

**A G E N D A**  
**CANBY PLANNING COMMISSION**  
**SPECIAL MEETING**  
**CITY COUNCIL CHAMBERS**  
**MONDAY, JUNE 5, 1995**  
**7:30 P.M.**

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**I.           ROLL CALL**

**II.          MINUTES**

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

**IV.         COMMUNICATIONS**

**V.          NEW BUSINESS**

**VI.         FINDINGS**

**VII.        PUBLIC HEARINGS**

*MLP 95-03*, an application by Sharpcor, Inc. for approval to partition a 2.5 acre parcel into two parcels. Parcel 1 would retain the existing home on a 6,800 square foot lot, and Parcel 2, 2.35 acres, would eventually be developed with apartments. The site is located on the east side of S. Pine Street, north of Township Road [Tax Lot 900 of Tax Map 3-1E-4C]. *Continued from May 22, 1995.*

*DR 95-08*, an application by Hi-Tech Builders for approval to add 9,360 square feet and a loading dock, to an existing building, which will be used primarily as a warehouse. The property is located on the south side of N.E. 3rd Avenue, just south of Locust Street [Tax Lot 2100 of Tax Map 3-1E-33DB]. *Continued from May 22, 1995.*

*CUP 95-02*, an application by Joe and Robin Marcinkiewicz for approval to convert a building on Highway 99-E [formerly Roth's Heating] for the manufacture and sales of precision brass mouthpieces and musical instruments. The site is located at 593 S.E. 1st Avenue [Tax Lot 5000 of Tax Map 3-1E-33DB]. *Continued from May 22, 1995.*

*CUP 95-01*, an application by the Church of Christ for approval to construct a single-story church building with seating capacity for 120 people. The site is located on the northwest corner of N.W. 4th Avenue and N. Elm Street [Tax Lot 101 of Tax Map 3-1E-33CC].

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

KURT SCHRADER, CHAIR  
STAN ELLIOT  
CARLIN JACKSON

LINDA MIHATA, VICE-CHAIR  
DAN EWERT

BOB GUSTAFSON  
TAMARA MAHER



**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.





**PLANNING COMMISSION  
TESTIMONY SIGN-IN FORM**

**Date: June 5, 1995**

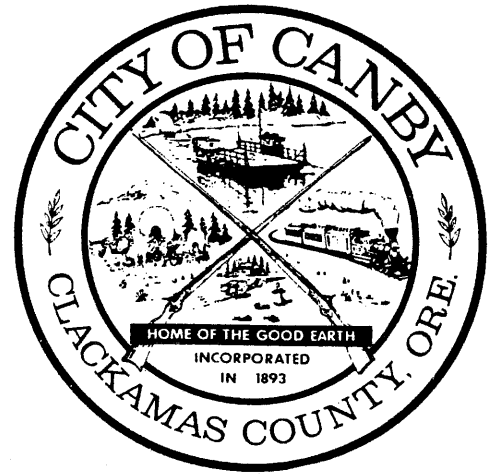
**PLEASE PRINT CLEARLY**

**NAME**

**ADDRESS**

Brian Ward  
Stacey Kraticek  
LEE DUMMER  
Joseph M. Moxley  
Judy R. Canham  
Kevin S. May  
Guy Gibson  
Bud West

# **-STAFF REPORT-**



**APPLICANT:**

Lawrence Sharp (Sharpcor, Inc.)  
3387 Winola Avenue S  
Salem, OR 97302

**FILE NO.:**

MLP 95-03

**OWNER:**

George A. & Patsy J. Miller  
420 S. Pine Street  
Canby, OR 97013

**STAFF:**

James S. Wheeler  
Assistant Planner

**LEGAL DESCRIPTION:**

Tax Lot 900 of Tax Map 3-1E-34C

**DATE OF REPORT:**

May 12, 1995

**LOCATION:**

420 S. Pine Street (formerly 540 S. Pine Street)  
North of Township Road

**DATE OF HEARING:**

June 5, 1995  
(Continued from May 22, 1995)

**COMP. PLAN DESIGNATION:**

High Density Residential

**ZONING DESIGNATION:**

R-2 (High Density Residential)

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval to partition a 2.5 acre parcel into two parcels, approximately .12 acres (5200 square feet) and 2.25 acres, respectively, with approximately .13 acres in road right-of-way dedication. The property is located on S. Pine Street, at the northern end of the old gravel portion of the road north of Township Road.

## **II. APPLICABLE CRITERIA:**

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

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

## **III. OTHER APPLICABLE CRITERIA**

- A. 16.20.030 Development Standards in R-2 Areas
- B. 16.56 General Provisions (for land divisions)
- C. 16.60 Major or Minor Partitions
- D. 16.64 Subdivisions - Design Standards

## **IV. FINDINGS:**

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

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 900 of Tax Map 3-1E-34C. It is located on the east side of S. Pine Street, north of S.E. Township Road. S. Pine Street, in front of this parcel and south to Township Road, is a twenty-foot wide gravel road. The property consists of approximately 2.5 acres. There is approximately 290 feet of frontage along S. Pine Street.

The partition will separate the existing home (420 S. Pine Street) on a 5,200 square foot lot, from the rest of the property. The actual resultant size of the lot that will have the existing home is less than shown on the plat because the plat did not show the required right-of-way dedication. The future use of the remainder of the property is intended for apartments. The existing garage and shop are to be removed.

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

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

### *i. Citizen Involvement*

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

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

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

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

### **ANALYSIS**

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

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

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

*ii. Urban Growth*

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

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

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

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

**ANALYSIS**

1. The property is entirely within both the Urban Growth Boundary and the City Limits. No direct input from the County has been determined to be necessary or desirable nor was any sought.
2. No changes to the Urban Growth Boundary are proposed with this application.
3. All necessary urban services are, or will be available for the partition (see discussion under Public Services Element).

*iii. Land Use Element*

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



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

## ANALYSIS

1. There is currently one existing single family home on the property. The properties to the south and west are zoned High Density Residential (R-2), the same as the subject property. The properties to the north and east are zoned Light Industrial (M-1). There are currently no plans for any industrial uses to the north or to the east. A filbert orchard is located on the property to the north, and the property to the east is farmed. The property to the west, across S. Pine Street, has been approved for apartments (Marlon South Apartments - 92 units, DR 94-01). There are currently no development plans for the property immediately to the south. A 28-unit apartment complex (Canby Apartments, DR 95-05) has been approved for two properties to the south.

At the time that the industrial land to the north and west are developed, buffering will be required for the boundaries of those properties with the subject property. Additionally, any development of the 2.35 acre portion of the subject property will require further review (Site and Design Review or Subdivision/Partition review), in which designs sensitive to the industrial/residential nature of the surrounding properties and the subject property will be required.

2. The partition of the property will permit the applicant to efficiently utilize proposed parcel 2 for high density residential development while allowing proposed parcel 1 to be retained with the existing single family home.
3. Request for comments have been sent to all public facility and service providers (see discussion under Public Services Element).
4. No natural hazards have been identified on the subject property.
5. The zoning of the property, R-2, High Density Residential, is consistent with the Land Use Map designation for the property (High Density Residential). The minimum lot size for parcels in the R-2 zone is 5000 square feet, and both parcels will meet the minimum lot size.
6. The subject property is within the "areas of special concern" O. The Comprehensive Plan' description of this area is now outdated. City sewer service was constructed in S. Pine Street during the summer of 1994. All of the properties in area O have been annexed into the City, and all are zoned High Density Residential, R-2. The subject property was annexed in 1991. S. Pine Street is still an unimproved 20-foot gravel road. Approximately 160 feet to the north is an existing, paved 20-foot portion of S. Pine Street that connects with S.E. 3rd Avenue.

The east side of this portion of S. Pine Street is expected to be improved when the industrial property to the north is developed. As a part of the Marlon South Apartment complex approval, to the west, the west side of S. Pine Street north to the improved half-street will be constructed. At this time, there are no plans for improvement or widening of S. Pine Street south to Township Road.

*iv. ENVIRONMENTAL CONCERNS*

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

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

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

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

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

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

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

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

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

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

- Policy #8-R: Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.
- Policy #9-R: Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.
- Policy #1-H: Canby shall restrict urbanization in areas of identified steep slopes.
- Policy #2-H: Canby shall continue to participate in and shall actively support the federal flood insurance program.
- Policy #3-H: Canby shall seek to inform property owners and builders of the potential risks associated with construction in areas of expansive soils, high water tables, and shallow topsoil.

## **ANALYSIS**

1-R-A. The subject property has Class I soils, and there are some old orchard trees on the site. The land use designation of the property is for residential and the property is currently within the City limits with all necessary infrastructure readily available.

1-R-B. The subject property, while currently under-utilized, is considered to be urbanized. The annexation and rezoning of the property (rezoning occurring with and due to the annexation) were for the purposes of future residential development of the subject (and neighboring) properties.

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

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

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

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

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

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

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

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

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

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

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

v. **TRANSPORTATION**

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

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

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

- Policy #3: Canby shall attempt to improve its problem intersections, in keeping with its policies for upgrading or new construction of roads.
- Policy #4: Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents.
- Policy #5: Canby shall actively work toward the construction of a functional overpass or underpass to allow for traffic movement between the north and south side of town.
- Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.
- Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.
- Policy #8: Canby shall work cooperatively with the State Department of Transportation and the Southern Pacific Railroad Company in order to assure the safe utilization of the rail facilities.
- Policy #9: Canby shall support efforts to improve and expand nearby air transport facilities.
- Policy #10: Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.
- Policy #11: Canby shall work with private developers and public agencies in the interest of maintaining the transportation significance as well as environmental and recreational significance of the Willamette River.
- Policy #12: Canby shall actively promote improvements to state highways and connecting county roads which affect access to the city.

## ANALYSIS

1. Road improvements will be needed for S. Pine Street. Construction of the improvements will not be necessary until future development of parcel 2 occurs. If construction of the needed half-street improvements are delayed until parcel 2 is developed, then the improvements that are needed in front of parcel 1 will be the responsibility of the

development of parcel 2 for completion. The right-of-way width for S. Pine Street will ultimately be 50 feet, as S. Pine Street is a collector street. An additional 20 feet of right-of-way is required from the properties on the east side of S. Pine Street, including the subject property. Any other improvements necessary for the development of parcel 2 will be reviewed at some future date with the specific development plans of parcel 2.

The construction of S. Pine Street/S.E. 3rd Avenue/S. Redwood Street, including the sewer that was constructed through the portion of S. Pine Street that fronts the subject property, was funded through the City and advanced financing. The partition will split the subject properties reimbursement responsibility between the two proposed parcels.

2. Construction of S. Pine Street is not needed until parcel 2 is developed.
3. The nearest major intersection to the subject property is the intersection of S. Pine Street and S.E. Township Road. At this time, that intersection is not considered to be a "problem intersection". The proposed partition will not impact the intersection, as no other development is currently proposed. Future development will be reviewed for the potential traffic impacts that might be generated.
4. Sidewalks will be required for the property's frontage along S. Pine Street at the time that S. Pine Street is improved.
5. The subject property is not involved in any possible overpass or underpass of Highway 99-E and the railroad.
6. The fire district and police department have responded to the Request for Comments and have indicated that both adequate services are available and no further conditions related to the proposed partition are necessary in view of the functions of the police department. The fire district does need the existing house to be addressed, as 420 S. Pine Street. The current access, along the graveled portion of S. Pine Street, is sufficient for the existing development.
7. South Pine Street will eventually be built to "collector" standards, which will have room for the provision of a bike lane.
8. The existing use and the proposed use of the property have no specific use for the rail facilities that exist in Canby.
9. The proposed partition has no bearing on efforts to improve or expand nearby air transport facilities.

10. The mass transit system in operation in Canby has no direct bearing on the proposed partition. No future transit stops have been proposed. The City has adopted a Transportation Master Plan study which included mass transit considerations. Any future development of the property will be reviewed in light of the Transportation Master Plan.

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

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

*vi. PUBLIC FACILITIES AND SERVICES*

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

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

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

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

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

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

**ANALYSIS**

1. All needed public facility and service providers were sent a "Request for Comments" regarding this application. Positive responses were received from the Public Works Department, Waste Water Treatment Plant, Police Department, Fire District. All have indicated that adequate facilities and/or services are available. The Canby Utility Board, Canby Telephone Association, and Northwest Natural Gas have not responded to the "Request for Comments". There has



been no recent indication, unofficial or otherwise, of potential inadequacy of facilities or services from these providers. Electric, water, and telephone facilities are available in S. Pine Street.

2. Needed 'public improvements' include the improvement and widening of S. Pine Street. These improvements will occur with the development of property along S. Pine Street. The partition of the subject property will facilitate development and the eventual improvement of S. Pine Street. The specific improvements will be required with the actual development occurs and will be required, at that time, for the full parent parcel frontage along S. Pine Street. The improvement of the frontage of S. Pine Street will occur with, or prior to, the development of proposed Parcel 2.

3. The subject property is a part of the area benefitting from the Logging Road Industrial Park road improvements project. Major infrastructure improvements have been constructed which will benefit this property and are being initially funded through the City. Development of property within the benefitted property zones is the mechanism by which the City will be able to pay for the improvements. The improvements include the S.Pine Street/S. Redwood Street road connection between Highway 99-E and Township Road, and sewer and water mains to service the southeastern portion of the City, including the subject property. Reimbursement for the improvements occurs with the development of the property. The partition will split the responsibility for the reimbursement of the 2.5 acres to the two proposed 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 parks have been designated in the vicinity of the subject property.

*vii. ECONOMIC*

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

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

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

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

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

## **ANALYSIS**

1. The proposed development is residential in nature, as the current zoning of the subject property allows. The eventual development of parcel 2 will facilitate better overall access to the industrial property to the north through the S. Pine Street improvements that will occur with the eventual development of parcel 2.

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

3. The subject property is a part of the area benefitting from the Logging Road Industrial Park road improvements project. The project provided industrial grade access and infrastructure for future development. The partition of the subject property will not directly result in increased local employment opportunities, but will help with the financing of the improvements that will indirectly allow for the increase in employment opportunities.

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

## **viii. HOUSING**

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

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

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

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

## ANALYSIS

1. The location and size of the Urban Growth Boundary is not a part of the proposed application. When the Urban Growth Boundary was designated and calculations to determine the amount of land needed for residential growth, in 1984 as a part of the acknowledged 1984 Comprehensive Plan, the subject property was designated for residential development.
2. The proposed partition will allow for the residential development of 2.35 acres. Any development will increase housing density. There is a potential for 38 units on parcel 2.
3. The proposed development does not include higher density housing. Future development of the property will most likely include higher density housing, with the potential maximum density of 17 units per acre.
4. The proposed development does not include housing for low income persons. Future development of the property may include housing for low income persons.
5. The proposed development is not a mobile home development. Future development of the property may include mobile/manufactured 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 not meet the basic solar access standards for new residential developments. The orientation of the parcels are north-south, however, the frontage of the parcels are to the west. The reason for the non-compliance is due to the existing and required road alignment. This is an exception allowed under Section 16.95.050.A.1.c.
3. The project will not hinder any residential access to solar energy.
4. The City has adopted a Transportation Master Plan. City standards, transportation patters of all developments will be reviewed through the Transportation Master Plan.
5. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.

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

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

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

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

See above discussion.

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

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

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

The size and orientation of the proposed parcels is such that future development of parcel 2 is both possible and feasible. The existing home on parcel 1, after the dedication of twenty (20) feet of right-of-way for S. Pine Street will be located less than 20 feet from the street right-of-way. In fact, the home will be located approximately 7 feet from the new right-of-way line. This will create a situation in which the existing home will become a non-conforming structure. Any future expansion of the home would be limited by the size and setbacks of Parcel 1.

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

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

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

- E. In no case shall the use of a private road be approved for the partitioning unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for

unhindered use by emergency vehicles, and unless it is found that the construction of a street to City standards is not necessary to insure safe and efficient access to the parcels.

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

## **V. CONCLUSION**

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

## **VI. RECOMMENDATION**

Based upon the application and drawings submitted, facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that should the Planning Commission approve MLP 95-03, the following conditions should apply:

### *For the Final Plat*

1. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 95-03.
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.

3. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
4. All monumentation and recording fees shall be borne by the applicant.
5. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:
  - 6 feet in width along all lot lines, except;
  - 12 feet in width along street frontages.
6. Dedication of twenty (20) feet of right-of-way for street purposes shall be made along the properties frontage of S. Pine Street.

*Prior to the Signing of the Plat*

7. The garage and shop shall be removed.
8. The existing house shall be addressed as **420 S. Pine Street**.

*Notes*

9. Prior to any further development of parcel 2, a Site and Design Review or a subdivision/partition review of the proposed development, and approval shall occur.
10. Improvements to S. Pine Street, including road widening, curbs, sidewalks, street lights, utilities, and street trees, shall be constructed for both the frontages of parcels 1 and 2 prior to the occupancy of any development of parcel 2.
11. The final plat must be recorded with Clackamas County within one (1) year of the approval of the preliminary plat approval in accordance to Section 16.60.060. The mylar for the final plat must be signed by the City prior to the recording of the plat.

Exhibits:

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

M R LAND PARTITION APPLICATION N

Fee: \$900

OWNER

APPLICANT

Name George A. & Patsy J. Miller

Name Lawrence Sharp (Sharpcor, Inc.)

Address 540 S. Pine St.

Address 3387 Winola Ave. S.

City Canby State OR Zip 97013

City Salem State OR Zip 97302

SIGNATURE Patsy J. Miller

Phone: (503) 581-9349

DESCRIPTION OF PROPERTY:

Tax Map 31E 34C Tax Lot(s) 900 Lot Size 2.5 acres  
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy) - Deed copy attached

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 one single family house

Proposed apartments

Existing Structures house, garage, shed

PROJECT DESCRIPTION

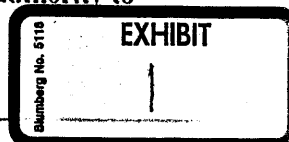
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ZONING R-2 COMPREHENSIVE PLAN DESIGNATION HDR

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

File No. MLP 95-03  
Receipt No. 9413  
Received by [Signature]  
Date Received 4/26/95  
Completeness Date \_\_\_\_\_  
Pre-App Meeting \_\_\_\_\_  
Hearing Date \_\_\_\_\_

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

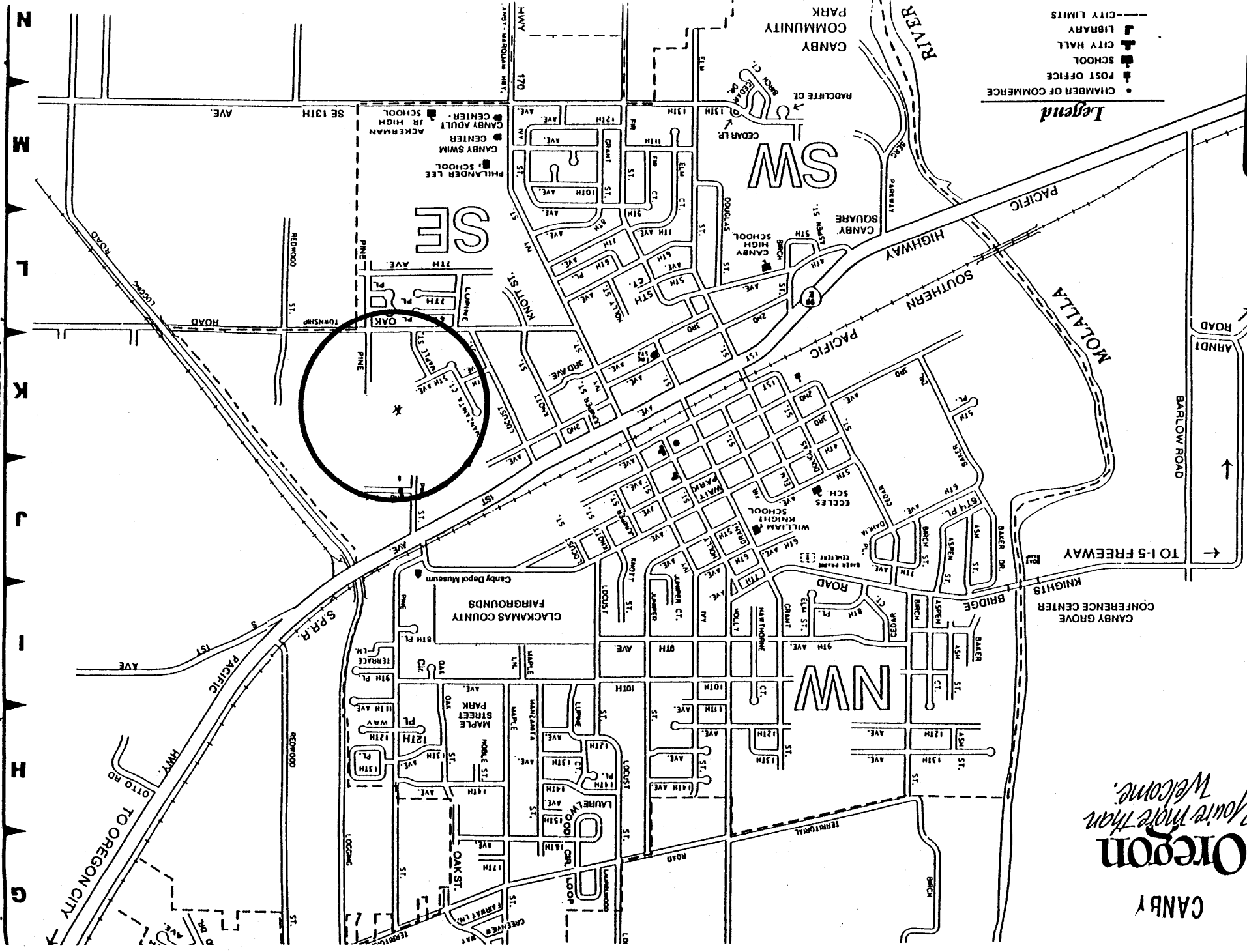




- Legend**
- CHAMBER OF COMMERCE
  - POST OFFICE
  - ▣ SCHOOL
  - ▣ CITY HALL
  - ▣ LIBRARY
  - CITY LIMITS

**OREGON**  
*Your more than  
 Welcome.*

CANBY



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# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: APRIL 27, 1995

TO: FIRE, POLICE, CUB, TELEPHONE, NW NATURAL GAS, ROY, STEVE, MIKE J., JOHN K.

The City has received *MLP 95-03*, an application by Sharpcor, Inc. for approval to partition a 2.5 acre parcel into two lots. Parcel 1 would retain the existing home on a 6,800 square foot lot, and Parcel 2, 2.35 acres, would eventually be developed with apartments. The site is located on the east side of S. Pine Street, north of Township Road [Tax Lot 900 of Tax Map 3-1E-4C].

We would appreciate your reviewing the enclosed application and returning your comments by **May 8, 1995 PLEASE**. The Planning Commission plans to consider this application on **May 22, 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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Please check one box:

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

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

*[Handwritten Signature]*

Date: 5/11/95



# PLEASE RETURN ATTACHMENTS!!!

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P.O. Box 930, Canby, OR 97013

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Comments or Proposed Conditions:

*access and addressing must be provided*

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Please check one box:

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

Signature: *Lo Garbrough, Fire Marshal* Date: *5-1-95*

# PLEASE RETURN ATTACHMENTS!!!

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P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: APRIL 27, 1995

TO: FIRE, POLICE, CUB, TELEPHONE, NW NATURAL GAS, ROY, STEVE, MIKE J., JOHN K.

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Comments or Proposed Conditions:

OK

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Signature: Roy Westar Date: 5-9-95

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P.O. Box 930, Canby, OR 97013

[503] 266-4021

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Comments or Proposed Conditions:

None

Please check one box:

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

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

Steve Hanson

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

5/1/95

# PLEASE RETURN ATTACHMENTS!!!

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P.O. Box 930, Canby, OR 97013

[503] 266-4021

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Comments or Proposed Conditions:

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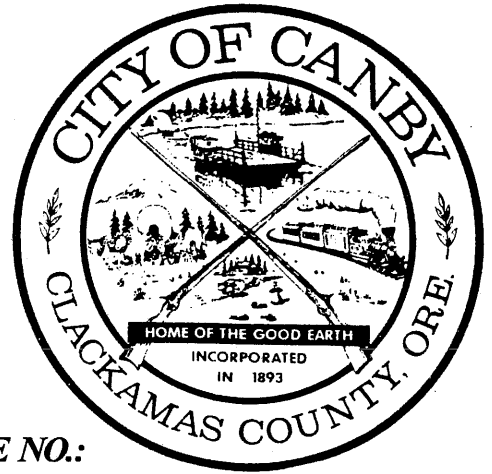
Please check one box:

- 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: Jerry Nigler

Date: 5/1/95

# **- STAFF REPORT -**



## **APPLICANT:**

Hi-Tech Builders/Brian Wood  
37396 Ruben Lane #13  
Sandy, OR 97055

## **FILE NO.:**

DR 95-08  
(Refractories NW)

## **OWNER:**

Refractories Northwest, Inc.  
461 N.E. 3rd Avenue  
Canby, OR 97013

## **STAFF:**

James S. Wheeler  
Assistant Planner

## **LEGAL DESCRIPTION:**

Tax Lot 2100 of Tax Map 3-1E-33DB

## **DATE OF REPORT:**

May 12, 1995

## **LOCATION:**

461 N.E. 3rd Avenue

## **DATE OF HEARING:**

June 5, 1995  
(Continued from May 22, 1995)

## **COMP. PLAN DESIGNATION:**

Light Industrial

## **ZONING DESIGNATION:**

M-1 (Light Industrial)

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

The applicant is requesting site and design approval to construct a 9,360 square foot warehouse addition and a new loading dock, to the existing 10,020 square foot manufacturing building.

## **II. APPLICABLE REGULATIONS**

- **City of Canby General Ordinances:**
  - 16.10 Off-Street Parking and Loading
  - 16.32 M-1 - Light Industrial Zone
  - 16.49 Site and Design Review
  - 16.88 General Standards

## **III. MAJOR APPROVAL CRITERIA**

### **Site and Design Review**

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

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

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

## **IV. FINDINGS:**

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

The applicant is requesting approval to construct an addition onto the existing building, and to build a new load facility. The addition will be for warehousing bricks that are treated on-site. The addition will be 9,360 square feet.

The existing building has approximately 9,000 square feet of manufacturing/ warehousing floor area, with another 1,200 square feet of office space. The existing building was built in 1989.



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

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

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

The overall site has been developed. The minimum amount of landscaping required for the 53,812 square feet lot is 8,072 square feet (15%). The total amount of landscaping proposed for the lot is 15,215 square feet (28.3%).

**2. Parking**

The proposed use of the building is manufacturing/warehousing, with some minor, related office use. The number of parking spaces required for the total site is 1 space per 1000 square foot of manufacturing/warehousing space, and 3.5 spaces per 1000 square foot of office space. There will be 18,360 square feet of manufacturing/warehousing space, and 1200 square feet of office space. The minimum number of parking spaces required for the total site is 23. The number of existing parking spaces is 10. The applicant is responsible only for the parking demand generated by the addition of the 9360 square feet of manufacturing/warehousing space. The required additional parking is 10 spaces.

The applicant has proposed an additional six parking spaces. However, only four of those parking spaces will be usable. The loading facility will have an approach ramp that will negate the use of the maneuvering area needed to utilize the parking spaces. Therefore, in effect, the applicant has proposed an additional two parking spaces. The applicant has submitted a statement regarding the expected need for parking spaces (Exhibit 1). In an eight (8) year time frame, the facilities (at another location) have been visited as follows:

- by customers - 10 times
- by vendors - 2 times a week (average)
- by material deliveries - 1 time per week (average)
- by company trucks - 3 times per day (average)

Based on this information, there is sufficient parking proposed.

One "van accessible" handicap parking space is required. The total number of parking spaces will be reduced by one to accommodate the "van accessible" parking space. The space will

need to meet the American Disabilities Act requirements for access to the building.

One loading dock facility is required. The loading dock facility area is required to be 12' x 60'. The proposed loading facility has a ramp area that is 40' wide by 50' long. The additional ten feet required is available. If it is required to be a part of the ramp, another parking space will be lost. As designed, the loading dock facility is adequate. The loading area will not be fully screened from public view. The location of the existing building with the existing drives is such that proper screening from public view is not possible.

**3. Access**

Access to the site is from N.E. 3rd Avenue. At the time that the original building was built, it was permitted to pave the land up to the "roll curb", thus there is not a standard concrete sidewalk along the street frontage of this property. There is sufficient room for pedestrian traffic to traverse the pavement on the building side of the curb, however, there is no separation or designation between the vehicle travelled portion of the pavement and the pedestrian portion. Striping, five-feet wide, would provide the minimum improvement necessary to provide separate pedestrian/vehicular movement along the street frontage. The landscaping may have to be pulled back a little to accommodate the striping.

**4. Architecture**

The new building will be similar in construction and color as the existing building. The existing building has a grayish blue exterior with an off-white trim. The building will be metal-sided. No new signs are proposed with the building addition.

**5. Other Aspects**

**a. Utilities**

Service providers have not indicated that there would be any problem in servicing this proposal.

**b. Landscaping**

The landscape areas are around the perimeter of the lot. The landscape areas are broken into two main areas. Turf is presently located in back of the existing building. This will remain. The main focus of new landscaping energy will be along the western side of the lot. This landscaping will consist of andromeda and mugo pine shrubs planted in a low-growing cotoneaster groundcover. The existing sumac tree is to be retained, and eight Norway Maple trees are proposed along the full length of the western property boundary. These trees will be planted next to the Hornbeams that are located on the property to the west. Both trees are columnar and will have sufficient room to grow to maturity.

The area that was proposed for parking spaces, but will not be able to be used due to the ramp for the loading facility, should be landscaped. The turf could be extended south, or the shrub landscaping could be expanded to include this area. The shrub landscaping is preferable.

The shrub landscaping should have automatic irrigation, either sprinklers or drip irrigation. This will help establish and maintain the landscaping. The turf area is already established and would have to be disturbed to provide automatic irrigation.

Wheel stops are required for all parking spaces that front landscaping [Section 16.10.070(A)(8)].

**c. Parking Lot Landscaping**

There are only to be two new parking spaces, amounting to approximately 200 square feet of paving. Approximately 2520 square feet of landscaping will be within 10 feet of the approximately 16,380 square feet paved area (15.4%). There are 5 trees within or adjacent to the paved vehicle parking/maneuvering area.

**d. Density and yards and height**

The setbacks and the height requirements for the M-1 zone have been met by this development proposal.

## **V. CONCLUSION**

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

Further, staff concludes that, with approval conditions:

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

## **VI. RECOMMENDATION:**

Based upon the application, elevations, the site plan received by the City, the facts, findings and conclusions of this report, and without the benefit of a public hearing, staff recommends that should the Planning Commission approve DR 95-08, the following conditions apply:

*For the Building Permit Application:*

1. A detailed landscape plan shall be submitted with the building permit. The detailed landscape plan shall show: the number of plants, plant spacing/location of planting, the type of plants, the size of plants, the schedule of planting, and irrigation plans.

2. Only the two northern proposed parking spaces shall be provided. The remaining area proposed for parking spaces (the southern four proposed parking spaces) shall be landscaped. The landscaping shall either be extending the turf area northward, or expanding the shrub landscaping.
3. Automatic irrigation shall be provided for the shrub landscaping.

*Prior to Occupancy:*

4. A 4-1/2' wide area of the paved surface next to the curb shall be striped to indicate a pedestrian walkway. If necessary the landscaping along the western property line shall be pulled back to accommodate the striping.
5. A "van accessible" parking space shall be provided. It shall meet the American Disabilities Act requirements regarding access to the building.
6. Wheel stops shall be provided for the western parking spaces.

**Exhibits:**

1. Application for Design Review
2. Vicinity Map
3. Site Plan/Elevations/Landscape Plan *(too large to reproduce)*
4. Department Responses to "Request for Comments"

E AND DESIGN REVIEW APPLICATION

Fee: \$750

OWNER

APPLICANT

Name Refractorios N/W

Name Hi-Tech Builders / Brian Ward

Address 461 N.E. 3rd

Address 37396 Ruben Ln #13

City CANBY State OR Zip

City Sandy State OR Zip 97055

SIGNATURE X Donald E. Macaulay

Phone: (503) 668-3272

DESCRIPTION OF PROPERTY:

Tax Map 3-1E-330B Tax Lot(s) 2100 Lot Size 53812.5 sq ft (Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name Lot 2100 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 85% STORAGE, 10% OFFICE, 5% SHOP

Proposed 85% STORAGE, 15% SHOP

Existing Structures METAL BUILDING w/OFFICE

Surrounding Uses

PROJECT DESCRIPTION BUILDING ADDITION 9,360 sq ft, & LOADING DOCK

ZONING

COMPREHENSIVE PLAN DESIGNATION

PREVIOUS ACTION (if any)

File No. DR 95-08
Receipt No. 9411
Received by JSLW
Date Received 4/26/95
Completeness Date
Pre-Ap Meeting
Hearing Date 5-22-95



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

# REFRACTORIES NORTHWEST, INC.

INDUSTRIAL REFRACTORY PRODUCTS

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16320 MAIN STREET OREGON CITY, OREGON 97045

(503) 657-4467 FAX (503) 655-9856

April 26, 1995

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

Re: Use of building at 461 NE 3rd

To whom it may concern:

This building will be used primarily as a warehouse. We will have five employees at the facility on a daily basis. There are also two men in our construction department that will probably average two days per week in the office. Also one salesman will have an office in the building and spends about one day total per week in the office.

Customers virtually never come to the office. In our current facility, we've had fewer than 10 visits to our office by customers in 8 years. We will have about three pickups by trucking companies per day and will average one delivery to our facility per week with in coming materials. We probably average two visits per week by vendors selling to us.

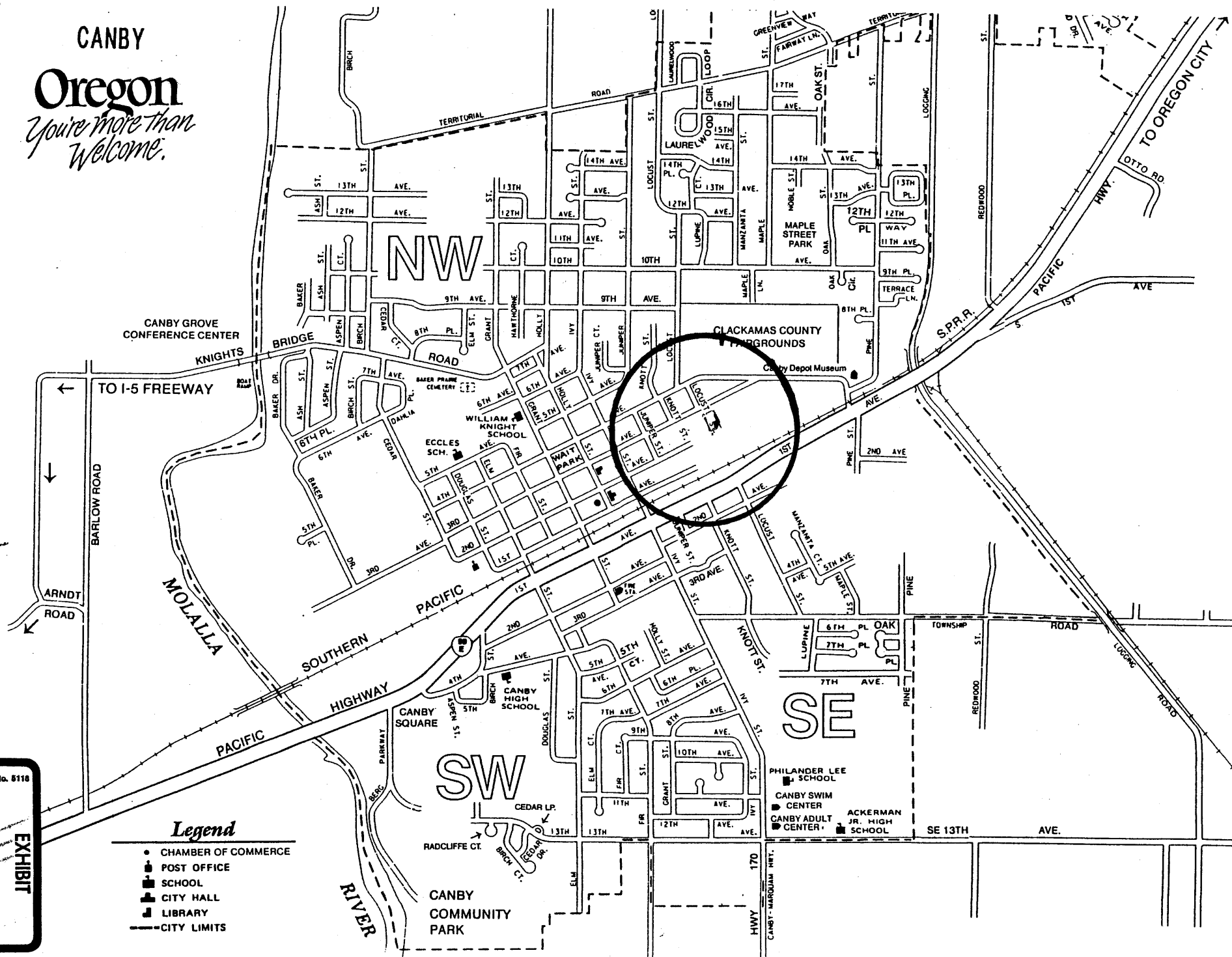
If you need further information, please call me at 503-657-4467 and ask for me or Lee and we will attempt to give you the information you require.

Sincerely,



Donald E. Macauley, President  
REFRACTORIES NORTHWEST, INC.  
DEM:dm

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



Blumberg No. 5118  
**EXHIBIT**

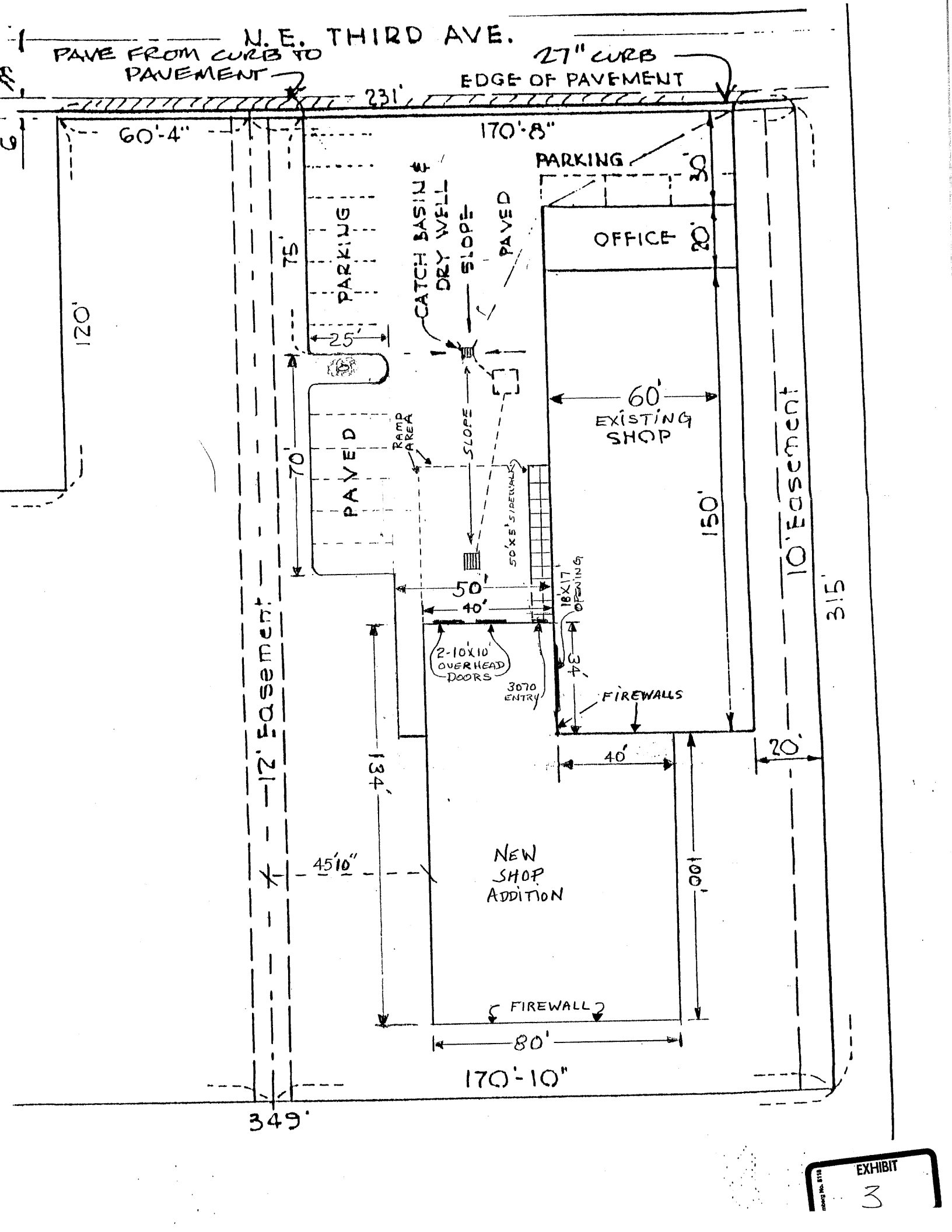
- Legend**
- CHAMBER OF COMMERCE
  - POST OFFICE
  - SCHOOL
  - CITY HALL
  - LIBRARY
  - CITY LIMITS

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N. E. THIRD AVE.  
PAVE FROM CURB TO PAVEMENT

27" CURB  
EDGE OF PAVEMENT



60'-4"

231'

170'-8"

PARKING

PARKING

CATCH BASIN &  
DRY WELL

PAVED

OFFICE

20'

30'

120'

75'

PAVED

70'

25'

RAMP AREA

SLOPE

60'  
EXISTING  
SHOP

150'

50' X 55' RAMP

50'

40'

2-10X10  
OVERHEAD  
DOORS

3070  
ENTRY

18' X 17'  
OPENING

FIREWALLS

34'

12' Easement

10' Easement

315'

134'

45' 10"

NEW  
SHOP  
ADDITION

100'

FIREWALL

80'

170'-10"

349'

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 28, 1995

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

The City has received DR 95-08, an application by Hi-Tech Builders for approval to add 9,360 square feet and a loading dock, to an existing building, which will be used primarily as a warehouse. The property is located on the south side of N.E. 3rd Avenue, just south of Locust Street [Tax Lot 2100 of Tax Map 3-1E-33DB].

We would appreciate your reviewing the enclosed application and returning your comments by **May 8, 1995 PLEASE**. The Planning Commission plans to consider this application on **May 22, 1995**. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

OK

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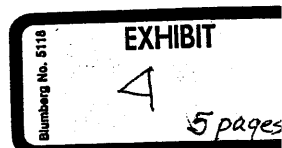
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Please check one box:

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

Signature: Roy Hester Date: 5-9-95



# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 28, 1995

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

The City has received DR 95-08, an application by Hi-Tech Builders for approval to add 9,360 square feet and a loading dock, to an existing building, which will be used primarily as a warehouse. The property is located on the south side of N.E. 3rd Avenue, just south of Locust Street [Tax Lot 2100 of Tax Map 3-1E-33DB].

We would appreciate your reviewing the enclosed application and returning your comments by **May 8, 1995 PLEASE**. The Planning Commission plans to consider this application on **May 22, 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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Please check one box:

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- Adequate public services **are not available** and will not become available

Signature: Don Garbroug, City Marshal

Date: 5-1-95

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Comments or Proposed Conditions:

*Steve* If floor drains are proposed - we need to discuss why.

Please check one box:

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Signature: Steve Jones

Date: 5/1/95

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Signature: Jerry Stiger

Date: 5/1/95

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Comments or Proposed Conditions:

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Please check one box:

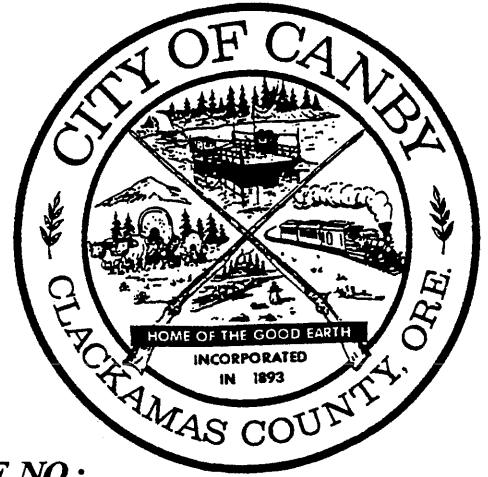
- Adequate Public Services (of your agency) are available
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- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

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

*[Handwritten Signature]*

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

5/11/95



## - STAFF REPORT -

**APPLICANT:**

Joe and Robin Marcinkiewicz  
P.O. Box 288  
Beavercreek, OR 97004

**OWNER:**

Don and Berdella Roth  
593 SE 1st Avenue  
Canby, OR 97013

**LEGAL DESCRIPTION:**

Tax Lot 5000  
Tax Map 3-1E-33DB

**LOCATION:**

South side of Highway 99-E  
east of S. Locust Street

**COMP. PLAN DESIGNATION:**

Highway Commercial

**FILE NO.:**

CUP 95-02

**STAFF:**

Robert G. Hoffman, AICP  
Planning Director

**DATE OF REPORT:**

May 12, 1995

**DATE OF HEARING:**

May 22, 1995  
(continued to June 5, 1995)

**ZONING DESIGNATION:**

C-2 - (Highway Commercial)

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval of a Conditional Use application to manufacture small precision brass mouthpieces and musical instruments, and for retail sales of same, from the existing 80 foot x 50 foot building.

## **II. APPLICABLE REGULATIONS**

- **City of Canby General Ordinances:**
  - 16.28 C-2 Highway Commercial Zone
  - 16.50 Conditional Uses
  - 16.88 General Standards
  
- **City of Canby Comprehensive Plan:**
  - I. Citizen Involvement
  - II. Urban Growth
  - III. Land Use
  - IV. Environmental Concerns
  - V. Transportation
  - VI. Public Facilities and Services
  - VII. Economics
  - VIII. Housing
  - IX. Energy

## **III. MAJOR APPROVAL CRITERIA**

### **16.50.010 Authorization to Grant or Deny Conditional Uses**

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

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



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

**IV. FINDINGS:**

**A Background and Relationships:**

There is an existing structure on the subject site that had formerly been used for Roth Heating, metal working, and a contractor's shop. The proposal is to utilize the structure for manufacturing purposes and retail sales of musical instruments, and use the remaining open area for covered vehicular parking.

**B. Comprehensive Plan Consistency Analysis**

**i. Citizen Involvement**

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

ANALYSIS

The notification process and public hearing are a part of the compliance with adopted policies and process.

**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, WITHIN THE FRAMEWORK OF AN EFFICIENT SYSTEM FOR THE TRANSITION FROM RURAL TO URBAN LAND USE.

- 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

The project is entirely within the City limits and within the Urban Growth Boundary. It meets the intent of Canby's goals and policies regarding the Comprehensive Plan Urban Growth Chapter.

### *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 group 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 #5:** Canby shall utilize the land use map as the basis of zoning and other planning or public facility decision.

## ANALYSIS

The proposal is to change the use of an existing structure from Roth Heating Sheet Metal Shop and contractor's office and storage, to a small manufacturer of precision brass mouthpieces and small musical instruments, and retail sales of same.

The property is located in the Highway 99-E Commercial [C-2] zone. The proposed manufacturing use is permitted as a conditional use in the C-2 zone.

The existing building meets the 10-foot setback requirement for the southern property line. Land to the south of S.E 2nd Avenue is zoned High Density Residential [R-2]. There is an alley separating the commercial area from the residential area. The surrounding uses include commercial uses to the east and west, Highway 99-E and railroad and industrial to the north, and homes to the south. The proposed changes will mostly affect the homes to the south. The back of the building is facing east with an overhead door, and the proposed changes will not have any noticeable affect on the surrounding appearance on the use of the property. The manufacturing process will occur inside the existing building. The remaining part of the building will still be used for covered vehicle parking, as will the paved area.

The remaining area is proposed to be used for paved vehicle parking and maneuvering. Site and Design Review will not be necessary for the proposed use since it is an existing building and no additinal paving will be done.

*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 #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 #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.

## ANALYSIS

On-site disposal of storm water will be required or connection to ODOT's storm sewer. State and local code requirements regarding air, water, and noise pollution will be required of the development. State laws and local regulations will require development to meet standards to prevent air, water, land, and noise pollution. The proposal will have minimal affect on the open space. There are no known hazards on the site. All manufacturing will occur within the building. Small metal working machinery and metal electroplating equipment will be utilized. In the early months of operation, some hammering will take place, to be replaced eventually by a seaming machine.

### v. **TRANSPORTATION**

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

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

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.

## ANALYSIS

Curbs and sidewalks will be needed. ODOT is requiring curbing and only one driveway. Two driveways currently exist. An alley exists to the south of the property. A fence surrounds the property on the south and north sides of the parking area. The nature of the manufacturing processes are described on the attachments to the application. An interim solution may be to mark a sidewalk on the existing pavement with bonding to build the sidewalk by some date certain.

*vi. PUBLIC FACILITIES AND SERVICES*

- **GOAL:** **TO ASSURE THE PROVISIONS 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 #5: Canby shall assure that adequate sites are provided for public schools and recreation facilities.

**ANALYSIS**

The proposed changes will not necessitate changes in the location or provision of public utilities, except for the driveways and curbs which ODOT has asked to be changed.

*vii. ECONOMIC*

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

**ANALYSIS**

The new business will add employment and income and services to Canby's economy.

*viii. HOUSING*

- **GOAL:** **TO PROVIDE FOR THE HOUSING NEEDS OF THE CITIZENS OF CANBY. [not applicable]**

*ix. ENERGY CONSERVATION*

- **GOAL:** **TO CONSERVE ENERGY AND ENCOURAGE THE USE OF RENEWABLE RESOURCES IN PLACE OF NON-RENEWABLE RESOURCES. [not applicable]**

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

Based upon the above described analyses, the proposal is consistent with or can, with conditions, be made consistent with the policies of the Comprehensive Plan, provided the Commission finds that the manufacturing process will be adequately enclosed to protect the adjacent residents.

***C. Evaluation Regarding Conditional Use Approval Criteria***

***1. Comprehensive Plan Consistency***

The previous discussion determined the proposal's relation to Comprehensive Plan consistency.

***2. Site Suitability***

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

***3. Availability of Public Services and Facilities for the Site.***

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

***4. Compatibility with Surrounding Uses***

Provided the Commission makes the necessary findings regarding the manufacturing processes, the change in the use of the existing structure, in staff's opinion, will not affect the uses' compatibility with surrounding uses. Small lathes and drill presses are utilized to bore, cut, mill, and other metal manipulations. Metal plating and some hammering are part of the process. In the opinion of staff, the characteristics will have less effect on surroundings than other C-2 uses, such as auto repair, tire shop, machinery and farm equipment repair, or service stations, which are permitted as outright uses.

***V. CONCLUSION***

Based on the above analyses, and without benefit of a public hearing, staff concludes that, with appropriate conditions, and provided that the Commission concludes the manufacturing of small musical instruments will be compatible:

1. the proposed use of the site is consistent with the applicable requirements and policies of the Comprehensive Plan and the development ordinance;
2. the characteristics of the site are suitable for the proposed use;
3. that all required public facilities and services exist (or can be made to exist at the time of development) to adequately meet the needs of the proposed church; and
4. the proposed use will not alter the character of the surrounding areas in such a way as to substantially limit or preclude the uses allowed. The surrounding area is already used for permitted uses and the setbacks and alley will provide buffer space.

**VI. RECOMMENDATION:**

Based upon the application and drawings submitted, facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that if the Planning Commission approves CUP 95-02, the approval include the following conditions:

1. Striping of the vehicle parking and maneuvering area is required. At least seven (7) parking spaces shall be provided, including one handicapped space near the entrance.
2. Storm water design and construction of the paved area of the property shall be approved by the Canby Public Works Department, and a wastewater discharge permit shall be obtained from the treatment plant supervisor.
3. A sidewalk and 6" curb shall be constructed, to be approved by the Canby Public Works Supervisor.
4. A sign is approved for the north face of the building, with up to 200 feet of sign area.
5. The hours of the manufacturing operation are limited to between 7:30 a.m. and 9:30 p.m., local time.
6. A driveway approach permit shall be received from ODOT.

7. The Fire Marshal and Building Official shall review and approve the installation of the machinery and plating operations, including, but not limited to ventilation.

**Exhibits:**

1. Application for Conditional Use
2. Site Plan and Supportive Documentation
3. Responses from Service Providers



CONDITIONAL USE APPLICATION

Fee: \$900

OWNER

APPLICANT

Name Don + Berdella ROTH  
Address 593 SE. 1ST AVE  
City CANBY State OR Zip 97013  
SIGNATURE [Signature]

Name Joe Robin MARCINKIEWICZ  
Address P.O. Box 288  
City BEAUEVCREEK State OR Zip 97004  
Phone: 650-4764 - 650 4765

DESCRIPTION OF PROPERTY:

Tax Map \_\_\_\_\_ Tax Lot(s) 5000 Lot Size 18,000 +  
or R31E 33 DB 0500 (Acres/Sq. Ft.)

Legal Description, Metes and Bounds (Attach Copy)

Plat Name EXHIBIT A 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 ROTH HEATING  
Proposed MARCINKIEWICZ Co. MUSIC RETAIL LIGHT MANUFACTURING

Existing Structures YES

PROJECT DESCRIPTION

EXHIBIT B + C  
The existing signage on the building will be utilized.  
No more than 200 s.f. of sign area on the building  
will be used.

ZONING C-2 COMPREHENSIVE PLAN DESIGNATION \_\_\_\_\_

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

File No. CUP 95-02  
Receipt No. 9414  
Received by QSW  
Date Received 4/26/95  
Completeness Date \_\_\_\_\_  
Pre-App Meeting \_\_\_\_\_  
Hearing Date 5-22-95



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

# Marcinkiewicz Co.

PO Box 288  
Beavercreek, OR 97004  
Phone: (503) 650-4764  
Fax: (503) 655-0327



Put your money  
where your  
mouth is.

The Marcinkiewicz Co. is very pleased to be moving into Canby. We have looked for a permanent home for a long time, and we feel this building is just what we have been waiting for.

Marcinkiewicz Co. is known worldwide for its innovative designs of brasswind mouthpieces and professional trumpets. When the company was started 13 years ago, we were the first to use computer controlled machines for making consistent mouthpieces. We also make all the parts that are used in creating our trumpets. The main material used to both the mouthpieces and trumpets is brass. We purchase the several forms needed from local suppliers. Beginning with cutting, through the many processes that involve bending, soldering, brazing, polishing and packaging; I assure you that we have never created any problems for any of the several businesses we have been located near. The building we are buying, the old Roth Heating and Cooling Co., is concrete block construction and will contain any levels of sound that are created by our business. The assembling of brass instruments does involve several steps and many processes including sounds being produced at various times during the day, but we are sure that none of this will be annoying or intrusive to our neighbors. Noise has never been an issue for any of our neighbors, several of whom shared common walls with us. Nothing we would do would ever come close to the familiar sounds of the daily trains passing by.

All of the processes we conduct at our factory have been observed by OSHA and none of them were found to create any kind of pollution in the atmosphere. All of the chemicals that are used at our factory are handled according to OSHA and DEQ regulations. The cutting oil and lubricants we use are water soluble and biodegradable. Since we have been making our trumpets and brasswind mouthpieces we have always recycled our scrap brass as clean borings, which means there is no type of contamination in our waste.

We have been in business for 13 years and look forward to becoming part of the community in Canby. We have a lot to offer, as does the city itself. In future time we also see the expansion of the company creating new jobs that could be filled with local people. We have always trained our employees, so filling positions has not been a problem. Currently we have 4 employees, which is far less than the previous business. There will be a lessening in the volume of traffic from the previous tenant.

Marcinkiewicz Co. has had the pleasure of working with many well known brasswind artists. Herb Alpert, Doc Severinsen, Bobby Shew, Wayne Newton, and Tommy Johnson have all been clients. We are currently

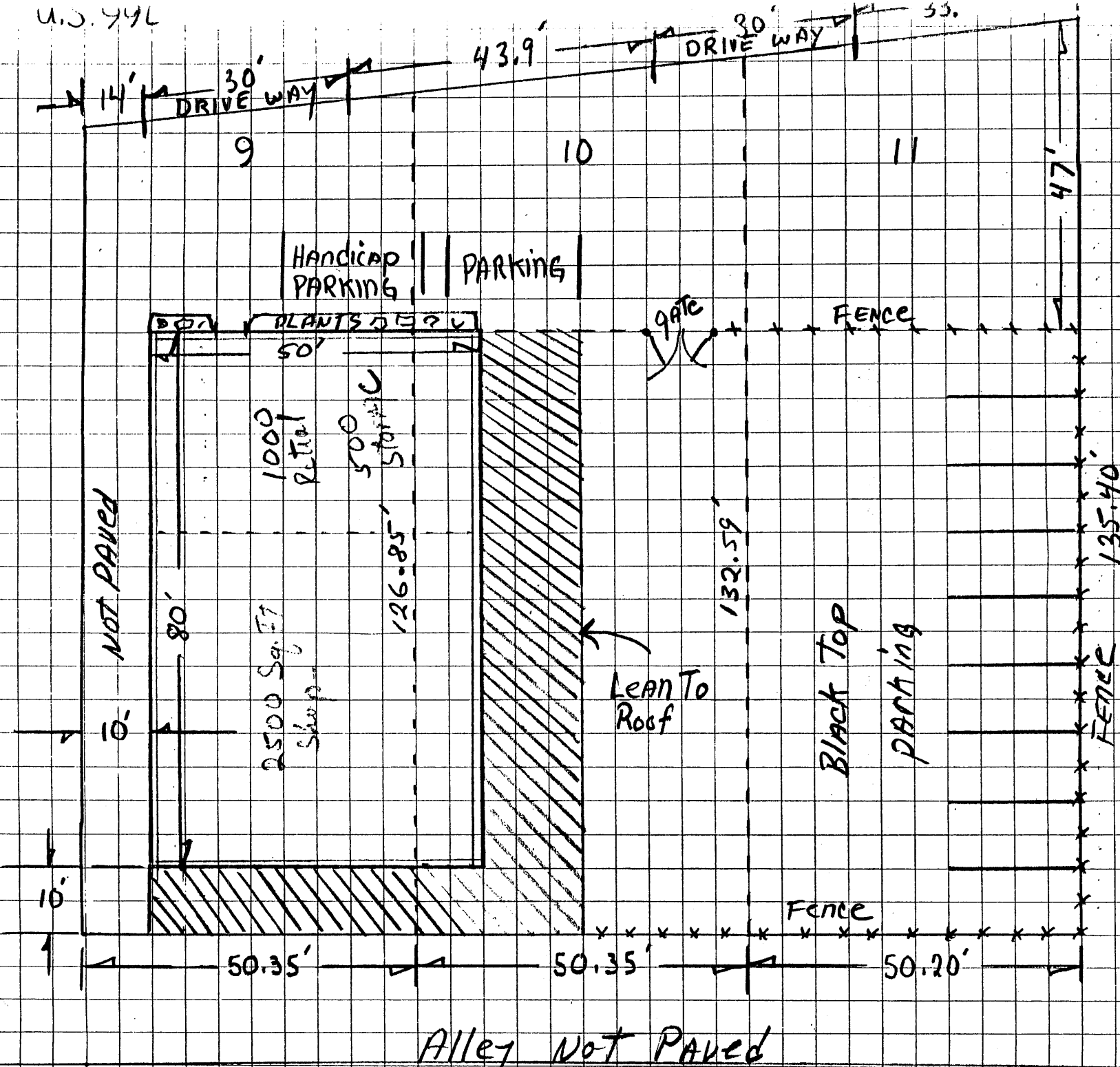
working with Mike Vax and Roger Ingram and their mouthpieces will soon become part of our line, available to the public.

We are also considering opening a small retail shop to serve the brass community of the area as there are no music stores currently in the city. At present, Salem offers the closest stores. With the large brass playing community that exists in Canby and Mt. Angel, our shop will be a close solution. I also plan on continuing my teaching of trumpet as I have done for many years. I look forward to working with the younger players to help them form good technique as well as the seasoned trumpeter who may find difficulties occurring due to changing habits or time constraints. I have traveled extensively in the U.S. and abroad teaching master classes to brass players. I am also a professional trumpet player, and since being in the Portland area, have had the pleasure and good fortune of playing with the Portland Opera, the National Guard Band, Border Patrol, and many local community bands including Mt. Angels. I am also on staff at Marylhurst College where I teach jazz Studies. Our future plans also involve painting the building inside and out, and landscaping. Our current hours of operation are 8:30 to 5:30 Monday thru Friday and will probably remain unchanged. If you have any questions, please feel free to call me and express your concerns. I will also extend an invitation for you to see my current shop now located in Oregon City.

Yours truly,

Joe Marcinkiewicz

U.S. 996

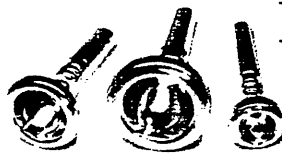


ALMAY TRAILER PARK

Scale  
ONE SQUARE  
= 5'

# Marcinkiewicz Co.

PO Box 288  
Beavercreek, OR 97004  
Phone: (503) 650-4764  
Fax: (503) 655-0327



Put your money  
where your  
mouth is.

Marcinkiewicz Co. is recognized as a worldwide leader in the manufacturing of precision brasswind mouthpieces and professional quality trumpets. Using the latest in computer technology, we are able to achieve a consistency in product manufacturing that elevates us to a highly enviable position in the band instrument accessory industry.

In the creation of this company 13 years ago, we set out to establish a new standard of product consistency by using technology that had never been applied in the music industry. Through the years, we have added many new designs to the family of brasswind mouthpieces and have greatly improved existing popular models by being able to guarantee that any mouthpiece of the same model will always have the same feel to the player, sound to the recording artist and ease of playing to the student. We have, by being able to communicate with many brass artists throughout the world and by interpreting their desires and listening to their frustrations, been able to design the most efficient brasswind mouthpieces on the market today.

Our manufacturing process for all brasswind mouthpieces is the same. We start with an existing computer program that we designed and feed this information to our CNC lathe where the first operation is completed. By combining this machine and a second operation lathe, we have the ability to manufacture all of the 156 model mouthpieces that make up our current line of product. The raw material for our mouthpieces is brass rod, which we purchase from our local supplier. We are able to resell our scrap material as clean brass borings. By using water soluble lubricants in the cutting processes, the amount of recyclable by-product we create is maximized.

The other unique product we craft in our factory is a professional quality trumpet. By combining the technology and old world craftsmanship at our disposal, we are able to produce a very fine family of trumpets and cornets. Again, the material we use is brass. However, this time it is purchased in a flat sheet form that is used to make bells, and also a tubular form that is used to create the body of the instrument. We first manufacture the component parts, and by using a variety of cutting, annealing, hammering, brazing, and soldering techniques, assemble these materials into a beautiful instrument.

We own various lathes, drill presses, and other second operation machines. Having this variety of machines allows us to drill, turn, cut, bore, mill, and do all types of metal manipulation. We also have a power press that is used to extrude tubing so that we can change the diameter of the tube to accommodate different size horns. We cut the flat brass to a specific pattern and bend, fold, braze, hammer, heat, and finally spin the bell. We have the technology required to make all the parts, allowing us to keep complete control over the finished product. By using these machines to manufacture the parts necessary to make our instruments and mouthpieces, we help insure that the "made in Oregon" label really means just that. One lathe is used to manufacture form tools that are used to make the parts that are, in turn, soldered together. We use a cadmium-free silver solder for assembling all the parts that go into our instruments. All of our processes have been checked by the EPA, OSHA and the prevailing local agencies in the county in which we now operate. OSHA has monitored my employees during the various cutting, braising, and soldering operations, and buffing we do in the course of our manufacturing. At no time did these processes emit any kind of pollutant, VOCs, or toxic discharge that could be harmful either to my employees or any party in the vicinity of my plant.

I believe that the biggest challenge we face is finding the right spot for this company. Through the years, we have had various homes, but always on a rental basis. If I am able to secure the property in question, I know that it will be an asset to own as well as allow me the room I need to expand as my company grows.

MFGPRO

## SUMMARY

MPC's prime objective is to offer the brass players the best possible MPC at each and every stage of a student's growth into a professional musician. We want to give the player selection and quality pricing in a competitive industry. As the student reaches high school and/or college, their range increases and their desire for musicality changes; thus different MPC's for orchestras, jazz, or lead playing would be available for better tone, more volume, and centered sound.

Professional players have a need for individuality and identification in technique is very important. Does the sound blend or sizzle? Do you want to project sound or spread sound? Our desire is to offer the player the best possible MPC for the job.

We offer a stock horn that is state of the art. We also "custom design" (modify) for the same price. High school/college/professional players choose to improve equipment. Each horn is designed for the individual player after a consultation of ability, needs, playing style and demands are discussed. The choice of lead pipe, bore size, and bell design for each player is thoroughly discussed, also. We will change the lead pipe/bell if the player feels horn does not fill his expectations. We strive to make our customers very happy. Our pricing is competitive and in line with current industry standards. Any additional engraving and gold plating are available for individuals who desire the "Stradivarius" model.

Most importantly, MPC strives to further develop their solid reputation. MPC's name recognition is already established, as we would like to continue that tradition

## BUSINESS DESCRIPTION

MPC has been organized for the purpose of merchandising musical instruments and related services. We will soon be converting to a Corporation. We are the only company in the world that uses CNC machinery for all stock production. One inherent weakness is that other companies do similar manufacturing but not of the same quality and pride. We do not want to mass produce at the cost of lessening quality control. We offer competitive pricing and customized work to meet individual needs.

Our market consists of youth groups, youth orchestras, civic groups (i.e. Lions Club), and private company backings like Little League programs. We also target music teachers at the secondary education and collegiate levels, as well as military personnel.

Advertising is done through the use of journals, trade shows, regional & state band competitions, mailings, and individual contacts. The implementation of scholarship sponsored programs for brass players, as well as private funding for music programs in schools is a possibility if school districts continue to experience budget problems. No credit cards accepted as of now, but potentially in the near future if the market demands.

Distribution currently is done to Japan, USA (includes Hawaii, Alaska, Puerto Rico), Australia, and Canada. Previous direct sales were to England, Spain, Germany, Austria, and Switzerland. Potentially new distributions include Germany, Austria, and England once again, and recent markets include Mexico, China, and Russia.



## MISSION STATEMENT

The mission of MPC is to provide our customers with top quality instruments and other related services. We strive to support children by giving them the best musical experience possible in providing the "proper fitting" of equipment and helping to improve the existing facilities in the school setting.

Our customer credo is to provide quality and consistency of product and to guarantee our workmanship for a lifetime. MPC will serve the public regardless of race, age, religion, color, or creed. MPC will conduct business in a legal, ethical and moral manner with the customer being first at all times. We will strive to serve our customers with trained and knowledgeable personnel and will listen to our customers' input so that we can better meet their needs.

Currently a plan exists to finance the expansion of our present facility. This would allow for increased horn production, which would in turn expand our horn line for the development of a new product. This expansion project will also allow us to maintain necessary inventory for quick turn-around on MPC orders. However, MPC recognizes that establishing a solid reputation is more important than physical location. Shop size requirements, new structure and rental units, leasing a facility with the option to buy, etc. all have yet to be determined.

## BENEFITS/JOB DESCRIPTIONS

MPC will create a working environment that will allow our employees a competitive wage and benefit package while providing an atmosphere for self-motivation. Salaries are commensurate with experience, degrees, and training.

### Personnel Responsibilities:

Joe - General Manager

Robin - Front desk - phones, bookkeeping AR/AP

Jeff - Sales- trade shows & shipping

Jim - Manufacturing - programming, inventory control, shop superintendent,

Buffer - buffing, also light mfg.

Machinist #1 - Part mfg (brazing inventory, mounting plating)

Machinist #2/Assembler - (same as above)

Shipper - packaging - inventory control. Sales, final paperwork, record keeping for UPS

The benefits offered to employees are health insurance, workman's compensation, and vacation/sick time after one year's employment with MPC.

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 28, 1995

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

The City has received *CUP 95-02*, an application by Joe and Robin Marcinkiewicz for approval to convert a building on Highway 99-E [formerly Roth's Heating] for the manufacture and sales of precision brasswind mouthpieces and professional quality trumpets. The site is located at 593 S.E. 1st Avenue [Tax Lot 5000 of Tax Map 3-1E-33DB].

We would appreciate your reviewing the enclosed application and returning your comments by **May 8, 1995 PLEASE**. The Planning Commission plans to consider this application on **May 22, 1995**. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

*OK*

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 Rester*

Date: *5-9-95*

Shamburg No. 6118

EXHIBIT

*3*

*5 page*

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT

### REQUEST FOR COMMENTS

RECEIVED

P.O. Box 930, Canby, OR 97013

(503) 266-4021

DATE: April 28, 1995

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Comments or Proposed Conditions:

*Applicant will be required to obtain an approach road permit from ODOT. Only one driveway access to Highway 99E will be permitted.*

*Contact Jim Westbrook (906-2874) for details.*

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: *David P. Guil*

REGIONAL PLANNER Date: *5.8.95*

# PLEASE RETURN ATTACHMENTS!!!

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[503] 266-4021

DATE: April 28, 1995

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Comments or Proposed Conditions:

*Will need to review for pretreatment program -  
Will facility have a process wastewater discharge?*

Please check one box:

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Signature: Steve Vans Date: 5/1/95

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[503] 266-4021

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Comments or Proposed Conditions:

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Please check one box:

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Signature: Jerry Steger

Date: 5/1/95

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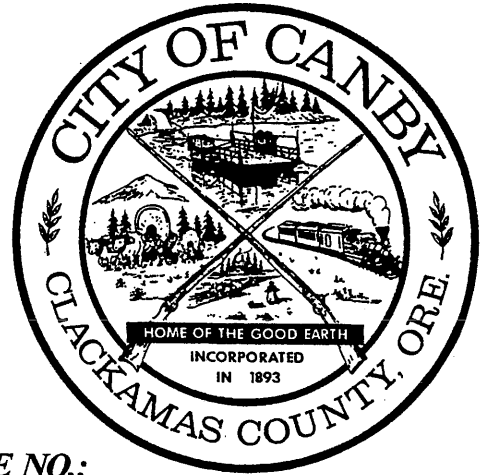
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- Conditions are needed, as indicated
- Adequate public services **are not available** and will not become available

Signature: *Ken Yarbrough*

Date: 5-1-95



## **- STAFF REPORT -**

### **APPLICANT:**

Church of Christ  
27224 S. Dave Road  
Canby, OR 97013

### **OWNER:**

Anselmo Pizzuti  
181 N. Grant  
Canby, OR 97013

### **LEGAL DESCRIPTION:**

Tax Lot 101  
Tax Map 3-1E-33CC

### **LOCATION:**

Southwest corner of  
N.W. 4th and N. Elm St.

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

Downtown Commercial

### **FILE NO.:**

CUP 95-01

### **STAFF:**

Robert G. Hoffman, AICP  
Planning Director

A handwritten signature in black ink, appearing to be "R. G. Hoffman".

### **DATE OF REPORT:**

May 12, 1995

### **DATE OF HEARING:**

June 5, 1995

### **ZONING DESIGNATION:**

C-1 - Downtown Commercial

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

The applicant is requesting approval for a Design Review application and a Conditional Use application for a new church structure. Landscaping and parking is to be approved. Seating capacity is 120 persons. The October, 1994 approval of a similar application has lapsed since the approval was not exercised within the time limit. [The approved application for Site and Design Review is still effective.]



## **II. APPLICABLE REGULATIONS**

- **City of Canby General Ordinances:**
  - 16.10 Off-Street Parking and Loading
  - 16.22 C-1 Downtown Commercial
  - 16.46 Access Limitations
  - 16.50 Conditional Uses
  - 16.88 General Standards
  
- **City of Canby Comprehensive Plan:**
  - I. Citizen Involvement
  - II. Urban Growth
  - III. Land Use
  - IV. Environmental Concerns
  - V. Transportation
  - VI. Public Facilities and Services
  - VII. Economics
  - VIII. Housing
  - IX. Energy

## **III. MAJOR APPROVAL CRITERIA**

### **16.50.010 Authorization to Grant or Deny Conditional Uses**

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

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
  
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.

- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

**IV. FINDINGS:**

**A. Background and Relationships:**

The applicant is proposing to place a 74' x 62' church building on a newly created parcel at N. Elm and N.W. Fourth Avenue, as indicated on the accompanying drawing, which was attached to the application. (The street trees which were reviewed by the Urban Arborist, who recommended a course of action, have been removed and will be replanted.)

**B. Comprehensive Plan Consistency Analysis**

**i. Citizen Involvement**

The notification process and public hearing are a part of the compliance with adopted policies and process.

**ii. Urban Growth**

The project is entirely within the Urban Growth Boundary. It meets the intent of Canby's goals and policies regarding the Comprehensive Plan Urban Growth Chapter, provided that all necessary urban services can be made available. This will be discussed later in this report.

**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.**

## Analysis

The subject parcel is a 175' x 115' site, within the central area of Canby.

Policy #2 is provided for by the proposed C-1 [Downtown Commercial] zoning which will apply to the parcel, following the Land Use proposal of the Comprehensive Plan for the site. Policy #3 will be met by Canby's current service system for the site. Policy #4 does not apply, since there are no known natural hazards present. Policy #5 will be followed since the property is zoned consistent with the Comprehensive Plan designation and any development will need to follow the Canby Land Development and Planning Ordinance requirements which are part of this process. A church is considered to be a part of residential or commercial area development as a supporting facility.

Policy #6 deals with unique areas and the subject property is not indicated as part of the Special Areas discussion in the Comprehensive Plan.

### *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.**

## Analysis

The church will be located upon the southwest corner of N.W. 4th Avenue and N. Elm Street, within the central Canby area.

The site is Class II type soil, Canderly Loam. There are no known soil problems related to urban type development. Canby's storm and sanitary sewer procedure will provide protection for ground water and surface water.

Building, health and other code regulations will protect against other types of pollution. Policies #1-R-A, 1-R-B, 5R and 7R do not apply since there are no known aggregate, scenic, or aesthetic resources present. To date, there are no significant fish or wildlife habitat identified. No steep slopes or flood prone land is present. As required, the site has a large amount of landscaped open space included as part of the proposal. The site is adjacent to the Canby Pioneer Chapel, a designated historic site. On-site building setbacks, parking, and landscaping are proposed.

*v. Transportation*

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

**Analysis**

Streets and curbs are all adequate, adjacent to the subject site, but curb repair and sidewalks will be needed, and alley paving is needed.

*vi. Public Facilities and Services*

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

**Analysis**

All public utilities are already provided in the general area. We have asked for input regarding any concerns various service-providers might have. The only concerns were regarding street tree and need to repair the curbs and sidewalks and pave the alley.

*vii. Economic*

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

### **Analysis**

Development of this site with a church building, as proposed, will provide service of a needed community facility.

#### **viii. Housing**

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

### **Analysis**

This parcel will provide an improved opportunity for church services to housing.

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

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

### **Analysis**

Recently constructed development will be required to have increased standards for energy efficiency.

## **C. Evaluation Regarding Conditional Use Approval Criteria**

### **1. Comprehensive Plan Consistency**

The previous discussion is interpreted by staff as indicating the proposal's relation to Comprehensive Plan consistency. With conditions, as recommended below, the church use is found to be consistent with the policies of the Comprehensive Plan.

### **2. Site Suitability**

The proposed church site is 175' x 115' in size and is regular in shape, and is adequate for church buildings of the proposed size and shape and for the related parking and landscaping areas. The proposal is a building of 74 x 62 feet and at least 7-1/2% of

the site is proposed to be landscaped. The design makes effective use of the site. Final landscape design, by staff, is a part of the design review application process. The site is minimal for the use proposed.

3. *Availability of Public Services and Facilities for the Site.*

The site is well served.

4. *Compatibility with Surrounding Uses*

The church site development has minimum required setbacks in all directions, with landscape treatment along Elm and 4th Avenue. The eight of the building is one-story, and at least 7-1/2%, or 2,260 square feet of additional landscaping is proposed. The traffic will utilize Elm Street, N.W. 4th Avenue, and the alley, to access the site. Adequate parking is provided, with 32 proposed spaces.

5. *Parking and Loading*

The parking requirement is 1.0 spaces per 4 seats. One hundred twenty seats are proposed. Thirty-two spaces are proposed, which is in excess of the standard.

6. *Access*

Access is from the existing paved streets on the north and east sides of the site, and from the alley, which will need to be paved.

**V. CONCLUSION**

Considering the previous analysis, staff hereby determines that the proposed church building and related site development described in the application and accompanying materials is in conformance with the standards of this and other applicable ordinances. Further, staff concludes that, with approval conditions:

1. the proposed use of the site is consistent with the applicable requirements and policies of the Comprehensive Plan and the development ordinance;
2. the characteristics of the site are suitable for the proposed use;

3. that all required public facilities and services exist (or can be made to exist at the time of development) to adequately meet the needs of the proposed church; and
4. the proposed use will not alter the character of the surrounding areas in such a way as to substantially limit or preclude the uses allowed.

**VI. RECOMMENDATION:**

Based upon the application, supporting information, and drawings submitted, facts, findings and conclusions of this report, staff recommends that the Planning Commission approve CUP 95-01 for a church building and related development, with the following conditions:

1. Sidewalks and alley paving and curb repair shall be provided by the applicant.
2. Light poles shall be relocated and two more street lights provided, one at the entrance and one at the alley.

**Exhibits:**

1. Application for Conditional Use
2. Vicinity Map
3. Site Plan
4. Responses from Service Providers

CONDITIONAL USE APPLICATION

Fee: \$900

OWNER

APPLICANT

Name CHURCH OF CHRIST, CANBY Name CHURCH OF CHRIST, CANBY  
 Address 515 NW 4th Avenue Address P.O. Box 1035  
 City Canby State OR Zip 97013 City Canby State OR Zip 97013  
 SIGNATURE [Signature] Phone: 266-2550

DESCRIPTION OF PROPERTY:

175' by 125' (21875 sq.ft.)

Tax Map #31E33CC Tax Lot(s) #101 Lot Size at SW corner of N. 4th and  
 (Acres/Sq. Ft.) Elm Streets  
 or

Legal Description, Metes and Bounds (Attach Copy) 9, 10, 11, 12  
 Plat Name \_\_\_\_\_ Lot \_\_\_\_\_ Block 17

PROPERTY OWNERSHIP LIST

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

USE

Existing Vacant lot  
 Proposed church building and parking area  
 Existing Structures none

PROJECT DESCRIPTION

To build a single story church building with seating capacity for 120 persons. Parking is to be constructed, as required, for 32 vehicles. At least 7 1/2 percent of the building site shall be landscaped according to a desirable approved landscape plan that is generally depicted in the attached Site and Design application.

ZONING \_\_\_\_\_ COMPREHENSIVE PLAN DESIGNATION \_\_\_\_\_  
 PREVIOUS ACTION (if any) \_\_\_\_\_

File No. CUP 95-01  
 Receipt No. \_\_\_\_\_  
 Received by [Signature]  
 Date Received 4-20-95  
 Completeness Date \_\_\_\_\_  
 Pre-App Meeting \_\_\_\_\_  
 Hearing Date 6-5-95

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





## PROJECT DESCRIPTION

Presently, the parcel of land on the southwest corner of North Elm Street and Northwest 4th Avenue is undeveloped. On that site the church of Christ, Canby, proposes to build meeting facilities to accommodate assemblies and classes for various age groups.

The proposed facilities would consist in a single-story structure designed to house several classrooms and an auditorium capable of seating 120 persons. In conformity with the seating capacity of the auditorium, off-street parking facilities would be constructed for 30 vehicles. The present membership of the church represents 20 households. Approximately 60 persons are normally in attendance.

The architectural design of the building might be best described as tailored simplicity, pleasing - perhaps elegant in its own way - but not elaborate nor gaudy. It should complement and enhance rather than disturb the environment. Light grey shiplap siding is to be mounted horizontally on the east and west sides. For refreshing variety, the same type of siding is to be mounted at the north and south ends on an angle parallel with the pitch of the roof. The trim is to be in a blue grey that will contrast with the light grey siding.

A 4'X 8' wooden sign attached to two 7'tall, treated posts would be erected and placed at the side of the building facing North Elm Street. Black, raised letters on a light grey background would be illuminated at night by a centered ground light.

City landscaping specifications would also be met. ~~All large trees on the city right-of-way are to be left standing.~~ The sidewalks are to be set back far enough from the curbing that the root systems of these trees suffer no negative effects. A few small trees will need to be removed in order to make room for the building and the adjoining parking lot, but their removal should be more than offset by landscaping plans which foresee the planting of small trees, arborvitae, etc., to be watered by a sprinkler system.

The proposed facilities would be compatible with the surrounding land use patterns. Adjacent to the rear of the property is a wedding chapel, otherwise the proposed building site is surrounded either by residences or undeveloped lots in an area which presently has a distinctly residential flavor. The campuses of both Eccles and Knight Elementary Schools are just one block removed.

These building plans should not lead to significant traffic congestion. The point of access to, and exit from, the property parking lot would be on spacious Northwest 4th Avenue approximately 25 yards from its intersection with North Elm Street. An "exit only" would also be provided on North Elm Street. The major traffic flow to and from the property would be along North Elm Street, a wide thoroughfare leading directly from Highway 99E.

As a matter of principle, the church would only use the proposed facilities for Bible teaching and mutual, spiritual edification. The facilities would therefore not be used for "Day Care," kindergarten, recreation, banquets, and the like. Accordingly, the building plans call, e.g., for no kitchen or rec-room.

Typically, the building would be in use Sunday mornings and evenings, as well as Wednesday evenings, for classes and assemblies. Seasonally, the building would provide accommodations for special lecture series lasting five to seven days. Almost on a daily basis, the office facilities would be used by one or two persons.

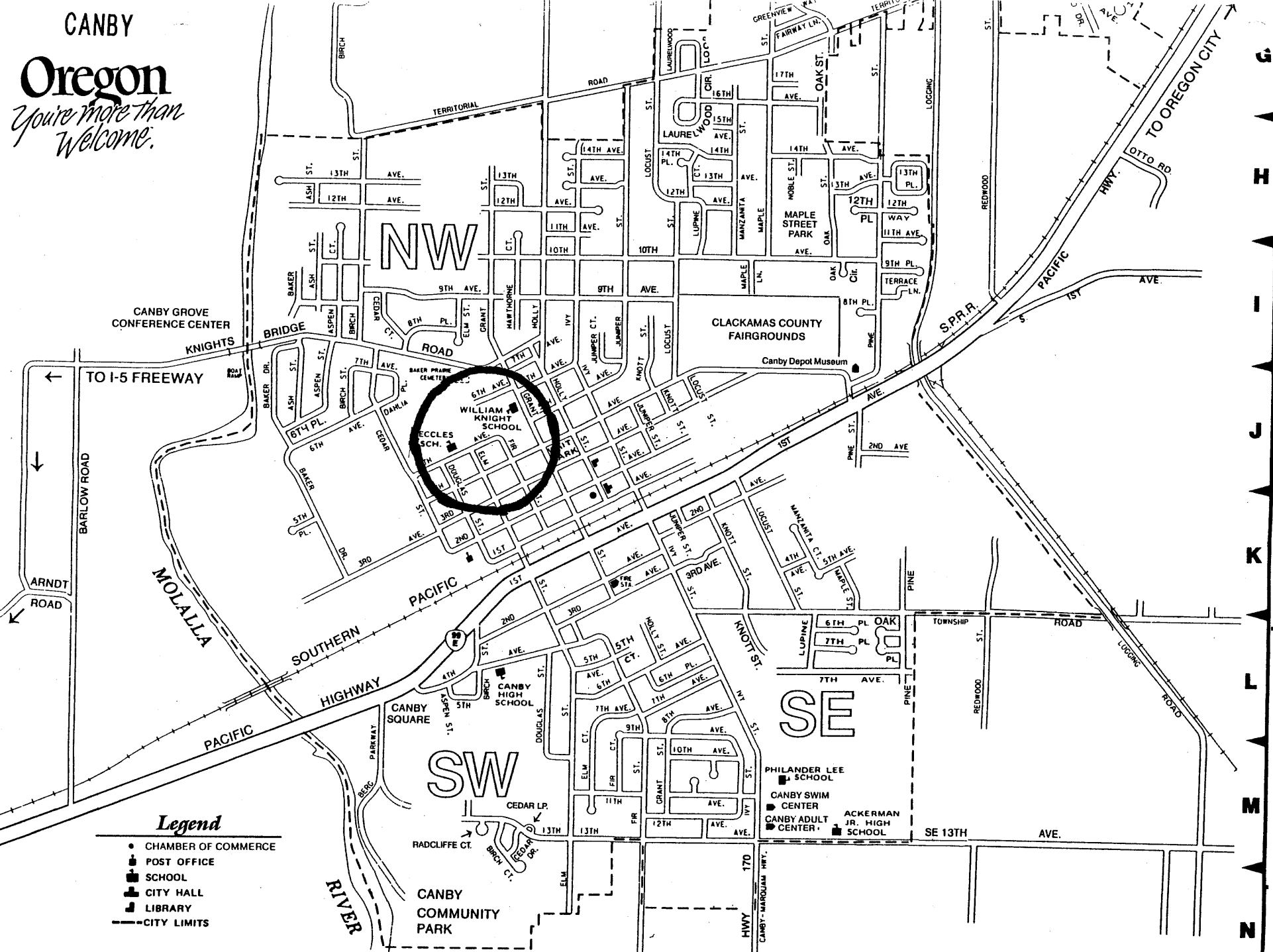
We intend to be good neighbors. We have set our goals and made our plans accordingly. We thank you for your review of these plans and hope that they meet with your approval.

The church of Christ, Canby

CANBY

Oregon

You're more than Welcome.



D.L.C.'S  
UNDER LEE NO. 568 49  
SEELY NO. 57

N

AVENUE

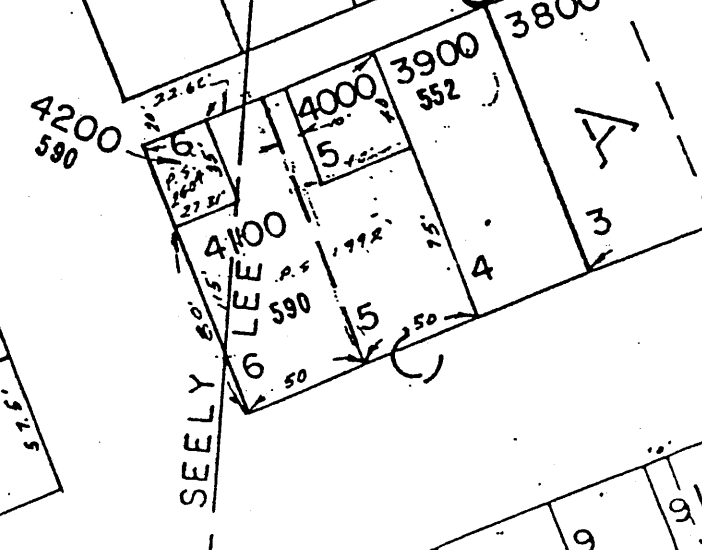
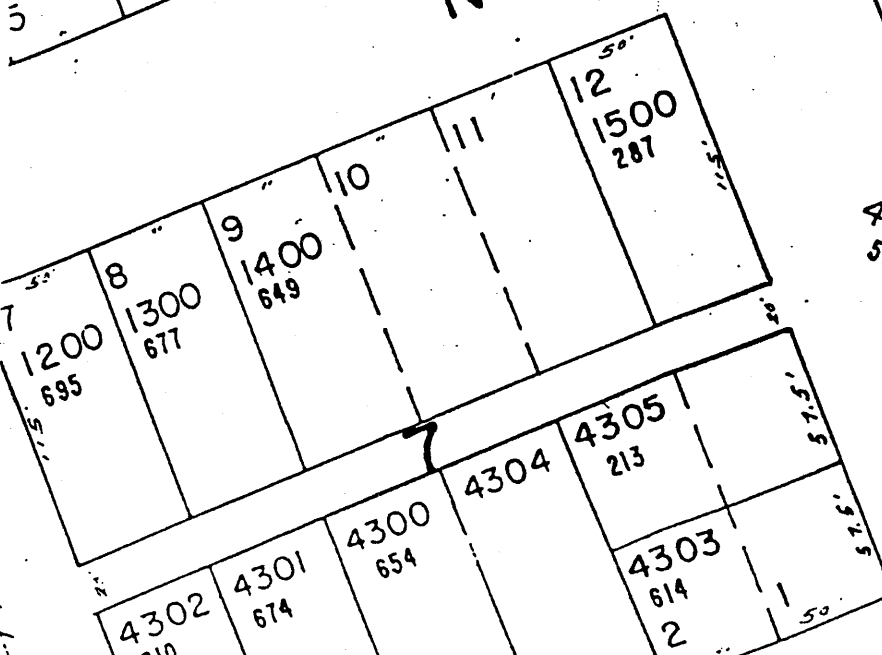
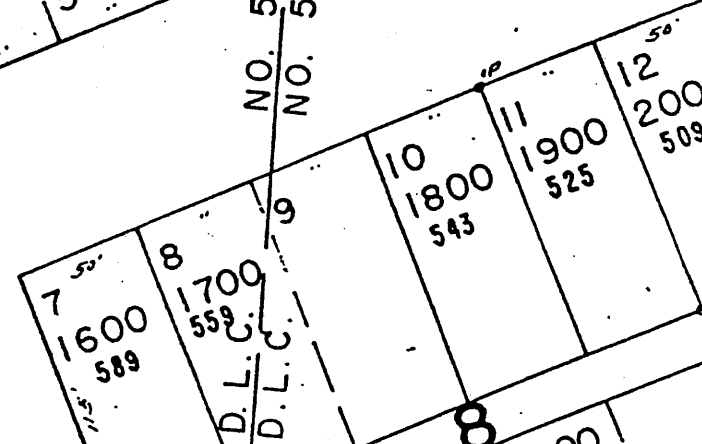
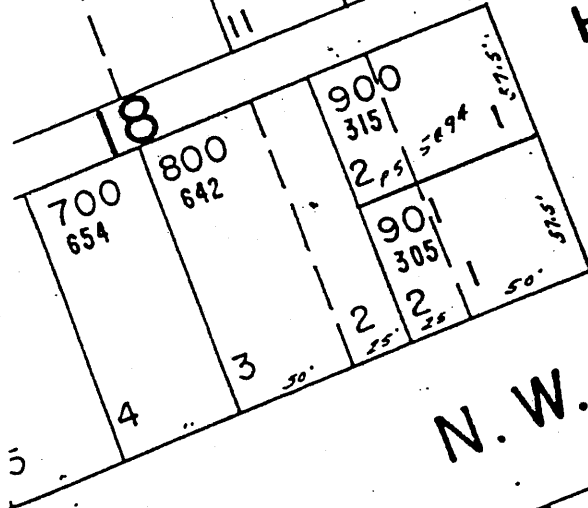
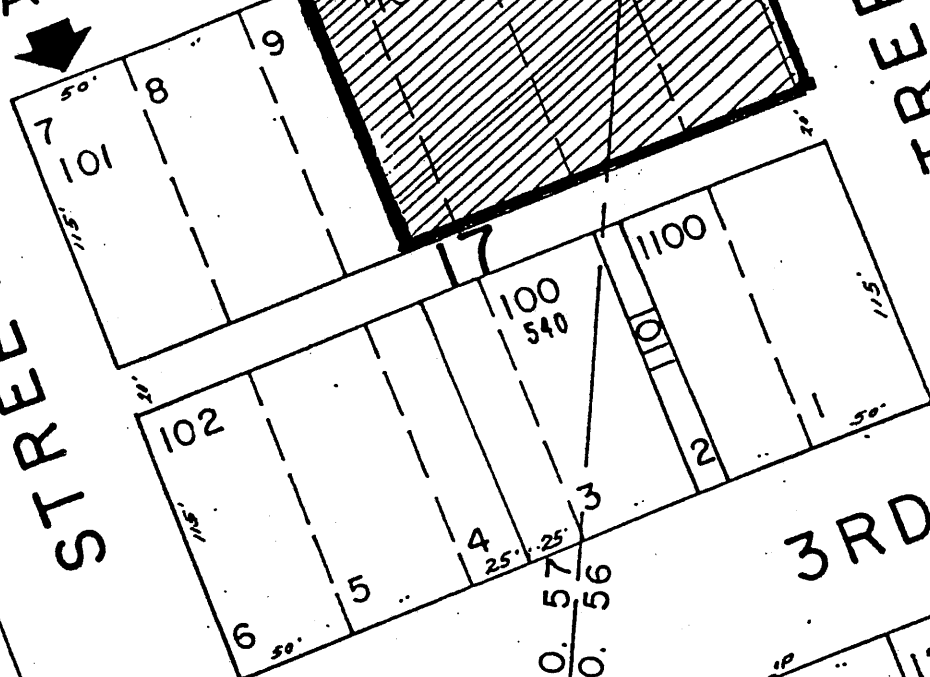
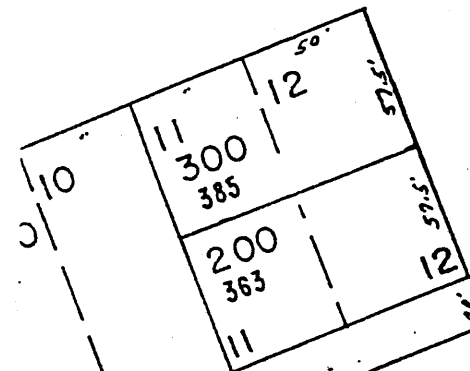
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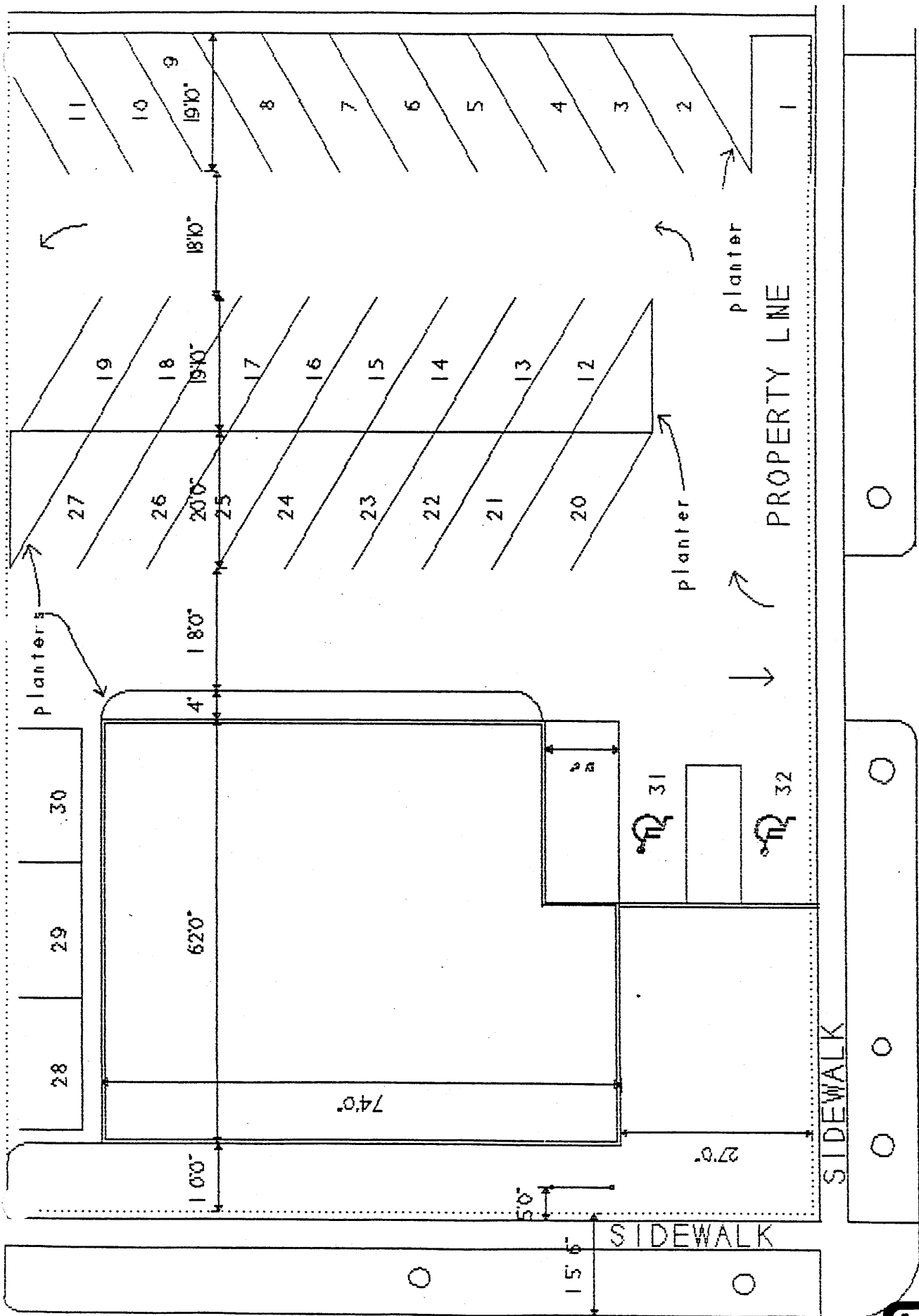
STREET

STREET

3RD

N.W.





scale = 1" = 20'

4TH STREET

ELM STREET

Blumberg No. 9118

**EXHIBIT**

3

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: September 21, 1993

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, ROY

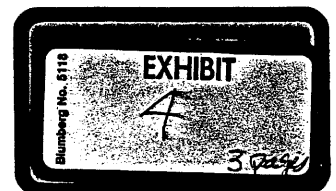
The City has received MLP 93-04/CUP 93-03/DR 93-06, applications by the Church of Christ for approval to partition 21,875 square feet of Tax Lot 101 of Tax Map 3-1E-33CC and to build a single-story meeting facility to accommodate assemblies and classes for various age groups. Parking and landscaping requirements would be met. The site is located at the southwest corner of N.W. 4th Avenue and N. Elm Street \*Tax Lot 101 of Tax Map 3-1E-33CC).

We would appreciate your reviewing the enclosed application and returning your comments by September 28, 1993 PLEASE. The Planning Commission plans to consider this application on October 11, 1993. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

The 2 Locust Trees on N. Elm - HAZARD Remove  
The 4 Maple Trees on N.W. 4th Remove - Damage occurring  
to street & curb. The City will PLANT a recommended  
street trees in PLANTING STRIP upon completion of project.  
The ALLEY needs Asphalt Improvement, Street Light  
pole needs to be RELOCATED. The Sewer Main is in  
Alley. 2 more Street Lights would be needed at - 1 ~~at~~ AT  
Entrance and 1 at ALLEY.

- 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: Ray L. Kester

Date: Sept 24, 1993

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: September 21, 1993

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, ROY

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Comments or Proposed Conditions:

Police Dept has no comments or concerns  
at this time.

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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 Stiper Date: 9/24/93



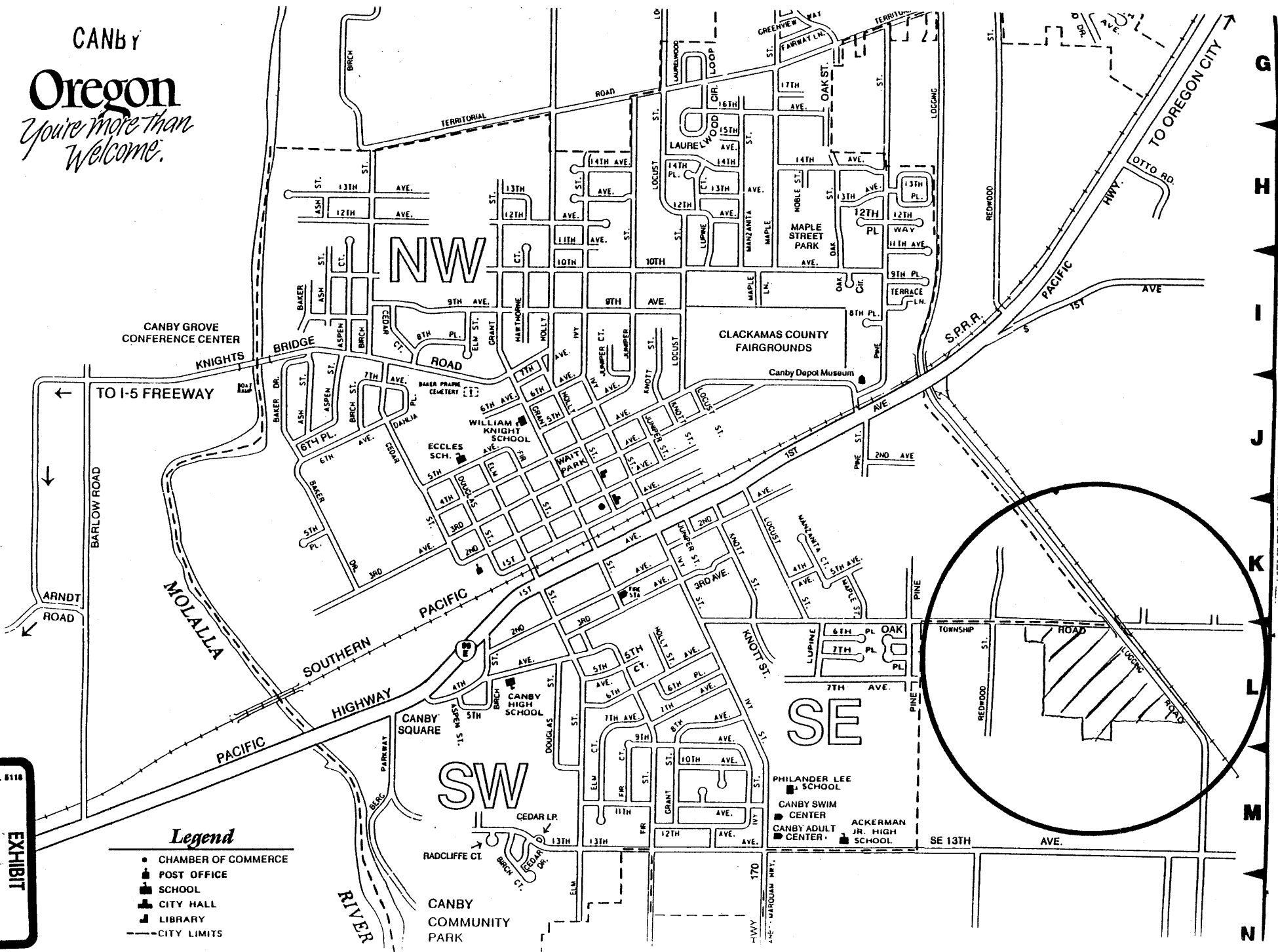


Based upon loss of density, increased development costs, and the loss of the amenity value of Mt. Hood views, an adjustment is warranted for Lots 195 to 209.

An adjustment is also warranted for the lots along the east side of Carriage Gate Drive (Lots 16 through 39) because this roadway must be extended through the site and to the undeveloped property to the south in order to provide for improvements to the existing road pattern allowing for development consistent with the Comprehensive Plan. Molalla Forest Road is planned to be used for bicycle and pedestrian traffic only. If it were open to vehicular use the east-west streets in this project could be extended to connect with it and provide more lots complying with the basic solar design option. However, such connections would be in conflict with the planned use of this existing right-of-way. The provisions of subsection 16.95.050A(1)c allow for an adjustment when such circumstances exist.

When the adjustments for the 24 lots along Carriage Gate Drive and the 15 lots along Deininger Street are removed from consideration, the site plan provides for 140 lots in compliance with the basic design option out of the remaining 170 lots (82 percent). Thus, with the approval of the requested adjustments, this application complies with the solar access requirements of this section.

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Blumberg No. 5118

EXHIBIT  
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**Legend**

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- POST OFFICE
- SCHOOL
- CITY HALL
- LIBRARY
- CITY LIMITS

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