

**A G E N D A**  
**CANBY PLANNING COMMISSION**  
**REGULAR MEETING**  
**CITY COUNCIL CHAMBERS**  
**MONDAY, JUNE 12, 1995**  
**7:30 P.M.**

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**I.           ROLL CALL**

**II.           MINUTES**

May 22, 1995

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

**IV.          COMMUNICATIONS**

**V.           NEW BUSINESS**

**VI.          FINDINGS**

**VII.         PUBLIC HEARINGS**

*PUD Overlay 95-03/ DR 95-10*, applications by Walt West Construction for approval of a Planned Unit Development Overlay and Site and Design Review application proposed to be named "Willamette Commons." The purpose of the applications is to ultimately allow development of a "40-attached single family units on eleven (11) platted lots...". Total area involved is approximately 4.6 acres. The site is located just northwest of the intersection of N.E. Territorial Road and the "Logging Road." [Tax Lots 100-1100 plus Common Area, Tax Map 3-1E-C - Willamette Green Phase II, 2991].

*SUB 95-03*, an application by Deuce Development [applicant] and Ronald E. Dyches [owner] for approval to demolish an existing home and construct a 7-lot single family subdivision. The property is located at 735 Territorial Road [Tax Lots 2200 and 2300 of Tax Map 3-1E-28DD].

*DR 95-09*, an application by Mark Crorey [applicant] and Michael Vigus [owner] for approval to construct a 2,492 square foot building to be used for either retail commercial use or office use. The property is located on the northwest corner of S. Ivy and S.W. 2nd Avenue [Tax Lot 8000 of Tax Map 3-1E-33CD].

**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  
DAN EWERT

LINDA MIHATA, VICE-CHAIR  
TAMARA MAHER

BOB GUSTAFSON  
CARLIN JACKSON

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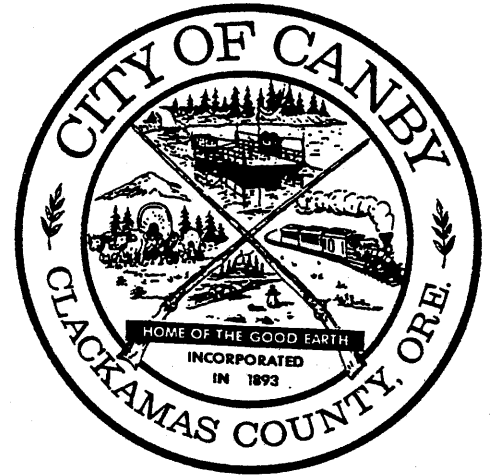


**MEETING TIMELINES AND PROCEDURES**

- 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.





## **-STAFF REPORT-**

### **APPLICANT:**

Walter West Construction  
P.O. Box 426  
Wilsonville, OR 97070

### **FILE NO.:**

DR 95-10/PUD 95-03

### **OWNER:**

Dave Boland & Harold Jeans  
7637 S.E. 92nd Avenue  
Portland, OR

### **STAFF:**

Robert G. Hoffman  
Planning Director

### **LEGAL DESCRIPTION:**

Tax Lots 100-1100[plus Common Area]  
of Tax Map 3-1E-CB [Willamette Green II, 2991]

### **DATE OF REPORT:**

June 2, 1995

### **LOCATION:**

Northwest of the intersection of  
NE Territorial & the Logging Road

### **DATE OF HEARING:**

June 12, 1995

### **COMP. PLAN DESIGNATION:**

High Density Residential

### **ZONING DESIGNATION:**

R-2 (High Density Residential)/PUD Overlay

### **I. APPLICANT'S REQUEST:**

The applicant is requesting approval of a Planned Unit Development Overlay and Site and Design Review application for "Willamette Commons." The purpose of the application is to ultimately allow development of "40-attached single family units on eleven (11) platted lots..." Total area involved is approximately 4.6 acres.

An application for a Planned Unit Development was previously approved for 54 units. A court judgement required the City to honor the 1980 approval, with certain amendments. A PUD subdivision, called Willamette Green II - 92-31317, was recorded with the County in 1992 with the eleven lots which are part of this application. Building design is substantially different in the current application, so the application is being treated as a new application. There is no new land division, so it will be treated as a conditional use under the PUD Ordinance.

## **II. APPLICABLE CRITERIA:**

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

### **•16.36.010 - Purpose**

The Planned Unit Development Overlay Zone is intended to be used in conjunction with any of the City's underlying base zones (example: R-1/PUD, M-1/PUD, etc.) to assure that the ultimate development of the site will meet the requirements of a planned unit development. The Planned Unit Development Overlay Zone is intended to be applied only to those specific properties which, because of unique characteristics such as size, shape and location of the parcel, are most suitable for development as planned unit developments.

[In this case, the underlying zone is R-2.]

### **•16.36.020 - Uses Permitted Outright**

Uses permitted outright in the PUD Overlay Zone are the uses permitted outright in the underlying base zone, provided they are developed in conformance with the City's regulations and procedures for planned unit developments. [The R-2 zone permits multiple residential uses outright.]

### **•16.36.030 - Conditional Uses**

Conditional uses in the PUD overlay zone are the uses listed as "conditional" in the underlying base zone. [The R-2 permits as conditional uses R-1 conditional uses which include, but are not limited to, accessory use or structure.]

### **•16.36.040 - Development Standards**

Development regulations for the Planned Unit Development Overlay Zone are as provided in Chapters 16.70 through 16.76 of this title.

### **•16.76.010 - Minimum Requirements**

The minimum requirements for a residential planned unit development shall include the following two items:

- A. A minimum of ten percent of the gross area of the development shall be devoted to park and recreation purposes, and shall be located in a "common area" or dedicated to the public, except in the case of conversions of existing rentals to unit ownership, where the Planning Commission may permit a lesser requirement if it is found that adequate recreation facilities exist for the units.
- B. The average area per dwelling unit shall not be less than that allowed within the zoning district in which the subdivision is located. The average area shall be calculated by dividing the number of dwelling units into the gross area of the total land development, minus that area occupied by streets. Except, however, that the Commission may grant a density bonus of not more than fifteen percent to planned unit developments where it is found that unique, beneficial design features (such as solar efficiency, recreation facilities, or other community assets) warrant such a bonus. The Commission shall clearly state its findings in support of granting or denying a requested density bonus.
- C. The size of the original tract under application shall not be less than one acre, except as specified in Chapter 16.78.

•16.76.020 - General Requirements

Prior to development, application shall be made to the Commission for site approval for all or any portion of the proposed development. Where only a portion of the development is submitted for approval, a master plan shall also be submitted indicating the intended layout for the total development. The form of the application shall follow the requirements, and be subject to the standards and criteria of a subdivision or conditional use permit, depending upon whether the proposed development involves the division of property. Additional to the information which is otherwise required, the applicant shall submit accurate information on all of the following which may be applicable:

- A. Any areas proposed to be dedicated or reserved for public parks, schools, playgrounds, or otherwise dedicated or reserved for public purposes;
- B. Other undedicated open space set aside for the use of the residents of the development in common. Access and types of access for the open space area or areas shall be shown;
- C. A general land use plan for the proposed subdivision indicating the areas to be used for various purposes.
- D. Types of dwellings and site locations thereof;
- E. Proposed locations of off-street parking areas with dimensions;
- F. Pedestrian walks, malls, and other trails, both public and private. The Commission may require a complete circulation plan if warranted by the size and type of development;
- G. The stages to be built in progression, if any;
- H. The location of adjacent utilities intended to serve the development and a layout of the utilities within the development;

- I. Table showing the density and lot coverage of the overall development;
- J. Such other pertinent information as the Commission may require in order to make necessary findings on the site approval.

•16.76.030 - Standards and Criteria

Additional to the standards and criteria listed in Divisions III and IV which are applicable to planned unit development, the following standards and criteria shall apply:

- A. The site approval as acted upon by the Commission shall be binding upon the developer and variations from the plan shall be subject to approval by the Commission.
- B. All land within the planned unit development may be subject to contractual agreements with the City and to recorded covenants providing for compliance with the City's requirements.
- C. The development of the property in the manner proposed will be in keeping with the requirements of this title, other than those provisions allowing for special treatment of PUD's.
- D. The plan for the proposed development shall present a unified and organized arrangement of buildings and service facilities.
- E. The development must be designed so that the land areas and buildings around the perimeter of the project do not conflict with the adjoining properties. The Commission may establish special conditions for the perimeter of the development to minimize or mitigate the potential conflicts.
- F. Each planned unit development shall be a complete development considering all previous requirements. The Commission may, in addition, require the inclusion of facilities such as special curbs, sidewalks, street lights, storm drainage, sanitary sewers, underground power and telephone lines, landscaping and adequate easements for utilities.
- G. Land which is not intended for physical development, such as buildings or street uses, may be required to remain in open space usage perpetually. Maintenance of such open space areas shall remain the responsibility of the individual owner or owners' association, in a manner outlined in the by-laws of such association.
- H. The manner in which any open space or park and recreational area are to be maintained shall be presented along with the preliminary copy of the proposed owners' association by-laws and contractual agreements shall be submitted with the preliminary subdivision. In the case of an individual owner, the Commission may impose special requirements to assure long-term maintenance.
- I. The Planning Commission may, and in the case of single story or townhouse structures, shall, require the separation of utilities from one unit to the next.
- J. In reviewing an application for the conversion of existing residential units to condominiums, the Commission shall utilize the general standards as are applied to the new construction of planned unit developments. A proposed

conversion which is not found to meet the standards customarily applied to planned unit developments will not be approved.

- K. In reviewing an application for the conversion of existing residential units to condominiums, the Planning Commission shall consider the vacancy rates of multiple-family rental units throughout the City at the time of the application. It is the intent of the City to assure that there is at least one suitable rental unit available and vacant for each unit converted to condominium ownership.

•16.76.040 - Exceptions

- A. In considering a proposed planned unit development project, the approval thereof may involve modifications in the regulations, requirements and standards of the zoning district in which the project is located so as to appropriately apply such regulations. Modifications of the lot size, lot width and yard setback requirements may be approved by the Commission at the time of the approval of the tentative subdivision plat or conditional use permit.
- B. Building height shall conform to the zoning district in which the development is located.
- C. Off-street parking and off-street loading requirements shall be pursuant to Division III.

•16.50.010 *Authorization to Grant or Deny Conditional Uses*

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

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.

- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

•16.49.040 - *Site and Design Review*

1. 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.
2. The Board shall, in making its determination of compliance with the requirements set forth above, be guided by the objectives and standards set forth in this section. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.
3. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.
4. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Section 12.20.080 of the City Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.20 of the City Tree Ordinance. The cutting of trees does not, in and of itself, constitute change in the appearance of the property which would necessitate application for site and design review.



**III. OTHER APPLICABLE CRITERIA**

- A. 16.20.030 Development Standards in R-2 Areas
- B. 16.49 Site and Design Review
- C. 16.50 Conditional Uses
- D. 16.70 Planned Unit Development and Condominium Regulations

**IV. FINDINGS:**

**A. Location and Background**

The subject property is identified on the Clackamas County Assessor's Map as Tax Lots 100-1100 plus Common Area, Tax Map 3-1E-CB, Willamette Green Phase II, 2991. Item #5 of the original "agreement" required, in part, that "the exterior building substantially conform with the plans previously submitted to the Planning Commission." There are new building plans and elevations for each of the eleven lots so, therefore, this proposal is different enough from the original approval and "agreements" and new approvals are required.

**B. Comprehensive Plan Consistency Analysis**

*i. Citizen Involvement*

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

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

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

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

## ANALYSIS

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

### *ii. Urban Growth*

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

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

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

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

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

## ANALYSIS

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

2. No changes to the Urban Growth Boundary are proposed with this application.
3. All necessary urban services are, or will be available for the subdivision (see discussion under Public Services Element).

*iii. Land Use Element*

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

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

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

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

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

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

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

- A) A map of "Areas of Special Concern" is to be regarded as having the full force and effect of the Land Use Map in determining appropriate land uses and levels of development. Development proposals, even those that appear to conform with

existing zoning, will be considered to conform with the Comprehensive Plan only if they meet the requirements imposed here.

## ANALYSIS

1. The property is not one of the "Areas of Special Concern" on the referenced map.
2. The properties located to the west are zoned R-2 (High Density Residential), which is the same as the subject property. The uses to the west are all Willamette Green. A City-owned 30-acre forested tract is located to the east. Properties to the south are zoned RRFF-5, R-1 and R-2, all residential zones. The Willamette Valley Country Club is located immediately to the north. Uses immediately surrounding the subject property are the golf course, forested area, and single family and multiple family residential uses.
3. The Comprehensive Plan land use designations surrounding the property are private recreation, public use and high density residential land use.
4. Request for comments have been sent to all public facility and service providers (see discussion under Public Services Element).
5. No natural hazards have been identified on the subject property.
6. The zoning of the property, R-2, High Density Residential, is consistent with the Land Use Map designation for the property (High Density Residential). The minimum lot size for parcels in the R-2 zone is 5000 square feet, and the proposed parcels exceed the minimum lot size and the 11 lots are part of an approved subdivision - Willamette Green 2.
7. The proposal is to use the property as multiple family residential land, as zoned, and as proposed 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 and Class II soils, being partly Canderly and partly Latourell Sandy Loam, well drained soil which is appropriate for urban development.. The property is proposed to be urbanized.
- 1-R-B.** The subject property, while vacant, is not considered to be agricultural.
- 2-R.** The storm water drainage of the subject property is expected to be handled on-site. Clackamas County reviews storm water management and compliance with the Federal Clean Water Act. There is a drainage way through the property which crosses the Logging Road.
- 3-R.** 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 development will not, in of itself, generate any pollution of any form. Storm water drainage is mentioned in the above 2-R.
- 4-R.** Noise will be expected as a result of construction activity. The development will not, in of itself, generate any noise.
- 5-R.** The subject property is not a sand and gravel operation, nor will the proposed subdivision or future use of the land hinder any sand and gravel operation. There is no sand and gravel operation within the City limits.
- 6-R.** The subject property and surrounding properties are not designated historic sites.

- 7-R. The development itself will not affect the scenic or aesthetic quality of the City in any major way. The treed area will be largely preserved and the site will be given landscape treatment under the Site and Design Review Ordinance.
- 8-R. The subject property is not considered to be designated open space at this time, as development of the property is zoned for multiple family residential development.
- 9-R. No wildlife or fish habitats are known on the subject property except for the treed area and underbrush which will be removed.
- 1-H. The subject property has no identified steep slopes although the site does have irregular surface, including the drainage area.
- 2-H. The subject property is not in a flood zone according to the FEMA map.
- 3-H. The subject property has Latourell and Canderly loam soil, which is a deep, well-drained soil. No expansive soils, shallow topsoil, high water table, or other potential risks associated with construction on the subject property have been identified. There is a drainage area which will need to be dealt with as part of construction.

*v. Transportation*

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

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

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

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

- Policy #4: Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents.
- Policy #5: Canby shall actively work toward the construction of a functional overpass or underpass to allow for traffic movement between the north and south side of town.
- Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.
- Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy-efficient vehicles.
- Policy #8: Canby shall work cooperatively with the State Department of Transportation and the Southern Pacific Railroad Company in order to assure the safe utilization of the rail facilities.
- Policy #9: Canby shall support efforts to improve and expand nearby air transport facilities.
- Policy #10: Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.
- Policy #11: Canby shall work with private developers and public agencies in the interest of maintaining the transportation significance as well as environmental and recreational significance of the Willamette River.
- Policy #12: Canby shall actively promote improvements to State highways and connecting County roads which affect access to the City.

## ANALYSIS

1. The County has previously approved this subdivision and did not require dedication of land to widen Territorial Road. They have approved access from Territorial, but also have requested provision for connection to the Logging Road, if it becomes available. The access requirements under Section 16.46 and 16.10.070(B)(8) will be discussed later in this report.



At this time, we have not heard from the County with any detailed conditions or concerns. The City has a Transportation SDC in place and the development will incur a substantial Transportation SDC.

2. Sidewalks will be required for the property's frontage along S. Territorial and along the access drive.
3. The subject property is not involved in any possible overpass or underpass of Highway 99-E and the railroad.
4. Emergency service for the development of the property will be required, as recommended by the Fire Marshal and Police Chief.
5. Territorial should be built to "arterial" standards, which should have room for the provision of a bike lane.
6. The existing use and the proposed use of the property have no specific use for the rail facilities that exist in Canby.
7. The proposed development has no bearing on efforts to improve or expand nearby air transport facilities.
8. The mass transit system in operation in Canby has no direct bearing on the proposed development. 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. Territorial is a Tri-Met route.
9. The subject property is not near the Willamette River and will have no effect on the transportation potential or use of the Willamette River.
10. The subject property is fully within the City limits and is not near any "entry point" into the City.
11. According to Clackamas County, the approval of the development by the County is contingent upon an understanding between the parties that includes:
  - a. The owners of Willamette Green Phase II, David J. Boland and Harold S. Jeans, hereby volunteer to reserve in the subdivision an area for ingress and egress from the adjacent roadway known as Molalla Forest Road at a point located on the easterly side of said subdivision.

- b. The area reserved for ingress and egress shall be at a point in the general vicinity of six hundred and forty (640) feet north of the centerline for Territorial Road, as more particularly depicted in Exhibit "A" which is attached hereto and incorporated herein by this reference.
- c. The area reserved for future ingress and egress from Molalla Forest Road shall have a width of thirty (30) feet.
- d. The purpose of the owners of Willamette Green Phase II volunteering to agree to reserve an area in the subdivision for ingress and egress from Molalla Forest Road is to provide for the potential contingency that Molalla Forest Road may, in the future, become a public road and the Clackamas County Department of Transportation may, at that time, determine that the public safety, health and welfare requires that the subdivision employ this reserved roadway as the means of ingress and egress.
- e. It is the mutual intent of the parties that the ingress and egress road from Molalla Forest Road to the subdivision, if any be necessitated in the future, shall not unreasonably interfere with the subdivision plat nor unreasonably interfere with any structures, lawns, uses, or improvements thereon. It is also the mutual intention of the parties that this letter of understanding among the parties shall not in any manner require the owners to "start over" the application process for their subdivision nor in any manner jeopardize the prior approval that the owners have acquired from any other City, County or State agencies regarding the subdivision.

vi. *Public Facilities and Services*

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

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

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

- Policy #3: Canby shall adopt and periodically update a Capital Improvement Program for major City projects.
- Policy #4: Canby shall strive to keep the internal organization of City government current with changing circumstances in the community.
- Policy #5: Canby shall assure that adequate sites are provided for public schools and recreation facilities.

**ANALYSIS**

1. All needed public facility and service providers were sent a "Request for Comments" regarding this application. The development will not affect services or the ability to provide services, according to the replies received to date.
2. All needed 'public improvements' will be included in the approval of the complex. The improvements will be completed with the completion of the complex construction. SDC charges will help pay for planned improvements.
3. The City has adopted a Capital Improvement Program.
4. The City's internal organization is not germane to this application.
5. The City has adopted a Parks Master Plan in which appropriate sites or areas for recreation facilities are identified. No parks have been designated for the subject property.

*vii. Economic*

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

- Policy #1: Canby shall promote increased industrial development at appropriate locations.
- Policy #2: Canby shall encourage further commercial development and redevelopment at appropriate locations.
- Policy #3: Canby shall encourage economic programs and projects which will lead to an increase in local employment opportunities.

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

## ANALYSIS

1. The development of the property is multi-family residential, as the current zoning of the subject property allows. The development will not affect the allowed uses of the property, which do not include economic and industrial.
2. The proposed development is not commercial in nature, nor does the current zoning of the subject property allow what is commonly referred to as "commercial development" (retail/ office uses).
3. The subject property is not proposed in the Comprehensive Plan for economic development.
4. The property is currently not agricultural in nature. The development will not change this status.

### *viii. Housing*

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

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

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

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

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

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

## ANALYSIS

1. The location and size of the Urban Growth Boundary is not a part of the proposed application. When the Urban Growth Boundary was designated and calculations to determine the amount of land needed for residential growth, in 1984 as a part of the acknowledged 1984 Comprehensive Plan, the subject property was designated for residential development.
2. The proposed development will not change the housing density, as it has been approved for the subject property but will help implement the proposals of the Comprehensive Plan.
3. The current development is higher density housing. The development does not adversely affect the ability of services to be provided. (See service-providers' reports.)
4. The proposed development does not specifically include housing for low income persons. Apartments are usually considered to provide somewhat more affordable housing for lower income persons because long term financing is not required.
5. The proposed development is not a mobile home development. Future development of the property will not include mobile/manufactured home development. The City has approved manufactured home parks in recent years and manufactured housing is permitted wherever housing is permitted.

### *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 the already approved subdivision of this proposal makes it difficult to meet the basic solar access standards for new residential developments. (See later section of this report.)
3. The development will not hinder any residential access to solar energy since all buildings are north of existing buildings and the golf course is located to the north of the complex.
4. The City's transportation standards, and this development, are in accordance with the City's Transportation Master Plan to the extent this is possible with an already approved subdivision.
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:**

In the professional opinion of staff, review of the above analysis will show that the proposed development, with the recommended conditions of approval, is consistent with the policies of the Comprehensive Plan, provided no further issues are identified by the service-providers. 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. The analyses under these codes follows.

### **C. Evaluation Regarding Planned Unit Development Criteria**

#### ■ *Zoning as a PUD Overlay Zone*

The property is identified on the zoning map as R-2/PUD which includes the PUD Overlay category.

Section 16.74.020 - Uses Permitted Outright - are those permitted outright in the base zone [which is R-2, Multi-family development] provided the proposal follows the procedures for planned unit developments. The proposal is a multi-family residential development. It is "40 attached single family units to be constructed on 11 platted lots." Multi-family dwellings are permitted outright in R-2 zoned property. The other uses proposed are permitted accessory uses in R-2 zoning and are also permitted outright.

Section 16.36.040 states that the development standards for a PUD Overlay Zone are as provided in Sections 16.70 through 16.76.

Section 16.70.010 states that a proposed PUD may be treated either as a subdivision or a conditional use. The applicant does not propose any further divisions of land. Therefore, we will review it as a PUD/ Conditional Use.

In his summary narrative, the applicant states the following:

"This is a request to amend the original PUD approval granted to Harold S. Jeans and David Boland, referenced by the accompanying site plan. Our proposed site plan substantially complies with the original plat and approval, including but not limited to the additional conditions requested by the City of Canby.

-- Extra parking requested is included. Blocking driveway at southwest part of project in such a way that only emergency vehicles have access.

-- Installing a turnaround at the end of the southwest driveway.

-- Maximum density complies with the city's request limiting the number of units, as conditions of the original approval to Jeans and Bland.

-- The only changes to the original approval are modified building elevations, reflecting lower density and a more luxurious status, complying with today's market tastes.

-- Contact has been made with Willamette Green Owners' Association and the landscape and site plans reflect additional conditions they requested.

-- All storm water will be controlled on-site through drywells, sanitary sewer will be taken to a suitable line on Territorial Road, and a looped water system will be provided as requested by the applicable departments of the City of Canby.

-- Provisions will be made to use Forest Products Road for ingress and egress, if so requested by the City of Canby.

-- The development contains 40 attached single family units to be constructed on (11) platted lots, which complies with the density required by R-2 zoning.

-- Government regulations for single family attached dwellings and common areas management will be complied with.

TOTAL LAND AREA	202,118 SQ. FT.
AREA OF PLATTED LOTS	83,415 SQ. FT.
AREA OF STREETS AND PARKING	33,281 SQ. FT.
COMMON AND RECREATIONAL AREA	85,322 SQ. FT. "

Thus, it appears that the materials related to approval of SUB 79-03 and the Court Judgement thereto, are intended by the applicant to apply *except* as described above and in the attached maps, etc.

- **Section 16.76.010 - Minimum Requirements [PUD Projects]**

**Standard:** A minimum of ten percent of the gross area of the development shall be devoted to park and recreational purposes and shall be located in a "common area."

**Analysis:** The gross area is 202,118 square feet x 10% equals 20,211.8 square feet required. The large treed common area is approximately 31,400 square feet and the pool area is approximately 6,000 square feet, for a total area for recreation and park purposes of 37,400 square feet, or 18.5%. This exceeds the requirements for recreation and park space. [The need for a playground will be discussed later.]

**Standard:** The coverage area per dwelling unit shall not be less than that allowed within the zoning district in which the subdivision is located. . .

**Analysis:** R-2 zoning requires 5,000 square feet for the first unit, plus 2,500 square feet per unit after that. Forty units are proposed.

$$5000 + 39 \times 2500 = 5000 + 97,500 = 102,500 \text{ square feet}$$



The gross lot area is 202,118 square feet, less the area in street [and parking] of 33,281, equals 168,837 square feet. Thus, the total lot area without streets clearly exceeds the requirements by more than 66,337 square feet.

- *Section 16.76.020 - General Requirements [for PUD projects]*

The site plan(s) clearly show all the requirements. No dedications or stages are proposed. Areas and number of units are given, but a table and lot coverage are *not* supplied, as required in "J".

- *Section 16.76.030 - Standards and Criteria [for PUD projects]*

The Plan approved will be binding, including any agreements and covenants. Presumably, the previous court judgement still applies *except* as indicated in this application and supporting information.

The proposed site does appear to be a unified and organized arrangement of buildings and service facilities, in the professional opinion of staff. It does appear to reflect the previously approved plan and subdivision, except for the reduction of units from 54 to 40, and the change in building architecture.

At this time, there is no draft homeowners' association by-laws and no proposal for common area maintenance, as is required under "G" and "H".

There is a setback and landscaped area wherever the development buildings would be adjacent to dwellings in Willamette Green I. Uses do not appear to conflict with adjacent uses. The proposal is not single story or townhouse structures, and each structure is proposed to be served by utilities.

The development is not a proposed conversion to condominiums.

- *Section 16.76.040 - Exceptions [for PUD projects]*

The area is already platted as a subdivision and no changes in lots are proposed. Therefore, there are no modifications in lot size and lot width proposed. Setbacks are as shown on the site plan. The area along the golf course has a minimum of 8.3 foot setbacks from property lines. The two buildings adjacent to Willamette Green in the southwest of the site, are setback 13.6 feet and 39.2 feet respectively, from the property line. The building adjacent to the entry road is set back 10 feet from the property line.

Building heights are 2-story, gabled buildings, about 29 feet in maximum height. R-2 zoning permits up to 35 feet in height.

Each unit has a garage with parking space in front of it and there are 36 additional parking spaces. The ordinance requires 2.0 spaces per unit, or  $40 \times 2.0 = 80$  spaces, plus 0.2 spaces/unit for visitors. The proposal depicts 48 garage spaces plus 36 open parking spaces = 84 spaces, plus the driveway pads for visitors.

■ ***R-2 - High Density Residential Approval Criteria***

**Uses Permitted Outright - Multi-family**

**Minimum lot area** - 5000 square feet for the first unit, plus 2,500 square feet per unit [after 1st unit]. Proposed - see analysis under PUD

**Minimum Width and Frontage** - not applicable, since area is already subdivided, no further division is proposed.

**Minimum Yard Requirements:**

*Street Yard* - 20 feet. Proposal has all buildings set back over 220 feet from Territorial.

*Rear Yard* - 20 feet for 2-story buildings

Section 16.04.700 Rear Yard - "Rear yard means a yard lying to the rear of the principal building on the lot and generally opposite the lot front."

**Analysis:** This would appear to apply to the buildings adjacent to the golf course. The proposal has some buildings as close as 8.3 feet to the lot line. PUD regulations allow modification of this requirement. The proposal does seem to be appropriate, given the buildings' relationship to the golf course, which is adjacent and provides the open areas desired.

*Interior Yard* - area between building and interior lot line - 10 feet minimum.

**Analysis:** All exterior lot lines meet this requirement except the one case along the golf course, which seems appropriate for a PUD.

**MAJOR NOTE:** If the analysis of yards were done for each of the **individual** 11 lots, the lot yard requirements would **not** be met. However, since each of the lots is on a private street and the setbacks from the private road provides enough space for parking [19.5 feet minimum], the setbacks seem appropriate. The lot arrangement was originally designed and buildings approved under a PUD with this arrangement [see original approval drawings].

Distance between buildings is 20 feet or more in every case. Usually the buildings have facing blank ends, sometimes with one upstairs window. This arrangement appears to be practical and appropriate.

- **Section 16.46 - Access Limitations**

This section of the ordinance requires access by a maximum of a certain number of units, depending on the width of the access drive. The maximum number of units is 40 and, thus, the entrance drive must be 30 feet wide near the entrance and may be reduced as the number of units using the access road is reduced. The access drive widths are shown on the site plan. The first 8 units are located on a 30 foot wide drive. The rest of the development is located on a 24 foot wide access driveway. These dimensions meet the requirements of the access limitation section.

**D. Conclusion Regarding Consistency with the Policies of the Canby PUD Ordinance:**

Based upon the above described analysis, the proposal, with appropriate modifications as outlined in the recommended conditions, is hereby found to be consistent with the policies of the Canby Planned Unit Development Ordinance.

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

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

**"Minimum area for landscaping is 30% in residential areas of the total area to be developed."**

The total site is 202,118 square feet. Based on this figure, approximately 60,635 square feet of landscaping is required. The applicant is proposing approximately 85,322 square feet of landscaping (42%). Much of this area is lawn, with numerous trees and shrubs proposed. A large part of the treed area is proposed to be preserved (see Landscape Plan).

**2. Part IV - Section No. 11 - Criteria**

**All plant growth in landscaped areas of developments 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.**

The landscaping plans may need to be slightly altered to accommodate solar access considerations. Most of the trees are of a solar friendly type and are placed where they do not affect solar considerations, but a few may need to be changed to a more solar friendly species. The vegetation will not hinder vehicular or pedestrian access or travel. The landscape plan has been prepared by a registered landscape architect and appears to be well done.

**3. Parking**

Parking analysis was done earlier in this report. The ordinance requires a special tree planting standard when parking exceeds 10 parking spaces per specific area. No single parking area is that large. As shown on the landscape plan, there are many trees in the vicinity of parking areas.

**4. Access**

There is an entrance proposed with 40 foot wide drives. For 40 units, the ordinance requires one 30 foot wide entrance and a sidewalk on one side. The proposal has one 30 foot wide entrance. A sidewalk is proposed adjacent to the access drive. A turnaround is provided at the west end of the access drive, with an emergency gate, or equivalent, as required by the Fire Marshal.

**5. Architecture**

The architect proposes to use the following exterior finish materials at the above referenced project:

"Hardboard lap siding will be used on all exterior surfaces with the exception of first floor front elevations which are faced with brick veneer. Lap siding will be exposed 6-1/2" to the weather. 1x4 trim boards will be placed over siding at outside corners. Siding will be finished with Benjamin Moore color #970 exterior latex paint. (Benjamin Moore color #970 is a light buff color.) Trim boards will be finished white.

Closed soffits or eaves boards will be rough sawn finish veneer board same color as siding.

Facias, gutters and other trim accents will be white.

In addition to covering much of front elevation garage walls, brick veneer will return 32" from face of front walls along side walls. Brick will be "Mountain Mist" a brown blend color.

Balcony rail assemblies at rear of buildings will be constructed as a low wall using same materials as outside walls capped with vinyl lattice accent panels. The lattice accent panels will be white.

Roofing will be "architectural composition" in a charcoal blend color."

Elevations and floor plans are provided for each of the buildings and appear to be well done, in the opinion of staff. Adjacent structures are residential and the character of the proposed structures will be compatible with them, in the professional opinion of staff.

#### **6. Recreation Space**

A 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 minimum size. Forty (40) units would, therefore, require 40 x 100 square feet, or 4,000 square feet. The project proposal is for 37,400 square feet of recreational open space, including a pool. The 40 units could generate 24 school age children [at Citywide averages], so a small tot lot should be provided somewhere on the site.

#### **7. Site Setbacks and Development Standards**

The building coverage of the site is about 28%. The ordinance allows up to 40%. R-2 zoned areas require 5,000 square feet of lot area, plus 2,500 square feet for each additional unit. Previous analysis has shown the site meets density requirements. Previous analysis has also shown height and yard requirements are met, except where modified under PUD exception criteria.

#### **8. 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 Territorial, traffic impact will be kept to a minimum for one road. When the Logging Road becomes available access to it shall be provided and direct access to Territorial shall be terminated, according to an agreement with the County.

- **16.50.010 - Evaluation Regarding Conditional Use Criteria**

**A. Consistency with the Comprehensive Plan and other applicable policies.** The first section of this report evaluated consistency of the subject proposal with the Comprehensive Plan and found such consistency.

**B. Site Suitability**

Previous analysis has shown that the proposal meets ordinance requirements regarding density, yards, height, access, parking [with the appropriate PUD modifications]. The design of the site does appear to fit the irregular shape and work well. Two new driveway entrance locations are indicated on the site plan to ultimately access the Logging Road, when it becomes available as a public drive. Topography is somewhat irregular as some fill will be required in the middle of the site. Positive drainage will be a requirement with on-site disposal of all stormwater. The most prominent natural feature is the treed area, which is proposed, for the most part, to be retained.

**C. Public Facilities and Services**

All agencies have been surveyed for input regarding conditions or problems needing attention. No service problems have been identified to date. Conditions will be proposed to meet requirements.

**D. Compatibility as Zoned**

Most of the surrounding property is already developed for the uses allowed by the zoning ordinance. Development of the subject site, as proposed, will not impede the use of adjacent property. The area to the east is a natural area owned by the City and zoned R-1, with the proposed Comprehensive Plan land use designation being "Public." Development of the subject property, as proposed, should not prevent public use of this property, provided some buffering is provided. Also, the drainage of the subject site, which currently goes under the Logging Road to the City site, must be carefully controlled. The golf course should not be affected. It is zoned R-1/PUD Overlay and can be further developed without serious constraint since it is so large.

**V. CONCLUSION [regarding Site and Design Review]**

The staff hereby determines that, with appropriate conditions, the 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 structures will be compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.

Further, staff concludes that

1. The request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan, and other Planning and Development Ordinance requirements, **provided that the standard yard setback requirements are permitted to be reduced. The reduction is only permitted to the point that allows the buildings to be constructed in the location approved in the Site and Design Review and PUD approval [DR 95-10/ PUD 95-03]**
2. The overall design of the proposed subdivision will be compatible with the area and will provide adequate building area for the provision of public facilities and services for the lots.
3. 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. 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, site plans, landscape plan, elevations, and utility plan dated December 15, 1993, the facts, findings, and conclusions of this report, and without benefit of a public hearing, staff recommends that the Planning Commission approve, with conditions, DR 95-10/PUD 95-03, for an apartment complex. Furthermore, staff recommends approval with the following conditions:

1. The 1993 judgement regarding regarding 91-1-59, by Judge Brockley, is to be respected and implemented *except* for the change in architecture and amount of parking, as described in the application and supporting documents. The maximum number of units approved is 40.
2. During construction, erosion-control shall follow the *Erosion/Sedimentation Control Plans Technical Guidance Handbook for Clackamas County*, August 1991 [as amended].
3. A looped water main shall be installed in the complex, as approved by CUB and the Fire Marshal.

4. Prior to each phase of construction, a detailed solar analysis shall be done regarding type and location of trees. Solar-friendly trees shall be used where needed.
5. The applicant shall participate in a preconstruction meeting with City staff, CUB, the fire district, etc., prior to construction.
6. Signs shall be placed at the entrance indicating "Private Property - No Through Traffic." No other signage is approved.
7. A landscape *construction* plan shall be submitted to the City Planning office as part of the building permit application for each phase. The plan shall include an irrigation system, planting schedule, plant locations within the landscaped areas, plant types and sizes, and the plant spacing. 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.
8. Once access to the Logging Road becomes available, a new entranceway(s) shall be provided from the Logging Road, and direct access to Territorial Road shall be terminated. The factual determination that Logging Road access is available shall be made by the Canby City Administrator.
9. Specific design and location of the sewer and stormwater disposal [drywells] system shall be as approved by the Public Works Supervisor.
10. Concrete sidewalks shall be provided along Territorial and from Territorial Road to the development along the access drive.
11. The proposed setbacks [yards] are approved, as indicated on the applicant's site plan(s) for external lot lines. Distances between buildings are also approved, as indicated. These dimensions may be modified slightly, provided the changes are no less than the minimum permitted in the ordinance.
12. Prior to issuance of a building permit, covenants, conditions, and restrictions [CC&Rs], and by-laws, shall be submitted to the City Planner for review and approval prior to recordation with Clackamas County. Such CC&Rs shall establish a homeowners' association and funding mechanism to maintain the "common areas."
13. Utility easements shall be provided as required by the Canby Utility Board and Canby Public Works Supervisor.



Exhibits:

1. Application for Design Review and PUD
2. Site Plan *[too large to reproduce]*
3. Landscape Plan *[too large to reproduce]*
4. Elevations *[too large to reproduce]*
5. Color and Materials Chart *[colors not reproducible]*
6. Responses to "Requests for Comments"
7. Judgement [Judge Brockley]

TE AND DESIGN REVIEW APPLICATION ~~2~~

Fee: \$750

OWNER

APPLICANT

Name Dave Boland & Harold Jeans  
Address 7637 SE 92nd Ave.  
City Portland State OR Zip 97266  
SIGNATURE see attached POA

Name Walter West Construction Co.  
Address PO Box 426  
City Wilsonville State OR Zip 97070  
Phone: (503) 682-3003

(Keith Jackson - Designer)  
364-9846 (H)  
250-1618 (O)

DESCRIPTION OF PROPERTY:

Tax Map \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_ Lot Size \_\_\_\_\_  
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name WILLAMETTE GREEN II Lot \_\_\_\_\_ Block \_\_\_\_\_

See attached title report

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 Vacant

Existing Vacant  
Proposed 11 Buildings

Existing Structures None

Surrounding Uses \_\_\_\_\_

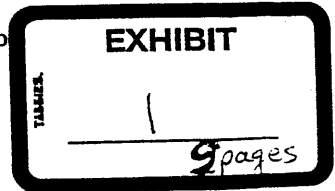
PROJECT DESCRIPTION See attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ZONING R-2 COMPREHENSIVE PLAN DESIGNATION PUD Overlay

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

File No. DR 95-10  
Receipt No. 9442  
Received by JSW  
Date Received 5/16/95  
Completeness Date \_\_\_\_\_  
Pre-App Meeting \_\_\_\_\_  
Hearing Date 6/2/95

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



PLANNED UNIT DEVELOPMENT APPLICATION

FEE: \$900 + \$30/UNIT

OWNER

APPLICANT

NAME Dave Boland & Harold Jeans
ADDRESS 7637 SE 92nd Avenue
CITY Portland, STATE OR ZIP 97266
SIGNATURE see attached POA

NAME Walter West Construction Co.
ADDRESS PO Box 426
CITY Wilsonville, STATE OR ZIP 97070
PHONE: (503) 682-3003

DESCRIPTION OF PROPERTY:

TAX MAP TAX LOT(S) LOT SIZE (Acres/Sq. Ft.)

OR

LEGAL DESCRIPTION, METES AND BOUNDS (ATTACH COPY)

PLAT NAME WILLAMETTE GREEN II LOT BLOCK

see attached Title Report

PROPERTY OWNERSHIP LIST

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

USE

EXISTING Vacant PROPOSED 11 Buildings

EXISTING STRUCTURES None

PROJECT DESCRIPTION

See Attached

ZONING R-2 COMPREHENSIVE PLAN DESIGNATION PUD Overlay

PREVIOUS ACTION (IF ANY)

FILE NO. PUD 95-03
RECEIPT NO. 9441
RECEIVED BY ASW
DATE RECEIVED 5/16/95
COMPLETENESS DATE
PRE-AP MEETING
HEARING DATE 6/12/95

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

# Walter West Construction Co.

*Developers and Builders*

8655 S.W. Citizens Dr., Suite 201  
P.O. Box 426 • Wilsonville, OR 97070  
(503) 682-3003 • FAX 682-0241

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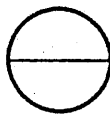
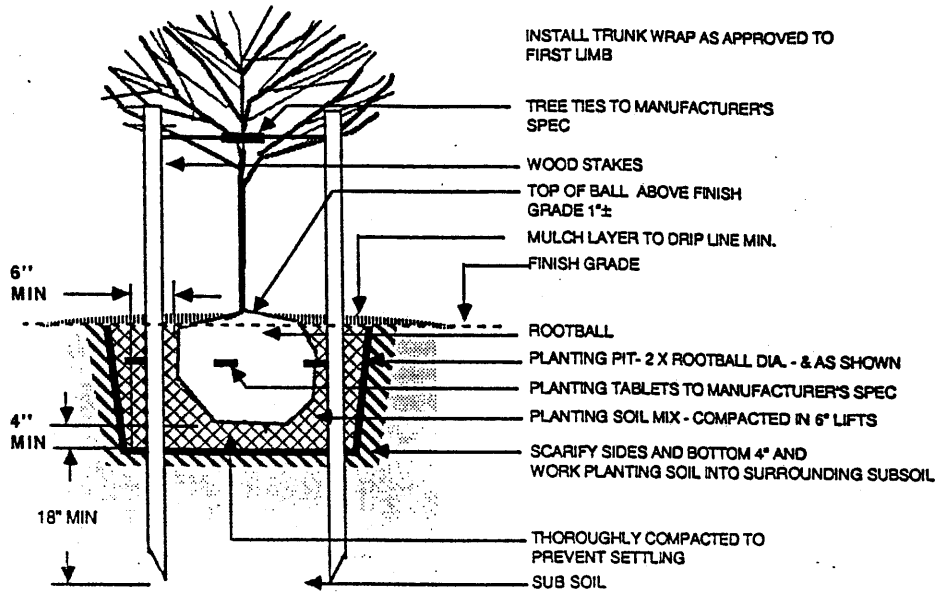
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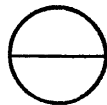
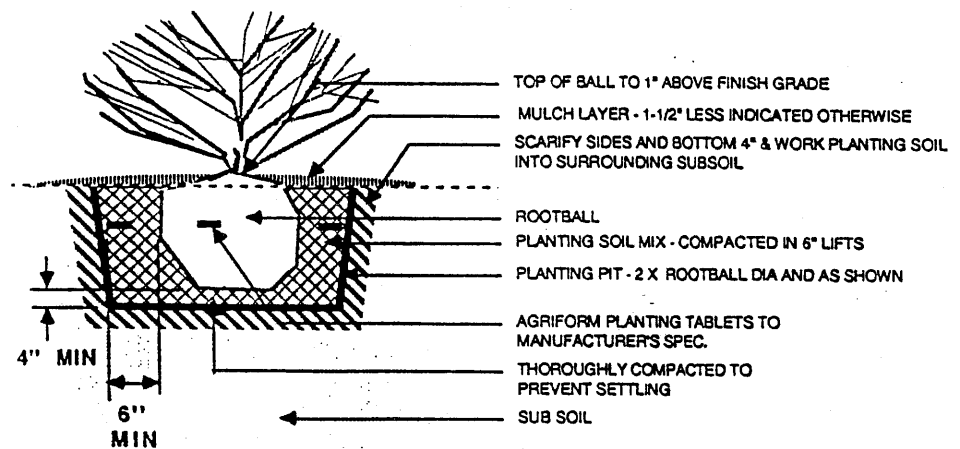
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COMMON AND RECREATIONAL AREA	85,322 SQ. FT.

PLANT MATERIAL LIST			SCHWARTZ ASSOCIATES	
WILLAMETTE COMMONS			5/15/95	
Code	Botanical Name	Common Name	Size	Remarks
AC	ACER CIRCINATUM	VINE MAPLE	8' HGT.	
AG	AZALEA GLACIER	GLACIER AZALEA	15" SPR.	
AGEG	ABELIA GRANDIFLORA EDWARD GOUCHER	EDWARD GOUCHER ABELIA	18" HGT.	
AHC	AZALEA HINO CRIMSON	HINO CRIMSON AZALEA	15" SPR.	
AP	ACER PALMATUM	JAPANESE MAPLE	10' HGT.	3 STEM TRUNK, UPRIGHT, GREENLEAF
APCK	ACER PLATANOIDES CRIMSON KING	CRIMSON KING NORWAY MAPLE	2" CAL.	
ARS	ACER RUBRUM SCANLON	SCANLON RED MAPLE	2" CAL.	
AU	ARBUS UNEDO	STRAWBERRY MADRONE	24" HGT.	
AUM	ARCTOSTAPHYLOS UVA-URSI MASS. HYBRID	MASS HYBRID KINNIKINNICK	4" POTS	18" O.C.
BTCP	BERBERIS THUNBERGI CRIMSON PYGMY	CRIMSON PYGMY BARBERRY	15" SPR.	
CAS	CORNUS ALBA STOLONIFERA	RED TWIG DOGWOOD	24" HGT.	
CH	COTONEASTER HORIZONTALIS	ROCKSPRAY COTONEASTER	18" SPR.	
DO	DAPHNE ODORA	WINTER DAPHNE	18" HGT.	
EAC	EUONYMUS ALATUS COMPACTA	DWARF WINGED EUONYMUS	18" HGT.	
EFEG	EUONYMUS FORTUNEI EMERALD GAIETY	EMERALD GAIETY EUONYMUS	15" SPR.	
GS	GAULTHERIA SHALLONG	SALAL	1 GAL.	
HHN	HEDERA HELIX HAHN'S	HAHN'S IVY	4" POTS	18" O.C. TRIANGULAR SPACING CONTINUOUS
ICBJ	ILEX CORNUTA BERRIES JUBILEE	BERRIES JUBILEE HOLLY	18" HGT.	ALTERNATE: ILEX CORNUTA BURFORDI NANA
ICC	ILEX CRENATA CONVEXA	CONVEXLEAF JAPANESE HOLLY	18" HGT.	
ICGI	ILEX CRENATA GREEN ISLAND	GREEN ISLAND HOLLY	15" SPR.	
ICR	ILEX CORNUTA ROTUNDA	DWARF CHINESE HOLLY	18" HGT.	
MA	MAHONIA AQUIFOLIUM	OREGON GRAPE	24" HGT.	
MAC	MAHONIA AQUIFOLIUM COMPACTA	COMPACT OREGON GRAPE	18" SPR.	
MC	MYRICA CALIFORNICA	CALIFORNIA WAXMYRTLE	30" HGT.	
MS	MAGNOLIA SOULANGEANA	SAUCER MAGNOLIA	2" CAL.	
NDC	NANDINA DOMESTICA COMPACTA	COMPACT NANDINA	18" HGT.	
NDHD	NANDINA DOMESTICA NANA HARBOUR DWARF	HARBOUR DWARF NANDINA	18" SPR.	
PC	PINUS CONTORTA	SHORE PINE	8' HGT.	
PFF	PIERIS FOREST FLAME	FOREST FLAME PIERIS	24" HGT.	
PLO	PRUNUS LAUROCERASUS OTTO LUYKEN	OTTO LUYKEN LAUREL	18" SPR.	
PM	POLYSTICHUM MUNITUM	WESTERN SWORD FERN	1 GAL.	
PMM	PINUS MUGO MUGO	DWARF MUGO PINE	18" SPR.	
PSA	PRUNUS SUBHIRTELLA AUTUMNALIS	AUTUMN HIGAN CHERRY	2" CAL.	
PSM	PSEUDOTSUGA MENZIESII	DOUGLAS FIR	8' HGT.	NO CHRISTMAS TREE STOCK
RD	RHODODENDRON DAPHNOIDES	DAPHNOIDES RHODODENDRON	18" HGT.	
RDA	RHODODENDRON DORA AMATEIS	DORA AMATEIS RHODODENDRON	18" SPR.	
RJM	RHODODENDRON JEAN MARIE DE MONTAGUE	JEAN MARIE DE. MONTAGUE. RHODO.	24" HGT.	
RLW	RHODODENDRON LODER'S WHITE	LODERS WHITE RHODODENDRON	18" HGT.	
RMF	RHODODENDRON MRS. FURNIVAL	MRS. FURNIVAL RHODODENDRON	18" HGT.	
RPJM	RHODODENDRON P.J.M.	P.J.M. RHODODENDRON	18" HGT.	
RSW	RHODODENDRON SCARLET WONDER	SCARLET WONDER RHODODENDRON	18" SPR.	
RU	RHODODENDRON UNIQUE	UNIQUE RHODODENDRON	18" HGT.	
PYA	PRUNUS YEDOENSIS AKEBONO	AKEBONO FLOWERING CHERRY	2" CAL.	HIGH GRAFT
SR	SARCOCOCCA RUSCIFOLIA	SARCOCOCCA	18" HGT.	
TCG	TILIA CORDATA GREEN SPIRE	GREEN SPIRE LINDEN	2" CAL.	
VD	VIBURNUM DAVIDII	DAVID VIBURNUM	15" SPR.	
VPT	VIBURNUM PPLICATUM TOMENTOSUM	DOUBLIEFILE VIBURNUM	24" HGT.	

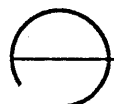
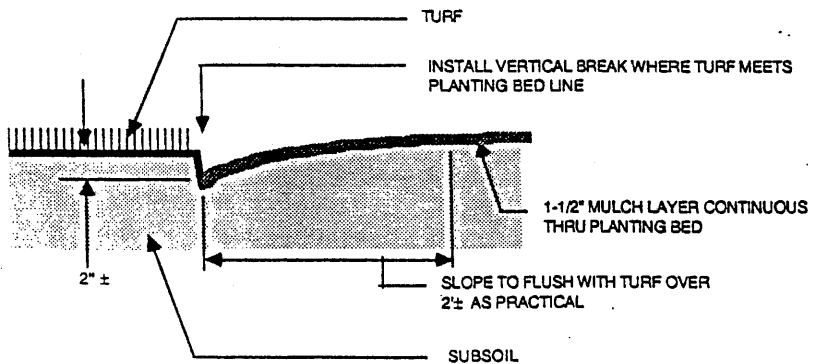


**TREE PLANTING DETAIL**

NOTE: DETAIL SIMILAR FOR EVERGREEN TREES UNLESS INDICATED OTHERWISE



**SHRUB PLANTING DETAIL**



**TYPICAL SECTION AT PLANTING BED EDGE**

**SCHWARTZ ASSOCIATES**  
 Site Planning & Landscape Architecture  
 812 NW Seventeenth Ave  
 Portland, Oregon 97209

CLB&W DRAFT  
6/1/95

STATEMENT REGARDING COMMON AREA FOR  
WILLAMETTE COMMONS PUD

Upon final plat approval, the Applicant will record Covenants, Conditions and Restrictions, and Bylaws covering the entire project which, among other things, will call for the creation of a Willamette Commons PUD Homeowners' Association (the "Association") in which all lot owners will be members. In addition to providing for customary architectural restrictions regarding alteration of unit exteriors, the CC&Rs and Bylaws will provide that all common area within the entire PUD will be owned by the Association, which in turn will be solely responsible for the maintenance, landscaping, insurance and general upkeep of all common areas, including the repair and replacement of all capital improvements located on common areas, such as the swimming pool.

The owner of each lot within Willamette Commons PUD will be required to pay regular assessments to the Association, which assessments shall constitute a lien against each lot. The CC&Rs and Bylaws will provide for customary collection rights and procedures on behalf of the Association to ensure that owners' assessments are timely paid.

The procedure outlined above for dealing with common area is customary in covenant communities, such as the applicants' proposed PUD, and is similar to procedures provide in the Oregon Condominium Act and Oregon Planned Community Act.

*cc Alice Lewis*

Walt West Construction Co.  
Willamette Commons

Exterior Finish Materials

We propose to use the following exterior finish materials at the above referenced project:

Hardboard lap siding will be use on all exterior surfaces with the exception of first floor front elevations which are faced with brick veneer. Lap siding will be exposed 6 1/2" to the weather. 1x4 trim boards will be placed over siding at outside corners. Siding will be finished with Benjamin Moore color #970 exterior latex paint. (Benjamin Moore color #970 is a light buff color) Trim boards will be finished white.

Closed soffits or eaves boards will be rough sawn finish veneer board same color as siding.

Facias, gutters and other trim accents will be white.

In addition to covering much of front elevation garage walls, brick veneer will return 32" from face of front walls along side walls. Brick will be "Mountain Mist" a brown blend color.

Balcony rail assemblies at rear of buildings will be constructed as a low wall using same materials as outside walls capped with vinyl lattice accent panels. The lattice accent panels will be white.

Roofing will be "architectural composition" in a charcoal blend color.



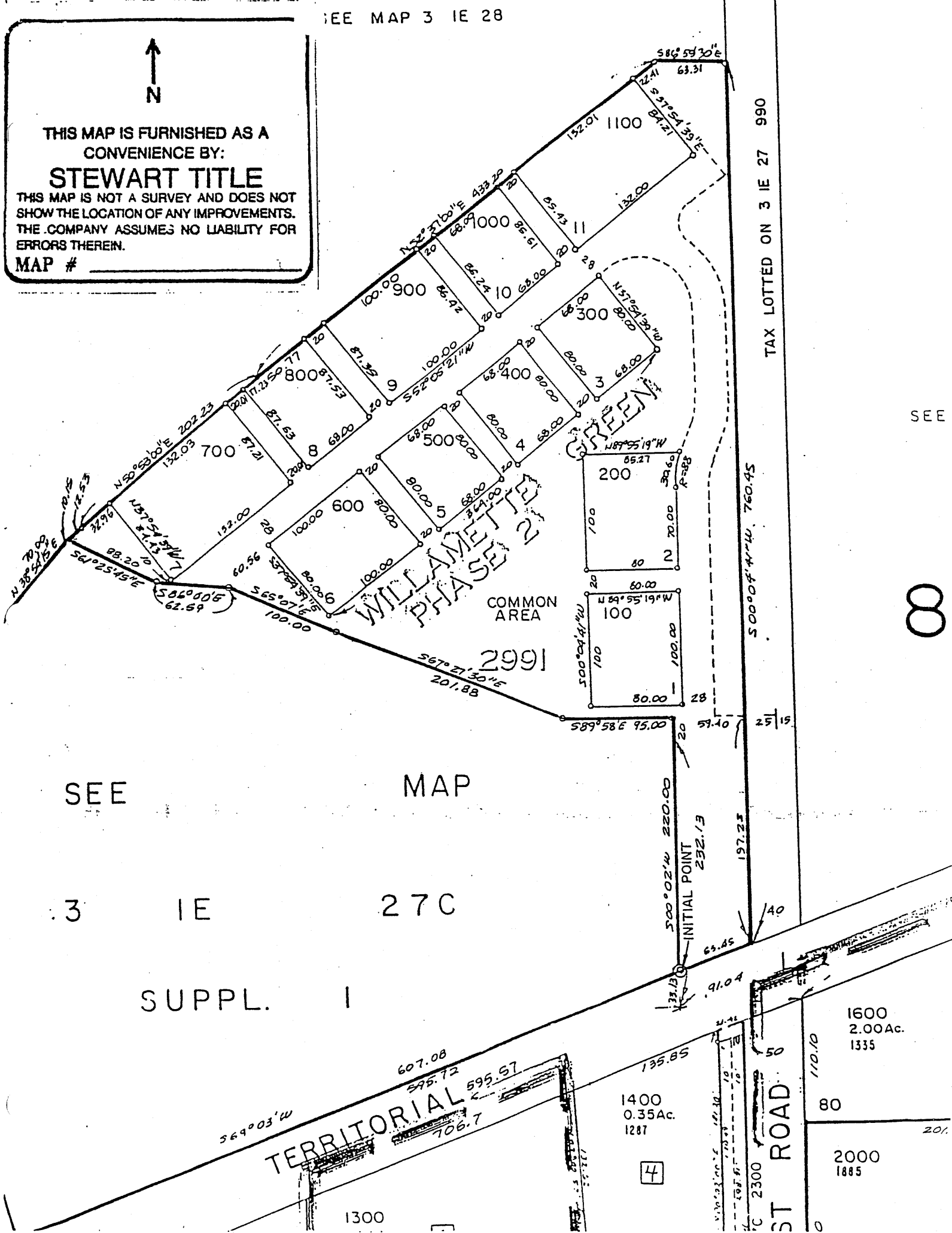


THIS MAP IS FURNISHED AS A  
CONVENIENCE BY:

**STEWART TITLE**

THIS MAP IS NOT A SURVEY AND DOES NOT  
SHOW THE LOCATION OF ANY IMPROVEMENTS.  
THE COMPANY ASSUMES NO LIABILITY FOR  
ERRORS THEREIN.

MAP # \_\_\_\_\_



TAX LOTTED ON 3 IE 27 990

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SUPPL. I

TERRITORIAL  
569°03'W  
607.08  
595.72  
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1400  
0.35Ac.  
1287

4

1600  
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80

2000  
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ST. ROAD

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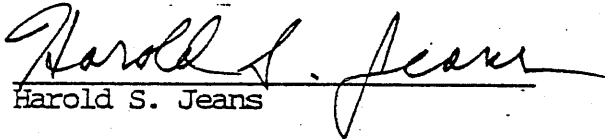
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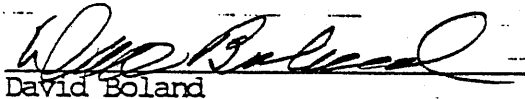
May 10, 1995

To Whom it May Concern:

The undersigned owners of the property located in the City of Canby and described on the attached Exhibit "A" hereby authorize Walter L. West doing business as Walter West Construction Co., and any of his agents, including, but not limited to: Ron Jackson, designer, Keith Jackson, Project Superintendent, Nancy Salber, Project Manager to act on their behalf in filing and processing any and all applications as follows:

- 1) Design Review to meet the City of Canby's PUD requirements for construction of dwelling units on this property.

  
Harold S. Jeans

  
David Boland

# CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

**DATE:** May 19, 1995

**TO:** FIRE, POLICE, SCHOOL, TOM PIERSON (TELEPHONE & TELECOM, NW NATURAL GAS, CLACKAMAS COUNTY (Bill Spears), MIKE JORDAN, JOHN KELLEY, ROY, STEVE

The City has received DR 95-10/PUD Overlay 95-03 applications by Walt West Construction for approval of a Site and Design Review application and a Planned Unit Development Overlay application. the purpose of the applications is to ultimately allow development of "40 attached single family units on eleven (11) platted lots ....". The total area involved is approximately 4.6 acres. the site is located just northwest of the intersection of N.E. Territorial Road and the "Logging Road." [Tax Lots 100 - 11- plus Common Area, Tax Map 3-1E-27CE - Willamette Green Phase II].

We would appreciate your reviewing the enclosed application and submitting comments by **May 30, 1995 PLEASE**. The public hearing is scheduled for June 12, 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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- 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 Foltz

**Date:** 5/31/95

<b>EXHIBIT</b>	
6	8 pages



# CLACKAMAS COUNTY

Department of Transportation & Development

THOMAS J. VANDERZANDEN  
DIRECTOR

## MEMORANDUM

TO : CITY OF CANBY

FROM : CLACKAMAS COUNTY, DTD (BILL SPEARS)

DATE : MAY 26, 2995

RE : DR95-10/PUD OVERLAY 95-03 (EN95-305)  
WALT WEST CONST./WILLAMETTE GREEN II

This office has the following comments pertaining to this proposal:

1. The primary access road has already been constructed including the entry. It appears as if the existing access needs some work as some deterioration of the surface is noted. Although the County is primarily concerned with the entry which has sufficient site distance, it also needs some maintenance. DTD staff (Walt Tschudy) needs to be contacted about the entry condition.
2. Surface water must be managed so as to not to outfall into the travel lanes of Territorial Road.
3. It appears as if a turnaround needs to be provided at the end of the private driveway near Building's A and D.

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BS/jb

<JeanB>BS/Overlay/95-03

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

DATE: May 19, 1995

TO: FIRE, POLICE, SCHOOL, TOM PIERSON (TELEPHONE & TELECOM), NW NATURAL GAS,  
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We would appreciate your reviewing the enclosed application and submitting comments by **May 30, 1995 PLEASE**. The public hearing is scheduled for June 12, 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:

- 1. Addressing
- 2. Water supply for fire hydrants
- 3. Turn arounds
- 4. Access

- 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: *La Gumbrough* Date: 5-22-95



**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

**DATE:** May 19, 1995

**TO:** FIRE, POLICE, SCHOOL, TOM PIERSON (TELEPHONE & TELECOM), NW NATURAL GAS, CLACKAMAS COUNTY (Bill Spears), MIKE JORDAN, JOHN KELLEY, ROY, STEVE

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We would appreciate your reviewing the enclosed application and submitting comments by **May 30, 1995 PLEASE**. The public hearing is scheduled for June 12, 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:

*This application doesn't show sewer or storm plan. Other than that it looks like a acceptable plan.*

- 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 Hester* Date: *5-22-95*

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

DATE: May 19, 1995

TO: FIRE, POLICE, SCHOOL, TOM PIERSON (TELEPHONE & TELECOM), NW NATURAL GAS,  
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Comments or Proposed Conditions:

*Forty Units @ .6 school age children  
per family would generate 24 children.*  
RS

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

Signature: Stephen E. Miller Date: 5-22-95





**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

**DATE: May 19, 1995**

**TO: FIRE, POLICE, SCHOOL, TOM PIERSON (TELEPHONE & TELECOM), NW NATURAL GAS, CLACKAMAS COUNTY (Bill Spears), MIKE JORDAN, JOHN KELLEY, ROY, STEVE**

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Comments or Proposed Conditions:

*Make sure Addressing will work for 911 system*

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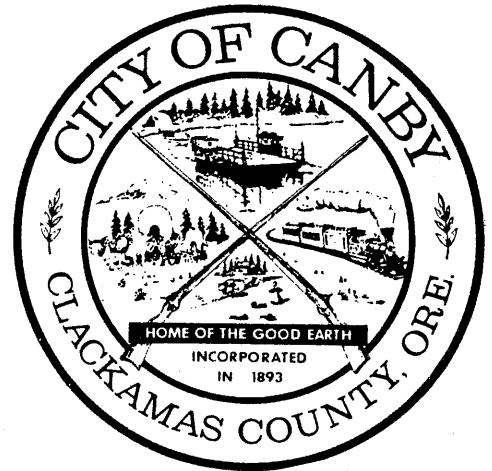
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- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: *Jerry Tiger* Date: *6/2/95*

**- STAFF REPORT -**



**APPLICANT:**

Deuce Development  
406 N.W. Glisan Street  
Portland, OR 97209

**FILE NO.:**

SUB 95-03  
(Canby Garden Estates)

**OWNER:**

Ronald E. Dyches  
8785 S.E. 137th  
Portland, OR 97236

**STAFF:**

James S. Wheeler  
Assistant Planner

**LEGAL DESCRIPTION:**

Tax Lots 2200 and 2300  
Tax Map 3-1E-28DD

**DATE OF REPORT:**

June 2, 1995

**LOCATION:**

735 N.E. Territorial Road  
South side of Territorial Road east of  
N. Maple Street and N.E. 17th Avenue

**DATE OF HEARING:**

June 12, 1995

**COMP. PLAN DESIGNATION:**

High Density Residential

**ZONING DESIGNATION:**

R-1 (Low Density Residential)

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval to subdivide 1.69 acres into 7 single family lots. The subdivision includes removal of the existing house on N.E. Territorial Road and the extension of N.E. 17th Avenue.

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

## **II. APPLICABLE CRITERIA:**

### **A. City of Canby Code Section 16.62.020**

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

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

### **B. Other Applicable Policies and Regulations:**

#### **■ City of Canby General Ordinances:**

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

## **III. FINDINGS:**

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

The subject parcel is located south of N.E. Territorial Road, between N. Maple Street and N. Pine Street, and at the east end of N.E. 17th Avenue. There is an existing rental home on Territorial Road. The rental home is a non-conforming structure in that the west side yard is approximately 2 feet. The rental home is proposed to be removed.

A rezoning application involving these two properties (Tax Lots 2200 and 2300 of Tax Map 3-1E-28DD) was filed and processed with the City in 1992 (ZC 92-02). The application proposed to rezone the property to High Density Residential, as shown in the Comprehensive Plan. The City Council, with the same recommendation from the Planning Commission, denied the rezoning application on October 26, 1992 for the following reasons:

1. While the Comprehensive Plan (Land Use Policy #6, Implementation Measure 14) proposes area "N" (including the subject parcel) for consideration for multiple family zoning, it does not require approval of all rezoning requests to R-2 in the area. Specific lot-by-lot rezoning is anticipated.
2. The Comprehensive Plan Land Use Policy #1 states "Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses." The implementation measures described under this policy (utilize PUD, utilize conditions of approval, encourage flexibility in review, site plan review, monitor Clackamas County actions, PUD Overlay, development deed restrictions) are found by the Council (and Commission) to be insufficient to correct the potential incompatibilities between single family homes and apartments at this location.

A portion of the subject parcel (Tax Lot 2300 of Tax Map 3-1E-28DD) has a City lien on the property. In 1992, the property had high grass that was considered to be a fire hazard and the grass was mowed. The bill of \$87.98 has not been paid. The amount owed, plus 9% interest (in accordance with Section 8.12.160(d) of the City Codes), will need to be paid prior to the signing of a subdivision plat.

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

### ***i. Citizen Involvement***

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

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

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

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

## ANALYSIS

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

### *ii. Urban Growth*

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

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

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

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

## ANALYSIS

1. The property is entirely within the Urban Growth Boundary. The City has sought the County's input regarding the impact of the subdivision on the adjoining County road, N.E. Territorial Road.
2. No changes to the Urban Growth Boundary are proposed with this application. The property is currently being used for one rental home. The property is within the current Urban Growth Boundary and has been acknowledged for 'future' urbanization.
3. All necessary urban services are, or will be available for the subdivision (see discussion under Public Services Element).

### *iii. Land Use Element*

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

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

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

### ANALYSIS

1. The parcels are currently zoned R-1, Low Density Residential. According to the Comprehensive Plan, the parcels could be rezoned to R-2, High Density Residential. The proposal is for single family residential lots meeting the minimum lot size of the R-1 zone, which is compatible with the uses of the properties to the north, west, and south (single family residential). The property to the east (along Territorial Road) is multi-family residential. To the south of the multi-family residential use is vacant land that is currently zoned R-1, Low Density Residential, but could be rezoned to R-2, High Density Residential.

The proposed development density (4.6 lots per developable acre) is approximately the same as that of the comprehensive plan standard calculation used to estimate the amount of area that is needed for low density residential areas (4.7 lots per developable acre, p.36). The proposed development's density is approximately the same as those of the subdivision development to the south, Canby Country Estates (4.6 lots per developable acre). The proposed development's density is lower than that of the subdivision to the west, Brooks Addition (5.3 lots per developable acre). The proposed development's density is higher than that of the subdivision to the north, Country Club Estates (3.9 lots per developable acre). Developable acres does not include streets or park land dedication. The calculations used in the Comprehensive Plan are "average" densities with the assumption that the lot sizes will vary considerably. Page 35 of the Comprehensive Plan describes a wide range of lot sizes and the methods recommended to achieve them.



2. The density of the subdivision is approximately the same as what the Comprehensive Plan had calculated as averages for low density residential development. There are many portions of the City that had previously been developed at densities much lower than what the Comprehensive Plan has generally outlined. Additionally, the single-family residential developments that have occurred in medium- and high-density residential zones (Rebecca Estates (R-1.5), Morse Additions 1 and 2 (R-1.5), Township Village 1,2,4,5,6 (R-1.5), Township Village 3 (R-1.5/R-2)) have lowered the overall average residential density of development below what the Comprehensive Plan has calculated for the purposes of estimating the amount of land needed for low density residential areas. Residential developments that have higher densities than the Comprehensive Plan has calculated (Deinger Farms, Township 7, Valley Farms 1,2,3, Redwood Meadows) help to balance out the overall average residential density of development.

If the right-of-way width is changed (see discussion under the Transportation Element, and the Streets Discussion), the density of the proposed development will increase to 4.8 lots per developable acre.

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

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

5. The potential zoning of the property is R-2, High Density Residential, according to the Comprehensive Plan's Land Use Map designation for the property (High Density Residential). The City Council, in 1992, decided that this particular property would not be appropriately zoned as High Density Residential. No further application for such rezoning has been made. Based upon the City Council's 1992 action, the current zoning is the most appropriate zoning and is therefore in conformance with the Comprehensive Plan's land use designation for the property.

The minimum lot size for parcels in the R-1 zone (the current zoning) is 7,000 square feet. All lots in the proposed development are at least 7,000 square feet in size.

6. The subject property is not identified as one of the "unique" sites or "areas of special concern".

**iv. Environmental Concerns**

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

**TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION.**

**TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

### ANALYSIS

1-R-A. The parcels are not being used agriculturally, nor have they been in the recent past.

1-R-B. The property is currently within the City limits and considered both to be non-agricultural and urbanizable.

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

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

4-R. Noise will be expected as a result of residential construction. No other noise pollution concerns are expected.

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 are no sand and gravel operations within the City limits.

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

7-R. Residential development will affect the scenic and aesthetic quality of the City. The vacant land is "open space", however there has been no official designation of this property as "open space". Urbanization of land within the Urban Growth Boundary is permitted.

The review of that development takes into consideration the scenic and aesthetic quality of that development. Street trees will be provided as a part of the subdivision and will help to improve the scenic quality of the area.

8-R. The subject property is considered to be open space at this time. Preservation of the full property in perpetuity is impractical. The Parks Master Plan does not call for any new park facilities in this general area.

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

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

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

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

**v. *Transportation***

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

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

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

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

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

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

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

### **ANALYSIS**

1. The City has adopted a Transportation Master Plan that specifies the City's responsibilities, and acknowledges the County's and State's responsibilities for improving existing roads due to normal travel wear. The Transportation Master Plan also recognizes that as vacant property abutting a road in need of improvement develops, the development is responsible for the necessary improvements.
2. Territorial Road is an arterial street according to the City's Transportation Master Plan. Territorial Road is a County-maintained road. Territorial Road will provide access to two of the proposed development's seven lots. N.E. 17th Avenue, a local street, will be extended to provide access to the proposed development's other five lots.

Territorial Road will need to be improved to arterial street standards. The needed improvements will include some street widening, curbs, sidewalks, bike lanes, and street trees. The existing right-of-way width, sixty (60) feet, is sufficient for the City's arterial right-of-way width standards.

N.E. 17th Avenue will be extended. The existing right-of-way width for this local street is sixty (60) feet, with forty (40) feet of paved width. The City's current local road standard calls for forty (40) feet of right-of-way and thirty-six (36) feet of paved width. The Public Works Supervisor is requesting that the right-of-way for N.E. 17th Avenue within the proposed development be fifty (50) feet wide with the forty (40) foot wide paved surface be continued. Eventually, N.E. 17th Avenue will be connected to N. Oak Street, which has currently been developed as a half street with thirty (30) feet of right-of-way and twenty (20) feet of paved surface.

With the proposed development, N.E. 17th Avenue will be a dead-end street approximately 400 feet in length. This is under the maximum cul-de-sac (dead-end) street length permitted in the City of 450 feet.

Street trees are required as a part of land division development. The location of the planting of the trees needs to be both compatible with the placement of the utilities for the subdivision and such that the trees have adequate room to grow. For the local streets, with the right-of-way width of forty (40) feet and the paved street width of thirty-six (36) feet, and the provision for sidewalks, there is not a lot of extra right-of-way space. In order to accommodate utilities and street trees, with the limited right-of-way space street trees are to be planted eleven (11) feet behind the curb. A tree-planting easement has not been proposed behind the right-of-way. If one is provided, it will allow the City to plant the trees, if the developer pays for the cost at \$75 a tree. Otherwise, if the developer desires to have the City plant the trees, the cost is \$165 per tree. The number of trees required will be according to the trees selected, generally one per lot. Larger trees need more space, and therefore, fewer will be planted than smaller trees. The type of trees to be planted, and spacing requirements, will be according to the Recommended Street Tree List.

3. There is one major intersection near the subject property, the intersection of N.E. Territorial Road (an arterial) and N. Maple Street (a collector). At this time, this intersection is not considered to be a "problem intersection". A traffic study with the proposed subdivision, Country Club Estates Annex No. 4, a 25-lot subdivision at the north end of N. Maple Street (SUB 94-02), indicated that the intersection of N.E. Territorial Road and N. Maple Street is not considered to be a "problem intersection". This proposed subdivision (Canby Country Estates) will

have less of an impact on the subdivision than Country Club Estates Annex No. 4 would have, according to the number of lots in each proposed subdivision. The City has adopted a Transportation Systems Development Charge (SDC). This subdivision development will contribute to the improvement of that intersection through the SDC at the time the individual homes are constructed within the subdivision.

4. Sidewalks will be required for both sides of the local streets within the proposed subdivision, and for the south side of Territorial Road along the subject property's Territorial Road frontage. The sidewalks will be required to be five (5) feet wide and placed alongside the curb. The sidewalks will be looped around mailboxes and other obstructions to provide a clear five (5) foot sidewalk.

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

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

6. The applicant attempted to include any improvements that would be required for emergency vehicle access and use. However, through miscommunication, a turn-around that will be needed was not included on the plat. The turn-around, needed for fire trucks, will need to be at least sixteen (16) feet wide and twenty (20) feet deep, located either on the north or the south side of the extension of N.E. 17th Avenue, at the east end of that extension. This turn-around is not to be used for parking and signs to this effect will need to be posted in the turn-around.

7. The widening of Territorial Road will allow room for a bicycle lane.

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

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

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

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

12. The subject property is on a county road which serves as an access road into the City. The improvements to N.E. Territorial Road required as a part of development of the property will enhance this entrance 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 have been received from the Fire District, Canby School District, Canby Telephone Association, NW Natural Gas, Public Works Department, and the Sewer Department. All have indicated that adequate facilities and/or services are available, or will be made available through the development. Clackamas County, and Canby Utility Board have not responded by the time that this report was written. There have not been any indication, official or otherwise, of the inability of the Canby Utility Board in providing additional services.



Clackamas County has recently expressed concern regarding the "ownership", "control", and maintenance of County roads within the City. Additionally, the County standards for an arterial road usually call for at least seventy (70) feet of right-of-way width. The concerns that the County has been raising recently tend toward design standards conflicts between the City and the County. There has been no indication that N.E. Territorial Road is inadequate to handle the traffic expected to be generated by the proposed subdivision.

Easements for utility construction and maintenance will be required. The access drive for the flag lot will have a utility easement, meeting the condition requested by NW Natural Gas. The Canby Utility Board does not have the information necessary to provide specific comments regarding the water and electric distribution systems within the subdivision. The water and electric utilities, including street lights, need to conform to the Canby Utility Board requirements, and other utility provision and construction will need to conform to the respective utility requirements. One fire hydrant will be needed at the east end of N.E. 17th Avenue. Another fire hydrant will be needed on the south side of N.E. Territorial Road, between N. Maple Street and Country Club Road.

2. Needed 'public improvements' range from street widening, curbs, sidewalks, street trees. All of these improvements have been discussed under the Transportation Element discussion.
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 subdivision development will contribute to those improvements through the SDC's at the time that homes are constructed on the subdivision's individual lots.
4. The City's internal organization is not germane to this application.
5. The City has adopted a Parks Master Plan in which appropriate sites or areas for recreation facilities are identified. No new park or recreation facilities are identified for this area.

**vii. Economic**

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

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

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

### **ANALYSIS**

1. The proposed development is not industrial in nature, nor does the current zoning of the subject property allow industrial development.
2. The proposed development is not commercial in nature, nor does the current zoning of the subject property allow commercial development.
3. Development of this site, with homes, will provide residences for Canby business owners and employees, and also will provide a few employment opportunities and expand the market for Canby businesses.
4. The subject parcels are not currently used agriculturally, nor have they been in the recent past.

### **viii. Housing**

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

- Policy #1: Canby shall adopt and implement an urban growth boundary which will adequately provide space for new housing starts to support an increase in population to a total of 20,000 persons.
- Policy #2: Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing.
- Policy #3: Canby shall coordinate the location of higher density housing with the ability of the city to provide utilities, public facilities, and a functional transportation network.

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

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

### **ANALYSIS**

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

2. The proposed development will increase the overall housing density, as the development's density is at the "average" range of the potential for the property and approximately the same as the average densities used to calculate the amount of land needed for low density residential areas called for in the Comprehensive Plan.

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

4. The proposed development does not include housing for low income persons.

5. The proposed development is not a mobile home development.

### ***ix. Energy Conservation***

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

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

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

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

### **ANALYSIS**

1. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.
2. The orientation of the subject property in this proposal does meet the basic solar access standards for new residential developments. The percentage of lots complying with the basic solar access standard is approximately 85.7%.
3. Any building will be required, as a part of the building permit review process, to be reviewed for compliance to the Solar Ordinance.
4. The City's transportation standards, and this development, are in accordance with the City's Transportation Master Plan.
5. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.

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

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

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

**16.64.010 Streets.**

The right-of-way width for N.E. 17th Avenue is shown to meet the local road standards. The Public Works Supervisor is requesting that the paved width of N.E. 17th Avenue be forty (40) feet in order to match the paved width of the existing portion of N.E. 17th Avenue. The right-of-way would need to be enlarged to fifty (50) feet to accommodate the additional paved width.

The pre-construction plans for the subdivision will need to include the following for verification that all street construction standards will be complied with:

street construction and paving, curbs, sidewalks, utilities (telephone, cable, gas, electric, water, sewer), drywells, street lights, street trees, fire hydrant locations.

A 1-foot reserve strip has been proposed for the east end of N.E. 17th Avenue. The reserve strips will provide control of access to S.E. 10th from the undeveloped property to the south.

The only undeveloped property that would have access through this subdivision is located to the east. Access for the land to the east has been provided through N.E. 17th Avenue.

**16.64.030 Easements.**

Six foot utility easements will be required to be located along all interior lot lines, with twelve foot utility easements for the street lot lines. A twelve foot tree-planting easement could also be provided along all street lot lines, which would allow the City to plant street trees at the desired location (11 feet from the curb), if the developer pays the cost of \$75 per tree.

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

#### **16.64.040 Lots.**

The lots will range in size from approximately 7,023 square feet to 10,720 square feet. The subdivision will meet the required minimum average lot size of 7,000 square feet, and will be of such dimensions as not to preclude development with single-family homes for reasons of insufficient room for required setbacks. All lots are functional for residential uses. Direct access to N.E. Territorial Road from the lots that abut on N.E. Territorial Road will be permitted.

The overall lot sizes may be reduced in size if the right-of-way for N.E. 17th Avenue is widened to fifty (50) feet from the proposed forty (40) feet. All lots will still be able to comply with the minimum lot size of 7,000 square feet and will still be able to comply with the basic solar standards.

#### **16.64.070 Improvements.**

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

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

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

#### **IV. CONCLUSION**

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

## **V. RECOMMENDATION**

Based on the application, site plan, the facts, findings and conclusions presented in this report, and without benefit of public testimony, staff recommends that should the Planning Commission approve, with conditions, SUB 95-03, that the following conditions apply:

For the Final Plat:

1. Twelve (12) foot utility easements shall be provided along all exterior lot lines. The interior lot lines shall have six (6) foot utility easements as proposed by the applicant. A utility easement shall be provided along the full width and length of the access drive to lot 2.
2. The final plat shall reference this land use application - City of Canby, File No. SUB 95-03, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits requested subsequent to the date of this approval.
3. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor, or his authorized Deputy, including, but not necessarily limited to, various matters related to land surveying, land title, plat security, and plat recordation.
4. A turn-around shall be provided at the east end of N.E. 17th Avenue. The turn-around shall be at least sixteen (16) feet wide and at least twenty (20) feet deep.

### Possible Condition:

- 4(a). The right-of-way for N.E. 17th Avenue shall be fifty (50) feet wide, and the paved width of N.E. 17th Avenue shall be forty (40) feet wide. The additional width for both the paved surface and the right-of-way shall be obtained from the south side of the proposed right-of-way and paved surface.

As a part of construction:

5. A Street Construction and/or Encroachment Permit shall be obtained from the Clackamas County Department of Transportation and Development prior to road construction and/or work along N.E. Territorial Avenue.
6. "No parking" signs shall be posted in the turn-around at the east end of N.E. 17th Avenue. The curbs shall be painted for no parking.

7. Two new fire hydrants shall be provided. One shall be provided at the east end of N.E. 17th Avenue, opposite of the turn-around. The second shall be provided on the south side of N.E. Territorial Road, between N. Maple Street and Country Club Drive.
8. Any necessary utilities shall be constructed to the specifications of the utility provider.
9. A pre-construction conference shall be held prior to construction. The pre-construction plans shall be reviewed and approved by the Canby Utility Board, the Canby Telephone Association, Clackamas County (Territorial Road) and the City prior to the pre-construction conference. The City's review and approval shall be coordinated through the Planning Office. The construction plans shall include the street design, sidewalks, storm water, sewer, water, electric, telephone & cable, gas, fire hydrant location, street lights, and street trees.
10. Street name and traffic control signs shall be provided at the developer's expense.
11. Erosion-control during construction shall be provided by following the recommendations of the "Erosion Control Plans Technical Guidance Handbook," as used by Clackamas County, dated August 1991, and as revised.
12. The construction of the sewer system and street storm water system for the subdivision shall meet the standards and specifications of the City for the local streets and the County for Territorial Road.
13. All local streets shall be constructed to the City specifications and standards. The widening of N.E. Territorial Road shall be constructed to the City and the County specifications and standards. The improvements shall include the street, curbs, sidewalks, street lights, and street trees.
14. The sidewalks shall be located against the curb, and shall be five-foot wide, including the curb. Where mailboxes, newspaper boxes or other obstructions (such as fire hydrants) are located at the curb, the sidewalk shall be set away from the curb such that the sidewalk remains unobstructed for a full five-foot width.
15. Street trees shall be planted along all streets. The type of street trees to be planted along all the streets shall be selected from the Recommended Street Tree list. The trees shall be a different variety for each street. The number of street trees to be planted shall be in accordance with the recommended spacing for the selected tree. The trees shall be planted eleven (11) feet from the street curb.



**Prior to the signing of the Final Plat:**

16. The subdivision development fee, as provided in the Land Development and Planning Ordinance Section 16.68.040(G), shall be paid.
17. The land divider shall follow the provisions of Section 16.64.070 Improvements, in particular, but not limited to, subparagraph (O) Bonds, which requires a surety bond, personal bond, or cash bond for subdivision improvements for any improvement not completed prior to the signing of the final plat. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.

**After construction:**

18. "As-built" drawings shall be submitted to the City within sixty (60) days of completion.
19. Garages shall be set back a minimum of nineteen (19) feet from the back of the sidewalk. The distance shall be measured from the closest edge of the sidewalk at the driveway.

**Additional Notes:**

20. The final plat must be submitted to the City within one (1) year of the approval of the preliminary plat approval according to Section 16.68.020.
21. The approval will be null and void if the final plat is not submitted to the County within six (6) months after signing of the plant by the chairman of the Planning Commission (Section 16.68.070).

**Exhibits:**

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

**SUBDIVISION APPLICATION**

Fee: \$900 +  
\$30/lot

**OWNER**

**APPLICANT**

Name Ronald E. Dyches

Name \*Deuce Development

Address 8785 S.E. 137th

Address 406 N.W. Glisan St

City Portland State OR Zip 97238

City Portland State OR Zip 97209

SIGNATURE Ronald E. Dyches

Phone: 228-0222

(503) 761-4144

\*Please send all correspondence to:  
L.R. BUCKLEY, P.E.  
738 E. Burnside St., Portland, OR 97214

**DESCRIPTION OF PROPERTY:**

Tax Map 3 1E 28DD Tax Lot(s) 2200 & <sup>2300</sup>~~2200~~ Lot Size 1.69 ac.  
(Acres/Sq. Ft.)

234-3252  
233-4836 fm

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 w/rental house @ 735 Territorial Road  
Proposed 7 lot subdivision, remove rental house, build new single family home

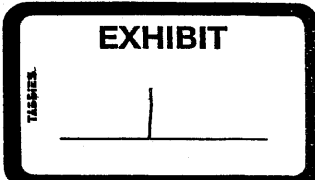
Existing Structures Rental house @ 735 Territorial Road to be demolished.

**PROJECT DESCRIPTION**

See Attached

ZONING R-1 COMPREHENSIVE PLAN DESIGNATION High Density Residential  
PREVIOUS ACTION (if any) ZC - 92 - 02

File No. SUB 95-03  
Receipt No. 9444  
Received by JSW  
Date Received 5/16/95  
Completeness Date \_\_\_\_\_  
Pre-App Meeting \_\_\_\_\_  
Hearing Date 6/17/95



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

## "CANBY GARDEN ESTATES"

The site consists of two (2) large tax lots (2200 and 2300) totalling approximately 1.69 acres in size, the address of which is 735 N. E. Territorial Road, Canby, Oregon. Besides two (2) proposed lots (one flag lot) whose access is directly on N. E. Territorial Road, the Developer (Deuce Development of Portland) proposes five (5) generous sized lots averaging 9,760 S.F. in area fronting on the extension of N. E. 17th Avenue. Subject street would be improved to City of Canby "Local Street" Standards and would be constructed from its present termination point, approximately 187 l.f. to the east property line of the new subdivision, "Canby Garden Estates." Said street would be installed with curbs, sidewalks and street trees - both sides of a 36 ft. wide improvement. The proposed right-of-way to be 40 ft. with a 12 ft. wide utility easement on both sides. Existing right-of-way of N.E. 17th is 60 ft.

Canby Water is located on Territorial Road. There exists a 6" dia. main connecting the 12" main on Territorial to N. E. 17th along the west property line of the proposed subdivision. There also exists a fire hydrant approx. 210 L.F. on N. E. 17th west of the site. All necessary utilities surround these two (2) tax lots, including sanitary sewer in both Territorial Road and N. E. 17th -- see Tentative Plat Map.

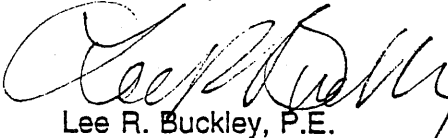
Site is fairly flat; gently sloping to the northeast. It is the intent of the developer to demolish the existing rental house known as 735 N.E. Territorial Road, and allow a builder to build a new residence whose "footprint" will conform to the R-1 zone setbacks.

The "flag lot" (proposed Lot 2) has been created such that the "flag" portion of this lot is 7501 S.F. and hence the size of new Lot 1 is 7,023 .S.F. Therefore, both new parcels on Territorial Road will satisfy minimum lot size requirements in the R-1 zone.

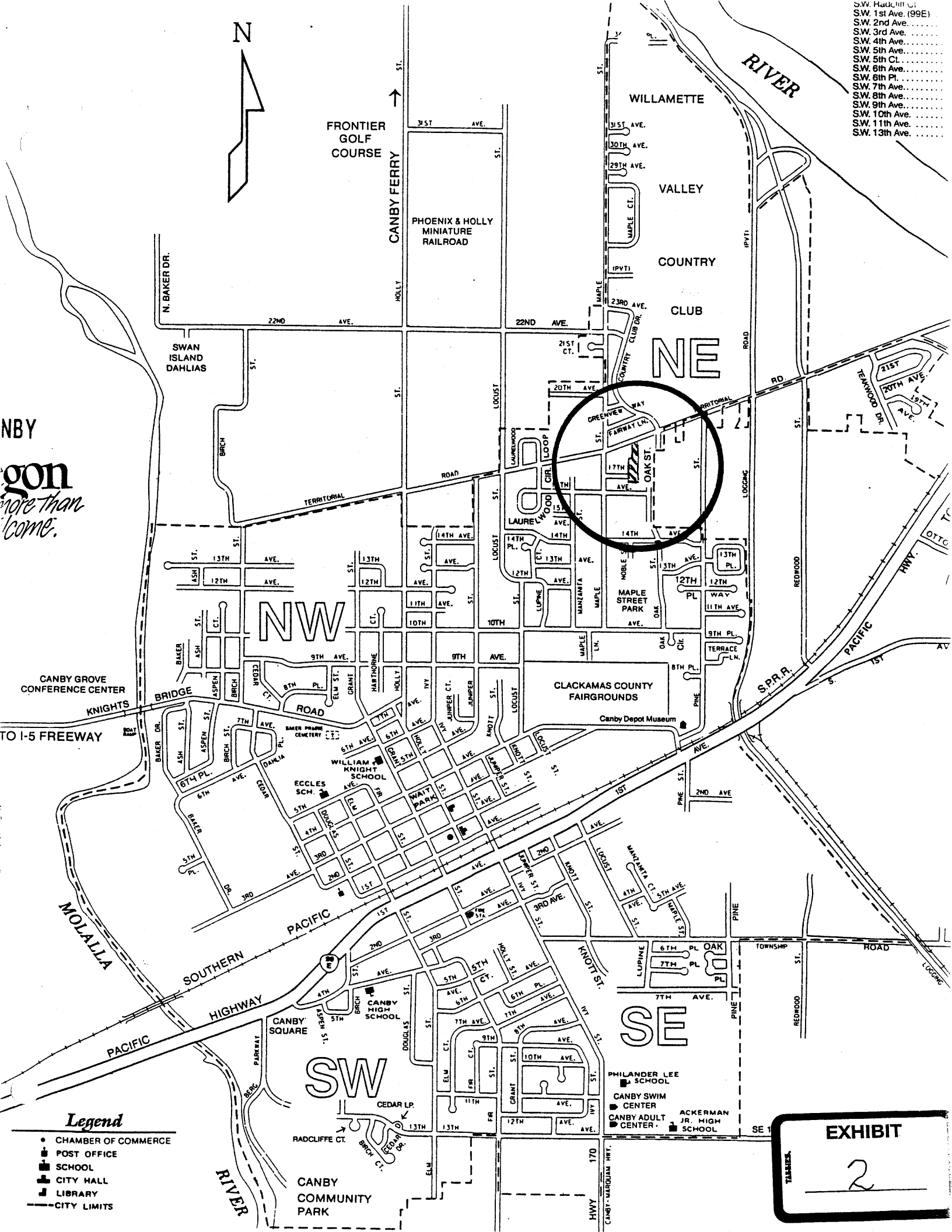
It is the intent of the Developer to record the plat of "Canby Garden Estates" this summer together with completing the extension of N. E. 17th Avenue.

We respectfully request the approval of the City of Canby Planning Commission the evening of June 12, 1995, as we sincerely feel we have put forth a subdivision proposal that clearly meets the intent of the City's Comprehensive Plan and Zoning Criteria together with keeping the compatibility and spirit of the immediate surrounding neighborhood.

Respectfully submitted,



Lee R. Buckley, P.E.

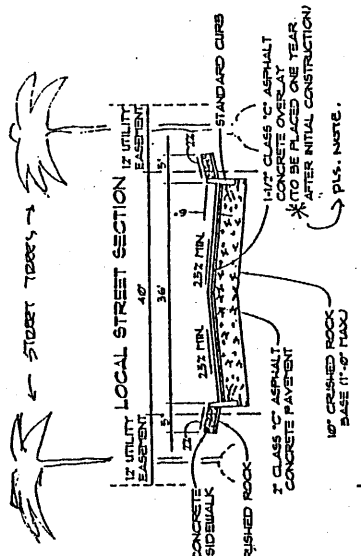
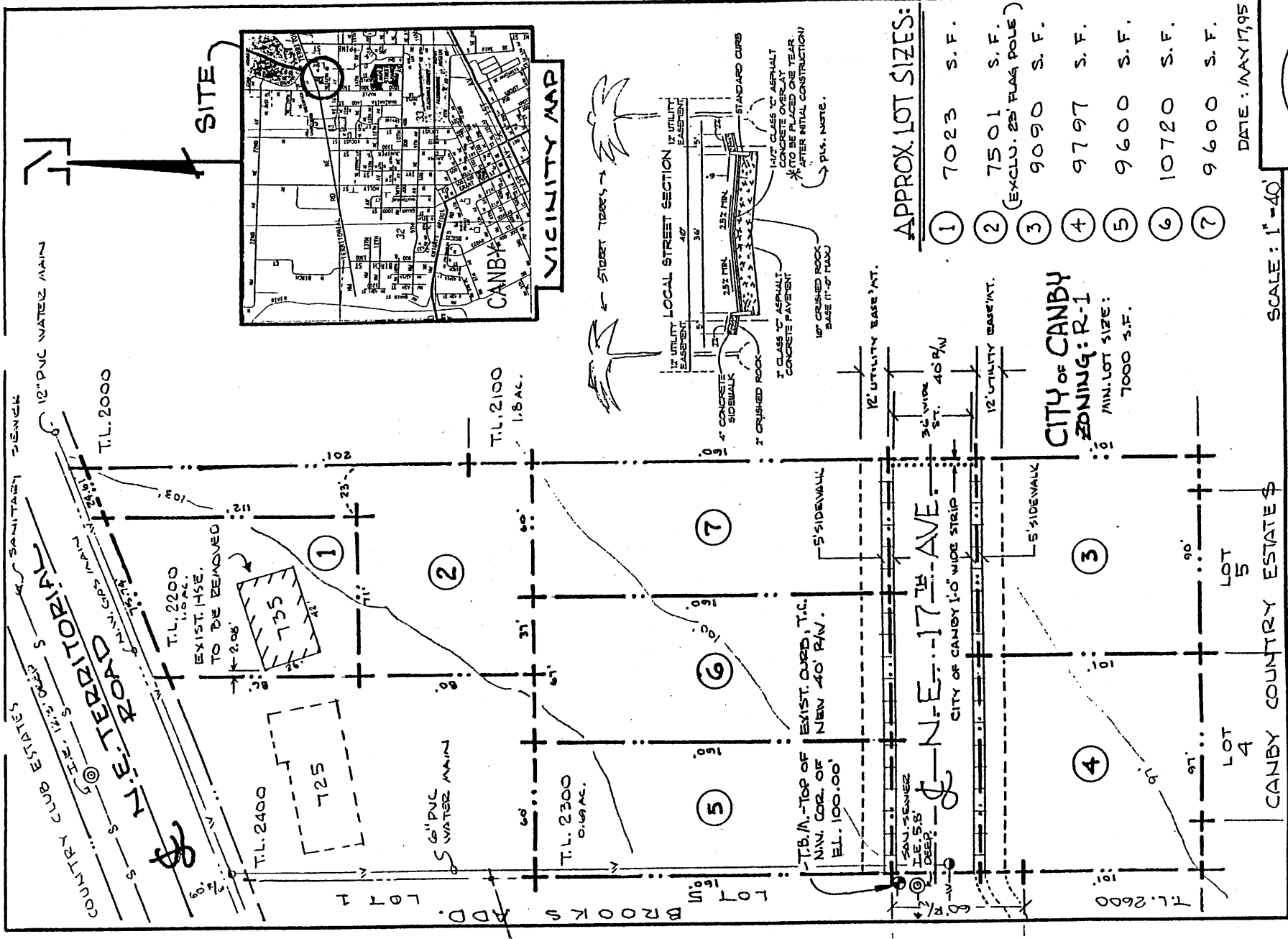


- S.W. 1st Ave. (99E)
- S.W. 2nd Ave.
- S.W. 3rd Ave.
- S.W. 4th Ave.
- S.W. 5th Ave.
- S.W. 5th Ct.
- S.W. 6th Ave.
- S.W. 6th Pl.
- S.W. 7th Ave.
- S.W. 8th Ave.
- S.W. 9th Ave.
- S.W. 10th Ave.
- S.W. 11th Ave.
- S.W. 13th Ave.

Canby  
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**EXHIBIT**  
 2

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



**APPROX. LOT SIZES:**

1	7023	S. F.
2	7501	S. F.
3	9090	S. F.
4	9797	S. F.
5	9600	S. F.
6	10720	S. F.
7	9600	S. F.

(EXCLU. 25' FLAG POLE)

DATE: MAY 17, 95

SCALE: 1"=40'

TENTATIVE PLAT FOR A  
7 - LOT SUBDIVISION:

**CANBY GARDEN ESTATES**  
 T.L. 2200 & 2300, 341 E 25th, 735 N.E. TERRITORIAL RD., CANBY, ORE.  
 PREPARED BY: LEE R. BUCKLEY, P.E., 738 E. BURNSIDE ST., PORTLAND, OR



EXHIBIT

3

7512512

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: May 22, 1995

TO: FIRE, POLICE, CUB, SCHOOLS, TOM PIERSON/ TODD SCHMIDT, NW NATURAL GAS,  
CLACKAMAS COUNTY [BILL SPEARS], MIKE JORDAN, JOHN KELLEY, ROY, STEVE

The City has received SUB 95-03, an application by Deuce Development [applicant] and Ronald E. Dyches [owner] for approval to demolish an existing home and construct a 7-lot single family subdivision. The property is located at 735 Territorial Road [Tax Lots 2200 and 2300 of Tax Map 3-1E-28DD].

We would appreciate your reviewing the enclosed application and returning your comments by May 30, 1995 PLEASE. The Planning Commission plans to consider this application on June 12, 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:

1 FIRE HYDRANT AT THE END OF 17<sup>TH</sup> AVE.  
~~1 " " BETWEEN THE HYDRANT AT~~  
1 FIRE HYDRANT ON TERRITORIAL BETWEEN N. MAPLE ST.  
& COUNTRY CLUB DR. ON THE SOUTH SIDE OF THE ROAD.  
PROVIDE A TURN AROUND AT THE EAST END OF STREET,  
16' WIDE BY 20' DEEP.

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: *Ln Harbrough*

Date: 5-2

EXHIBIT

4

6 pages

*Return  
to  
City*

RECEIVED MAY 23 1995

# PLEASE RETURN ATTACHMENTS!!!

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P.O. Box 930, Canby, OR 97013

[503] 266-4021

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Comments or Proposed Conditions:

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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: \_\_\_\_\_

*Tom Pierson*

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

*5/24/95*

# PLEASE RETURN ATTACHMENTS!!!

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P.O. Box 930, Canby, OR 97013

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DATE: May 22, 1995

TO: FIRE, POLICE, CUB, SCHOOLS, TOM PIERSON/ TODD SCHMIDT, NW NATURAL GAS,  
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Comments or Proposed Conditions:

none

Please check one box:

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

Signature: Steve Hanson

Date: 5/23/95



# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: May 22, 1995

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Comments or Proposed Conditions:

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Please check one box:

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- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: Stephen Miller

Date: 5-24-95

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: May 22, 1995

TO: FIRE, POLICE, CUB, SCHOOLS, TOM PIERSON/ TODD SCHMIDT, NW NATURAL GAS, CLACKAMAS COUNTY [BILL SPEARS], MIKE JORDAN, JOHN KELLEY, ROY, STEVE

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Comments or Proposed Conditions:

The Street Right of Way should be increased to 50 ft. so we could have 40 ft of pavement. Now the Street proposed is a Local Street. The Long Range plan is to continue N.E. 17th to N. OAK which these streets are 40 ft of pavement. Along the frontage of Territorial curb & sidewalk will need to built. Also a storm system will need to be installed. ~~The~~ The area along Territorial has no storm system. This will need to be done to county specification

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 Master Date: 5-30-95

# PLEASE RETURN ATTACHMENTS!!!

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P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: May 22, 1995

TO: FIRE, POLICE, CUB, SCHOOLS, TOM PIERSON/ TODD SCHMIDT, NW NATURAL GAS,  
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Comments or Proposed Conditions:

*NW Natural Gas requests a 10' utility easement on the east side of roadway to lot (2) for installation purposes*

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: *Langley*

Date: *5/30/95*

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

**TO:** *Planning Commission*

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

**DATE:** *June 1, 1995*

**RE:** *DR 95-09 Site and Design Review Application*

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The applicant is requesting that the application to construct an office/retail building, approximately 2400 square feet in size, on the northwest corner of S. Ivy Street and S.E. 2nd Avenue, be continued to the June 26, 1995 Planning Commission meeting. During the staff review of the proposal, three comments were returned which indicated either a strong desire or a request to have the entrance to the lot from S.E. 2nd Avenue instead of being from S. Ivy Street. Due to the site size and setback constrictions, a revision to accommodate these concerns has been difficult. The applicant will be developing a revision with access to S.E. 2nd Avenue. When this revision is submitted to the Planning Department, a full staff report will be completed.