date: 6-26-95

Agency: Canby F.D. #62

Title: Fire Marshal

**- STAFF REPORT -**



**APPLICANT:**

H.O.P.E.  
Jerry Barkman, Exec. Dir.  
P.O. Box 1128  
Canby, OR 97013

**FILE NO.:**

MLP 95-04  
[H.O.P.E.]

**OWNER:**

Birkemeier Farms, Inc.  
21943 S. Highway 99-E  
Canby, OR 97013

**STAFF:**

Bob Hoffman  
Planning Director

**LEGAL DESCRIPTION:**

Tax Lot 800 and 801  
of Tax Map 4-1E-4D

**DATE OF REPORT:**

July 14, 1995

**LOCATION:**

West side of S. Ivy, South of 13th Avenue

**DATE OF HEARING:**

July 24, 1995

**COMP. PLAN DESIGNATION:**

Medium Density Residential

**ZONING DESIGNATION:**

R-1.5 (*Medium Density Residential*)

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval to partition a 32.67 acre parcel into two parcels, approximately 5 acres and 27.6 acres, respectively.

## **II. APPLICABLE CRITERIA:**

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

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

## **III. OTHER APPLICABLE CRITERIA**

- A. 16.18.030 Development Standards (in R-1.5 zones)
- B. 16.56 General Provisions (for land divisions)
- C. 16.60 Major or Minor Partitions
- D. 16.64 Subdivisions - Design Standards

## **IV. FINDINGS:**

### **A. Location and Background**

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 800 and 801 of Tax Map 4-1E-4D. It is located on the west side of S. Ivy Street, south of 13th Avenue. S. Ivy Street, in front of this parcel and south of 13th Avenue, is a sixty foot wide right-of-way. The property consists of approximately 32.67 acres. There is over 1,200 feet of frontage along S. Ivy Street. S. Ivy is a County road.



The commission has previously approved a Comprehensive Plan Amendment, Annexation, Rezoning, and PUD overall plan approval regarding the subject parcel. The actions were to help facilitate the ultimate construction on the site of a 378 unit senior citizen complex.

The purpose of the partition is to simplify the financing of the first phase of the development. The partition will separate a 500' x 435' parcel from the rest of the property. The actual resultant size of the lot that will be created is less than shown on the plat because the plat did not show the required right-of-way dedication. The approved PUD for the remainder of the property is intended for senior citizen apartments. The filbert trees will be removed. The approved PUD is for 378 units, phased over 25 years.

The property is a part of the "benefitted properties" listed in the advanced financing project for the Logging Road Industrial Park road project.

## B. Comprehensive Plan Consistency Analysis

### i. *Citizen Involvement*

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

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

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

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

### ANALYSIS

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

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

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

*ii. Urban Growth*

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

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

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

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

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

**ANALYSIS**

1. The property is entirely within both the Urban Growth Boundary and the City Limits. Input has been requested from the County, but has not been received at this time.

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

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

iii. *Land Use Element*

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

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

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

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

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

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

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

A) A map of "Areas of Special Concern" is to be regarded as having the full force and effect of the Land Use Map in determining appropriate land uses and levels of development. Development proposals, even those that appear to conform with existing zoning, will be considered to conform with the Comprehensive Plan only if they meet the requirements imposed here.

**ANALYSIS**

1. There is currently a filbert tree orchard on the property. The properties to the east, the south, and the west are proposed in the Comprehensive Plan as Low Density Residential [R-1] and

are not yet in the City. County zoning is EFU-20. The properties to the north are zoned Low Density Residential and are used as a subdivision of single family homes. The Canby Adult Center, Swim Center, Lee Elementary, and Ackerman Middle School exists to the northeast of the property. Homes on large lots exist to both the west and east.

2. The partition of the property will permit the applicant to efficiently utilize the proposed 5-acre parcel for the first stage of the senior citizen complex, , while allowing the proposed remaining parcel to be farmed and later utilized for additional phases of the H.O.P.E. project.
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 is R-1.5, Medium Density Residential, with an approved PUD for senior citizen development. The minimum lot size for parcels in the R-1.5 zone is 6000 square feet, and both parcels will meet the minimum lot size.
6. The current Comprehensive Plan land use designation for the property is Medium Density Residential, consistent with the zoning and PUD approval for the parcel. The subject parcel is not a part of any "area of special concern" in the Comprehensive Plan.

*iv. Environmental Concerns*

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

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

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

- Policy #1-R-B: Canby shall encourage the urbanization of the least productive agricultural area within the urban growth boundary as a first priority.
- Policy #2-R: Canby shall maintain and protect surface water and groundwater resources.
- Policy #3-R: Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.
- Policy #4-R: Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.
- Policy #5-R: Canby shall support local sand and gravel operations and will cooperate with county and state agencies in the review of aggregate removal applications.
- Policy #6-R: Canby shall preserve and, where possible, encourage restoration of historic sites and buildings.
- Policy #7-R: Canby shall seek to improve the overall scenic and aesthetic qualities of the City.
- Policy #8-R: Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.
- Policy #9-R: Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.
- Policy #1-H: Canby shall restrict urbanization in areas of identified steep slopes.
- Policy #2-H: Canby shall continue to participate in and shall actively support the federal flood insurance program.
- Policy #3-H: Canby shall seek to inform property owners and builders of the potential risks associated with construction in areas of expansive soils, high water tables, and shallow topsoil.

## ANALYSIS

**1-R-A.** The subject property has Class I soils, and there is an old filbert orchard. The land use designation of the property is for residential and the property is currently within the City limits with all necessary infrastructure readily available. The filbert orchard will be kept in production, except as each phase is initiated.

**1-R-B.** The subject property is considered to be urbanized. The annexation and rezoning of the property (rezoning occurring with and due to the annexation) were for the purposes of future residential development of the subject property.

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

**4-R.** Insubstantial noise will be expected as a result of residential activity. The minor land partition will not, in of itself, generate any noise.

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

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

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

8-R. The subject property is considered to be open space at this time. Preservation of open space on the property in perpetuity is impractical. The Parks Master Plan calls for a specific open or recreation space at, or near, the subject property [a mini-park]. The PUD approval for the site proposed portions of the site be developed recreationally. Each stage must develop its appropriate portion.

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

v. *Transportation*

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

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

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

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

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

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

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

## ANALYSIS

1. Road improvements will be needed for S. Ivy Street. Construction of the improvements will not be necessary until future development of each parcel occurs. The applicant is proposing to widen S. Ivy Street at this time. The right-of-way width for S. Ivy Street will ultimately be 60 feet for most of the length, and 80 feet near 13th avenue, as S. Ivy Street is an arterial street. An additional 10 feet of right-of-way is required from the properties on the east side of S. Ivy Street for 300 feet south of 13th avenue and 40 feet of right-of-way is needed for S. fir. It is presently 33 feet wide.

The construction of S. Ivy Street, includes the sewer that will be constructed as part of the development of the subject property. The cost of construction may be eligible for credit toward the Transportation Systems Development Charge for the development.



2. The nearest major intersection to the subject property is the intersection of S. Ivy Street and 13th Avenue. At this time, that intersection is considered to be a "problem intersection". The proposed **partition** will not impact the intersection, as no other development is currently proposed. Future development will be reviewed for the potential traffic impacts that might be generated. The development will pay a substantial Transportation Systems Development Charge. The City and County have a Transportation Plan prepared for the intersection of 13th Avenue/Ivy Street and are in the early states of implementing that plan.
3. Sidewalks will be required for the property's frontage along S. Ivy, 13th Avenue and S. Fir Street at the time that each portion is improved.
4. The subject property is not involved in any possible overpass or underpass of Highway 99-E and the railroad.
5. The fire district and police department have responded to the Request for Comments and both have indicated that adequate services are available and no further conditions related to the proposed partition are necessary in view of the functions of the police and fire departments. The fire district does require some improvements related to fire service at time of development.
6. South Ivy Street and 13th Avenue will eventually be built to "arterial" standards, which will have room for the provision of bike lanes.
7. The existing use and the proposed use of the property have no specific use for the rail facilities that exist in Canby.
8. The proposed partition has no bearing on efforts to improve or expand nearby air transport facilities.
9. The mass transit system in operation in Canby has minimal bearing on the proposed partition. Future transit stops have been proposed nearby. The City has adopted a Transportation Master Plan study which included mass transit considerations. Any future development of the property will be reviewed in light of the Transportation Master Plan.
10. The subject property is not near the Willamette River and will have no effect on the transportation potential or use of the Willamette River.

11. The subject property is fully within the City limits and is not near any "entry point" into the City.

*vi. Public Facilities and Services*

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

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

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

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

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

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

**ANALYSIS**

1. All needed public facility and service providers were sent a "Request for Comments" regarding this application. Positive responses were received from the Public Works Department, Waste Water Treatment Plant, Police Department, Fire District. All have indicated that adequate facilities and/or services are available, with some conditions requested. The Canby Utility Board, Canby Telephone Association, and Northwest Natural Gas have not responded to the "Request for Comments" at this time. There has been no recent indication, unofficial or otherwise, of potential inadequacy of facilities or services from these providers. Electric, water, and telephone facilities are available in S. Ivy Street. Public Works and Curt McLeod have recommended certain conditions or changes to the specific plans.

2. Needed 'public improvements' include the improvement and widening of S. Ivy Street, 13th Avenue, and S. Fir Street. These improvements will occur with the development of property along these streets. The partition of the subject property will facilitate development and the eventual improvement of S. Ivy Street especially. The specific improvements will be required with the actual development occurs and will be required, at that time. The improvement of the frontage of S. Ivy Street will occur with, or prior to, the development of the proposed 5-acre parcel. The applicant is proposing to make the S. Ivy Street improvements now.
3. The subject property is a part of the area benefitting from the Logging Road Industrial Park road improvements project. Major infrastructure improvements have been constructed which will benefit this property and have been initially funded through the City. Development of property within the benefitted property zones is the mechanism by which the City will be able to pay for the improvements. The improvements include the S.Pine Street/S. Redwood Street road connection between Highway 99-E and Township Road, and sewer and water mains to service the southeastern portion of the City, including the subject property. Reimbursement for the improvements occurs with the development of the property. The partition will split the responsibility for the reimbursement to the two proposed parcels proportionally to the size of each parcel.
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. A mini- park has been designated in the vicinity of the subject property. The PUD has proposed specific ways to meet this objective. As the PUD, which is approved for the site, is for senior citizen housing, very few children are expected to reside on the site. a Parks Systems Development Charge will now be required for any new development. Credit is available for any provision of parks space with some limitation on type and location.

*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 residential in nature, as the current zoning of the subject property allows.
2. The proposed development is not commercial in nature, nor does the current zoning of the subject property allow commercial development.
3. The subject property is a part of the area benefitting from the Logging Road Industrial Park road improvements project. The project provided industrial grade access and infrastructure for future development. The partition of the subject property will directly result in some increased local employment opportunities, and will help with the financing of the improvements that will indirectly allow for the increase in employment opportunities.
4. There is a parallel application for Design review of the first phase of the PUD. Eventual development will be residential in nature. The project will have no direct adverse impacts on agricultural operations, except to ultimately eliminate the filbert orchard at the completion of the PUD project.

### *viii. Housing*

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

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

## ANALYSIS

1. The location and size of the Urban Growth Boundary is not a part of the proposed application. When the Urban Growth Boundary was designated and calculations to determine the amount of land needed for residential growth, in 1984 as a part of the acknowledged 1984 Comprehensive Plan, the subject property was designated for residential development.
2. The proposed partition will allow for the residential development of the 5 acre parcel at this time. Any development will increase housing density. There is a potential for a total of 378 units on the property, with 22 units in Phase I.
3. The proposed development does include medium density housing. Future development of the property will most likely also include higher density housing, with the potential maximum density of 12 units per acre of senior citizen housing under the approved PUD..
4. The proposed development does not include housing for low income persons. Future development of the property may include some housing for low income persons.

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

*ix. Energy Conservation*

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

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

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

Policy #3: Canby shall strive to increase consumer protection in the area of solar design and construction.

Policy #4: Canby shall attempt to reduce wasteful patterns of energy consumption in transportation systems.

Policy #5: Canby shall continue to promote energy efficiency and the use of renewable resources.

**ANALYSIS**

1. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.
2. The orientation of the subject property in this proposal does meet the basic solar access standards for new residential developments. The orientation of the parcels are north-south, on a large 5 acre parcel with an approved PUD.
3. The project will not hinder any residential access to solar energy.
4. The City has adopted a Transportation Master Plan. City standards, transportation, and patterns of all developments will be reviewed through the Transportation Master Plan.
5. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.

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

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

**C. *Evaluation Regarding Minor Land Partition Approval Criteria***

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

See above discussion.

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

The partition, in all other respects, is in conformance with all other requirements of the Land Development and Planning Ordinance as far as staff can determine (see below).

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

The size, slope, and orientation of the proposed parcels is such that future development of both parcels is both possible and feasible. Both parcels exceed the minimum of 6,000 square feet and minimum frontage of 60 feet. Being large and regular shaped, the parcels' setbacks will be east to meet.

Access facilities are available. Utility easements along the new property lines will be needed to allow for potential utility extensions.

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

As best as staff has been able to determine, all required public facilities and services are available in the vicinity, or will become available

through extension to the development, to adequately meet the needs of the proposed land division. No indication of difficulties have been mentioned, officially or otherwise, with regards to these public facilities and services providing service to any development.

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

No new private roads are proposed as a part of this application although the PUD proposes an extensive internal private road system which the Police and Fire Departments have approved. They will be involved as each phase is designed, to ensure their specific needs will be met in that phase.

## ***V. CONCLUSION***

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

## ***VI. RECOMMENDATION***

Based upon the application and drawings submitted, facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that should the Planning Commission approve MLP 95-04, the following conditions should apply:



*For the Final Plat*

1. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 95-04.
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
3. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new recorded deeds shall be provided to the Canby Planning Department.
4. All monumentation and recording fees shall be borne by the applicant.
5. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:
  - 6 feet in width along all lot lines, except;
  - 12 feet in width along street frontages.
6. Dedication of ten (10) feet of right-of-way for street purposes shall be made along the property's frontage of S. Ivy Street for 300 feet south of 13th Avenue and 7 feet shall be dedicated along S. Fir.
7. Prior to any further development, a Site and Design Review or a subdivision/partition review of the proposed development, and approval shall occur.
8. Improvements to S. Ivy Street, 13th Avenue, and S. Fir Street, including road widening, curbs, sidewalks, street lights, utilities, and street trees, shall be constructed for the S. Ivy frontage of the 5-acre parcel prior to the occupancy of any development of the 5-acre parcel. Construction of the remaining street frontages shall take place with or prior to the remaining phases.
9. The final plat must be recorded with Clackamas County within one (1) year of the approval of the preliminary plat approval in accordance to Section 16.60.060. The mylar for the final plat must be signed by the City prior to the recording of the plat.

10. A preconstruction conference involving each utility of City agencies shall be held prior to construction of each phase.
11. Since there is an approved PUD for the parent parcel, an agreement shall be recorded with the County providing for mutual access, maintenance, and recreation between the two adjacent parcels.

Exhibits:

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

# MINOR LAND PARTITION APPLICATION

Fee: \$900

## OWNER

Name Birkemeier Farms, Inc.  
 Address 21943 S. Highway 99E  
 City Canby State OR Zip 97013  
 Signature: \_\_\_\_\_

## APPLICANT

Housing & Outreach Project for Elderly  
 Name Jerry Barkman, Executive Director  
 Address P. O. Box 1128  
 City Canby State OR Zip 97013  
 Phone: (503) 266-4673

## DESCRIPTION OF PROPERTY:

Tax Map 4-1E-4D Tax Lot(s) 800 Lot Size 32.67 acres  
 (Acres/Sq. Ft.)

or

## Legal Description, Metes and Bounds (Attach Copy)

Plat Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

## PROPERTY OWNERSHIP LIST

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

## USE

Existing Farmland Proposed Retirement Community

Existing Structures wood frame storage building southwest corner

## PROJECT DESCRIPTION

Develop First Phase of Retirement community on 5 acres of land. This includes widening of Ivy Street and construction of inner main street and construction of 22 garden apartments. This partitioning is needed so that we have clear title to the parcel for financing purposes.

Land has been sold to H.O.P.E., Inc. under Land Sales Contract

ZONING R1.5 COMPREHENSIVE PLAN DESIGNATION R1.5  
 PREVIOUS ACTION (if any) CUP/PUD 5/91

File No. \_\_\_\_\_  
 Receipt No. \_\_\_\_\_  
 Received by \_\_\_\_\_  
 Date Received \_\_\_\_\_  
 Completeness Date \_\_\_\_\_  
 Pre-App Meeting \_\_\_\_\_  
 Hearing Date \_\_\_\_\_



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

## Addendum to Application for Minor Land Partition.

Housing and Outreach Project for Elderly, Inc. (H.O.P.E., Inc.) agreed to purchase 32.67 acres of land from Birkemeier Farms, Inc., subject to approval by the City of Canby of a plan to construct a retirement community on the land. In May, 1991, the Canby Planning Commission approved a CUP/PUD Application for the land in question. This action authorized the development of 378 units of elderly housing. The proposed land usage meets the Comprehensive Plan requirements.

H.O.P.E., Inc. now wishes to proceed with the development of Phase 1 of the retirement community as envisioned in the master plan approved in 1991. In order to accomplish this, a minor partition of the land is needed so that H.O.P.E., Inc. can receive clear title to the land for phase 1. This will allow us to secure financing for construction. A separate application for the Site Plan Review of Phase 1 is being submitted along with this application.

The five acres which will result from this minor partition will allow H.O.P.E., Inc. to improve the west side of Ivy Street along the full length of its frontage. It will also allow the development of the main entrance to the campus and the construction of 22 garden homes. This main entrance will provide access to other phases of our campus development. Should future partitions occur, those parcels will be guaranteed access to the main street through easements.

The parcel in question is fronted on the east side by Ivy Street. Phase 1 of our development will provide for water, sewer, gas, electricity and telephone lines to be extended to the parcel. Those lines will also provide utility access for future phases of development of the campus and as with the streets, easements will be granted to any future partitions.

June 12, 1995

TO WHOM IT MAY CONCERN:

I hereby appoint Housing & Outreach project for Elderly, Inc. (H.O.P.E., Inc.) and Jerry W. Barkman, its Executive Director, as agents of Birkemeier Farms, Inc. for the purpose of securing a minor land partition on the 32.67 acres at 13th and Ivy, Canby, Oregon. This land has been sold under a land-sale contract to H.O.P.E., Inc.

A handwritten signature in cursive script that reads "Richard Birkemeier". The signature is written in dark ink and is positioned above the printed name.

Richard Birkemeier  
Birkemeier Farms, Inc.

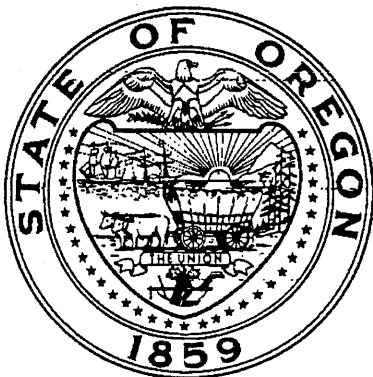
# STATE OF OREGON

## *Office of the Secretary of State Corporation Division*

I, *Janet Sullivan*, Director of the Corporation Division,  
DO HEREBY CERTIFY:

**BIRKEMEIER FARMS, INC.**  
was  
incorporated  
under the Oregon  
**Business Corporation Act**  
on  
**November 12, 1980**

and is active on the records of the Corporation  
Division as of the date of this certificate.



*Janet Sullivan*  
Director

BY

*James L. Lowder*

DATE June 12, 1995

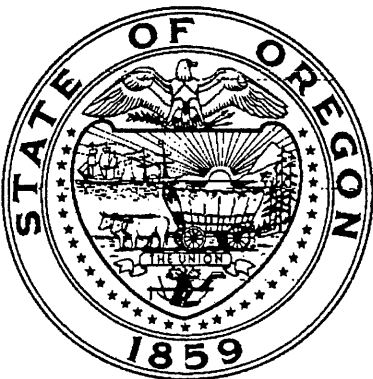
# STATE OF OREGON

## *Office of the Secretary of State Corporation Division*

I, *Janet Sullivan*, Director of the Corporation Division,  
DO HEREBY CERTIFY:

HOUSING & OUTREACH PROJECT FOR ELDERLY, INC.  
was  
incorporated  
under the Oregon  
Nonprofit Corporation Act  
on  
September 6, 1983

and is active on the records of the Corporation  
Division as of the date of this certificate.



*Janet Sullivan*  
Director

BY

*Marilyn R. Smith*

DATE *June 12, 1995*

ON

80.00  
10.00

584726

MEMORANDUM OF LAND-SALE CONTRACT

Recorded by TIGOR TITLE

KNOW ALL MEN BY THESE PRESENTS, that on March 13, 1992, BIRKEMEIER FARMS, INC. HOUSING & OUTREACH PROJECT FOR ELDERLY, INC. \* as vendor(s) and as vendee(s) made and entered into a certain land-sale contract wherein said vendor(s) agreed to sell to said vendee(s) and the latter agreed to purchase from said vendor(s) the fee-simple title in and to the following described real property in Clackamas County, State of Oregon, to-wit:

See Exhibit "A" attached hereto and incorporated herein by reference.

\* an Oregon Non-Profit Corporation

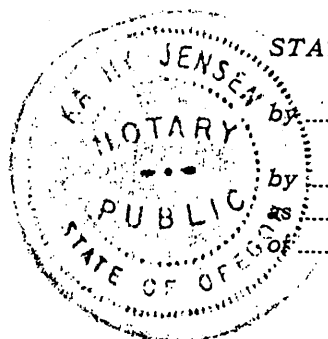
The true and actual consideration for the transfer, set forth in said contract, is \$450,000, payable \$100,000 down on the signing of said contract and the balance payable in [ ] monthly, [ ] quarterly, [ ] semi-annual, [X] annual installments (indicate which) of not less than \$25,000 each; all deferred payments bear interest at the rate of 9% per annum from the date of said contract until paid.

In Witness Whereof the said vendor(s) has executed this memorandum on March 13, 1992. If the vendor is a corporation it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors. BIRKEMEIER FARMS, INC.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

By Richard E. Birkemeier President  
By Richard D. Birkemeier Secretary  
HOUSING & OUTREACH PROJECT FOR ELDERLY, INC. an Oregon Non-Profit Corporation  
By Nancy Dwyer President  
By Shelby J. Schell Secretary

NOTE: The foregoing memorandum shall be recorded by the conveyer not later than 15 days after the 'land-sale contract' is executed and the parties are bound thereby. ORS 93.635.



STATE OF OREGON, County of Clackamas ss. This instrument was acknowledged before me on March 13, 1992

This instrument was acknowledged before me on March 13, 1992, by Richard E. Birkemeier & Richard D. Birkemeier as President and Secretary, respectively, of BIRKEMEIER FARMS, INC.

Kelly Jensen  
Notary Public for Oregon  
My commission expires 11-2-93

BIRKEMEIER FARMS, INC.  
21943 S. 99E Highway  
Canby, Oregon 97013  
VENDOR'S NAME AND ADDRESS  
Housing & Outreach Project for Elderly, Inc.  
P. O. Box 1128  
Canby, Oregon 97013  
VENDEE'S NAME AND ADDRESS  
After recording return to:  
Charles L. Kobin  
610 SW Alder, Suite 1200  
Portland, Oregon 97205  
NAME, ADDRESS, ZIP  
Until a change is requested all tax statements shall be sent to the following address.  
Housing & Outreach Project for Elderly, Inc.  
P. O. Box 1128  
Canby, Oregon 97013  
NAME, ADDRESS, ZIP

STATE OF OREGON, } ss.  
County of .....  
I certify that the within instrument was received for record on the ..... day of ....., 19....., at ..... o'clock .....M., and recorded in book/reel/volume No..... on page ..... or as fee/file/instrument/microfilm/reception No....., Record of Deeds of said county.  
Witness my hand and seal of County affixed.  
NAME TITLE  
By ..... Deputy



EXHIBIT "A"

The Northwest one-quarter of the Southeast one-quarter of Section 4, Township 4 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon. SAVE AND EXCEPT the South 165 feet, conveyed to Harry Cochran, et ux, by Deed recorded August 12, 1913, in Book 132, page 565, Deed Records.

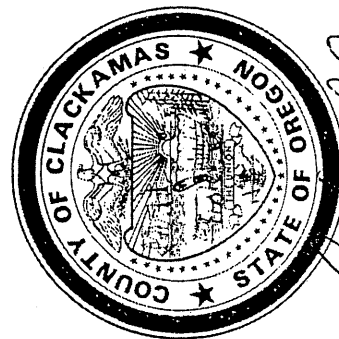
ALSO EXCEPTING THEREFROM that part of the Northwest one-quarter of the Southeast one-quarter of Section 4, Township 4 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Northeast corner of said Northwest one-quarter; thence South, along the east line of said Northwest one-quarter, 290.00 feet to a point and being the true point of beginning of the tract to be described herein; thence West, 530.00 feet to a point; thence South, 435.60 feet to a point; thence East, 530.00 feet to a point on the East line of said Northwest one-quarter; thence North 435.60 feet, returning to the true point of beginning.

SUBJECT TO all conditions, restrictions, rights-of-way and easements of record and rights of the public in and to that portion of said property lying within streets, roads and highways.

STATE OF OREGON }  
County of Clackamas } ss.  
I, John Kauffman, County Clerk for the County of Clackamas, do hereby certify that the instrument of writing was received for recording in the records of said county at

92 MAR 17 PM 3:15



Witness my hand and seal affixed  
*John Kauffman*  
JOHN KAUFFMAN  
County Clerk

Recording Certificate  
CCP-R4 (Rev. 6/91)

92 15137

EXHIBIT "A"

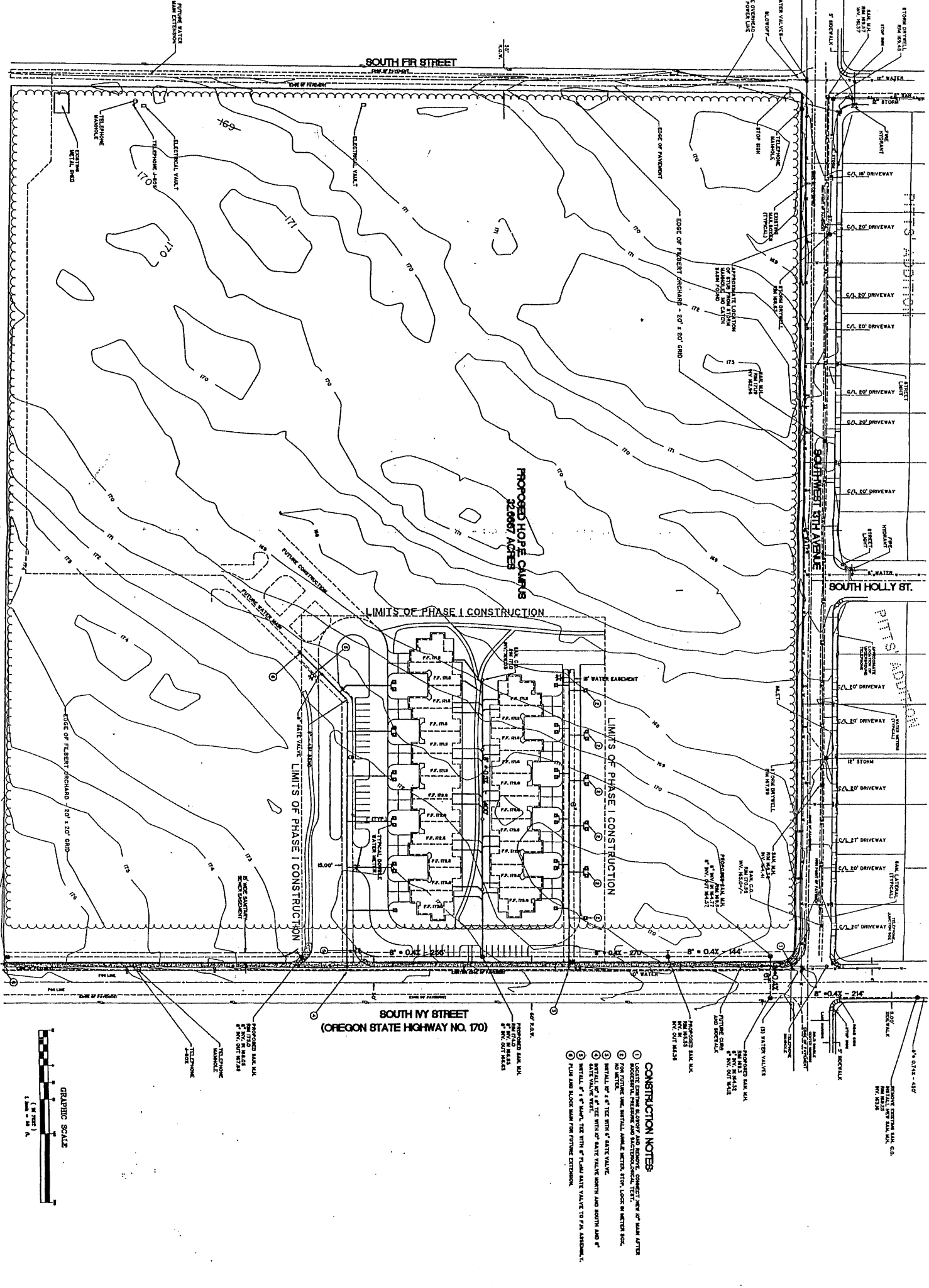
DATE: 3/10/08  
DRAWN: J. VANCE  
CHECKED: J. VANCE  
SCALE: AS SHOWN



**Ztec ENGINEERS, INC.**  
3737 S.E. 8TH AVE., PORTLAND, OR 97202  
PHONE: 503.251.1111 FAX: 503.251.1112

**PHASE I SEWER & WATER PLAN**  
HOPE VILLAGE RETIREMENT TOWNHOUSES  
HOPE PROPERTIES

PROJECT NO: 08-001  
DATE: 3/10/08  
SCALE: AS SHOWN



**PROPOSED HOPE CAMPUS**  
32,000 SF APSES

- CONSTRUCTION NOTES:**
1. CONSTRUCT NEW 12" DIA. WATER MAINS AND 12" DIA. WATER MAINS UNDER EXISTING MAINS AND SANITARIAN DRAINAGE TRENCHES.
  2. FOR FUTURE USE, INSTALL 12" DIA. WATER MAINS UNDER EXISTING MAINS AND SANITARIAN DRAINAGE TRENCHES.
  3. INSTALL 12" DIA. WATER MAINS UNDER EXISTING MAINS AND SANITARIAN DRAINAGE TRENCHES.
  4. INSTALL 12" DIA. WATER MAINS UNDER EXISTING MAINS AND SANITARIAN DRAINAGE TRENCHES.
  5. PLACE AND BLOCK MAIN FOR FUTURE EXTENSION.



DATE: 3/10/08  
SCALE: AS SHOWN

TO: File  
FROM: Richard Rothweiler *RR*  
RE: HOPE Campus Phase I  
Project No. 9407  
Meeting Notes  
DATE: June 2, 1995



J. Warren Carkin, AIA, Emeritus  
Kim Ar buckle AIA  
Alan E. Costic AIA  
Wayne E. Woosley AIA  
Walter E. Bensman, Jr. AIA  
Clayton Vorse, AIA

**CARKIN ARBUCKLE COSTIC  
ARCHITECTS**  
570 Liberty St. SE  
Salem, OR 97301-3514  
503/581-4114 Fax: 503/581-3655

Present at Meeting: Bob Hoffman, Dean Christy, and Richard Rothweiler.

### Information Items

1. In reference to the PUD requirement of two to three acres of dedicated park space, the following items were discussed:
  - a. The planning review process will probably require dedicated park areas within the HOPE Village master plan.
  - b. SDC provisions and fee reductions should be in effect.
  - c. HOPE Village should request through the City of Canby a reduction of the SDC fees based on their Chapter 501.C3 organization status.
  - d. Due to the shift of the Phase I development from the previous PUD location, a corner park area may be required to be included with the new Phase I development.
2. The Fire Marshal for the Phase I development will be Ron Yarbrough, the current Fire Chief had handled the previous reviews of the HOPE Village master plans.
3. Bob Hoffman indicated that the sewer capacities at Ivy and 13th Streets will be adequate for the Phase I development. New sewers will be required for the later phases. Kurt McCloud has previously indicated that 13th Street may be able to handle a higher capacity than previously indicated. Also, as previously indicated, Fir Street has no capacity at this time.
4. A transportation SDC fee may be attached to the Phase I development. A credit would be available through the City of Canby; however, a traffic signal may be required at 13th and Ivy Streets in conjunction with additional turning lanes at that intersection.

### Resolved Items

1. Discussed the right-of-way requirements for the bordering streets.
  - a. Fir Street: Local street, 40'0" right-of-way, 12'0" easement.
  - b. 13th Street: Arterial, 60'0" right-of-way, 12'0" easement.
  - c. Ivy Street: Arterial, 60'0" right-of-way, 12'0" easement.
2. A design review approval will be required for the Phase I project; however, a PUD review should not be required at this time. The revision to the location of Phase I will need to be submitted to the City for inclusion and/or revision to the PUD.
3. All handicapped parking requirements will be detailed directly out of Chapter 31 of the Uniform Building Code.

**Action Items**

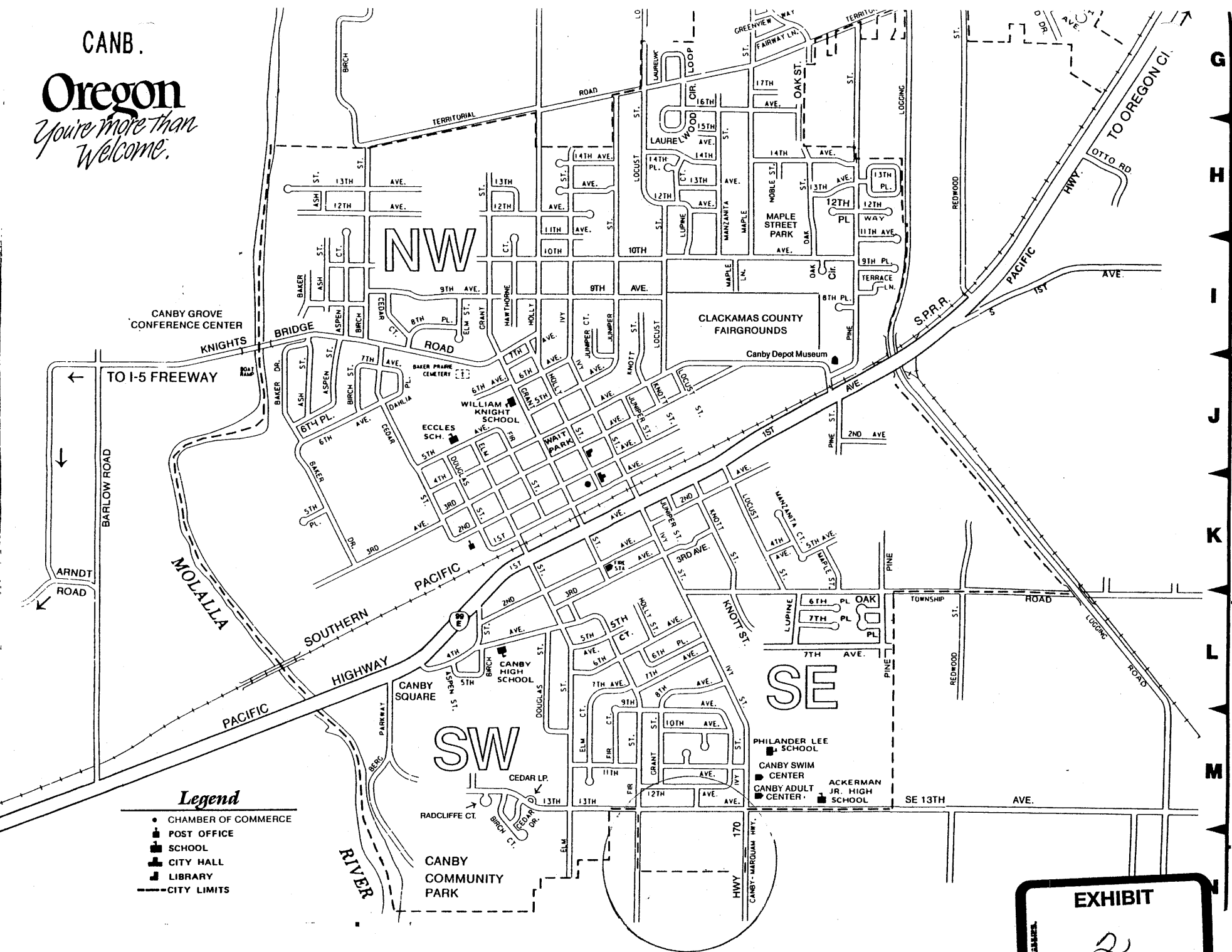
1. Bob Hoffman indicated that a partitioning of the Phase I parcel might be required by and/or for the financing package on Phase I development.
2. HOPE Village to submit with the design review process the revision to the phasing as previously discussed for inclusion with the PUD.
3. Prior to construction of the Phase I development, a preconstruction conference should be scheduled and include the City of Canby, the Owner, and the Architect.

END OF MEMO

cc: Bob Hoffman  
Jerry Barkman  
John Middleton

9407.4

CANB.  
**Oregon**  
*You're more than  
 Welcome.*



**Legend**

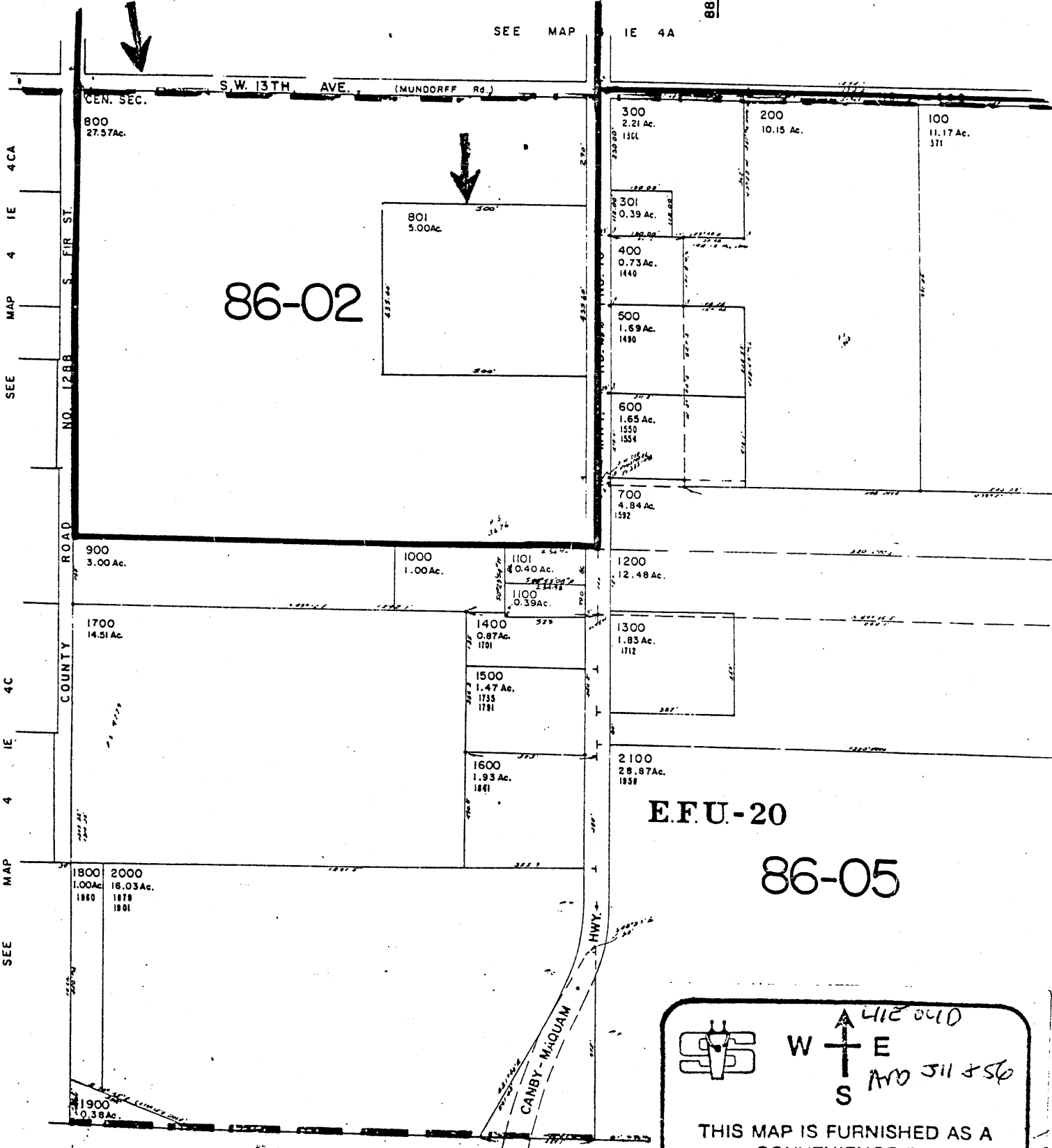
- CHAMBER OF COMMERCE
- ✉ POST OFFICE
- 🏫 SCHOOL
- 🏛️ CITY HALL
- 📖 LIBRARY
- CITY LIMITS

**EXHIBIT**  
 2

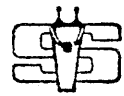
SE 1/4 SEC. 4 T.4S. R.1E. ...  
 CLACKAMAS COUNTY

1" = 200'  
 8800

SEE MAP 1E 4A



SEE MAP 4 IE 4CA  
 SEE MAP 4 IE 4C  
 SEE MAP 4 IE 9


 W — E  
 ↑ N  
 ↓ S  
 ARD 511 & 56

THIS MAP IS FURNISHED AS A  
 CONVENIENCE BY:  
**STEWART TITLE**  
 THIS MAP IS NOT TO BE  
 SHOW THE LOCATIONS OF  
 MENTS. THE C  
 BILITY FOR ANY

**EXHIBIT**

3

SEE MAP 4 IE 9

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 15, 1995

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

The City has received MLP 95-04 and DR 95-13, applications by H.O.P.E. [Housing & Outreach Project for Elderly] and Birkemeier Farms, Inc. to partition a 32.57 acre parcel [Tax Lots 800 and 801] into two parcels, 27.57 acres and 5 acres, in order to develop Phase 1 of the retirement community, 22 garden apartments, on the 5 acre parcel [Tax Lot 801] and, if approved, for site and design approval of Phase 1 of the H.O.P.E. retirement community on the 5-acre parcel. The property is located on the southwest corner of the intersection of S. Ivy Street and S.W. 13th Avenue [Tax Lots 800 & 801 of Tax Map 4-1E-4D].

We would appreciate your reviewing the enclosed application and returning your comments by **July 10, 1995 PLEASE**. The Planning Commission plans to consider this application on July 24, 1995. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

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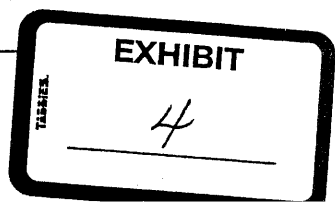
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Please check one box:

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

Signature: Gary Fitzgust Date: 7/5/95

Title: Field Engineering Supervisor Agency: NW Nat Gas



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Comments or Proposed Conditions:

*Consider setting sidewalks on perimeter of site back to allow for parking strip and street trees.*

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: *Michael Jordan* Date: *6/25/95*

Title: *City Admin* Agency: *Canby*



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DATE: June 15, 1995

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

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Comments or Proposed Conditions:

None

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Please check one box:

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

Signature: Steve Hanson Date: 6/30/95

Title: POTW Supervisor Agency: City of Canby

To: Bob Hoffman

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 15, 1995

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

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Comments or Proposed Conditions:

would like a copy of the traffic impact study sent to District 2B  
PO Box 1339  
Clackamas, OR 97015  
ATTN: Gary K. Hunt

ODOT is not responsible for this study. It is a County job. [Signature]

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: 7/6/95

Title: Permits Agency: ODOT

# PLEASE RETURN ATTACHMENTS!!!

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[503] 266-4021

DATE: June 15, 1995

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Comments or Proposed Conditions:

ALL UNITS TO BE ADDRESSED

ALL ACCESS TO BE COMPLETED BEFORE CONSTRUCTION BEGINS

~~THE~~ FIRE HYDRANTS ARE TO BE IN PLACE & OPERATIONAL PRIOR TO START OF CONSTRUCTION.

Please check one box:

Adequate Public Services (of your agency) are available

Adequate Public Services will become available through the development

Conditions are needed, as indicated

Adequate public services are not available and will not become available

Signature: Ron Yarbrough

Date: 6-30-95

Title: Fire Marshal

Agency: CANBY F.D. #62

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 15, 1995

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

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Comments or Proposed Conditions:

Changes noted on plans for Sewer & Storm, also  
notes on McLeod comments.

Please check one box:

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

Signature: Roy L. Heater Date: July 3, 1995  
Title: Public Works Supervisor Agency: City of Canby

CURRAN-MCLEOD, INC.  
CONSULTING ENGINEERS

6655 SW. HAMPTON STREET, SUITE 210  
PORTLAND, OREGON 97223  
PHONE (503) 684-3478

June 27, 1995

MEMORANDUM

TO: Jim Wheeler  
City of Canby

FROM: Curt J. McLeod, P.E. *Curt*

RE: CITY OF CANBY  
HOPE VILLAGE RETIREMENT CENTER  
PHASE I CONSTRUCTION

*Recommendations  
from Roy Hester - Poluks*

*Diagram  
on map*

*Changes*

*Yes*

*Yes*

We have reviewed the Phase I Hope Village construction plans and have the following comments for your evaluation:

Sanitary Sewer

1. MH 2+14 should be located in the 13th Avenue Intersection with stubout west and east for future. *And South*

The SS mainline may provide greater service potential to the City if it were located on the east side of Ivy. The Hope project can be served by one or two mainlines but the existing houses on the east side will require individual services. The SS mainline should terminate at the south edge of Phase I construction.

3. The 8" SS on-site should have a minimum 0.4% slope to maintain minimum velocities if this is to be a public sewer.

4. Phase I is committed to discharge into Ivy Street however a capacity analysis and an overview of the entire SW quadrant should be completed before additional load is allowed into the Fir Street or Ivy Street lines.

Street Improvements

1. Curb return at 13th and Ivy should have a 40 foot radius.

2. No street slope is indicated between station 0+00 to the grade break at 3+00.

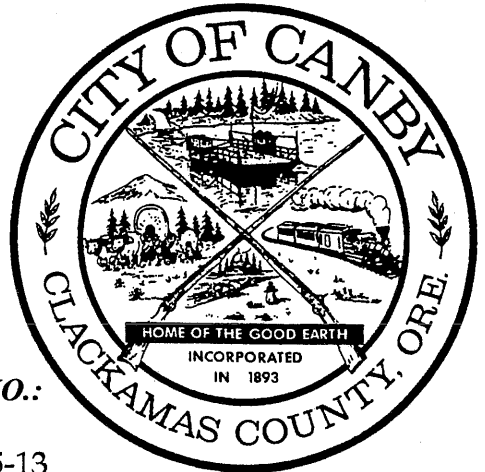
3. 3 1/2" AC section is light for Ivy Street however, this is in the county's jurisdiction.

Storm Drainage

1. Catch basins should have a minimum 24" sump and no sedimentation manholes.

2. Catch basins should be stubbed out for future sumps on the east side of Ivy Street.

**- STAFF REPORT -**



**APPLICANT:**

H.O.P.E.  
Jerry Barkman, Exec. Dir.  
P.O. Box 1128  
Canby, OR 97013

**FILE NO.:**

DR 95-13  
[H.O.P.E.]

**OWNER:**

Birkemeier Farms, Inc.  
21943 S. Highway 99-E  
Canby, OR 97013

**STAFF:**

Bob Hoffman  
Planning Director

**LEGAL DESCRIPTION:**

Tax Lot 800 and 801  
of Tax Map 4-1E-4D

**DATE OF REPORT:**

July 14, 1995

**LOCATION:**

West side of S. Ivy, South of 13th Avenue

**DATE OF HEARING:**

July 24, 1995

**COMP. PLAN DESIGNATION:**

Medium Density Residential

**ZONING DESIGNATION:**

R-1.5 (*Medium Density Residential*)

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval of a Design Review application for Phase I [5 acres] of the Hope Village Project [32.67 acres], including: 1) improvement of S. Ivy; 2) provision of utilities; 3) construction of main entrance; and 4) construction of 22 garden apartments.

## **I. APPLICABLE REGULATIONS**

- **City of Canby General Ordinances:**

- 16.10 Off-Street Parking and Loading
- 16.18 R-1.5 - Medium Density Residential Zone
- 16.49 Site and Design Review
- 16.88 General Standards

## **III. MAJOR APPROVAL CRITERIA**

### **Site and Design Review**

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

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

The Design Review Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purpose of this ordinance.

## **IV. FINDINGS:**

### **A. Background and Relationships:**

The application is for the review of the site and design of a garden apartment complex. The use, multi-family residential, is permitted outright in this zone, R-1.5 [Medium Density Residential], and is not a part of this review.

The Commission is simultaneously reviewing a proposed partition involving these tax lots [MLP 95-04]. The partition would not be required to be approved for this Design Review to be approved. The partition is for **financial** purposes only.

The Commission has previously been involved in actions involving this property, including an annexation, a Comprehensive Plan Amendment, rezoning, and a Planned Unit Development. The approved PUD for the entire 32.67 acres is for 378 units of Senior Citizen Housing. The overall site plan includes "138 independent living units, 30 low rise independent units, 210 congregate living units, a health care and nursing facility, as well as community center. The grounds will have at least 2.0 acres of mini-parks, tennis courts, and several thousand feet of walking trails." [The originally approved **general** site plan is enclosed.]

The conditions of the original PUD approval are as follows, [with **emphasis** on those conditions which appear to apply to the subject application]. Staff comments appear in parentheses ( )

1. **Each phase is to be applied for under the then current Site and Design Review Ordinance and procedures.** (Staff comment: this is Phase I)
2. **This approval is for the entire 32 acre site as a general Master Plan for guiding development. It should not be interpreted in each of its details, but as a framework for future detailing under Design Review.** (Staff comment: this is a 5 acre phase)
3. **With the proposed Design Review for each phase, or at the end of each 5-year period, whichever comes first, the Commission shall review progress and evaluate the need to make any changes to this approval. Desirable rezoning will be considered by the Commission at this time.** This action should not be interpreted as an approval for an unlimited time period. The City Planner shall remind the Commission of the need to review the project at the end of each five year period. (Staff comment: no need for change, in the opinion of staff)
4. **Utility easements shall be provided to the satisfaction of the utility and service-providers and may include, but not be limited to, 12 foot easements on the entire perimeter of the site.** (Staff comment: being provided)
5. **Road right-of-way dedications, as proposed on Fir Street and 13th Avenue shall be accomplished prior to approval of Phase I.** (Staff comment: Fir Street required, 13th Avenue not needed)



6. Phase I shall be adjusted to include the full width main entrance off s. Ivy Street. Phase II shall be adjusted to include an area sufficient as parking areas for the Congregate Living and Community Center. **The H.O.P.E. Campus Master Plan map shall be amended to include this change.** (Staff comment: done)
7. **A waiver of remonstrance shall be required for any needed traffic improvements related to the project development on 13th or Ivy and, in particular, but not limited to, the proposed traffic light at the intersection of 13th Avenue and Ivy Street.** (Staff comment: Transportation SDC now in place, dedications and widening provided, no need for waiver of remonstrance)
8. **Fire service facilities shall be installed and be operational, as required by the Fire Marshal. Road service to the complex shall be maintained throughout all construction periods to ensure adequate fire equipment access. Detailed locations of hydrants shall be reviewed and approved by the Fire Marshal and finalized as a part of the Site and Design Review process.** (Staff comment: this will be a condition of approval of each phase)
9. **Occupancy of the site under this Conditional Use/PUD approval is limited to the elderly, handicapped, or such caretakers as may be necessary, and as defined in the National Fair Housing Act. The definition of "handicapped" as referenced above, is not intended to include persons with other than physical disabilities. That is, it does not include drug or alcohol rehabilitation programs, halfway houses, or ex-convicts.** (Staff comment: this is in effect)
10. **Half-street improvements, including sidewalks, curbs, bike paths, and street pavement, shall be a part of each phase and provided prior to, or at the time of construction of that phase.** (Staff comment: being implemented in each phase)
11.
  - a. **Each subsequent phase shall incorporate at least one additional element of the proposed public park system.** (Staff comment: being implemented)
  - b. **The applicant shall present, to the Planning Commission, a plan for long-term maintenance of common areas, especially those dedicated for public use, after consultation with the Director of Public works prior to any development.** (Staff comment: being implemented)

- c. Prior to the development of Phase II, or upon payment of the underlying contract, or September 1, 1996, whichever shall occur first, applicant shall provide deed restrictions or other appropriate legal documents, to be reviewed and approved by the City Attorney, assuring park and open space for public use, as shown on the H.O.P.E. Master Plan dated July 8, 1991. (Staff comment: we have not yet reached this point)
  - d. In the event H.O.P.E. sells the property, then approximately 2 acres of land shall be dedicated to the City [less any park land already "dedicated"], as shown on the H.O.P.E. Master Plan dated July 8, 1991. (Staff comment: not appropriate at this time)
12. Emergency access off of 13th Avenue shall be included as part of Phase I. (Staff comment: being provided as a condition of approval)

**B. Evaluation Regarding Site and Design Review Approval Criteria**

1. Part IV - Section 2, No. 2  
"Minimum area for landscaping is 30% of the total area to be developed."

The total development site is 5 acres (approximately 435 x 500 = 217,500 square feet). Based on this figure, approximately 65,250 square feet of landscaping is required. The applicant is proposing approximately 107,000 square feet of landscaping (49%). Most of this area is proposed as lawn, with 71 trees and many shrubs adjacent to the 22 units. Approximately 5,000 square feet of park [sitting out] area will be built at the corner of 13th Avenue and S. Ivy as part of this phase.

2. Part IV - Section No. 11 - Criteria

All plant growth in landscaped area of development shall be controlled by pruning, trimming, or otherwise, so that:

- A. It will not interfere with designated pedestrian or vehicular access, and
- B. It will not constitute a traffic hazard because of reduced visibility.
- C. It will not hinder solar access considerations.

## **ANALYSIS**

The property will be owned, operated, and maintained by the applicant, H.O.P.E. Corp.

### **3. Parking**

The parking requirement is two (2) spaces per unit, plus one (1) space per five (5) units (or 2.2 spaces/unit). Thus, for 22 units, 48.4 parking spaces are normally required for the entire development. A total of 22 garage spaces, plus 24 parking spaces are proposed. Housing for the elderly are permitted a sixty (60%) percent reduction. Two visitor parking spaces could take place in driveways, so there appears to be adequate spaces to meet the ordinance requirements.

The ordinance requires a minimum of three (3) trees for the parking area. As shown on the landscape plan, there are eleven (11) trees in the parking area, and many more trees in the vicinity.

### **4. Traffic Impact**

In 1991, a Traffic Impact Analysis for the subject PUD concluded that at total buildout, the development of the 378 units would **not** have significant traffic operational problems. The current 22 independent living units will only generate about 73 trips per day and 9 trips at peak hour. Left turn lanes were recommended for 13th Avenue and S. Ivy Street. A light will shortly be built at that intersection, with improved signage.

### **5. Access**

There is one main entrance proposed from S. Ivy Street, with two 28-foot wide drives. For 22 units, the ordinance requires either one 20-foot wide entrance, or two 12-foot wide entrances, and a sidewalk on one side. The proposal has one main entrance with two 12-foot wide drives. The rest of the drive is 24-foot wide, or wider. Sidewalks are provided around most of the parking area, and are connected to the sidewalks that will be along S. Ivy Street. Section 16.46.010 "Access Limitation," allows up to 36 dwelling units if the drives are at least 24-foot wide. Section 16.10.070 requires all unit entrances to be within 50 feet of "vehicular access." All units meet this requirement. The Fire Marshal has reviewed the plans and has approved the layout, including the "grass crete pavers" as a turnaround at the end of the

drive. A sidewalk along S. Ivy, and in front of each unit, is required. An alternative is a connection from each unit to the central walkway which should also be connected to the S. Ivy sidewalk. The 378 unit development will eventually contribute in excess of \$127,000 toward off-site transportation improvements through its SDC charge. Curt McLeod recommends a 40-foot radius for the curb returns for 13th Avenue and S. Ivy.

## 6. Architecture

The buildings are proposed as single story units. Elevations have been provided by the applicant as part of the application. The roofs will have composition shingles. The siding will be lap board, with trim and corner boards. The colors proposed are "earth tones." In the professional opinion of staff, the architecture seems appropriate for the function. The development has a clearly residential character and would be compatible with adjacent development, being mainly residential.

A masonry entry wall on each side of the main entrance has been proposed with the application. A small sign is proposed for each side. The maximum sign area allowed is a total of 60 square feet.

## 7. Recreation Space

Each unit has adjacent outdoor space. A relatively new Code provision requires multiple family developments exceeding fifteen units to provide 100 square feet per unit of recreation space in areas of at least 1,500 square feet. Twenty-two units would, therefore, require 22 x 100 square feet, or 2,200 square feet. The project proposal is for 5,000 square feet of recreational open space to be located at 13th Avenue and S. Ivy Street. The general PUD site plan proposes 2.14 acres of public park area" and a Community Center is also proposed. A \$295 Parks SDC fee will be due for each bedroom in the complex. Assuming 1.5 bedroom per unit, the 378 unit complex will pay in excess of \$167,000. The Commission could give some credit for the recreation space provided on-site, up to 50% credit for the value of the 2 acres. Application and findings are required.

## 8. Site Setbacks and Development Standards

The building coverage of the site is about  $38,450/217,500 = 17.7\%$ . The ordinance allows up to 40%. R-1.5 zoned areas require 6,000 square

feet of lot area, plus 4,000 square feet for each additional unit. Twenty-two units would, therefore, require  $6,000 + 21 \times 4,000 = 90,000$  square feet for the total site area. The total site is 5 acres, or approximately 217,500 square feet and, therefore, the applicant has met the requirements with his proposal. The yard requirements for buildings from the property lot line are all exceeded. The requirements are 20 feet along S. Ivy and 10 feet otherwise. Over 27 foot setbacks are provided and up to 50 feet is sometimes provided. All buildings are less than the 35 foot height limit, being 1-story.

9. **Solar Standards**

Since the buildings are only single story with south facing walls, and are over 38 feet apart, the development easily meets the solar requirements.

10. **Overall Site Impact**

With the quantity and placement of trees and bushes, the visual impact of the site will be positive. With one access point on S. Ivy Street, traffic impact will be kept to a minimum for any one road. Most traffic will probably use S. Ivy to Highway 99-E, or S.W. 13th Avenue to Elm or Redwood. No traffic impacts are expected for 22 senior garden apartments.

11. **Affect on Needed Housing**

In the professional opinion of staff, the site development amenities are the minimum or slightly above minimum to meet the ordinance requirements and, therefore, do not needlessly increase costs of the "needed housing." Senior oriented housing is a need in Canby with a senior population nearing fifteen (15%) percent of the total population and expected to reach over twenty-five (25%) percent somewhat after the year 2000.

12. **Need for Rezoning**

Condition #3 of the original PUD required review of the zoning with each phase. Staff has not found any need for rezoning or PUD amendments at this time. The change in phasing that the Commission requested is being accomplished with this phase.

## **V. CONCLUSION**

The staff hereby concludes that, with appropriate conditions, the garden apartment development described in the application and accompanying materials is in conformance with the standards of this and other applicable ordinances; the design is compatible with the design of other developments in the vicinity; and the location, design, size, and materials of the exterior of the structure will be compatible with the proposed development and appropriate to the design character of other structures in the same vicinity. Neither the conditions recommended, nor the landscape proposals, needlessly increase the cost of housing.

## **VI. RECOMMENDATION:**

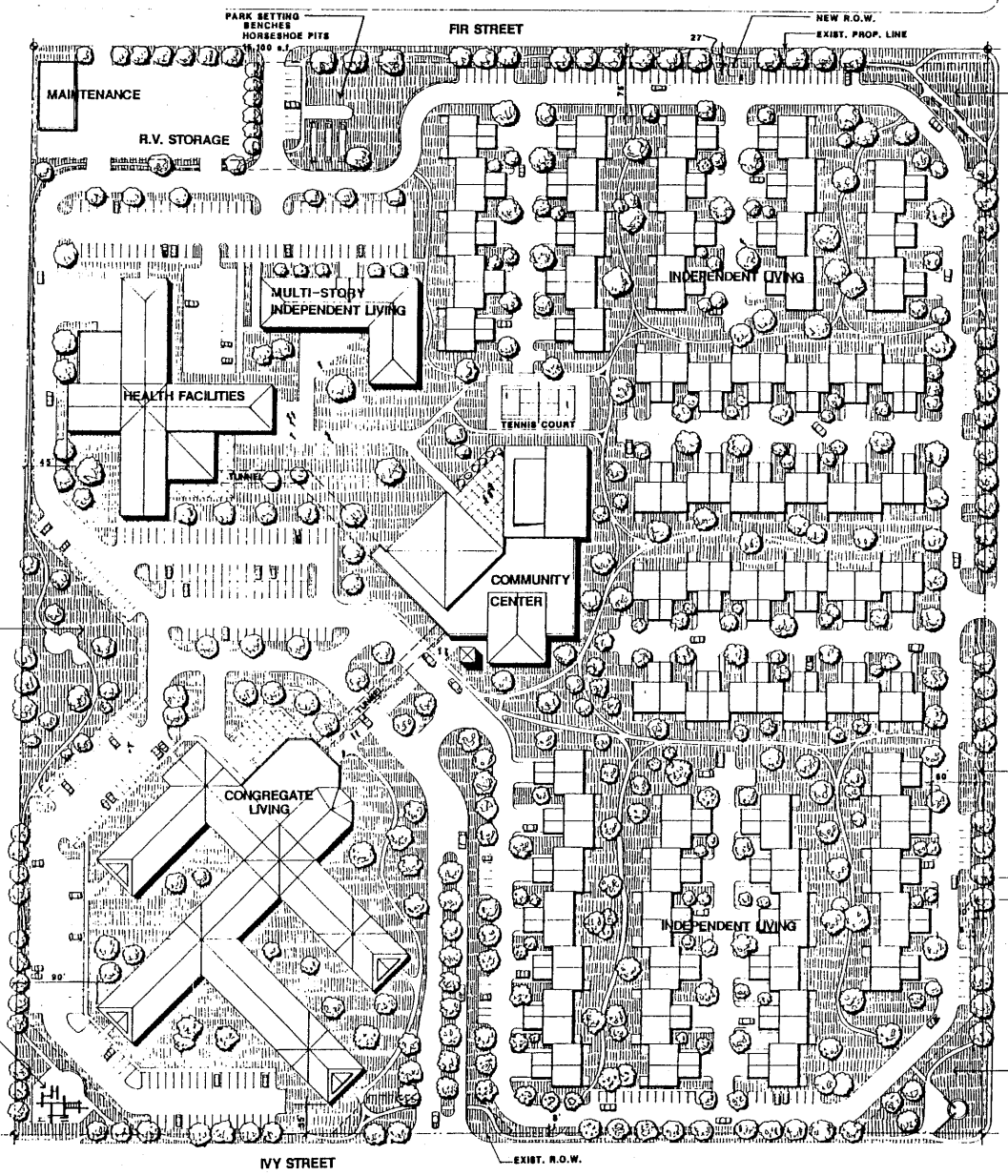
Based upon the application, site plan, the elevations, the utility plan, the facts, findings and conclusions of this report, and without the benefit of a public hearing, staff recommends that the Planning Commission approve DR 95-13 for 22 garden apartments, with the following conditions:

1. Half-street improvements shall be provided along S. Ivy Street and shall include sewer, pavement, five (5') foot sidewalks and curbs, and urban-type street lighting, and shall meet Canby Construction Standards. Right-of-way designs and construction designs shall be approved by the Public Works Supervisor or acting City Engineer. The applicant shall reimburse the City, or sign an agreement for the reimbursement of infrastructure improvement costs in accordance with an approved advanced financing agreement applying to the site. [County road permits and approvals will also be needed.] Street trees shall be provided along S. Ivy Street according to City spacing, size, and type standards. Minor adjustments should be made to the landscape plan and parking plan to provide for the street trees.
2. Prior to occupancy, the required Advanced Financing Agreement fee, Transportation Systems Development Charge, Recreation Systems Development Charge, and Construction Excise Tax shall be paid, or a satisfactory arrangement for paying shall be agreed upon between the applicant and the City, such as a bond or letter of credit.
3. During construction, erosion-control shall follow the Erosion/Sedimentation Control Plans Technical Guidance Handbook for Clackamas County, August 1991 (as amended).
4. A water main shall be installed in the complex, as approved by the Canby Utility Board and the Fire Marshal. The main shall be looped through the complex from S. Ivy Street. Fire hydrants shall be provided at a location approved by the Fire Marshal, as shown on the plans in his office.

5. The applicant shall participate in a preconstruction conference with City staff, Canby Utility Board, the fire district, etc., prior to construction.
6. A landscape **construction** plan and maintenance plan shall be submitted to and approved by the City Planning Department as part of the building permit application. The plan shall include a permanent irrigation system, planting schedule, plant locations with the landscaped areas, plant types and sizes, plant spacing, and assignment of maintenance responsibilities. The landscaping shall be installed prior to the final building inspection or a bond shall be posted for the amount of landscaping to be completed [plus 10%] with a date certain for completion of the landscaping improvements. This condition applies to the proposed public park at 13th Avenue and S. Ivy, as well as Tax Lot 801.
7. Rezoning and PUD revision is not required at this time.
8. Twelve (12') foot utility easements shall be provided along S. Ivy, if not yet available.
9. Six (6') foot utility easements shall be provided along all interior property lines.
10. Police and fire emergency access shall be provided from 13th Avenue to the end of the drive. Detailed design shall be as approved by the Fire Marshal and Police Chief.
11. The entry signs shall be a maximum of 60 square feet total.

**Exhibits:**

1. Original PUD
2. Application for Design Review
3. Narrative
4. Site Plan (*too large to reproduce*)
5. Landscape Plan (*too large to reproduce*)
6. Elevations (*too large to reproduce*)
7. Color and Materials Chart (*Black and White - color not reproducible*)
8. Department Responses to "Requests for Comments"
9. Assessor's Map



*from  
Orig PUD  
RST*

**PROJECT DATA :**  
 PROJECT AREA : 32.87 ACRES (1,418,749 S.F.)  
 BUILDING COVERAGE OF LOT : 312,128 S.F.  
 PERCENTAGE OF BUILDING AREA : 22%  
 TOTAL NUMBER OF UNITS : 378  
 PROJECT DENSITY : 11.60 UNITS/ACRE

**PROJECT UNIT TYPES :**  
 INDEPENDENT LIVING UNITS : 126  
 MULTI-STORY INDEPENDENT LIVING UNITS : 30 (33,000 S.F.)  
 HEALTH FACILITIES : 92,800 S.F.  
 CONGREGATE LIVING UNITS : 216 (185,000 S.F.)  
 COMMUNITY CENTER : 30,000 S.F.

**PARKING DIMENSIONS :**  
 STANDARD PARKING STALL : 8'-6" X 18'-0"  
 COMPACT PARKING STALL : 8'-0" X 18'-0"  
 TYPICAL AISLE : 24'-0"

**PUBLIC PARK AREAS :**  
 90,640 S.F. (2.08 acres)

**PARKING :**  
 MINIMUM REQUIRED BY ZONE CODE (SENIOR REDUCTION: 1.32/UNIT) - 684  
 SPACES INDICATED THIS PLAN: 684  
 MINIMUM NUMBER OF SPACES TO BE PROVIDED: 684

**REQUIRED PARKING :**  
 378 UNITS X 1.32 = 499  
 COMMUNITY CENTER 30,000 S.F./650 = 46  
 HEALTH FACILITIES: 200 BEDS/2 = 100  
 30 EMPLOYEES = 30  
 TOTAL = 684

- NOTES**
1. CONGREGATE LIVING, COMMUNITY CENTER, HEALTH FACILITIES AND MULTI-STORY INDEPENDENT LIVING BUILDING WILL BE LIMITED IN HEIGHT TO 38 FEET OR 2 1/2 STORIES. INDEPENDENT LIVING UNITS WILL BE SINGLE STORY.
  2. STREET WIDTHS ARE SHOWN IN IMPROVED WIDTH.

WALKWAY CONNECTING PERIMETER PARK AREAS

EXIST. PROP. LINE  
 NEW R.O.W.



**H.O.P.E. CAMPUS MASTER PLAN**



PARK SETTING BENCHES FLOWER GARDENS 24,180 S.F.

PLAYGROUND BENCHES PLAY STRUCTURE 9800 S.F.

JOB NO.  
 DATE  
 DRAWN  
 REVISIONS



SHEET

**EXHIBIT**

1



SITE AND DESIGN REVIEW APPLICATION

Fee: \$750

OWNER

APPLICANT

Housing & Outreach Project for Elderly NAME Housing & Outreach Project for Elderly NAME Jerry Barkman, Executive Director

ADDRESS P.O. Box 1128

ADDRESS P. O. Box 1128

CITY Canby STATE OR ZIP 97013

CITY Canby STATE OR ZIP 97013

SIGNATURE

PHONE: (503) 266-4673

DESCRIPTION OF PROPERTY:

TAX MAP 4-1E-4D TAX LOT(S) 800 LOT SIZE 5 acres (after minor partition) (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... ATTACHED LABELS

USE

EXISTING Farm (Filbert Orchard) PROPOSED First Phase of Retirement Community

EXISTING STRUCTURES None

SURROUNDING USES North - Residential, Other sides farm/residents

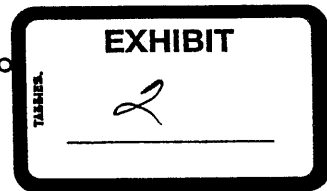
PROJECT DESCRIPTION Completion of Phase 1 consisting of following:

- 1. Improvement of Ivy Street
2. Provision of utilities to site
3. Construction of main entrance and street
4. Construction of 22 garden apartments

ZONING R1.5 COMPREHENSIVE PLAN DESIGNATION R1.5 PREVIOUS ACTION (IF ANY) CUP/PUD 5/91

FILE NO. RECEIPT NO. RECEIVED BY DATE RECEIVED COMPLETENESS DATE PRE-AP MEETING HEARING DATE

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

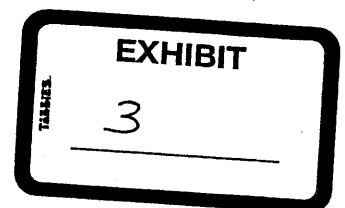


## Addendum to Site Plan Review Application

**Project Description.** In May, 1991, the Canby City Planning Commission approved a CUP/PUD application for the development of a 32 acre of land located at the corner of 13th and Ivy in Canby, Oregon (Lot #800, Map 4-1E-4D). The CUP/PUD allowed up to 378 units of housing for the elderly. This application for a Site Plan Review is for phase 1 of this development. The master plan which is currently being used for the development of Phase 1 is essentially the same master plan approved in 1991. Phase 1 consists of the following components:

1. Improvements on Ivy Street the full length of the property (approximately 1150 feet), including pavement, curbs, and sidewalks.
2. Provision of all utilities to the site as per our engineering plan.
3. Construction of the main entrance and east/west main street for the campus.
4. Construction of 22 garden apartments, ranging in size from 1200 to 1350 sq ft.

Currently, the land is planted with hazelnut trees, most of which are over 60 years old. It is our plan to clear only the trees necessary for the development of each phase.



# STATE OF OREGON

## *Office of the Secretary of State Corporation Division*

I, *Janet Sullivan*, Director of the Corporation Division,  
DO HEREBY CERTIFY:

HOUSING & OUTREACH PROJECT FOR ELDERLY, INC.

was

incorporated

under the Oregon

Nonprofit Corporation Act

on

September 6, 1983

and is active on the records of the Corporation  
Division as of the date of this certificate.



*Janet Sullivan*  
Director

BY *Marilyn Smith*

DATE June 12, 1995



HOPE Village  
P.O. Box 1128  
Canby, Oregon 97013  
(503) 266-4673

June 9, 1995

TO WHOM IT MAY CONCERN:

This is to certify that at its February 8, 1995 meeting, the Board of Directors of Housing & Outreach Project for Elderly, Inc. (H.O.P.E.) authorized Jerry Barkman, Executive Director, to submit an application to the Canby City Planning Commission for a Site Plan Review of Phase 1.

A handwritten signature in cursive script that reads "Sharon Duval".

Sharon Duval, Secretary.

OK  
20.00  
10.00

SPECIAL WARRANTY DEED—STATUTORY FORM  
CORPORATE GRANTOR

584726

BIRKEMEIER FARMS, INC.

a corporation duly organized and existing under the laws of the State of Oregon, Grantor, conveys and specially warrants to HOUSING & OUTREACH PROJECT FOR ELDERLY, INC. an Oregon non-profit Corporation Grantee, the following described real property free of encumbrances created or suffered by the grantor except as specifically set forth herein, situated in Clackamas County, Oregon, to-wit:

Courtesy Recording Only  
recorded by TIGOR TITLE

See Exhibit "A" attached hereto and incorporated herein by reference.

The subject property is presently specially assessed as farm use land. Grantee shall be responsible for continuing the classification of farm use land at the time of or after closing and Grantor shall not have any responsibility with respect thereto, but will cooperate, if necessary, in such application.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The said property is free of all encumbrances created or suffered by the Grantor ~~XXXXX~~

The true consideration for this conveyance is \$ - 0 - (Here comply with the requirements of ORS 93.030) Lot Release Agreement between Grantor and Grantee per Real Estate Contract dated March 13 1992.

Done by order of the grantor's board of directors with its corporate seal affixed on March 13, 1992

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

BIRKEMEIER FARMS, INC.

By Richard E. Birkemeier President

By Richard D. Birkemeier Secretary

(CORPORATE SEAL)

STATE OF OREGON, County of Clackamas ) ss: March 13, 1992

Personally appeared, Richard E. Birkemeier and Richard D. Birkemeier who, each being first duly sworn, did say that the former is the said president and that the latter is the said secretary of BIRKEMEIER FARMS, INC., a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

(OFFICIAL SEAL)

Before me: Kally Jensen  
Notary Public for Oregon; My commission expires: 11-2-93

SPECIAL WARRANTY DEED

BIRKEMEIER FARMS, INC. GRANTOR  
HOUSING & OUTREACH PROJECT FOR ELDERLY, INC. GRANTEE

GRANTEE'S ADDRESS, ZIP

After recording return to:

H.O.P.E.  
P. O. Box 1128  
Canby, Oregon 97013

NAME, ADDRESS, ZIP

Until a change is requested, all tax statements shall be sent to the following address:

Same as above

NAME, ADDRESS, ZIP

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON, County of ) ss.

I certify that the within instrument was received for record on the ..... day of ....., 19....., at ..... o'clock .....M., and recorded in book/reel/volume No. .... on page ..... or as fee/file/instrument/microfilm/reception No. ...., Record of Deeds of said county.

Witness my hand and seal of County affixed.

NAME TITLE

By ..... Deputy

92 15136

EXHIBIT "A"

That part of the Northwest one-quarter of the Southeast one-quarter of Section 4, Township 4 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Northeast corner of said Northwest one-quarter; thence South, along the east line of said Northwest one-quarter, 290.00 feet to a point and being the true point of beginning of the tract to be described herein; thence West, 530.00 feet to a point; thence South, 435.60 feet to a point; thence East, 530.00 feet to a point on the East line of said Northwest one-quarter; thence North 435.60 feet, returning to the true point of beginning.

SUBJECT TO all conditions, restrictions, rights-of-way and easements of record and rights of the public in and to that portion of said property lying within streets, roads and highways.

This property is being conveyed in an "as is," "where is" condition, without warranty or representation, expressed or implied, of any kind or nature whatsoever, with respect to condition of said property.

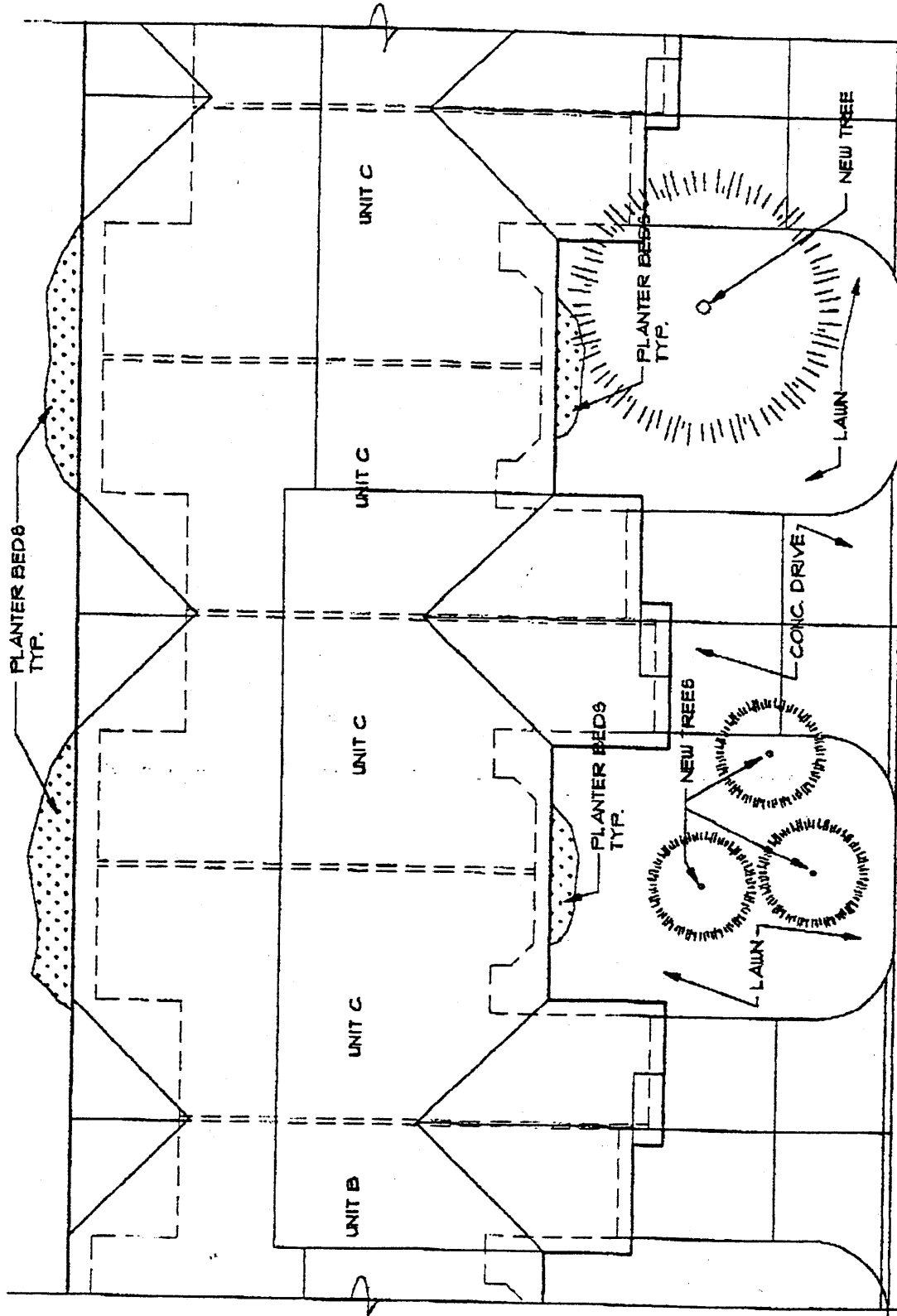
STATE OF OREGON }  
County of Clackamas } ss.  
I, John Kauffman, County Clerk, for the County of Clackamas, do hereby certify that the instrument of writing was received for recording in the records of said county at

92 MAR 17 PM 3:15



Witness my hand and seal affixed  
*John Kauffman*  
JOHN KAUFFMAN  
County Clerk

Recording Certificate  
CCP-R4 (Rev. 6/91)  
92 15136



HOPE VILLAGE  
CANBY, OR

PRELIMINARY LANDSCAPING

13 JULY 1995

# PARTIAL PLANTING PLAN

SCALE: 1" = 20'-0"

7



CARKIN ARBUCKLE COSTIC  
 ARCHITECTS  
 570 Liberty St. SE  
 Salem, OR 97301-3514  
 503/581-4114



J. Warren Carkin, AIA, Emeritus  
Kurt Arbuckle AIA  
Alvin E. Costic AIA  
Warren F. Woodsley AIA  
Walter E. Bensman, Jr. AIA  
Clayton Vance AIA

---

**CARKIN ARBUCKLE COSTIC  
ARCHITECTS**

570 Liberty St. SE  
Salem, OR 97301-3514  
503/581-4114 Fax: 503/581-3655

July 13, 1995

Bob Hoffman  
Planning Director, City of Canby  
P.O. Box 930  
Canby, OR 97013

RE: Hope Village landscaping

Dear Mr. Hoffman,

Please find attached partial landscape elevations and plans showing proposed planting layouts for Hope Village

These drawings indicate mature plantings in relation to the individual living units. While the design may vary slightly from building to building, the final overall concept would be consistent with what is shown here.

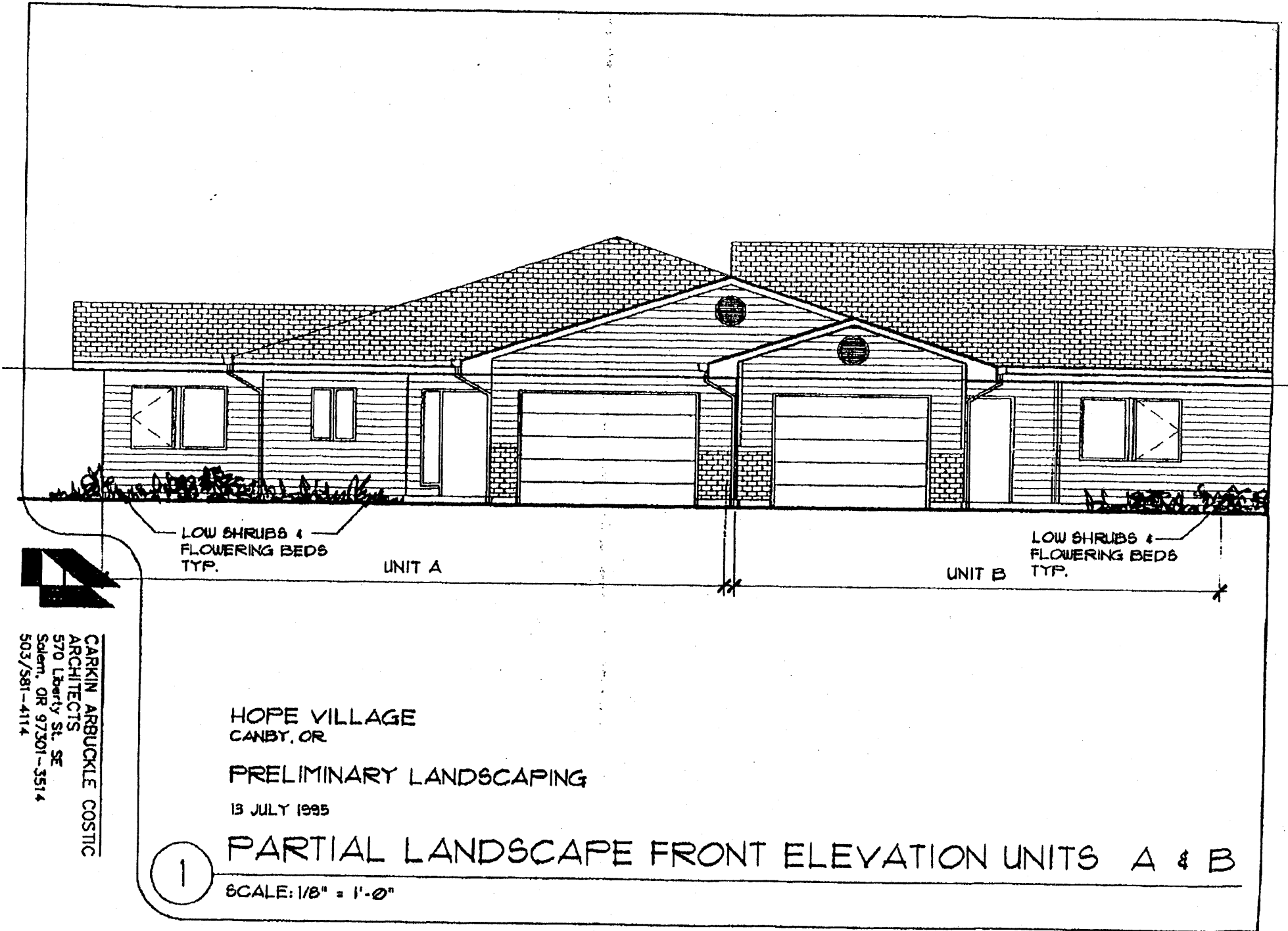
It is my hope that these drawings satisfy your requirements at this time. If you have need for clarification or further information regarding the landscaping plans or any other aspect of this project, please let us know.

Sincerely,

Richard Rothweiler, A.I.A. Architect  
RR:dc

Enc.





LOW SHRUBS & FLOWERING BEDS TYP.

UNIT A

LOW SHRUBS & FLOWERING BEDS TYP.

UNIT B



CARKIN ARBUCKLE COSTIC ARCHITECTS  
570 Liberty St. SE  
Salem, OR 97301-3514  
503/581-4114

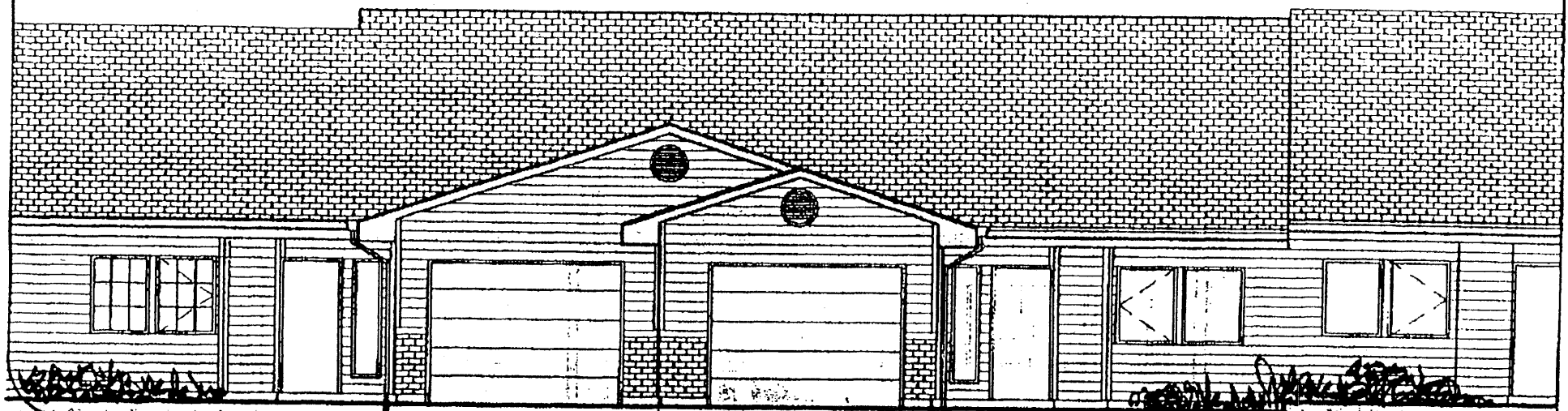
HOPE VILLAGE  
CANBY, OR

PRELIMINARY LANDSCAPING

13 JULY 1995

1 PARTIAL LANDSCAPE FRONT ELEVATION UNITS A & B

SCALE: 1/8" = 1'-0"



UNIT C

UNIT C  
OPP. HAND

LOW SHRUBS &  
FLOWERING BEDS  
TYP.



CARKIN ARBUCKLE COSTIC  
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 570 Liberty St. SE  
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HOPE VILLAGE  
 CANBY, OR.

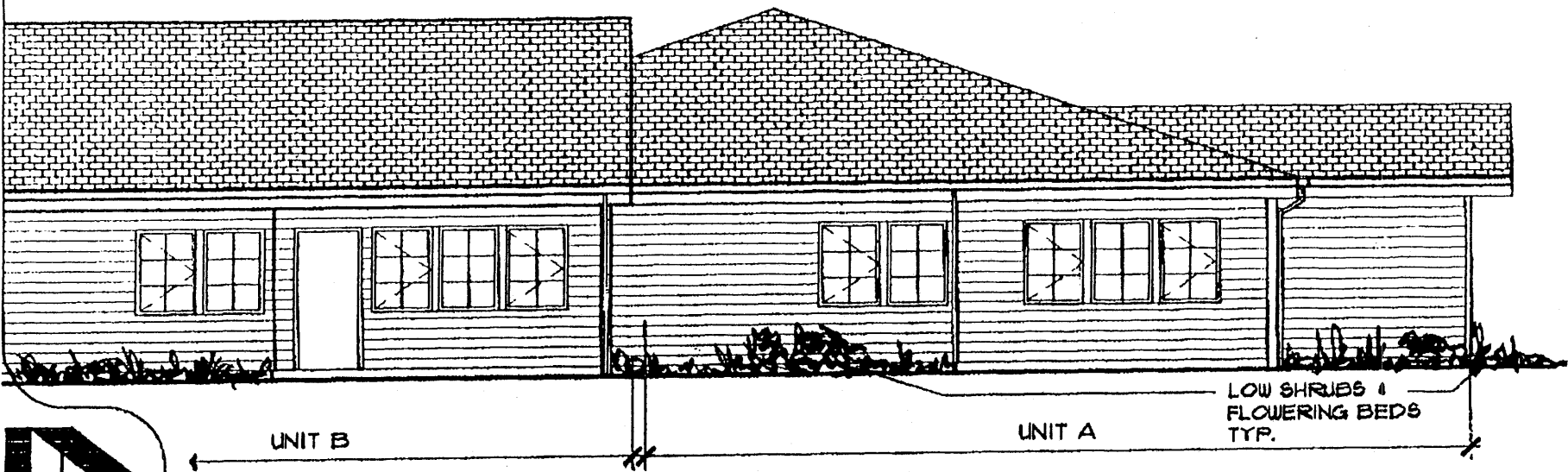
PRELIMINARY LANDSCAPING

13 JULY 1995

PARTIAL LANDSCAPE FRONT ELEVATION UNIT C

SCALE: 1/8" = 1'-0"

2



UNIT B

UNIT A

LOW SHRUBS & FLOWERING BEDS TYP.



CARKIN ARBUCKLE COSTIC  
 ARCHITECTS  
 570 Liberty St. SE  
 Salem, OR 97301-3514  
 503/581-4114

HOPE VILLAGE  
 CANBY, OR

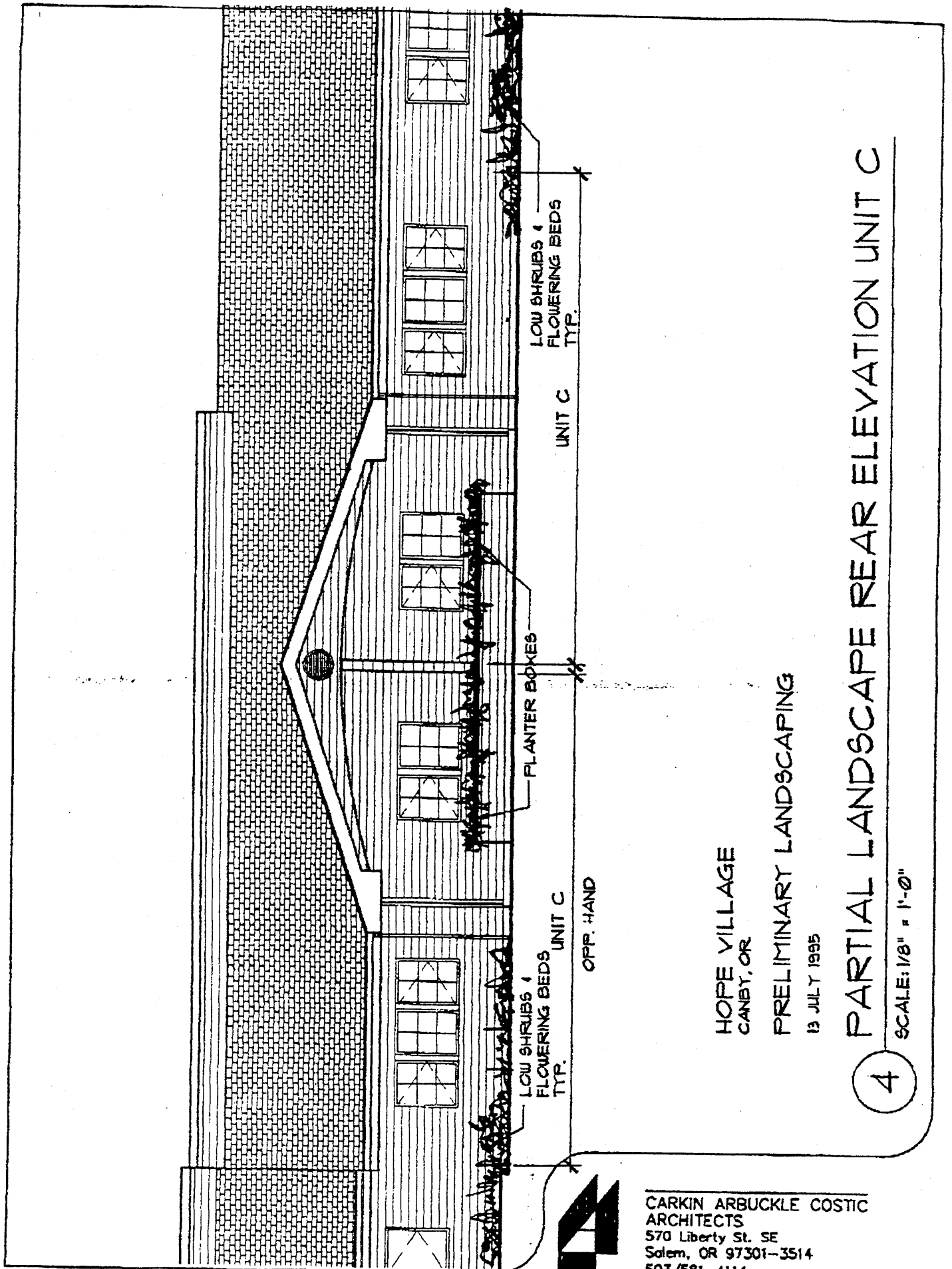
PRELIMINARY LANDSCAPING

13 JULY 1995

PARTIAL LANDSCAPE REAR ELEVATION UNITS A & B

3

SCALE: 1/8" = 1'-0"



HOPE VILLAGE  
CANBY, OR

PRELIMINARY LANDSCAPING

13 JULY 1995

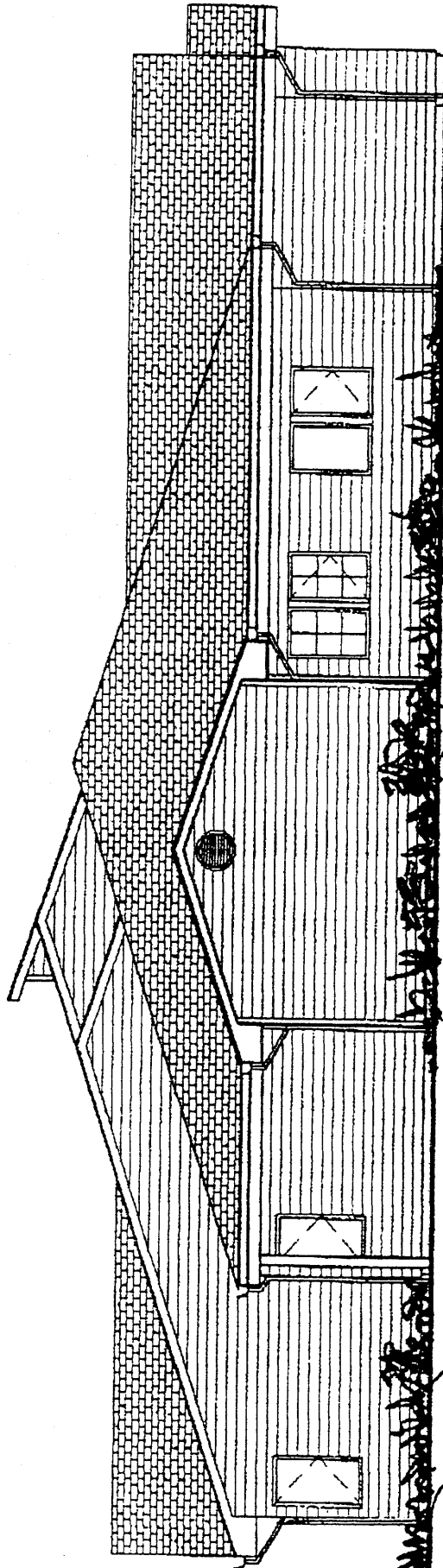
PARTIAL LANDSCAPE REAR ELEVATION UNIT C

SCALE: 1/8" = 1'-0"

4



CARKIN ARBUCKLE COSTIC  
ARCHITECTS  
570 Liberty St. SE  
Salem, OR 97301-3514  
503/581-4114



LOW SHRUBS &  
FLOWERING BEDS  
TYP.

LOW SHRUBS &  
FLOWERING BEDS  
TYP.

HOPE VILLAGE  
CANBY, OR

PRELIMINARY LANDSCAPING

13 JULY 1995

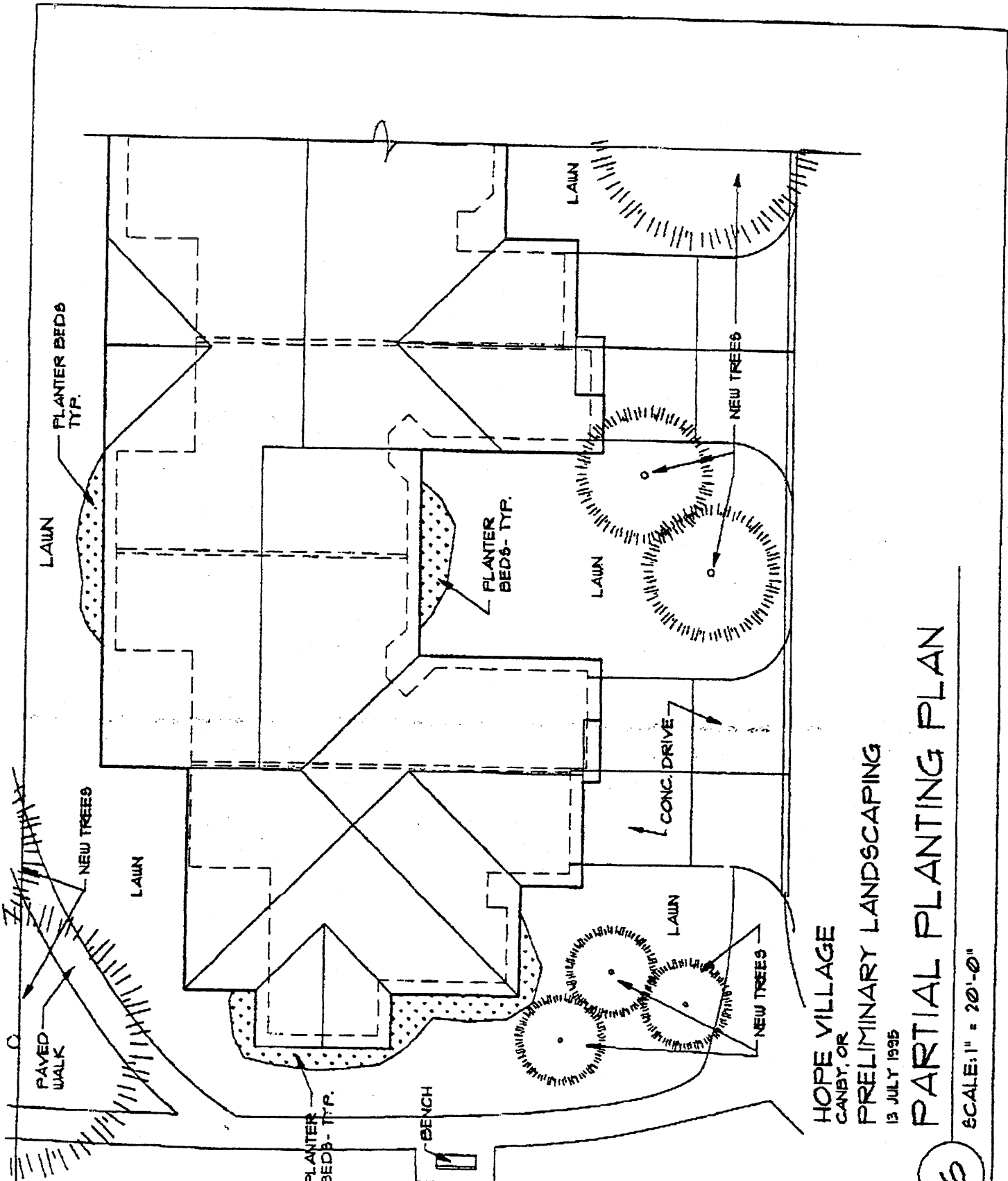
PARTIAL LANDSCAPE END ELEVATION

SCALE: 1/8" = 1'-0"

5



CARKIN ARBUCKLE COSTIC  
ARCHITECTS  
570 Liberty St. SE  
Salem, OR 97301-3514  
503/581-4114



HOPE VILLAGE  
 CANBY, OR  
 PRELIMINARY LANDSCAPING  
 13 JULY 1995

PARTIAL PLANTING PLAN

SCALE: 1" = 20'-0"

6



CARKIN ARBUCKLE COSTIC  
 ARCHITECTS  
 570 Liberty St. SE  
 Salem, OR 97301-3514  
 503/581-4114



J. Warren Carkin, AIA, Emeritus  
Kim Arbuckle AIA  
Alan E. Costic AIA  
Wayne E. Woosley AIA  
Walter E. Bensman, Jr. AIA  
Clayton Vorse, AIA

---

**CARKIN ARBUCKLE COSTIC  
ARCHITECTS**  
570 Liberty St. SE  
Salem, OR 97301-3514  
503/581-4114 Fax: 503/581-3655

June 16, 1995

Bob Hoffman  
Plans Examiner City of Canby  
P.O. Box 930  
Canby, Oregon 97013

RE: Hope Village Retirement Townhouse's  
Project No. 9407

Dear Mr. Hoffman:

In reference to the site and design planning review of the Hope Village Phase I Development, the proposed over all color pallet will be centered around earth tones. This color pallet will be used to select finish colors for all exterior siding, finish wood trims, and composition roofing. The final color selections within the earth tone pallet will be based on project meetings with the building design committee. Should you have any further questions regarding this matter, please feel free to notify me at your earliest convenience.

Sincerely,

Richard Rothweiler, A.I.A.  
Architect

RR:sc

cc: Jerry Barkman

9407.3A

TO: File  
FROM: Richard Rothweiler *RR*  
RE: HOPE Campus Phase I  
Project No. 9407  
Meeting Notes  
DATE: June 2, 1995



J. Warren Carkin, AIA, Emeritus  
Kim Arbuckle AIA  
Alan E. Costic AIA  
Wayne E. Woosley AIA  
Walter E. Bensman, Jr. AIA  
Clayton Vorse, AIA

CARKIN ARBUCKLE COSTIC  
ARCHITECTS  
570 Liberty St. SE  
Salem, OR 97301-3514  
503/581-4114 Fax: 503/581-3655

Present at Meeting: Bob Hoffman, Dean Christy, and Richard Rothweiler.

### Information Items

1. In reference to the PUD requirement of two to three acres of dedicated park space, the following items were discussed:
  - a. The planning review process will probably require dedicated park areas within the HOPE Village master plan.
  - b. SDC provisions and fee reductions should be in effect.
  - c. HOPE Village should request through the City of Canby a reduction of the SDC fees based on their Chapter 501.C3 organization status.
  - d. Due to the shift of the Phase I development from the previous PUD location, a corner park area may be required to be included with the new Phase I development.
2. The Fire Marshal for the Phase I development will be Ron Yarbrough, the current Fire Chief had handled the previous reviews of the HOPE Village master plans.
3. Bob Hoffman indicated that the sewer capacities at Ivy and 13th Streets will be adequate for the Phase I development. New sewers will be required for the later phases. Kurt McCloud has previously indicated that 13th Street may be able to handle a higher capacity than previously indicated. Also, as previously indicated, Fir Street has no capacity at this time.
4. A transportation SDC fee may be attached to the Phase I development. A credit would be available through the City of Canby; however, a traffic signal may be required at 13th and Ivy Streets in conjunction with additional turning lanes at that intersection.

### Resolved Items

1. Discussed the right-of-way requirements for the bordering streets.
  - a. Fir Street: Local street, 40'0" right-of-way, 12'0" easement.
  - b. 13th Street: Arterial, 60'0" right-of-way, 12'0" easement.
  - c. Ivy Street: Arterial, 60'0" right-of-way, 12'0" easement.
2. A design review approval will be required for the Phase I project; however, a PUD review should not be required at this time. The revision to the location of Phase I will need to be submitted to the City for inclusion and/or revision to the PUD.
3. All handicapped parking requirements will be detailed directly out of Chapter 31 of the Uniform Building Code.



Action Items

1. Bob Hoffman indicated that a partitioning of the Phase I parcel might be required by and/or for the financing package on Phase I development.
2. HOPE Village to submit with the design review process the revision to the phasing as previously discussed for inclusion with the PUD.
3. Prior to construction of the Phase I development, a preconstruction conference should be scheduled and include the City of Canby, the Owner, and the Architect.

END OF MEMO

cc: Bob Hoffman  
Jerry Barkman  
John Middleton

9407.4

June 27, 1995

CURRAN-MCLEOD, INC.  
CONSULTING ENGINEERS

6655 SW. HAMPTON STREET, SUITE 210  
PORTLAND, OREGON 97223  
PHONE (503) 684-3478

MEMORANDUM

TO: Jim Wheeler  
City of Canby

FROM: Curt J. McLeod, P.E. *Curt*

RE: CITY OF CANBY  
HOPE VILLAGE RETIREMENT CENTER  
PHASE I CONSTRUCTION

We have reviewed the Phase I Hope Village construction plans and have the following comments for your evaluation:

Sanitary Sewer

- 1. MH 2+14 should be located in the 13th Avenue Intersection with stubout west and east for future. *And South*

The SS mainline may provide greater service potential to the City if it were located on the east side of Ivy. The Hope project can be served by one or two mainlines but the existing houses on the east side will require individual services. The SS mainline should terminate at the south edge of Phase I construction.

- 3. The 8" SS on-site should have a minimum 0.4% slope to maintain minimum velocities if this is to be a public sewer.

- 4. Phase I is committed to discharge into Ivy Street however a capacity analysis and an overview of the entire SW quadrant should be completed before additional load is allowed into the Fir Street or Ivy Street lines.

Street Improvements

- 1. Curb return at 13th and Ivy should have a 40 foot radius.
- 2. No street slope is indicated between station 0+00 to the grade break at 3+00.
- 3. 3 1/2" AC section is light for Ivy Street however, this is in the county's jurisdiction.

Storm Drainage

- 1. Catch basins should have a minimum 24" sump and no sedimentation manholes.
- 2. Catch basins should be stubbed out for future sumps on the east side of Ivy Street.

*Recommendations from Roy Hester - Public Works*

*Diagram on map*

*Changes*

*Yes*

*Yes*

*Yes*

*Connect*

*Connect*

*Yes*

*Yes*



J. Warren Carkin, AIA, Emeritus  
Kim Arbuckle AIA  
Alan E. Costic AIA  
Wayne E. Woosley AIA  
Walter E. Bensman, Jr. AIA  
Clayton Vorse, AIA

---

**CARKIN ARBUCKLE COSTIC  
ARCHITECTS**

570 Liberty St. SE  
Salem, OR 97301-3514  
503/581-4114 Fax: 503/581-3655

June 16, 1995

Bob Hoffman  
Plans Examiner City of Canby  
P.O. Box 930  
Canby, Oregon 97013

RE: Hope Village Retirement Townhouse's  
Project No. 9407

Dear Mr. Hoffman:

In reference to the site and design planning review of the Hope Village Phase I Development, the proposed over all color pallet will be centered around earth tones. This color pallet will be used to select finish colors for all exterior siding, finish wood trims, and composition roofing. The final color selections within the earth tone pallet will be based on project meetings with the building design committee. Should you have any further questions regarding this matter, please feel free to notify me at your earliest convenience.

Sincerely,

Richard Rothweiler, A.I.A.  
Architect

RR:so

cc: Jerry Barkman

9407.3A

To: Bob  
Hoffman

PLEASE RETURN ATTACHMENTS!!!

### CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

(503) 266-4021

DATE: June 15, 1995

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

The City has received MLP 95-04 and DR 95-13, applications by H.O.P.E. [Housing & Outreach Project for Elderly] and Birkemeier Farms, Inc. to partition a 32.57 acre parcel [Tax Lots 800 and 801] into two parcels, 27.57 acres and 5 acres, in order to develop Phase 1 of the retirement community, 22 garden apartments, on the 5 acre parcel [Tax Lot 801] and, if approved, for site and design approval of Phase 1 of the H.O.P.E. retirement community on the 5-acre parcel. The property is located on the southwest corner of the intersection of S. Ivy Street and S.W. 13th Avenue [Tax Lots 800 & 801 of Tax Map 4-1E-4D].

We would appreciate your reviewing the enclosed application and returning your comments by July 10, 1995 PLEASE. The Planning Commission plans to consider this application on July 24, 1995. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

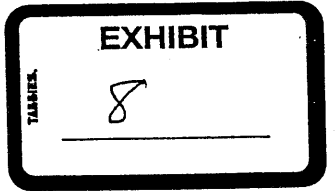
would like a copy of the traffic impact study sent to District 2B  
PO Box 1339  
Clackamas, OR 97015  
ATTN: Gary K. Hunt

try to work with State Dept. as a County Dept info by phone

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: 7/6/95  
Title: Permits Agency: ODOT



# PLEASE RETURN ATTACHMENTS!!!

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P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 15, 1995

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Comments or Proposed Conditions:

ALL UNITS TO BE ADDRESSED

ALL ACCESS TO BE COMPLETED BEFORE CONSTRUCTION BEGINS

FIRE HYDRANTS ARE TO BE IN PLACE & OPERATIONAL PRIOR TO START OF CONSTRUCTION.

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: R. Harbrough Date: 6-30-95  
Title: Fire Marshal Agency: CANBY F.D. #62

June 27, 1995

CURRAN-MCLEOD, INC.  
CONSULTING ENGINEERS

6655 SW. HAMPTON STREET, SUITE 210  
PORTLAND, OREGON 97223  
PHONE (503) 684-3478

MEMORANDUM

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City of Canby

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*Recommendations from Ray Hester - Robb's*

*Diagram on map*

*Change 2*

*yes*

*yes*

*yes*

*connect*

*connect*

*yes*

*yes*

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 15, 1995

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

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We would appreciate your reviewing the enclosed application and returning your comments by **July 10, 1995 PLEASE**. The Planning Commission plans to consider this application on July 24, 1995. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

Changes noted on plans for Sewer & Storm, also  
notes on McLeod comments.

Please check one box:

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

Signature: Roy & Heater Date: July 3, 1995  
Title: Public Works Supervisor Agency: City of Canby



J. Warren Carkin, AIA, Emeritus  
Kim Ar buckle, AIA  
Alan E. Costic, AIA  
Wayne E. Woosky, AIA  
Walter E. Bensman, Jr. AIA  
Clayton Vorse, AIA

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**CARKIN ARBUCKLE COSTIC  
ARCHITECTS**

570 Liberty St. SE  
Salem, OR 97301-3514  
503/581-4114 Fax: 503/581-3655

June 16, 1995

Bob Hoffman  
Plans Examiner City of Canby  
P.O. Box 930  
Canby, Oregon 97013

RE: Hope Village Retirement Townhouse's  
Project No. 9407

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Sincerely,

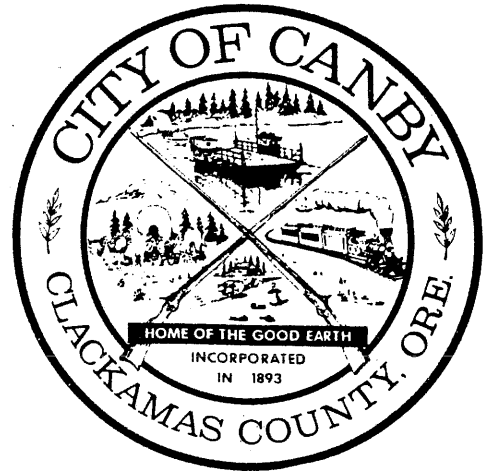
Richard Rothweiler, A.I.A.  
Architect

RR:so

cc: Jerry Barkman

9407.3A





## **- STAFF REPORT -**

**APPLICANT:**

John Stout  
1877 N. Holly  
Canby, OR 97013

**FILE NO.:**

MLP 95-05

**OWNER:**

Carl & Judith Soles  
22991 S. Central Point Rd  
Canby, OR 97013

**STAFF:**

James S. Wheeler  
Assistant Planner

**LEGAL DESCRIPTION:**

Tax Lot 900 of Tax Map 4-1E-4B

**DATE OF REPORT:**

July 14, 1995

**LOCATION:**

1144 S. Berg Parkway

**DATE OF HEARING:**

July 24, 1995

**COMP. PLAN DESIGNATION:**

Light Industrial

**ZONING DESIGNATION:**

M-1 (*Light Industrial*)

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval to partition a 4.5 acre parcel into two parcels, approximately 2.39 acres and 2.11 acres. The property is located on the east side of S. Berg Parkway, between the Oregon Bag Company to the north and Canby Disposal to the south.

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

**II. APPLICABLE CRITERIA:**

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

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

**III. OTHER APPLICABLE CRITERIA**

- A. 16.20.032 Development Standards in M-1 Areas
- B. 16.56 General Provisions (for land divisions)
- C. 16.60 Major or Minor Partitions
- D. 16.64 Subdivisions - Design Standards

**IV. FINDINGS:**

**A. Location and Background**

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 900 of Tax Map 4-1E-4B. It is located on the east side of a drive that extends from the southern end of S. Berg Parkway, south of Highway 99-E. The drive in front of this parcel is a twenty-foot wide road. The property consists of approximately 4.5 acres.

The partition will split the property approximately in half with 2.39 acres on the northern half (parcel 1) and 2.11 acres on the southern half (parcel 2). The existing building, used by the business Industrial Seating, will be on parcel 2.

In 1976, the City adopted an "Interim General Plan" that shows an arterial road connecting Highway 99-E with S.W. 13th Avenue. The Industrial Seating building was constructed in 1977. At that time, the Berg/13th road alignment was generally considered to be to the north of this property. However, subsequent alignments has included this property and with the extension of S.W. 13th Avenue through the Cedar Ridge Subdivision, this property is now a part of the Berg/13th road alignment.

The Industrial Seating building was, originally, planned to be sited approximately 60 feet from the nearest property corner (to the west-southwest). According to the site plan in the application, the corner of the building is approximately 27 feet from the nearest property corner. A site inspection by the Engineer for the City also verified an approximate distance of 25 feet from the nearest property corner (to the west-southwest).

## **B. Comprehensive Plan Consistency Analysis**

### **i. Citizen Involvement**

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

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

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

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

## **ANALYSIS**

1. The notification process and public hearing are a part of the compliance with adopted policies and process regarding citizen involvement. The Planning Commission seeks input of all citizens at the public hearing of all applications.
2. The Planning Commission adheres to acting upon applications within a sixty (60) day time period from the date of determination of a complete application. Any continuation of the review period is done with the approval of the applicant, or through admission of new information into the review process.
3. The review of the contents of the Comprehensive Plan is not germane to this application.

### **ii. Urban Growth**

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

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

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

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

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

## **ANALYSIS**

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

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

iii. **Land Use Element**

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

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

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

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

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

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

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

**ANALYSIS**

1. There is currently one existing industrial building on the property. The properties to the north, south and west are zoned Light Industrial (M-1), the same as the subject property. The properties to the east are zoned Medium Density Residential (R-1.5), and have been developed as such (Cedar Ridge Subdivision).

Industrial and residential uses are generally not considered to be compatible uses. At the time, no plans have been submitted to the City for any additional development of either proposed parcel 1 or proposed parcel 2. At the time that further development occurs, appropriate buffering will be considered for the industrial properties.

2. The partition of the property will permit a more intense use of the industrial property.

3. Request for comments have been sent to all public facility and service providers (see discussion under Public Services Element).

4. No natural hazards have been identified on the subject property.

5. The zoning of the property, M-1, Light Industrial, is consistent with the Land Use Map designation for the property (Light Industrial). The minimum lot size for parcels in the M-1 zone is 5000 square feet, and both parcels will meet the minimum lot size.

6. The subject property is not within any "areas of special concern". However, the connection of S. Berg Parkway and S.W. 13th Avenue does pose a unique problem in that the location of the top of the bluff and the location of the existing western terminus of S.W. 13th Avenue restricts the alternatives to connecting the two roads. This will be discussed further under the Transportation Element.

**iv. Environmental Concerns**

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

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

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

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

- Policy #2-R: Canby shall maintain and protect surface water and groundwater resources.
- Policy #3-R: Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.
- Policy #4-R: Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.
- Policy #5-R: Canby shall support local sand and gravel operations and will cooperate with county and state agencies in the review of aggregate removal applications.
- Policy #6-R: Canby shall preserve and, where possible, encourage restoration of historic sites and buildings.
- Policy #7-R: Canby shall seek to improve the overall scenic and aesthetic qualities of the City.
- Policy #8-R: Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.
- Policy #9-R: Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.
- Policy #1-H: Canby shall restrict urbanization in areas of identified steep slopes.
- Policy #2-H: Canby shall continue to participate in and shall actively support the federal flood insurance program.
- Policy #3-H: Canby shall seek to inform property owners and builders of the potential risks associated with construction in areas of expansive soils, high water tables, and shallow topsoil.

## **ANALYSIS**

1-R-A. The subject property has not been used agriculturally since industrial development in 1979.

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

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

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

4-R. The minor land partition will not, in of itself, generate any noise. The existing use is not known to generate excessive noise, or have a noise pollution problem. A future industrial use may generate noise, depending on the type of use. The partition design will not further encroach an industry upon the residential properties to the west. Any further development of the properties will be reviewed by the City and mitigation measure, if necessary, would be appropriately imposed at that time.

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

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

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

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

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



1-H. The subject property has steep slopes on the far western side of the property, across from the access road. The partition will not adversely affect the slope. If road right-of-way is required, it will be located near the edge of the top of the bluff, some of which is on the subject property. Construction of a road, by the City, would need to incorporate the stability of the slope in the engineering solution for the road. This is not a requirement of the applicant.

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

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

v. **Transportation**

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

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

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

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

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

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

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

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

### **ANALYSIS**

1. No additional road improvements will be needed for S. Berg Parkway at this time. Dedication of right-of-way for the eventual construction of a Berg/13th connection is needed. The connection is a part of the City's Transportation Systems Plan as an arterial road. A sixty (60) foot right-of-way dedication is needed. The alignment of this right-of-way has been provided by the engineer for the City (exhibit 4). Because a portion of the existing building will, most likely, be located within the sixty (60) foot right-of-way, the dedication should be only for what the building does not cover. The City, prior to construction of the road connection, will need to deal with the building location conflict with the needed right-of-way. This will be similar to the problem of the property to the north in that the Oregon Bag Company building will also be within the sixty (60) foot right-of-way.

The recommendation for this application is to receive dedication of as much of the sixty (60) foot right-of-way as possible, without including the existing building.

2. No construction is required at this point in time. Construction of the connection between S. Berg Parkway and S.W. 13th Avenue will be the City's responsibility, and will be funded through System Development Charges.
3. The nearest major intersection to the subject property is the intersection of S. Berg Parkway and Highway 99-E. At this time, that intersection is not considered to be a "problem intersection".
4. Sidewalks will be constructed with the construction of the road connection. Currently, the drive in front of the property is not a public road, and sidewalks are not recommended until a public road is constructed.
5. The subject property is not involved in any possible overpass or underpass of Highway 99-E and the railroad.
6. The fire district has responded to the Request for Comments with no concerns. The Police Department has not responded to the Request for Comments.
7. South Berg Parkway will eventually be built to "arterial" standards, which will have room for the provision of a bike lane.
8. The existing use and the proposed use of the property have no specific use for the rail facilities that exist in Canby. Rail service is not available to the property.
9. The proposed subdivision has no bearing on efforts to improve or expand nearby air transport facilities. There have been reports produced that have indicated a desire to have S.W. 13th Avenue become part of a direct route between I-5 and the Mulino Airport. At this time, no project or proposal is active, and there are no known plans for S.W. 13th Avenue beyond being an arterial road for the City of Canby.
10. The mass transit system in operation in Canby has no direct bearing on the proposed partition. No future transit stops have been proposed. The City has adopted a Transportation Master Plan study which included mass transit considerations. Any future development of the property will be reviewed in light of the Transportation Master Plan.
11. The subject property is not near the Willamette River and will have no effect on the transportation potential or use of the Willamette River.

12. The subject property is fully within the City limits and is not near any "entry point" into the City.

vi. **Public Facilities and Services**

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

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

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

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

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

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

**ANALYSIS**

1. All needed public facility and service providers were sent a "Request for Comments" regarding this application. Positive responses were received from the Public Works Department, Waste Water Treatment Plant, Northwest Natural Gas, and the Fire District. All have indicated that adequate facilities and/or services are available. The Canby Utility Board, Canby Telephone Association, and the Police Department have not responded to the "Request for Comments". There has been no recent indication, unofficial or otherwise, of potential inadequacy of facilities or services from these providers. Electric, water, and telephone facilities are available in S. Berg Parkway.

2. There are no needed 'public improvements' beyond the sixty (60) foot right-of-way dedication for extension of S. Berg Parkway.

3. The City has adopted a Transportation Systems Development Charge (SDC) to cover needed capital improvements in the transportation system, as outlined in the Transportation Master Plan. This development will contribute to those improvements through the SDC's at the time that the proposed parcels are further developed.
4. The City's internal organization is not germane to this application.
5. The City has adopted a Parks Master Plan in which appropriate sites or areas for recreation facilities are identified. No new park or recreation facilities are identified for this area. The Canby River Park is located at the bottom of the bluff, immediately southwest of the subject property.

**vii. Economic**

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

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

**ANALYSIS**

1. The proposed development is industrial, as the current zoning of the subject property allows. The site is serviced by infrastructure that was with industrial uses in mind.
2. The proposed development is not commercial in nature, nor does the current zoning of the subject property allow what is commonly referred to as "commercial development" (retail/office uses).
3. The partition of the subject property is not a part of a special project, however, the partitioning will allow for increased industrial construction and jobs.

4. There is no specific proposed development at this time. Eventual development will be residential in nature. The project will have no direct adverse impacts on agricultural operations.

viii. **Housing**

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

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

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

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

Policy #4: Canby shall encourage the development of housing for low income persons and the integration of that housing into a variety of residential areas within the city.

Policy #5: Canby shall provide opportunities for mobile home developments in all residential zones, subject to appropriate design standards.

**ANALYSIS**

1. The location and size of the Urban Growth Boundary is not a part of the proposed application. When the Urban Growth Boundary was designated and calculations to determine the amount of land needed for residential growth, in 1984 as a part of the acknowledged 1984 Comprehensive Plan, the subject property was designated for industrial development.

2. The proposed partition, and the associated proposed development, will not affect housing density.

3. The proposed development does not include higher density housing. Future development of the property will not include higher density housing.

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

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

ix. **Energy Conservation**

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

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

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

Policy #3: Canby shall strive to increase consumer protection in the area of solar design and construction.

Policy #4: Canby shall attempt to reduce wasteful patterns of energy consumption in transportation systems.

Policy #5: Canby shall continue to promote energy efficiency and the use of renewable resources.

**ANALYSIS**

1. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.

2. The subject property, being zoned for industrial uses, is not required to meet the basic solar access standards for new residential developments.

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

4. The City has adopted a Transportation Master Plan. City standards, transportation patters of all developments will be reviewed through the Transportation Master Plan.

5. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.

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

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

**C. Evaluation Regarding Minor Land Partition Approval Criteria**

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

See above discussion.

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

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

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

The size and orientation of the proposed parcels is such that future development of parcel 1 is both possible and feasible. The existing building on parcel 2, after the dedication of sixty (60) feet of right-of-way for S. Berg Parkway, excepting the building, will be located at the property line. There are no setback requirements, so the building will still be conforming to the requirements of the Land Use Planning and Development Ordinance. It is highly likely that the existing building will eventually need to be relocated or a portion of the building will need to be removed for the construction of S. Berg Parkway to S.W. 13th Avenue.



Access facilities are available. Utility easements along the new property lines, with the exception of the location of the existing building, will be needed to allow for potential utility extensions.

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

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

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

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

## V. CONCLUSION

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

## VI. RECOMMENDATION

Based upon the application and drawings submitted, facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that should the Planning Commission approve MLP 95-05, the following conditions should apply:

### *For the Final Plat*

1. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 95-05.
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
3. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
4. All monumentation and recording fees shall be borne by the applicant.
5. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:
  - 6 feet in width along all lot lines, except;
  - 12 feet in width along the dedicated S. Berg Parkway frontage, except;
  - No easement where the existing building is located.
6. Dedication of right-of-way for street purposes shall be made according to the location provided in exhibit 4 of the staff report, excepting the specific location of the existing building.

### *Notes*

7. The final plat must be recorded with Clackamas County within one (1) year of the approval of the preliminary plat approval in accordance to Section 16.60.060. The mylar for the final plat must be signed by the City prior to the recording of the plat.

***Exhibits:***

1. Application
2. Vicinity Map
3. Partition Plat
4. Right-of-way alignment for S. Berg Avenue
5. Request for Comments Responses

# MINC LAND PARTITION APPLICATION

Fee: \$900

## OWNER

Name Soles, Carl & Judith  
Address 22991 S. Central Point Rd  
City Canby State OR Zip 97013  
Signature: *Carl Soles*

## APPLICANT

Name Stout, John  
Address 1877 N. Holly  
City Canby State OR Zip 97013  
Phone: 266-7333

## DESCRIPTION OF PROPERTY:

Tax Map T4S R1E Sec 4B Tax Lot(s) 900 Lot Size 4.5 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 two (2) 8-1/2 x 11 sheets of labels, just as you would address an envelope.

## USE

Existing Industrial Seating Proposed \_\_\_\_\_

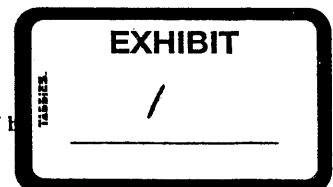
Existing Structures Metal industrial building

## PROJECT DESCRIPTION

Partition the subject property into two parcels with the dividing line running along the central axis of the roadway easement from SW Berg Parkway to the rear property line.

ZONING Lt. Ind. COMPREHENSIVE PLAN DESIGNATION Lt. Ins.  
PREVIOUS ACTION (if any) none

File No. MLP 95-05  
Receipt No. \_\_\_\_\_  
Received by Jayce  
Date Received 6-14-95  
Completeness Date 6/21/95  
Pre-App Meeting \_\_\_\_\_  
Hearing Date 7-24-95



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

1144 S. BERG PARKWAY  
CANBY, OREGON 97013 U.S.A.



PHONE: (503) 266-6885 or 288-5859

FAX: (503) 266-6886

INDUSTRIAL & COMMERCIAL  
*Seat Manufacturers*

June 7, 1995

This letter authorizes John Stout or Allen Manuel of HERITAGE REAL ESTATE, INC. to represent Carl Soles and Judith Soles regarding the separation of tax #R 1E, T 4S, Sec 4B, Lot 900 into two separate tax lots.

Carl A. Soles, Jr.  
Carl A. Soles, Jr.

6/7/95  
Date

Judith I. Soles  
Judith I. Soles

6/7/95  
Date

John Stout  
John Stout

6/7/95  
Date

## Soles' Minor Partition Application Standards and Criteria

This is a proposed partition of land that is zoned light industrial and is on the comprehensive plan map as light industrial. The current use of the southerly part of the land is light industrial. The business is carried on in a metal industrial type building. The current business, Industrial Seating, does project the need for all of the land for its purposes. The partitioning of this parcel would allow the balance of the property to be developed by another user.

Further development of this site is logical as sewer lines are already in place to service the property and access is available off SW Berg Parkway directly and off a 30' wide easement off SW Berg Parkway. Adjacent uses would not be adversely affected by further light industrial development in the area. To the north is Oregon Bag Co., a light industrial user, to the east is the Canby high school, and to the south is the recycling center which use probably will be changed in the near future. The land to the west across SW Berg Parkway is steep and drops away rapidly to the community park which is below and out of sight from the subject parcel.

The current owner intends to share use of the easement access with any future develop on the parcel to be created. Prior to the recording of this partition the present owner will record a joint maintenance agreement to ensure that the roadway is kept in good condition.

Development of this parcel will provide more jobs in the immediate community which will lessen the area's dependence on commuting to the metro area to work. It will also provide an increase in the tax base well in excess of the cost of additional services required by the development. Industrial development has a relatively low demand on sewer and water facilities so availability should be adequate. Other utilities such as electricity are readily available.

*Your more than  
Welcome.*

**Oregon**

CANBY

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

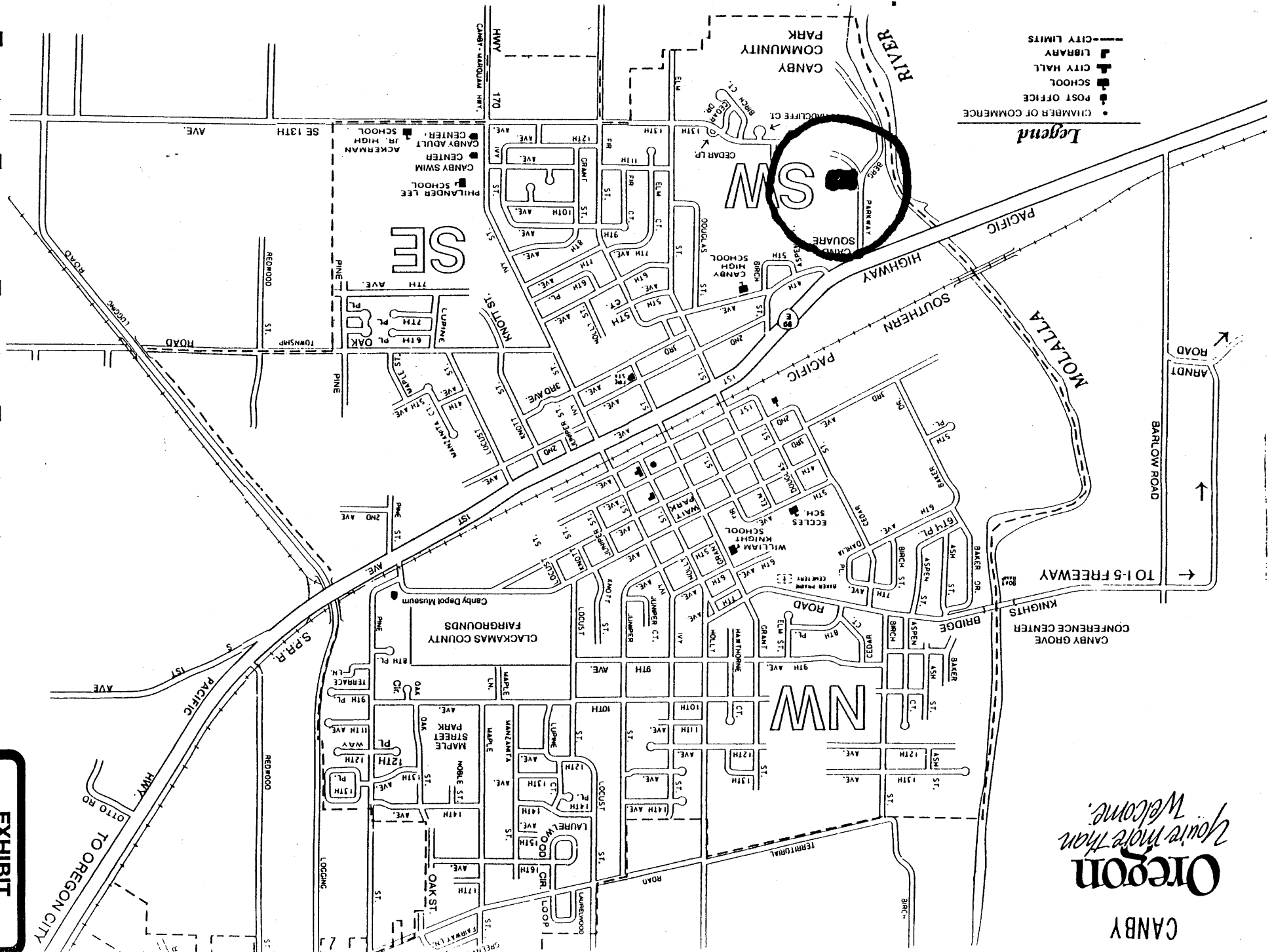
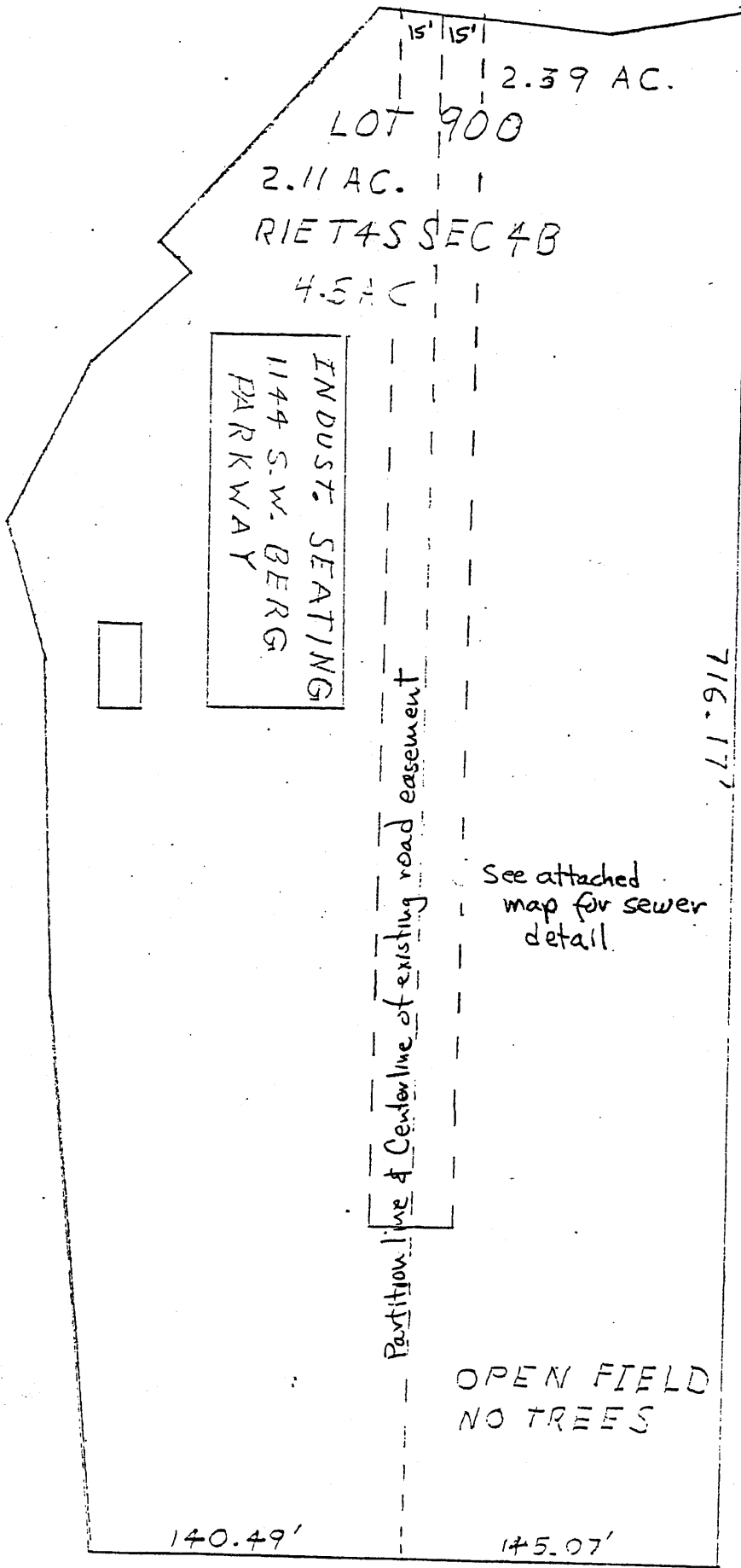


EXHIBIT  
2

S.W. BERG PARKWAY

35'



Owner of Record

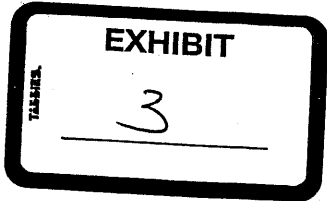
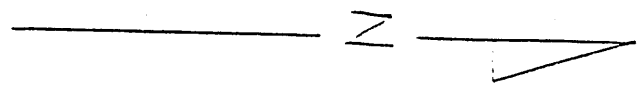
Carl & Judy Soles  
114 SW Berg Parkway  
Canby OR 97013  
266-6885

Prepared by  
John Stout  
717 SE First Ave.,  
Canby OR 97013

266-7333

Date: 6-08-1995

Scale: 1"=75' Approx.





1000

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 21, 1995

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

The City has received MLP 95-05, an application by John Stout [applicant] and Carl and Judith Soles [owners]. for approval to partition a 4.5 acre parcel into two parcels. with the dividing line running along the central axis of the roadway easement from S.W. Berg Parkway to the rear property line. The site is located on the east side of S.W. Berg Parkway [Industrial Seating] [Tax Lot 900 of Tax Mal 4-1E-4B].

We would appreciate your reviewing the enclosed application and returning your comments by July 7, 1995 PLEASE. The Planning Commission plans to consider this application on July 24, 1995. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

FUTURE BERG PARKWAY RIGHT-OF-WAY NEEDED  
TO CONNECT HWY 99E TO SOUTH 13TH AVE. THIS  
WILL IMPACT EXISTING BUILDING UNLESS  
ALTERNATE ALIGNMENT IS USED THROUGH  
THIS PARCEL.

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: Curt McLeod Date: 7-7-95

Agency: CURRAN-McLEOD, INC Title: ENGINEER

<b>EXHIBIT</b>
4



SCALE: 1" = 100'

FUTURE 60' BERG  
PARKWAY RIGHT-OF-WAY

N89°57'00"E  
457.70'

N89°57'00"E  
250.80'

R=400.00'  
Δ=38°45'17"  
L=270.56'  
LC=S27°52'21"E  
265.43'

SOLES PROPERTY

T.L. 900

N47°15'00"E  
140.87'

N47°22'30"E  
20.37'

S43°22'40"E  
60.00'

N84°27'40"E  
251.97'

N87°39'30"E  
157.00'

T.L. 901

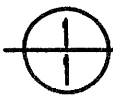
R=400.00'  
Δ=13°43'44"  
L=95.85'  
LC=S83°11'08"E  
95.62'

T.L. 1100

S71°33'00"E  
57.93'  
R=400.00'  
Δ=29°04'16"  
L=202.95'  
LC=S61°47'08"E  
200.78'

105.54'

EXISTING  
13th AVENUE



**BERG PARKWAY PRELIMINARY ALIGNMENT  
CITY OF CANBY**

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Comments or Proposed Conditions:

OK

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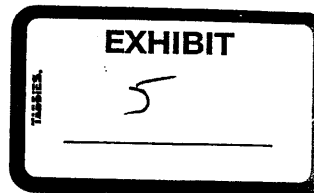
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Please check one box:

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



Signature: Roy L. Wester Date: July 6, 1995

Agency: City of Canby Title: Public Works Supervisor

# PLEASE RETURN ATTACHMENTS!!!

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Comments or Proposed Conditions:

None

Please check one box:

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

Signature: Steve Hons Date: 6/23/95  
Agency: City of Canby WWTP Title: Portw Sup.

# PLEASE RETURN ATTACHMENTS!!!

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[503] 266-4021

DATE: June 21, 1995

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Comments or Proposed Conditions:

NW Natural Gas has an existing 1" steel main 3'  
South of the south p/L for existing roadway easement.

Please check one box:

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

Signature: Gary F. Hyatt Date: 6/29/95  
Agency: NW Natural Gas Title: Field Engineering Supervisor

99E

HWY

ST. BERG

← 2" DOWNGRADED 1987

67-26

#1017 (81)

243' 235'

1"(W)

#1017 514'

#1017-A (82)

596'

1"(P)(C)

2"(W) 77'

#1078A (86)

#1078 (80)

708'

1"(W)

94' 103'

746'

786'

899'

2"(W) 121'

3'

(W) 100'

114'

#1144-#1 (77)

(W)

#1144-#2 (79)

165'

10'

1160'

10'

1"(W)

595'

619'

#1178 (81)

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

S.W.

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P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 21, 1995

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

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Comments or Proposed Conditions:

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Please check one box:

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

Signature: *Lon Hubbard* Date: 6-26-95  
Agency: Canby Fire Dist #62 Title: Fire Marshal