

**A G E N D A**  
**CANBY PLANNING COMMISSION**  
**REGULAR MEETING**  
CITY COUNCIL CHAMBERS  
MONDAY, MAY 22, 1995  
7:30 P.M.

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**I. ROLL CALL**

**II. MINUTES**

*April 10, 1995*  
*April 24, 1995*

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

**IV. COMMUNICATIONS**

**V. NEW BUSINESS**

**VI. FINDINGS**

**VII. PUBLIC HEARINGS**

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

THE FOLLOWING APPLICATIONS FOR  
PUBLIC HEARINGS ARE CONTINUED TO A  
SPECIAL MEETING TO BE HELD ON  
JUNE 5, 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].

*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].

*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].

*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].

**VIII. DIRECTOR'S REPORT**

**IX. ADJOURNMENT**

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

KURT SCHRADER, CHAIR  
STAN ELLIOT  
CARLIN JACKSON

LINDA MIHATA, VICE-CHAIR  
DAN EWERT

BOB GUSTAFSON  
TAMARA MAHER

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**MEETING TIMELINES AND PROCEDURES**

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

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





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

**TO:** *Planning Commission  
City Council*

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

**DATE:** *February 8, 1995*

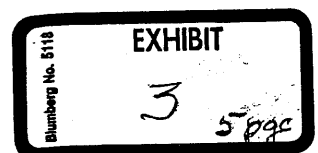
**RE:** *The Amount of Land Annexed/To Be Annexed  
According to Priority A,B,C areas*

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During the Faist annexation process, the question arose as to how much "priority A" Low Density Residential land had already been annexed into the City (since 1984) in comparison with how much of the same classification of land that has yet to be annexed. Staff did not have exact numbers, but based on looking at a very rough map of areas that have been annexed, came up with a figure of approximately 60-70% of priority A, Low Density Residential land has yet to be annexed. At the City Council, the applicant asserted that only 30% of the land has yet to be annexed. Staff then determined to provide the Planning Commission and the City Council with accurate numbers regarding the amount of land annexed and to be annexed.

The tables on the attached pages are the result of staff's study. There is a lot of data that is found in those tables and they need to be explained. Staff looked at all the residential lands that were outside the City limits, but within the Urban Growth Boundary, in 1984. The Comprehensive Plan was adopted, and acknowledged in 1984, which designated the prioritization scheme for annexation of land into the City. The numbers in the tables reflect subsequent changes in the Comprehensive Plans land use designations. For example: a portion of Willow Creek Phase 2 was originally Light Industrial, but was changed to Low Density Residential; and the H.O.P.E. property (13th & S. Ivy) was originally Low Density Residential, but was changed to Medium Density Residential. It is the numbers according to the new designations that were tallied.

Tables 1 and 2 provide the same information, but organized in two different ways. Table 1 looks at each Priority area separately with information and percentages regarding how much Low, Medium, and High Density land has been annexed. Table 2 looks at each density classification (Low, Medium, High) separately with information and percentages regarding how much annexed and non-annexed land is in each Priority area. Tables 3 - 5 give the number of parcels (and the amount of land they total up to) according to three different size categories in each of the Priority areas. Table 6 gives the same information as Tables 3 - 5, except that it is for all residential areas together.



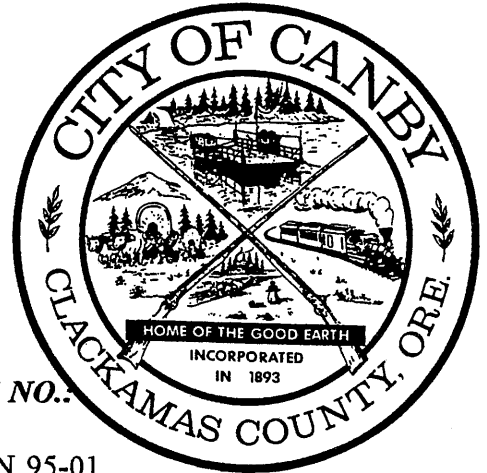
As an example, the questions that were asked in relation to the Faist annexation were twofold:

1. By percentage, how much priority A, B, and C lands (Low Density Residential) has yet to be annexed into the City?
2. How many of those parcels that have not been annexed are greater than 10 acres in size? (a question relating to the availability of land of suitable size for larger developments)

The answers are:

1. Priority A, Low Density Residential Lands, Not Yet Annexed: 82.9% (Table 1)  
Priority B, Low Density Residential Lands, Not Yet Annexed: 79.2%  
Priority C, Low Density Residential Lands, Not Yet Annexed: 92.8%
2. Priority A, Low Density Residential Lands: 6 lots 6.5% (31.6% of land) (Table 3)  
Priority B, Low Density Residential Lands: 1 lots 2.1% ( 9.5% of land) (Table 4)  
Priority C, Low Density Residential Lands: 6 lots 7.6% (45.2% of land) (Table 5)

**- STAFF REPORT -**



**APPLICANT:**

Douglas Kolberg  
P.O. Box 1426  
Lake Oswego, OR 97035

**FILE NO.:**

ANN 95-01  
*(Deininger Farms)*

**OWNER:**

Joan Jones  
2554 N.W. Overton  
Portland, OR 97210

Gertrude Thompson  
930 Rosemont Road  
West Linn, OR 97068

**STAFF:**

James S. Wheeler  
Assistant Planner

**LEGAL DESCRIPTION:**

Tax Lot 900, 1100, and 1200  
Tax Map 4-1E-3

**DATE OF REPORT:**

May 12, 1995

**LOCATION:**

South of S.E. Township Road  
between the Molalla Forest Road  
and Trost Elementary School

**DATE OF HEARING:**

May 22, 1995

*(City Council Hearing - at  
earliest possible Council meeting)*

**COMP. PLAN DESIGNATION:**

Low Density Residential

**ZONING DESIGNATION:**

County Zoning EFU-20 *(will come  
into City after Annexation as Low  
Density Residential R-1)*

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval to annex 45.42 acres, located on S.E. Township Road between the Molalla Forest Road on the east and Trost Elementary School on the west.

**II. MAJOR APPROVAL CRITERIA:**

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

- A. Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Commission shall give ample consideration to the following:
1. Compatibility with the text and maps of the Comprehensive Plan, giving special consideration to those portions of policies relating to the Urban Growth Boundary.
  2. Compliance with other applicable City ordinances or policies.
  3. Capability of the City and other affected service-providing entities to amply provide the area with urban level services.
  4. Compliance of the application with the applicable section of ORS 222.
  5. Appropriateness of the annexation of the specific area proposed, when compared to other properties that may be annexed to the City.
  6. Risk of natural hazards that might be expected to occur on the subject property.
  7. Effect of the urbanization of the subject property on specially designated open space, scenic, historic, or natural resource areas.
  8. Economic impacts which are likely to result from the annexation.
- B. If the proposed annexation involves property beyond the City's Urban Growth Boundary, or if the annexation is proposed prior to the acknowledgement of compliance of the City Comprehensive Plan by the State Land Conservation and Development Commission, the proposal shall be reviewed for compliance with the statewide planning goals. (Not Applicable since Canby's Comprehensive Plan has been acknowledged)

### **III. FINDINGS:**

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

The Comprehensive Plan Land Use designation of the subject parcel is for Low Density Residential. City zoning for the subject parcel will be R-1, Low Density Residential. S.E. Township Road is a collector street. The subject parcel is currently zoned EFU-20 (Exclusive Farm Use: 20-acre minimum lot size). The property to the east and the south is not in the City and is also zoned EFU-20. The property to the west is in the City and is zoned R-1 (Low Density Residential). The properties to the north are in the City and zoned M-1 (Light Industrial). All of the surrounding properties are in the Urban Growth Boundary.

The property is under application for subdivision (SUB 95-01/PUD), subject to the annexation of the land into the City.

**The applicant has submitted a full report regarding the application's consistency with the Comprehensive Plan's goals and policies, and the other Annexation approval criteria. The review is from the applicant's perspective, and the arguments have been left to stand on their own merits. Staff has added relevant information regarding the Planning Commission's review of a recent, similar annexation application.**

**The applicant's report is exhibit 1 of the staff report. The report includes the applicant's arguments for the subdivision application. Please read the first 16-1/2 pages of the report for the applicant's arguments regarding the annexation application. Additional information provided by staff is found below.**

#### **B. Additional Staff Input**

The similar annexation application that was recently reviewed by the Planning Commission, was of the property immediately to the southwest of the subject property (to be referred to as the "Deininger Farms property"). The similarities between the Faist property, as the former annexation application had been referred to, and the Deininger Farms property are as follows:

1. The properties are "priority C" in the phasing priority plan of the Comprehensive Plan. Which means that, generally, it is to be annexed after "priority A and B" lands are annexed. There is a provision in the Comprehensive Plan that permits annexation of "priority C" land prior to annexation of "priority A and B" lands. Both the Faist property applicant and the Deininger Farms property applicant applied under that provision.



2. The properties are being farmed.
3. The properties are adjacent to lands that are already annexed into the City.
4. The properties are readily serviced by existing infrastructure (sewer, water, telephone, cable, electric, streets).
5. The properties are in the fast-growing, "southeast" quadrant of the City.

There are some dissimilarities between the two applications that should be mentioned as well, they are as follows:

1. The Faist property annexation application was for a portion of a property, creating a problem regarding the mechanism of partitioning a property that isn't yet in the City, and couldn't be partitioned in the County. The Deininger Farms property involves the entirety of three tax lots.
2. The Faist property annexation application has been more intensively farmed than the Deininger Farms property. The Faist property is serviced by well water and the Deininger Farms property is not.
3. The existing infrastructure (utilities and streets) is located along the northwest corner of the Faist property, while they will need to be extended to the Deininger Farms property.
4. The Deininger Farms property has offered for dedication a 5.09 acre forested parcel of land for parks purposes.

In reviewing the findings of the Planning Commission's recommendation regarding the Faist property annexation, the similarities and differences between the applications need to be kept in mind. The following are the Planning Commission's findings for the Faist Annexation application:

1. In reviewing Policies 1-R-A and 1-R-B of the Environmental Concerns Element of the Comprehensive Plan, the Planning Commission finds that the subject property is economically viable agricultural land in that the information supplied by the applicant did not support the applicant's position that the subject property is not economically viable agricultural land. Income producing crops were planted on 7 of the 30 acres, with the remaining 23 acres planted with crops used for feed for the farmer's livestock.

2. The Planning Commission finds that the annexation of the subject property at this time, being a "priority C" property in the Urban Growth Element phasing plan (pp. 25 & 28 of the Comprehensive Plan), will not procure "special benefits" to the City in that the more efficient use of the utility facilities located immediately adjacent to the subject property through the development of the property is not a "special benefit". Further, the Planning Commission finds that the reimbursement of the advanced financed public improvement, funded by the City and benefitting the subject property, does not constitute a "special benefit" in that the development of the subject property and therefore the reimbursement of the public improvement may occur at anytime, up to January 19, 2004, with interest.
3. In reviewing Policy 3 of the Urban Growth Element of the Comprehensive Plan, the Planning Commission finds that there is sufficient lands designated both "priority A" and "priority B" for annexation for residential development purposes within the Urban Growth Boundary in that approximately 60% of "priority A" lands, and approximately 60%-70% of "priority B" lands for residential development have yet to be annexed into the City.
4. The Planning Commission finds that the annexation of the subject property further perpetuates an imbalance between annexation of lands designated for commercial/industrial development and residential development that is needed for the desired balance of City growth in that the last annexation of commercial/industrial land occurred in 1991.
5. The Planning Commission finds the annexation of the subject property further perpetuates a geographic imbalance in the residential growth of the City in that the residential growth over the past two years has been concentrated primarily in the southeastern quadrant of the City (the location of the subject property) creating an imbalance in the demand of public services that is more difficult to correct than a geographically balanced residential growth.

There should be noted that the vote to recommend denial of the Faist property annexation was approved 5-1. The dissenting vote found:

1. the subject property is eligible for annexation and development due to its location within the Urban Growth Boundary ;
2. not all of the "priority A" and "priority B" designated lands must be annexed into the City prior to the annexation of "priority C" lands;

3. the agricultural operations of the subject property are incompatible with the adjacent urban level residential development;
4. adjacent and nearby properties with similar soil characteristics and farming production potential have been annexed and developed; and,
5. the property will eventually be developed.

A memorandum, written by staff (exhibit 3) on February 8, 1995, provides quantified information regarding the amount of "priority A, B, & C" lands that have been annexed into the City, and have yet to be annexed into the City. The information shows that approximately 83% of "priority A" Low Density Residential lands, and 79% of "priority B" Low Density Residential lands have yet to be annexed. This amounts to approximately 468 acres of "priority A and B" Low Density Residential lands yet to be annexed. At the same time, it should be noted that only 7 lots of the "priority A and B" Low Density Residential lands are over 10 acres in size (approximately 136 acres).

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

Consideration of this application has two sets of competing goals and policies of the Comprehensive Plan. The current use of the property is agriculture (grass seed farming). The Comprehensive Plan is clear in stating the goal of preserving viable agricultural land for as long as "economically feasible to do so". The viability or economic feasibility of farming this property is questionable. The applicant has supplied information that concludes that the property is not economically viable as farmland. The purpose of the annexation is to develop the property residentially. There are other properties within the Urban Growth Boundary that could be annexed, however, the availability of the properties is questionable. Most of these properties do not have a full range of public services immediately available. This is particularly so of sewer, water and electric services. There are existing public facilities and services directly available to the subject property that will remain under-utilized until the subject property is developed. The subject property is in an 'annexation zone' of priority C, which means that it ought to be annexed last. The applicant has supplied arguments for the appropriateness of annexation of this property at this time. Development of the subject property will assist in the financing of the Logging Road Industrial Park road improvement project, and thereby, will increase (indirectly) the local employment opportunity in the City, another clearly stated goal of the Comprehensive Plan.

The Planning Commission will need to decide if the information submitted by the applicant, arguing for the appropriateness of annexation of this property at this time, is adequate to meet the requirements of Implementation Measure D of Policy 3 of the Urban Growth Element. If the information is considered to be adequate, then the application is in conformance with the Goals and Policies of the Comprehensive Plan.

**C. *Evaluation Regarding Annexation Consideration Criteria***

The applicant has provided the evaluation regarding the annexation consideration criteria. This evaluation is found on pages 16 and 17 of exhibit 1 of this staff report.

The Planning Commission will need to decide if the information submitted by the applicant regarding the annexation consideration criteria is adequate and correct.

**III. *CONCLUSION***

Staff hereby concludes that the proposed annexation will meet the requirements of the standards and criteria included in the Canby Land Development and Planning Ordinance, Section 16.84.040, provided that the Planning Commission makes particular findings that the applicant's findings related to : 1) Comprehensive Plan consistency; 2) Compliance with other applicable Codes and Ordinances; 3) Capability to provide urban level of services; 4) Compliance with ORS 222 regarding annexations of contiguous properties; 5) Appropriateness of area for annexation compared to other properties; 6) Risk of natural hazards; 7) Effect of urbanization on designated open space, scenic, historic or natural resource area; and 8) Economic impacts are correct and adequate.

**IV. *RECOMMENDATION***

Based upon the findings and conclusions contained in this report (and without benefit of a public hearing), staff recommends that should the Planning Commission recommend approval of ANN 95-01 to the PMALGBC (Boundary Commission), through the City Council, the following understandings should apply:

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

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

**Exhibits:**

1. Application
2. Vicinity Map
3. February 8, 1995 staff memo
4. Request for Comments

DEININGER FARMS  
APPLICATION FOR ANNEXATION &  
SUBDIVISION/PLANNED UNIT DEVELOPMENT

APPLICANT: Douglas Kolberg  
P.O. Box 1426  
Lake Oswego, OR 97035

OWNERS: Joan Jones  
2554 N.W. Overton  
Portland, OR 97035  
  
Gertrude Thompson  
930 Rosemont Road  
West Linn, OR 97068

LEGAL DESCRIPTION: T.L. 900, 1100, & 1200  
Tax Map 4 1E 3

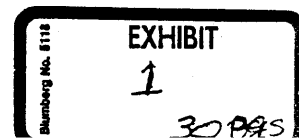
LOCATION: The subject property is bounded by Township Road on the north, Molalla Forest Road on the east, S.E. 10th Avenue extended on the south, and Trost Elementary School on the west.

COMPREHENSIVE PLAN: Low Density Residential

ZONING: Clackamas County EFU-20  
(Will be zoned R-1 upon annexation)

SITE AREA: 45.42 Acres

PROPOSED USE: The site is proposed to be developed with 209 lots for construction of single family detached homes. The Tentative Plat depicts the proposed Planned Unit Development including a planned 5.09 acre park dedication.



## ANNEXATION CRITERIA:

Section 16.84.040 of the Canby Municipal Code provides eight criteria to be used in the evaluation of annexation proposals. These criteria are listed below followed by a discussion of relevant facts and proposed findings.

1. *Compatibility with the text and maps of the Comprehensive Plan, giving special consideration to those portions of policies relating to the Urban Growth Boundary.*

Facts: The Canby Comprehensive Plan designation for the subject property is Low Density Residential. Upon annexation the property will be zoned R-1, consistent with this designation. Compliance of this proposal with specific goals and policies of the Comprehensive Plan is discussed below.

- i. *Citizen Involvement*

*Goal: To provide the opportunity for citizen involvement throughout the Planning Process.*

Analysis:

Consistent with Policy 1 under this goal, the City will provide notification and will hold a public hearing to allow citizen comment on the proposed annexation as well as the PUD/Subdivision. Consistent with Policy 2, the City will comply with requirements of Oregon Statutes and Administrative Rules in making decisions on the proposals in a timely manner.

- 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.*

*Policies:*

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

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.*
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

Regarding Goal 1, preservation of Agricultural and Forest lands, the subject property is farmed for grass seed production. However, it should be noted that this goal relates to the preservation of such resource lands in determining the appropriate location of the Urban Growth Boundary (UGB). In this instance, the subject property is already within the UGB and an exception to Statewide Planning Goals 3 and 4 has been taken. Annexation of this property to the City for urban development is, therefore, consistent with these statewide goals. A detailed discussion of the feasibility of continued agricultural practices on the subject property is provided later in this report.

1. The City of Canby will provide notice to Clackamas County of the proposed annexation and development, as called for in the Urban Growth Management Agreement between the two jurisdictions.
2. The subject property is within the existing UGB. No amendment to the UGB is required in order to approve this annexation and development.
3. A detailed discussion of service availability will be provided in the Public Services Element section of this report. All required public services are available at the present time to service this property. Sanitary sewer, water and storm drainage improvements are depicted on the preliminary utility plan, demonstrating the feasibility of providing such urban services.

Implementation Measure D under this policy states:

- D) *The adopted maps showing growth phasing shall be used as a general guideline for the City's outward expansion. Areas designated as Type "A" urbanization lands shall generally be annexed prior to those areas shown as Type "B", etc. Annexation which is not in keeping with the phased growth concept shall only be permitted when the following findings are made:*
- *Proponents of the proposed annexation have borne the burden of proving the appropriateness of the annexation. Such burden being the greatest for those proposals which are least in keeping with the phased growth concept.*



- *There will be some special benefit to the City overall as a result of the annexation which would not occur if the phased growth pattern was followed.*
- *The annexation will result in no adverse impacts on the City's planned provision of public facilities and services.*
- *The annexation is appropriate in terms of timing for City growth and development.*

The subject property is located in the Type "C" area. As there is considerable undeveloped land within the Type "A" and "B" inventory, this annexation is not in keeping with the phased growth concept. Therefore, the following analysis of compliance with the four exception criteria to this phased growth comment is being provided.

- The first criterion relates to the "appropriateness" of the annexation. No specific standards are provided to be used evaluating such appropriateness. However, it is clear from the context of Implementation Measure "D", which supports Policy 3 under the second goal of the Urbanization Chapter, that the intent is to weigh efficiency of provision of urban services. In this instance, the contiguous Type "A" land to the west has been annexed to the City and developed as Trost Elementary School. This development resulted in the improvement of Redwood Street together with the extension of public water and sewer services to the school site. These services may be readily extended to the subject property without "leap frogging" any other undeveloped lands. Further, according to our discussions with City staff, these services have capacity to serve the subject property. Therefore, it is appropriate, in terms of efficiency of providing services, to annex the subject property at this time.
- The primary "special benefit" to the City which will result from the annexation of the subject property at this time is the proposed dedication of 5.09 acres of the site to the City for park purposes. The proposed dedication area is shown as Tract "C" on the Tentative Plan. This area of the site is unique in this area of the UGB in that it contains a stand of mature Douglas fir trees. These trees are a substantial natural resource and a prominent element in the visual character of this area. The proposed dedication would ensure the preservation of this resource and would provide needed park land in this area of the City. The proximity of this park site to Trost Elementary School offers special benefits to the community by allowing students convenient access for supervised field trips to study forest ecology.

Although it may be argued that this benefit could be achieved at some future date when annexation fits into the City's phased growth concept,

there is no assurance that a future developer will wish to preserve this area or that harvesting of the timber would not occur under existing Clackamas County resource lands regulations prior to future annexation. The approval of this annexation request, together with the approval of the Subdivision/PUD application, will result in the dedication of this area at the time of recordation of the final plat.

- The proposed annexation would make use of existing services available in Redwood Street within 200 feet of this site. These services, which include a 12 inch sanitary sewer trunk line and an 8 inch water line, have adequate capacity to accommodate the proposed development without adverse impact. The proposed development will provide for on-site disposal of storm drainage through the use of dry-wells, thereby ensuring no adverse impact upon downstream properties.
- The proposed annexation is appropriate in terms of timing because the subject property is immediately contiguous to the existing City limits, public services are available in close proximity to the site, and because convenient access to the contiguous Trost Elementary School site will provide for educational needs of children living in the development.

ii. *Land Use Element*

*Goal: To guide the development and used of land so that they are orderly, efficient, aesthetically pleasing and suitably related to one another.*

*Policies:*

1. *Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.*
2. *Canby shall encourage a general increase in the intensity and density of development as a means of minimizing urban sprawl.*
3. *Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.*
4. *Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.*
5. *Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.*

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

Analysis:

1. The proposed development of this site will provide for single family detached homes. This use is in keeping with the adjacent school use, to the west, as well as the recent Township Village and Valley Farms residential developments further to the south and west of this site. To the east and north of this property lands are zoned for industrial development. An existing sheet metal use is located to the east of the subject property. A waste transfer site is proposed to the north, across Township Road and is presently being reviewed by the City. Potential exists for incompatibility between industrial and residential uses. However, Township Road and the Molalla Forest Road will provide some separation and buffering between the proposed subdivision and these industrial areas. With screening requirements imposed on these industrial uses by the City, we believe the proposed development will be compatible with this land use. To the south, rural residences on small acreages abut this site. The proposed residential development is generally compatible with such rural home sites. However, separation from this area will be provided to some extent by the proposed park dedication.
2. The proposed intensity of development is consistent with the Low Density Residential comprehensive plan designation applied to this site as well as with the R-1 zoning which will be applied at the time of annexation. This density of about 4.6 units per gross acre will permit full utilization of public facilities and will, therefore, not promote sprawl.
3. Discussions with City and Utility Board staff indicate that adequate sewer and water services are available. Requests for comments from service providers will be made during the City's review of this request and will ensure adequate review of service capacity issues.
4. No natural hazards are identified on the subject property in the Comprehensive Plan or in the Department of Geology and Mineral Industries Geologic Hazards map for this area.
5. The R-1 zoning which will be applied to this site if the annexation is approved is the implementing zone for the Low Density Residential plan designation.

6. The subject property is not identified in the Plan as a "unique site" or an "area of special concern".

iv. *Environmental Concerns*

*Goal:*

1. *To protect identified natural and historical resources.*
2. *To prevent air, water, land and noise pollution. To protect lives and property from natural hazards.*

*Policies:*

- 1RA. *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.*
- 1RB. *Canby shall encourage the urbanization of the least productive agricultural area within the urban growth boundary as a first priority.*
- 2R. *Canby shall maintain and protect surface water and groundwater resources.*
- 3R. *Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.*
- 4R. *Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.*
- 5R. *Canby shall support local sand and gravel operations and will cooperate with county and state agencies in the review of aggregate removal applications.*
- 6R. *Canby shall preserve and, where possible, encourage restoration of historic sites and buildings.*
- 7R. *Canby shall seek to improve the overall scenic and aesthetic qualities of the City.*
- 8R. *Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.*
- 9R. *Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.*

- 1H. *Canby shall restrict urbanization in areas of identified steep slopes.*
- 2H. *Canby shall continue to participate in and shall actively support the federal flood insurance program.*
- 3H. *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:

- 1R. According to the Soil Conservation Service's "Soil Survey of Clackamas County Area, Oregon", the subject property contains two soil types. The westerly portion, near the Southern Pacific Railroad tracks is Canderly sandy loam, 0 to 3 percent slopes. The balance of the site contains Latourell loam, 0 to 3 percent slopes. These soils are the most common soil type in the Canby area. The Canderly soils are rated as Capability Class IIs and the Latourell and Class I. Both can be farmed for a wide variety of crops. In the instance of the subject property, however, the parcel has no water rights available. Therefore, unlike many similar properties in the surrounding area which are farmed for berries and nursery stock, agricultural activities are limited to dryland crops.

The subject property has been leased out for the past several years and has been farmed for grass seed and hay. These crops are low-yield farming activities which require large acreages to support a farm dwelling. No criteria are provided under this policy to weigh the feasibility of continued agricultural use. However, a reasonable test for an economically viable farm unit is provided under current Oregon Administrative Rules relating to farm dwellings on lands designated for agricultural use. Under these rules, new agricultural dwellings are only permitted on farms which produce \$80,000 in gross farm income annually. Grass seed produces less than \$400 per acre annually in gross farm income. About 2 acres of the subject property are used for rental dwellings and an additional 5 acres is wooded. Thus, approximately 38 acres are available for farming. Assuming \$400 per acre, the grass seed crop would produce only \$15,200 per year, or 19 percent of that required to justify a farm dwelling under State and Clackamas County standards. Net farm income would be significantly less. The farming activities on this property are insufficient to justify its economic continuation.

- 1RB. Much of the existing vacant land supply in the Canby area is productively farmed for a wide variety of crops. This is true of many Type "A" areas,

including properties south of 13th Avenue opposite Ackerman Junior High School and land in nursery stock production north of Territorial Street between Maple and Holly Streets. The agricultural use of the subject property is restricted due to a lack of water rights allowing for irrigation of crops. In the absence of such water rights, this property must be viewed as among the least productive of agricultural areas and its annexation is consistent with this policy.

- 2R. The subject property does not contain any surface water resources, nor are there any nearby. The development of this property for residential purposes will not affect groundwater recharge because dry-wells will be employed to allow storm drainage to continue to percolate into the soil. Storm water management for compliance with the Federal Clean Water Act will be reviewed by Clackamas County prior to site development.
- 3R. The City requires that residential development comply with prescribed standards for air, water and land pollution.
- 4R. Residential construction and site development activities will produce noise during the construction phase of this project. Such activities will be regulated to comply with City standards.
- 5R. Not applicable. No sand or gravel operations exist on this site nor are such resources present.
- 6R. There are no historic residences present on this site.
- 7R. The only scenic resource on the subject property is the stand of fir trees on T.L. 900. This scenic resource is proposed to be preserved through dedication to the City for park purposes.
- 8R. More than five acres of the subject property is proposed to be set aside as open space through park dedication.
- 1H. The site has no steep slopes.
- 2H. The property is not in a floodplain area.
- 3H. The soils on the subject property, Latourell silt loam and Canderly sandy loam are both described in the SCS study as deep, well-drained soils. No expansive soils, shallow top-soil areas, or high water table areas are present on this site.

v. *Transportation*

*Goals:*

1. *To develop and maintain a transportation system which is safe, convenient and economical.*

*Policies:*

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.*
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.*
3. *Canby shall attempt to improve its problem intersections, in keeping with its policies for upgrading or new construction of roads.*
4. *Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents.*
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.*
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.*
7. *Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.*
8. *Canby shall support 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.*
9. *Canby shall support efforts to improve and expand nearby air transport facilities.*
10. *Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.*

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

Analysis:

1. All streets within the development are proposed to be designed to City standards. Additionally, frontage improvements will be provided along Township Road as required by Clackamas County collector street standards.
2. Access via Township Road will provide for the needs of this development. No new off-site roads are warranted.
3. The closest "problem intersection" is Township Road and Ivy Street. The applicant has retained a traffic consultant to review the impact of the proposed development on this intersection.
4. The City owns the Molalla Forest Road right-of-way along the east border of this site and plans to make use of it for pathway purposes. The proposed development plan will provide for a pedestrian connection to this pathway. Additionally, a pedestrian pathway is being proposed to provide access to Trost Elementary School. Bikepath and pedestrian improvements will be included to County standards in the widening of Township Road along the project frontage.
5. Not applicable to this project.
6. Two access points will be provided onto Township Road as well as one future connection via 10th Avenue to Redwood Street. This street system will ensure adequate emergency vehicle access to the proposed development.
7. Bicycle pathways will be included in the widening of Township Road along the project frontage.
8. The proposed development has no direct impact upon the safe utilization of the railroad line to the east of this site. No access is proposed that would affect this rail line and the Molalla Forest Road buffers the site from the right-of-way.



9. No airport facilities will be affected by this proposal.
10. The project will have no direct impact upon mass transit.
11. The development has no frontage on and does not affect the transportation usage of the Willamette River.
12. Improvements to Township Road, a County Road, will be made along the project frontage in conjunction with this development.

vi. *Public Facilities and Services*

*Goal:*

1. *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.*

*Policies:*

1. *Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.*
2. *Canby shall utilize all feasible means of financing needed public improvements and shall do so in an equitable manner.*
3. *Canby shall adopt and periodically update a capital improvement program for major city projects.*
4. *Canby shall strive to keep the internal organization of city government current with changing circumstances in the community.*
5. *Canby shall assure that adequate sites are provided for public schools and recreation facilities.*

*Analysis:*

1. All affected public utility providers will be notified as a part of the City's review of this project, thereby satisfying this policy.
2. All proposed public improvements associated with this project will be paid for privately by the project developer.

3. The proposed development does not require any improvements shown on the City's capital improvement program and will not affect its implementation.
4. This policy is a guide to City action and does not directly apply to this proposal.
5. A five acre park site is proposed to be dedicated to the City to assist in compliance with this policy. The Trost Elementary School site is immediately adjacent to the subject property and has remaining room for additional development. No new school sites are identified as being needed in this vicinity.

vii. *Economic*

*Goals:*

1. *To diversify and improve the economy of the City of Canby.*

*Policies:*

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

*Analysis:*

1. The proposed development is not industrial and the comprehensive plan designation precludes such development on this site.
2. The proposed development is not commercial and the comprehensive plan designation precludes such development on this site.

3. The proposed development will contribute to the area's economy through construction jobs during site development and home construction. No other direct economic impacts are associated with this proposal.
4. As discussed above, the agricultural activity on this site is low intensity in its character, does not generate significant agricultural income, and therefore is not feasible to continue. The proposal will result in urbanization of this site for residential use.

vii. *Housing*

*Goal:*

1. *To provide for the housing needs of the citizens of Canby.*

*Policies:*

1. *Canby shall adopt and implement an urban growth boundary which will adequately provide space for new housing starts to support and increase in population to a total of 20,000 persons.*
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.*
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.*
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.*
5. *Canby shall provide opportunities for mobile home developments in all residential zones, subject to appropriate design standards.*

*Analysis:*

1. The subject property is within the existing UGB and, therefore, is considered to be needed to meet projected population growth.
2. The proposed density of development is consistent with the Low Density Residential plan designation as well as the R-1 zoning standards.

3. The subject property is on the fringe of the city and has not been identified for higher density development in the Comprehensive Plan.
4. This project is aimed directly at providing affordable homes to assist in meeting the city's housing needs. The proposed houses are planned to be 1,000 to 1,500 square feet in area and will be designed with affordability in mind.
5. No mobile home development is proposed on this site.

*ix. Energy Conservation*

*Goal:*

1. *To conserve energy and encourage the use of renewable resources in place of non-renewable resources.*

*Policies:*

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

*Analysis:*

1. The subdivision has been planned to promote energy efficiency by orienting lots on predominantly east-west streets. All homes will comply with the strict energy standards of the building code.
2. The proposed east-west orientation of the street system maximizes the solar orientation of the building lots.

3. Building permits will be reviewed by the City for compliance with solar access and energy standards.
4. This policy is a guide to City action and is not directly applicable to the proposed annexation or development.
5. The City will review building permits for compliance with Uniform Building Code energy standards and City solar access standards.

#### CONTINUED ANALYSIS OF ANNEXATION CRITERIA:

2. *Compliance with other applicable City ordinances or policies.*

Comment: The proposed development has been designed as a Planned Unit Development and complies with applicable zoning and subdivision standards, as demonstrated in the following sections of this report.

3. *Capability of the City and other affected service-providing entities to amply provide the area with urban level services.*

Comment: As discussed above, basic urban services (water, sewer, and storm drainage) are depicted on the preliminary utility plan and are available to meet the needs of this project. Agency comments will be sought by the City during its review of this project to ensure adequate service availability.

4. *Compliance of the application with the applicable section of ORS 222.*

Comment: This application will be reviewed by the City Planning Commission, City Council, and the Boundary Commission for compliance with these standards. This property is contiguous with the City limits, the owners have authorized the applicant to apply for annexation, and the site can be provided with adequate levels of urban services.

5. *Appropriateness of the annexation of the specific area proposed, when compared to other properties that may be annexed to the City.*

Comment: The annexation of this site to the City outside of the phased annexation plan identified in the Comprehensive Plan is warranted because it will result in a specific benefit to the City through dedication of park lands, as discussed above. This special circumstance, together with the fact that the existing agricultural activities are less intensive and no water rights exist on this property, indicate that annexation prior to other areas is consistent with this policy.

6. *Risk of natural hazards that might be expected to occur on the subject property.*

Comment: No natural hazards have been identified on this site.

7. *Effect of the urbanization of the subject property on specially designated open space, scenic, historic, or natural resource areas.*

Comment: No such resources exist on this site, with the exception of the scenic resource associated with the forested area of the property. This area will be preserved as park land through dedication to the City if this annexation and PUD are approved.

8. *Economic impacts which are likely to result from the annexation.*

Comment: The only economic impacts associated with this proposal are the positive impacts resulting from construction jobs associated with site development and home construction.

#### COMPLIANCE WITH SUBDIVISION STANDARDS

1. *Conformance with the text and applicable maps of the Comprehensive Plan.*

Comment: See analysis of Comprehensive Plan policies above.

2. *Conformance with other applicable requirements of the Land Development and Planning Ordinances.*

Comment: The proposed development has been designed as a Planned Unit Development. Lot sizes are proposed to be reduced from the normal 7,000 sq. ft. standard of the R-1 district to a minimum of about 6,100 sq. ft. The overall density, however, has been designed to conform to that of the R-7 district. Approximately 5.09 acres of park lands will be dedicated to the City and the resulting density transfer has permitted the smaller lot sizes within the development. Street standards are proposed to conform with City standards for local streets, as shown on the preliminary utility plan. Compliance with specific standards of the Canby Land Development and Planning Ordinance is discussed below in this report.

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

Comment: All lots have adequate access onto City streets. Further, utilities will be located in street rights-of-way or easements, as shown on the preliminary utility plan. Street stubs and utility extensions are provided where needed to allow for future development of adjacent undeveloped properties.

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

Comment: See discussion above under the public facilities element of the Comprehensive Plan policy analysis.

## COMPLIANCE WITH OTHER PROVISIONS OF THE CANBY LAND DEVELOPMENT AND PLANNING ORDINANCE.

### DIVISION III. ZONING

#### Chapter 16.10 -- Off-Street Parking

Table 16.10.050 indicates that all new single-family dwellings shall provide a minimum of two off-street parking spaces. The minimum parcel size in the proposed development, 65' X 95', provides sufficient room for the construction of homes with two-car garages with parking in the driveway area for two additional vehicles. Specific compliance with this standard will be reviewed at the time of building permit application.

#### Chapter 16.16 -- R-1 Low Density Residential Zone

##### 16.16.010 Uses permitted outright

The land use proposed in this development, single-family dwellings, is listed as a use permitted outright in the R-1 zone (16.16.010A).

##### 16.16.030 Development Standards

- A. Minimum lot area: The R-1 zone requires a minimum lot area of 7,000 square feet. The proposed development, however, is a Planned Unit Development. Section 16.76.040 permits modification of lot size, lot width, and setback standards within a PUD. See discussion below under that section.
- B. Minimum lot width: Although the PUD provisions permit modification of the lot width standard, the minimum lot width proposed in this project, 65 feet, exceeds the 60 foot minimum standard of the R-1 district.

- C. Minimum yard requirements: As discussed under subsection A, above, the PUD provisions permit modification of the minimum setback provisions of the R-1 district. See discussion below under Section 16.76.040.
- D. Maximum building height: No specific building plans are being approved at this time. Plans for individual homes will be submitted to the City at the time of building permit application and reviewed for compliance with the 35 foot/2.5 story standard. No adjustment to this standard is being requested.
- E. Maximum lot coverage: The R-1 zone establishes no limit for the lot coverage of the main building. No accessory building will be permitted which exceeds the coverage of the main building, as specified in this section.

#### Chapter 16.46 -- Access Limitations on Project Density

All project streets are proposed to comply with the City's 36 foot paved width standard for local streets. Subsection 16.46.010 permits up to 40 dwellings on such roadways (this standard may be increased by up to 50 percent for looped streets and by an additional 20 percent in PUDs). In the proposed development, S.E. 9th Avenue is the street which will have the most homes fronting on it. The 33 units proposed on this street is less than the maximum access standard.

### DIVISION IV. LAND DIVISION REGULATION

#### Chapter 16.64 -- Subdivision Design Standards

##### 16.64.010 Streets

- A. The proposed subdivision plan conforms with the general street design standards because it provides for the continuation of S.E. 10th Avenue and provides a stub on Carriage Gate Drive for future development to the south. Further, the plan complies with City minimum width standards for right-of-way and paving.
- B. A reserve strip will be provided at the southerly terminus of Carriage Gate Drive, as required by this section.
- C. The site plan provides for "T" intersections for all streets in the subdivision. No offset intersections of less than 150 feet are proposed (the centerline offset of S.E. 5th and 6th Avenues is in excess of 180 feet).
- D. The only unplatted developable acreage which abuts the subject property lies to the south of this site. The site plan provides for future development of this area by providing frontage on S.E. 10th Avenue and by providing for a street stub on S.E. Carriage Gate Drive.



- E. All intersection angles proposed are approximately 90 degrees, consistent with the requirements of this subsection.
- F. Township Road, the only street abutting this site, complies with the minimum County standard for right-of-way width, 60 feet. No additional right-of-way dedication is needed.
- G. The only half-street in this development is the extension of S.E. 10th Avenue. The site plan provides for an immediate transition to a full-street dedication as soon as possible and continues this street with the minimum 40 foot right-of-way along the southern boundary of the subject property.
- H. The only cul-de-sac proposed in the site plan is a short "bubble" off of S.E. 5th Avenue. This street is less than 100 feet in length, well under the 450 foot maximum length standard of this subsection. Further, the cul-de-sac serves only six homes -- well within the maximum limit of 18.
- I. This subsection relates to marginal access streets which may be required by the City when a site abuts an arterial street. Township Road is designated as a collector street and, therefore, these provisions do not apply.
- J. No alleys are proposed and none are required by this subsection because the proposed development is not in an industrial or commercial district.
- K. Proposed street names are shown on the Tentative Plat. East-west streets continue the numbered avenue system consistent with the City's grid. Staff has advised us that north-south street names will have to be revised to conform to the City's street naming system. The applicant will work with staff so that necessary changes will be made prior to final plat approval.
- L. The site plan depicts proposed easements along streets in the development which are sufficient to provide room for the planting of street trees.
- M. As shown on preliminary profiles submitted with this application, the steepest road grade proposed is four percent -- well under the 15 percent maximum grade. The flattest grade proposed is .5 percent, consistent with minimum slope standards.
- N. The subject property parallels the Southern Pacific Railroad right-of-way along its east border. Carriage Gate Drive parallels this railroad right-of-way, as required by this section.

#### 16.64.020 Blocks

- A. The block system proposed complies with general design standards in that it provides adequate depth for building sites (95 feet minimum), maintains a grid system that provides appropriate traffic circulation throughout the development, and provides appropriate access for all lots.
- B. The proposed plan has a maximum block length of approximately 1,050 feet (8th and 9th Avenues between Deininger and Carriage Gate Drives). This complies with the maximum 1200 foot length standard of this subsection. The proposed block depth provides for two lot depths.

#### 16.64.030 Easements

- A. Twelve foot utility easements are proposed along all street lines in the project, as required by this section. Side and rear utility easements will be provided where appropriate.
- B. Drainage easements are not required because there are no watercourses on the property.
- C. Tracts are provided for pedestrian walkways to Trost Elementary School and to the pathway system along Molalla Forest Road.
- D. Compliance with solar access standards is discussed later in this report.

#### 16.64.040 Lots

- A. As far as possible, the proposed plan provides rectangular lots measuring 65 feet wide by 95 feet deep. These dimensions provide a building envelope of approximately 55 feet wide by 55 feet deep, adequate room for construction of single-family homes.
- B. Minimum lot sizes are modified through the PUD provisions. Please see discussion of Division V, below.
- C. All lots proposed have adequate frontage on public streets.
- D. The only double frontage lots proposed are along Township Road and Molalla Forest Road. The double frontage lots are necessary along Township Road because it is a Clackamas County Collector street and County policies discourage direct access to such roads. Additionally, sight distance is poor because of a vertical curve in this roadway making access at points other than the street intersections proposed unsafe. Molalla Forest Road is now owned by the City of

Canby and is planned to be used for pedestrian/bicycle purposes. Vehicular access from this road, therefore, is not permitted and double frontage lots must be used.

- E. Side lot lines have been designed to be perpendicular or radial to street right-of-ways in so far as practical.
- F. No lots or tracts capable of resubdivision are proposed.
- G. Special side yard setbacks (five feet) are proposed as a part of the Planned Unit Development. These setbacks will be noted in the deed restrictions.
- H. No flooding or soil hazards are present on this site. Therefore, approval of this Tentative Plat is consistent with this subsection.
- I. Only one flag lot (Lot 176) is proposed in the project. The access strip width proposed is 20 feet and is proposed to be paved, consistent with City standards. Appropriate setbacks and turn-around requirements will be demonstrated at the time of building permit application.

#### 16.64.050 Public open spaces.

The proposed site plan provides 5.09 acres of forested land which is proposed to be dedicated to the City of Canby for park purposes.

#### 16.64.070 Improvements

The improvements required for this project are indicated on the Preliminary Utility plans submitted with this application. Final engineering will be provided for these improvements prior to final plat approval. All City requirements for construction of these improvements, including appropriate inspections and/or bonding requirements, will be met prior to final plat approval.

## DIVISION V. PLANNED UNIT DEVELOPMENT

### Chapter 16.70 -- General Provisions

#### 16.70.010 General provisions

Consistent with the provisions of this subsection, because the proposed Planned Unit Development includes the subdivision of property, it is being reviewed under the provisions of Division IV as well as the requirements of Division V.

#### 16.70.020 Purpose

The proposed development is consistent with the purpose statement this Division in that the design flexibility permitted through the PUD process will permit the lot sizes to be somewhat smaller, thereby allowing the preservation of the wooded area of the site through park dedication. The resulting development will be as good as, or better, than would be obtained through standard subdivision practices because the lots will still provide adequate building sites for single-family homes but the resource and open space value of the wooded area will be retained.

#### 16.70.030 Condominium projects treated as planned unit development

This section does not apply because no condominium units are proposed.

### Chapter 16.72 -- Applications

#### 16.72.010 General requirements

Consistent with this subsection, the application procedures for tentative subdivisions, pursuant to Division IV, are being followed for this application. Conditional use provisions of Division III are not applicable because the proposal includes the subdivision of property.

#### 16.72.020 Who may apply.

The application has been signed by all owners having title to the property in the proposed Planned Unit Development.

#### 16.72.030 Form and content.

- A. The application was submitted to the City Planner on forms provided for that purpose.
- B. The Tentative Plan map provides an accurate map drawn at a scale of one inch equals 100 feet showing the proposed development. Because the proposed PUD includes only lots for single-family homes, no architectural plans are being approved as a part of this application. Building plans will be reviewed individually for each home at the time of building permit application. The proposed location and dimensions of the proposed open space (Tract "C") are noted on the plan. Off-street parking will be provided in driveways and garages for the homes and will be reviewed at the time of building permit application. The site plan shows access points, topography and railroad right-of-way. Proposals for grading and drainage are shown on the preliminary utility plans. Landscaping will be provided by individual homeowners.

- C. The purpose of the proposed development is to provide building lots for 209 single-family detached homes. Additionally, the plan will provide 5.09 acres of park land which is proposed to be dedicated to the City of Canby. This dedication will preserve as open space the only area of the site containing significant physical features -- old growth Douglas fir trees. No other non-residential uses are proposed.

#### Chapter 16.74 -- Uses Permitted

##### 16.74.020 Uses permitted in residential zone.

The only uses proposed in this project are single-family detached homes and 5.09 acres of open space. Residential uses in R-1 zoned areas are permitted by this Division as well as Division III.

#### Chapter 16.76 -- Requirements

##### 16.76.010 Minimum requirements

- A. The site plan preserves 11.21 percent of the site as open space (5.09 acres out of 45.42 acres). This exceeds the minimum 10 percent requirement of this section.
- B. The average area per dwelling unit is not less than that required by the R-1 zone. The site contains a total of 45.42 acres, of which 8.91 acres will be dedicated for public streets. The net site area, 36.51 acres or 1,590,376 square feet, divided by 209 units equals an average area per dwelling unit of 7,609 square feet.
- C. The size of the subject property, 45.42 acres, exceeds the minimum PUD site area requirement of one acre.

##### 16.76.020 General requirements

Consistent with these requirements, this application report demonstrates that the requirements of Division IV, Land Division Standards, are satisfied. Additional information required by this subsection has been addressed as follows:

- A. Public dedication areas include: Tracts "A" and "B", which are to be used for pedestrian pathways, Tract "C", a 5.09 acre proposed to be dedicated to the City of Canby for park purposes, and 8.91 acres of public street.
- B. No undedicated open space is proposed.

- C. Land use within the proposed development is shown on the site plan and is summarized as follows:
- |    |                                |             |
|----|--------------------------------|-------------|
| 1. | 209 Single-family home lots -- | 31.38 acres |
| 2. | Public street right-of-way --  | 8.91 acres  |
| 3. | Tract "C" park dedication --   | 5.09 acres  |
| 4. | Tracts "A" and "B" pathways -- | .04 acres   |
- D. All dwellings proposed will be single-family detached units. They will be sited within required setbacks on the 209 lots shown on the site plan.
- E. All off-street parking requirements will be met in the driveway and garage areas on the individual lots.
- F. Pedestrian pathways are shown as Tracts "A" and "B" on the site plan.
- G. Approval is being requested for the entire project at this time. While the development may be constructed in two stages, completion of the entire project within the permitted preliminary approval period is anticipated.
- H. Adjacent utilities are depicted on the preliminary utility plan.
- I. The proposed density of development is 4.6 units per gross acre or 5.72 units per net acre. Lot coverage will be reviewed with the building permit application.
- J. The only other pertinent information requested by staff is a traffic study. See the report prepared by Lancaster Engineering.

16.76.030 Standards and criteria.

- A. The applicant acknowledges that the approval of this PUD will be binding upon the developer.
- B. The applicant acknowledges that land within the PUD may be subject to contractual agreements with the City and will record approved agreements with the covenants of the development.
- C. This report provides a detailed analysis demonstrating that the proposed development complies with other relevant provisions of the Land Development and Planning Ordinance.
- D. The proposed development provides an organized arrangement of lots, with each having appropriate access to public services as shown on the utility plan.

- E. The proposed development pattern provides single-family homes on individual lots. This land use is typical of nearby residential areas and is a use authorized by the R-1 zoning on the subject property.
- F. The proposed development has been demonstrated to be a complete development with respect to the provisions of this ordinance. Proposals for utilities, street improvements, etc. are shown on the site plan.
- G. The only undeveloped lands proposed are the two pedestrian pathways, Tracts "A" and "B", and the park site, Tract "C". These areas are proposed to be dedicated to the City in perpetuity.
- H. As with any other City park, the maintenance of the park dedication area is proposed to be the responsibility of the City of Canby.
- I. All units are proposed to have individual utility services.
- J. No condominium conversions are proposed. This subsection does not apply.
- K. No condominium conversions are proposed. This subsection does not apply.

#### 16.76.040 Exceptions

- A. Modification to the minimum lot size and setback standards of the R-1 zone are requested in conjunction with this application. The R-1 zone requires a minimum lot size of 7,000 square feet. Within this PUD a minimum lot area of 6,000 square feet is proposed in order to compensate for the 5.09 acres reserved as park dedication area. Because the lot sizes are smaller, a side yard setback of five feet is proposed.
- B. Building height is proposed to conform to the basic R-1 standards.
- C. As previously discussed, the off-street parking requirements of Division III will be met.

#### Chapter 16.78 -- Condominium Projects Involving Construction of Six or Fewer Units.

Not applicable. No condominium units are proposed.

#### Chapter 16.80 -- Manufactured or Mobile Home Subdivisions.

Not applicable. No manufactured or mobile homes are proposed.

Chapter 16.82 -- Special Housing Projects for the Elderly or Handicapped.

Not applicable. No housing specifically for the elderly or handicapped is proposed.

DIVISION VI. ANNEXATION

These provisions have been previously addressed in this report.

DIVISION VII. STREET ALIGNMENTS

Consistent with the provisions of subsection 16.86.020(B) the streets in the proposed development are proposed to have a right-of-way width of 40 feet. No other provisions of this section are applicable to this proposal.

DIVISION VIII. GENERAL STANDARDS AND PROCEDURES

The provisions of this Division provide general guidance to City action on land use and are not directly applicable to the review of this development application.

DIVISION IX. SOLAR ACCESS

Chapter 16.95 -- Solar Access for New Developments

16.95.020 Applicability

The subject property is zoned R-1 and, therefore, the provisions of this chapter apply to the proposed development.

16.95.030 Design Standard.

Compliance with the 80 percent design standard would require that 168 out of 209 meet one of the three options for solar access. In the proposed subdivision, we have oriented nearly every street on an east-west axis to maximize solar access. The only significant streets oriented other than east-west are the access road from Township Road, Deininger Street, and Carriage Gate Drive along the eastern border of the property.

Despite our attempt to maximize lots on a north/south axis, the proposed subdivision provides for only 67 percent (140 out of 209 lots) to meet the basic design option (90 feet deep on the north-south axis and front lot line within 30 degrees of east-west).



Because of the narrow north-south width dimension of the lots which do not meet the basic design option, using the protected solar building line or performance options are not practical alternatives for this site. The lots which do comply with the basic design option are: Lots 5-7, 11-15, 42-138, 141-157, 161, 164-166, 172-173, 176-177, and 185-194. An adjustment to the 80 percent design standard is being requested pursuant to the provisions of Section 16.95.050.

#### 16.95.050 Adjustments to Design Standard

This section provides that the percentage of lots that must comply with Section 16.95.030 must be reduced by the Planning Commission, to the minimum extent necessary, if it finds the applicant has shown compliance would cause adverse impacts on density and cost or loss of amenities, or that impacts of existing shade excludes a portion of the site. In this instance, the impacts of existing shade is not a factor. However, compliance would result in increased costs, loss of density, and loss of view amenities.

Discussions with City planning staff have resulted in one design alternative to be considered to increase compliance with the basic design option. By moving Deininger Street to the western border of the site against the Trost Elementary School boundary, the east-west lots proposed on this street could be eliminated. We have prepared a concept plan depicting this alternative (Design Option "A" on the following page of this report). This option was not as successful in providing compliance with the design standard as originally anticipated because the spacing of the lots resulted in non-complying lots being located along Carriage Gate Drive. However, the plan does achieve a greater percentage of the lots in compliance (72 percent versus 67 percent).

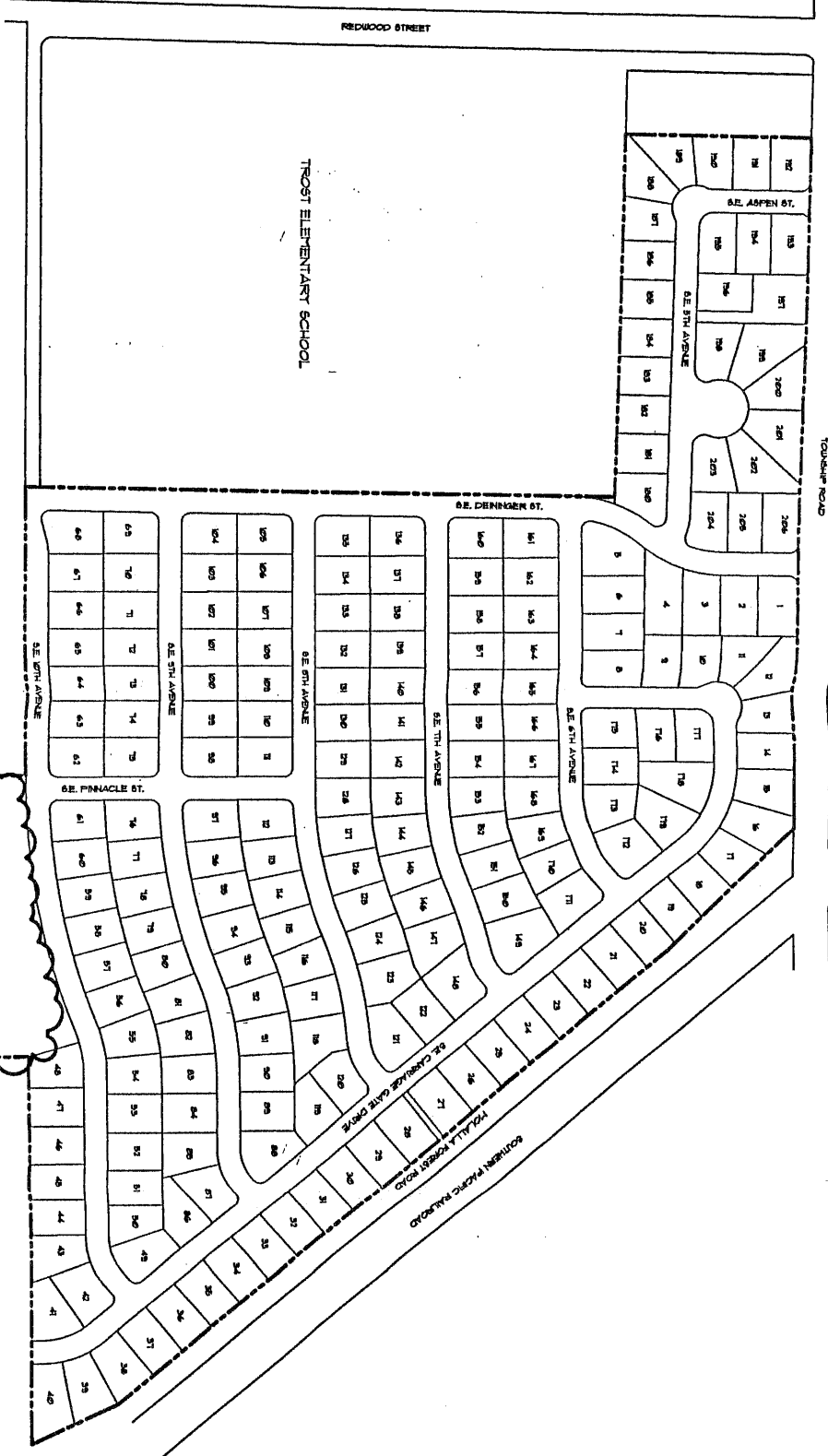
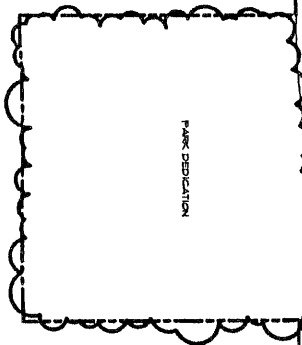
Option "A" results in a density reduction from 209 lots to 206 units. Additionally, streets and required utilities are increased by about six percent due to the need to extend the length of 6th, 7th, 8th, and 9th Avenues and the need to provide for the extension of S.E. Pinnacle Street in order to comply with the 1200 foot maximum block length standard. The increase in costs associated with longer street and utility runs would be proportional to the six percent increase in these facilities. The provisions of Section 16.95.050A(1) allow for a reduced compliance with the solar design standard if compliance results in a loss of density or an increase in development costs of at least 5 percent. Both of these conditions would occur under Option "A".

The elimination of the east-west lots along Deininger Street also results in the loss of lots taking advantage of spectacular Mt. Hood views along this roadway. Section 16.95.050A(2) allows for a reduction to the design standard if "significant development amenities that would otherwise benefit the lot(s) would result from having the lot(s) comply". In order to take advantage of the Mt. Hood views, these lots must be oriented on an east-west axis. Compliance with the basic design option would require a north-south orientation.



SCALE: 1" = 200'

# DEININGER FARMS DESIGN OPTION "A"

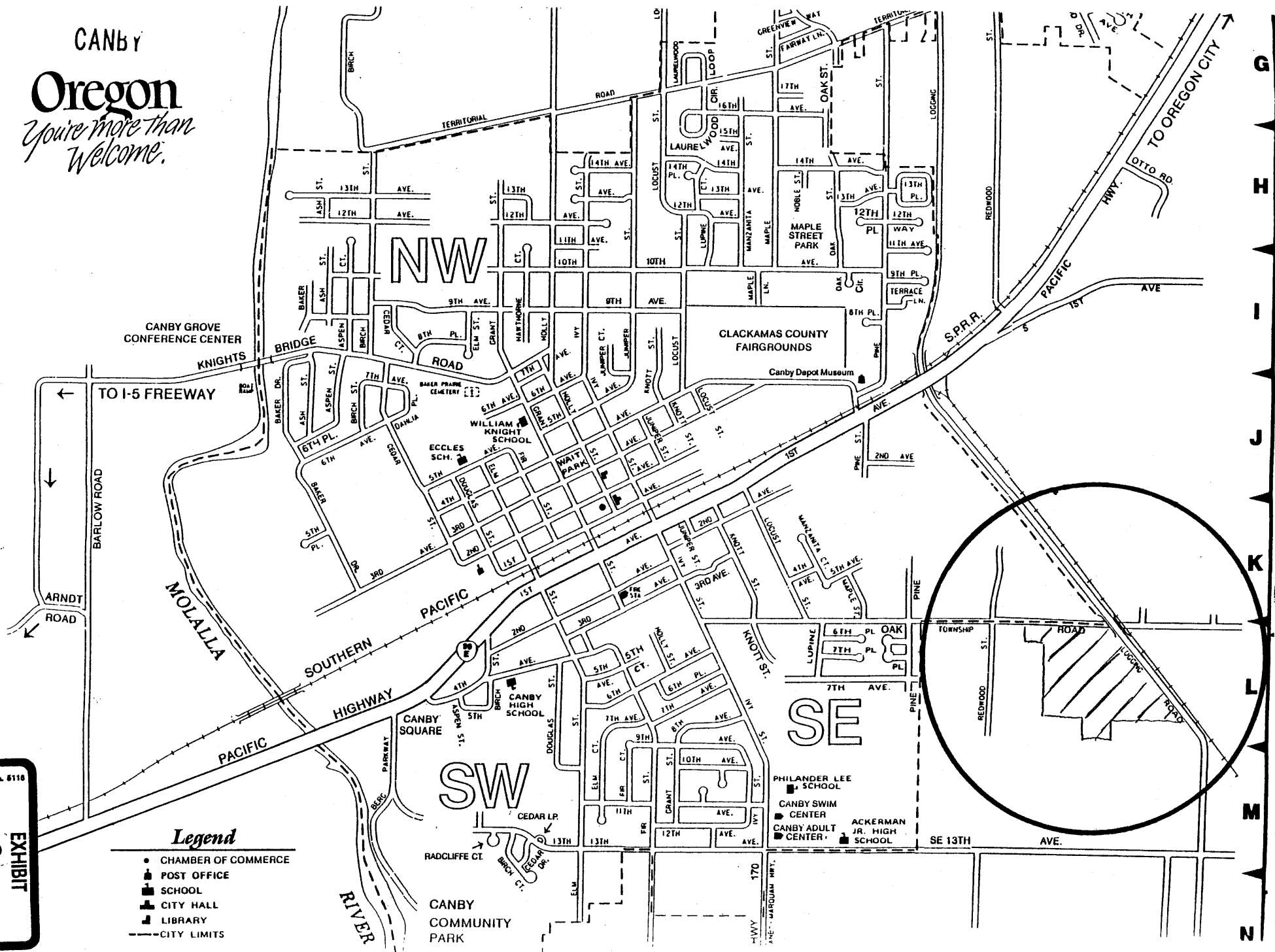


Based upon loss of density, increased development costs, and the loss of the amenity value of Mt. Hood views, an adjustment is warranted for Lots 195 to 209.

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.

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



Blumberg No. 5116

EXHIBIT  
 2

**Legend**

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

**TABLE 1: PRIORITY CLASSIFICATION ACCORDING TO DENSITY**

<i>Priority A Lands</i>	Annexed into the City Since 1984	% of Total Priority A Lands According to Density	Not yet annexed into the City	% of Total Priority A Lands According to Density	Total
Low Density Residential	71.30	17.1%	346.18	82.9%	417.48
Medium Density Residential	42.16	99.3%	0.30	0.7%	42.46
High Density Residential	36.60	56.4%	28.34	43.6%	64.94
<b>Total</b>	<b>150.06</b>	<b>28.6%</b>	<b>374.82</b>	<b>71.4%</b>	<b>524.88</b>

<i>Priority B Lands</i>	Annexed into the City Since 1984	% of Total Priority B Lands According to Density	Not yet annexed into the City	% of Total Priority B Lands According to Density	Total
Low Density Residential	31.97	20.8%	121.85	79.2%	153.82
Medium Density Residential	0.00	—	0.00	—	0.00
High Density Residential	3.88	100.0%	0.00	0.0%	3.88
<b>Total</b>	<b>35.85</b>	<b>22.7%</b>	<b>121.85</b>	<b>77.3%</b>	<b>157.70</b>

<i>Priority C Lands</i>	Annexed into the City Since 1984	% of Total Priority C Lands According to Density	Not yet annexed into the City	% of Total Priority C Lands According to Density	Total
Low Density Residential	27.28	7.2%	353.39	92.8%	380.67
Medium Density Residential	0.00	—	0.00	—	0.00
High Density Residential	0.00	—	0.00	—	0.00
<b>Total</b>	<b>27.28</b>	<b>7.2%</b>	<b>353.39</b>	<b>92.8%</b>	<b>380.67</b>

**TABLE 2: DENSITY CLASSIFICATION ACCORDING TO ANNEXATION**

<i>Low Density Residential</i>	Annexed into the City Since 1984	% of Total LDR Lands According to Annexation	Not yet annexed into the City	% of Total LDR Lands According to Annexation	Total
Priority A Lands	71.30	54.6%	346.18	42.1%	417.48
Priority B Lands	31.97	24.5%	121.85	14.8%	153.82
Priority C Lands	27.28	20.9%	353.39	43.0%	380.67
<b>Total</b>	<b>130.55</b>	<b>100.0%</b>	<b>821.42</b>	<b>100.0%</b>	<b>951.97</b>

<i>Medium Density Residential</i>	Annexed into the City Since 1984	% of Total MDR Lands According to Annexation	Not yet annexed into the City	% of Total MDR Lands According to Annexation	Total
Priority A Lands	42.16	100.0%	0.30	100.0%	42.46
Priority B Lands	0.00	0.0%	0.00	0.0%	0.00
Priority C Lands	0.00	0.0%	0.00	0.0%	0.00
<b>Total</b>	<b>42.16</b>	<b>100.0%</b>	<b>0.30</b>	<b>100.0%</b>	<b>42.46</b>

<i>High Density Residential</i>	Annexed into the City Since 1984	% of Total HDR Lands According to Annexation	Not yet annexed into the City	% of Total HDR Lands According to Annexation	Total
Priority A Lands	36.60	90.4%	28.34	100.0%	64.94
Priority B Lands	3.88	9.6%	0.00	0.0%	3.88
Priority C Lands	0.00	0.0%	0.00	0.0%	0.00
<b>Total</b>	<b>40.48</b>	<b>100.0%</b>	<b>28.34</b>	<b>100.0%</b>	<b>68.82</b>

TABLE 3: PRIORITY 'A' AREA ACCORDING TO SIZE OF PROPERTY

<i>Priority A - LDR</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	2	9.5%	41.37	58.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	19	90.5%	29.93	42.0%

<i>Priority A - LDR</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	8	6.5%	124.57	36.0%
Properties between 5 and 10 acres	8	8.7%	56.57	16.3%
Properties < 5 acres	78	84.8%	165.04	47.7%

<i>Priority A - MDR</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	2	66.7%	37.16	88.1%
Properties between 5 and 10 acres	1	33.3%	5.00	11.9%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>Priority A - MDR</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	0	0.0%	0.00	0.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	1	100.0%	0.30	100.0%

<i>Priority A - HDR</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	1	6.3%	11.12	30.4%
Properties between 5 and 10 acres	2	12.5%	13.25	36.2%
Properties < 5 acres	13	81.3%	12.23	33.4%

<i>Priority A - HDR</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	0	0.0%	0.00	0.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	18	100.0%	28.34	100.0%

<i>Priority A - Total</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	5	12.5%	89.85	59.7%
Properties between 5 and 10 acres	3	7.5%	18.25	12.2%
Properties < 5 acres	32	80.0%	42.16	28.1%

<i>Priority A - Total</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	8	5.4%	124.57	33.2%
Properties between 5 and 10 acres	8	7.2%	56.57	15.1%
Properties < 5 acres	97	87.4%	193.68	51.7%

TABLE 4: PRIORITY 'B' AREA ACCORDING TO SIZE OF PROPERTY

<i>Priority B - LDR</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	1	50.0%	26.63	80.8%
Properties between 5 and 10 acres	1	50.0%	6.34	19.2%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>Priority B - LDR</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	1	2.1%	11.59	9.5%
Properties between 5 and 10 acres	6	12.5%	38.84	31.9%
Properties < 5 acres	41	85.4%	71.42	58.8%

<i>Priority B - MDR</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	0	0.0%	0.00	0.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>Priority B - MDR</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	0	0.0%	0.00	0.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>Priority B - HDR</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	1	100.0%	3.88	100.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>Priority B - HDR</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	0	0.0%	0.00	0.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>Priority B - Total</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	2	66.7%	30.51	82.8%
Properties between 5 and 10 acres	1	33.3%	6.34	17.2%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>Priority B - Total</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	1	2.1%	11.59	9.5%
Properties between 5 and 10 acres	6	12.5%	38.84	31.9%
Properties < 5 acres	41	85.4%	71.42	58.8%

TABLE 5: PRIORITY 'C' AREA ACCORDING TO SIZE OF PROPERTY

<i>Priority C - LDR</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	1	20.0%	17.93	65.7%
Properties between 5 and 10 acres	1	20.0%	7.79	28.6%
Properties < 5 acres	3	60.0%	1.56	5.7%

<i>Priority C - LDR</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	6	7.6%	159.87	45.2%
Properties between 5 and 10 acres	14	17.7%	81.72	23.1%
Properties < 5 acres	59	74.7%	111.80	31.6%

<i>Priority C - MDR</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	0	0.0%	0.00	0.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>Priority C - MDR</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	0	0.0%	0.00	0.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>Priority C - HDR</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	0	0.0%	0.00	0.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>Priority C - HDR</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	0	0.0%	0.00	0.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>Priority C - Total</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	1	20.0%	17.93	65.7%
Properties between 5 and 10 acres	1	20.0%	7.79	28.6%
Properties < 5 acres	3	60.0%	1.56	5.7%

<i>Priority C - Total</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	6	7.6%	159.87	45.2%
Properties between 5 and 10 acres	14	17.7%	81.72	23.1%
Properties < 5 acres	59	74.7%	111.80	31.6%

TABLE 6: RESIDENTIAL AREAS ACCORDING TO SIZE OF PROPERTY

<i>LDR - Total</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	4	14.3%	85.93	65.3%
Properties between 5 and 10 acres	2	7.1%	14.13	10.7%
Properties < 5 acres	22	78.6%	31.49	23.9%

<i>LDR - Total</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	13	5.8%	296.03	36.0%
Properties between 5 and 10 acres	28	12.8%	177.13	21.6%
Properties < 5 acres	178	81.3%	348.26	42.4%

<i>MDR - Total</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	2	66.7%	37.16	88.1%
Properties between 5 and 10 acres	1	33.3%	5.00	11.9%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>MDR - Total</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	0	0.0%	0.00	0.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	1	100.0%	0.30	100.0%

<i>HDR - Total</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	2	11.8%	15.00	37.1%
Properties between 5 and 10 acres	2	11.8%	13.25	32.7%
Properties < 5 acres	13	76.5%	12.23	30.2%

<i>HDR - Total</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	0	0.0%	0.00	0.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	18	100.0%	28.34	100.0%

<i>Total - Residential</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	8	16.7%	138.09	64.5%
Properties between 5 and 10 acres	5	10.4%	32.38	15.1%
Properties < 5 acres	35	72.9%	43.72	20.4%

<i>Total - Residential</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	13	5.5%	296.03	34.8%
Properties between 5 and 10 acres	28	11.8%	177.13	20.8%
Properties < 5 acres	197	82.8%	378.90	44.3%

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 20, 1995

TO: FIRE, POLICE, CUB, TELEPHONE, TELECOM, NW NATURAL GAS, ROY, STEVE, MIKE J., JOHN K., CURT McLEOD, CLACKAMAS COUNTY PLANNING, CLACKAMAS COUNTY TRANSPORTATION, SCHOOL DISTRICT

The City has received ANN 95-01, application by Douglas F. Kolberg [applicant] and Joan Joans and Gertrude Thompson [owners] for approval to annex a 45.42 acre parcel into the City of Canby. A subdivision application has also been submitted, to develop a 209 lot planned unit development subdivision. The property is bounded by Township Road on the north, the Molalla Forest Road on the east, and Trost Elementary School on the west [Tax Lots 900, 1100 and 1200 of Tax Map 4-1E-3].

We would appreciate your reviewing the enclosed application and returning your comments by April 1, 1995 PLEASE. The Planning Commission plans to consider this application on April 24, 1995. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

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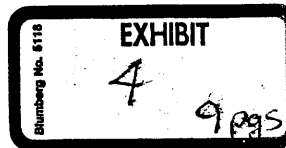
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Please check one box:

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



Signature: Fary F. Hyatt Date: 4/3/95



# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

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We would appreciate your reviewing the enclosed application and returning your comments by April 1, 1995 PLEASE. The Planning Commission plans to consider this application on April 24, 1995. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

*No comments or Proposed Conditions at this time*

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: *Jak Stark*

Date: *3-27-95*

*CO / N*

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 20, 1995

TO: FIRE, POLICE, CUB, TELEPHONE, TELECOM, NW NATURAL GAS, ROY, STEVE, MIKE J., JOHN K., CURT McLEOD, CLACKAMAS COUNTY PLANNING, CLACKAMAS COUNTY TRANSPORTATION, SCHOOL DISTRICT

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Comments or Proposed Conditions:

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

*Steve Roy*

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

*3/23/95*

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 20, 1995

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Signature: Jerry Sigler

Date: 3/29/95

RECEIVED MAR 31 1995

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Signature: Curt McLeod Date: 4-3-95

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Signature: Steph Mielke

Date: 3-30-95

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Comments or Proposed Conditions:

Being EFU - 20 And Type C CLASS. CLASS A  
Rights. ~~Should~~ Should be Annexed First

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Signature: Ray Hester Date: 4-5-95



# CLACKAMAS COUNTY

Department of Transportation & Development

THOMAS J. VANDERZANDEN  
DIRECTOR

## MEMORANDUM

TO : CITY OF CANBY

FROM : CLACKAMAS COUNTY-DTD,  
CONSTRUCTION AND DEVELOPMENT

DATE : MARCH 31, 1995

RE : ANN95-01/SUB95-01 (KOLBERG)

This office has the following preliminary comments pertaining to these requests:

1. South Township Road is classified as a minor arterial in the County's Comprehensive Plan and it is within the County's jurisdiction for maintenance. Sufficient right of way and frontage improvements are required to develop Township Road to match existing improvements to the west and comply with the minor arterial classification.
2. Based upon the number of vehicle trips and the intention to use Township Road for access a traffic study is required. The scope of work for the study must be jointly approved by the City and County. The county contact will be Joseph Marek (650-3452). Township Road outside of the City is still a rural County road. It will most likely be used as the primary route north. The need for intersection improvements, left turn channelization, sight distance, and traffic controls need to be addressed.
3. The County staff will be discussing the future jurisdiction of Township Road in a "Roads and Engineering" meeting next week.
4. The County has a concern about the immediate lack of alternative access opportunities for this development to use existing streets for circulation and emergency vehicle access. We acknowledge that having numerous accesses to Township Road may not be the answer because of traffic conflict potential. Also, a vertical curve on Township Road limits access locations that comply with a 450 foot minimum sight distance requirement.

A master plan needs to be provided that incorporates the access past the south side of the school and the property to the south.

5. It is our understanding that the City of Canby will receive Transportation System Development (or Impact) fees from this project as building permits are issued. Since there will be even greater impacts on the County road system, the County is requesting that the City participate with the County in the administration of the Transportation funds for the benefit of this project.
6. An NPDES Permit is required.
7. Surface water management plans must include provisions in the event of failure of drywells. The County's drainage system must be able to accommodate the contribution or off site improvements will be required. The County must be able to review the drainage plans.
8. Engineered plans for street frontage improvements must be reviewed and approved by the County. A Street Construction and/or Encroachment Permit and a Street Opening Permit must be obtained. Performance guarantees and inspection fee must be provided.
9. Frontage improvements on Township Road shall include standard curb, surfacing, storm sewer, six (6) foot sidewalk, six (6) foot bike lane, pavement tapers, utility easements, and illumination. The frontage improvements may have to include left turn channelization.

The frontage improvements including sidewalks must be designed and constructed with the first phase of development and be included with the new streets.

10. No individual lots shall have direct access to Township Road and shall be so noted on the plat.

In conclusion we respectively request that any decision on the annexation and subdivision be postponed until the staff has an opportunity to meet and discuss future jurisdiction of Township road and until the various transportation/traffic issues are satisfactorily addressed.

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BS/jb

c: Joseph Marek



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P.O. Box 930, Canby, OR 97013

[503] 266-4021

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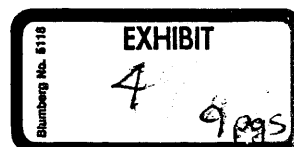
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Signature: \_\_\_\_\_

*Fary F. Hyatt*

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

*4/3/95*

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Comments or Proposed Conditions:

*No comments or Proposed Conditions at this time*

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Signature: *Jack Stark*

Date: *3-27-95*

*CC 11*

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*Steve J. Roy*

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

*3/23/95*

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Signature: Jerry Steger

Date: 3/29/95

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Signature: Curt McLeod

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

*Roy Hester*

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

*4-5-95*



# CLACKAMAS COUNTY

Department of Transportation & Development

THOMAS J. VANDERZANDEN  
DIRECTOR

## MEMORANDUM

TO : CITY OF CANBY

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DATE : MARCH 31, 1995

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In conclusion we respectfully request that any decision on the annexation and subdivision be postponed until the staff has an opportunity to meet and discuss future jurisdiction of Township road and until the various transportation/traffic issues are satisfactorily addressed.

---

BS/jb

c: Joseph Marek

<JeanB>BS/KolbergCityOfCanby

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

**TO:** *Planning Commission  
City Council*

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

**DATE:** *February 8, 1995*

**RE:** *The Amount of Land Annexed/To Be Annexed  
According to Priority A,B,C areas*

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During the Faist annexation process, the question arose as to how much "priority A" Low Density Residential land had already been annexed into the City (since 1984) in comparison with how much of the same classification of land that has yet to be annexed. Staff did not have exact numbers, but based on looking at a very rough map of areas that have been annexed, came up with a figure of approximately 60-70% of priority A, Low Density Residential land has yet to be annexed. At the City Council, the applicant asserted that only 30% of the land has yet to be annexed. Staff then determined to provide the Planning Commission and the City Council with accurate numbers regarding the amount of land annexed and to be annexed.

The tables on the attached pages are the result of staff's study. There is a lot of data that is found in those tables and they need to be explained. Staff looked at all the residential lands that were outside the City limits, but within the Urban Growth Boundary, in 1984. The Comprehensive Plan was adopted, and acknowledged in 1984, which designated the prioritization scheme for annexation of land into the City. The numbers in the tables reflect subsequent changes in the Comprehensive Plans land use designations. For example: a portion of Willow Creek Phase 2 was originally Light Industrial, but was changed to Low Density Residential; and the H.O.P.E. property (13th & S. Ivy) was originally Low Density Residential, but was changed to Medium Density Residential. It is the numbers according to the new designations that were tallied.

Tables 1 and 2 provide the same information, but organized in two different ways. Table 1 looks at each Priority area separately with information and percentages regarding how much Low, Medium, and High Density land has been annexed. Table 2 looks at each density classification (Low, Medium, High) separately with information and percentages regarding how much annexed and non-annexed land is in each Priority area. Tables 3 - 5 give the number of parcels (and the amount of land they total up to) according to three different size categories in each of the Priority areas. Table 6 gives the same information as Tables 3 - 5, except that it is for all residential areas together.



As an example, the questions that were asked in relation to the Faist annexation were twofold:

1. By percentage, how much priority A, B, and C lands (Low Density Residential) has yet to be annexed into the City?
2. How many of those parcels that have not been annexed are greater than 10 acres in size? (a question relating to the availability of land of suitable size for larger developments)

The answers are:

1. Priority A, Low Density Residential Lands, Not Yet Annexed: 82.9% (Table 1)  
Priority B, Low Density Residential Lands, Not Yet Annexed: 79.2%  
Priority C, Low Density Residential Lands, Not Yet Annexed: 92.8%
2. Priority A, Low Density Residential Lands: 6 lots 6.5% (31.6% of land) (Table 3)  
Priority B, Low Density Residential Lands: 1 lots 2.1% ( 9.5% of land) (Table 4)  
Priority C, Low Density Residential Lands: 6 lots 7.6% (45.2% of land) (Table 5)

**TABLE 1: PRIORITY CLASSIFICATION ACCORDING TO DENSITY**

<b>Priority A Lands</b>	<b>Annexed into the City Since 1984</b>	<b>% of Total Priority A Lands According to Density</b>	<b>Not yet annexed into the City</b>	<b>% of Total Priority A Lands According to Density</b>	<b>Total</b>
Low Density Residential	71.30	17.1%	346.18	82.9%	417.48
Medium Density Residential	42.16	99.3%	0.30	0.7%	42.46
Density Residential	36.60	56.4%	28.34	43.6%	64.94
<b>Total</b>	<b>150.06</b>	<b>28.6%</b>	<b>374.82</b>	<b>71.4%</b>	<b>524.88</b>

<b>Priority B Lands</b>	<b>Annexed into the City Since 1984</b>	<b>% of Total Priority B Lands According to Density</b>	<b>Not yet annexed into the City</b>	<b>% of Total Priority B Lands According to Density</b>	<b>Total</b>
Low Density Residential	31.97	20.8%	121.85	79.2%	153.82
Medium Density Residential	0.00	-	0.00	-	0.00
High Density Residential	3.88	100.0%	0.00	0.0%	3.88
<b>Total</b>	<b>35.85</b>	<b>22.7%</b>	<b>121.85</b>	<b>77.3%</b>	<b>157.70</b>

<b>Priority C Lands</b>	<b>Annexed into the City Since 1984</b>	<b>% of Total Priority C Lands According to Density</b>	<b>Not yet annexed into the City</b>	<b>% of Total Priority C Lands According to Density</b>	<b>Total</b>
Low Density Residential	27.28	7.2%	353.39	92.8%	380.67
Medium Density Residential	0.00	-	0.00	-	0.00
High Density Residential	0.00	-	0.00	-	0.00
<b>Total</b>	<b>27.28</b>	<b>7.2%</b>	<b>353.39</b>	<b>92.8%</b>	<b>380.67</b>

**TABLE 2: DENSITY CLASSIFICATION ACCORDING TO ANNEXATION**

<b>Low Density Residential</b>	<b>Annexed into the City Since 1984</b>	<b>% of Total LDR Lands According to Annexation</b>	<b>Not yet annexed into the City</b>	<b>% of Total LDR Lands According to Annexation</b>	<b>Total</b>
Priority A Lands	71.30	54.6%	346.18	42.1%	417.48
Priority B Lands	31.97	24.5%	121.85	14.8%	153.82
Priority C Lands	27.28	20.9%	353.39	43.0%	380.67
<b>Total</b>	<b>130.55</b>	<b>100.0%</b>	<b>821.42</b>	<b>100.0%</b>	<b>951.97</b>

<b>Medium Density Residential</b>	<b>Annexed into the City Since 1984</b>	<b>% of Total MDR Lands According to Annexation</b>	<b>Not yet annexed into the City</b>	<b>% of Total MDR Lands According to Annexation</b>	<b>Total</b>
Priority A Lands	42.16	100.0%	0.30	100.0%	42.46
Priority B Lands	0.00	0.0%	0.00	0.0%	0.00
Priority C Lands	0.00	0.0%	0.00	0.0%	0.00
<b>Total</b>	<b>42.16</b>	<b>100.0%</b>	<b>0.30</b>	<b>100.0%</b>	<b>42.46</b>

<b>High Density Residential</b>	<b>Annexed into the City Since 1984</b>	<b>% of Total HDR Lands According to Annexation</b>	<b>Not yet annexed into the City</b>	<b>% of Total HDR Lands According to Annexation</b>	<b>Total</b>
Priority A Lands	36.60	90.4%	28.34	100.0%	64.94
Priority B Lands	3.88	9.6%	0.00	0.0%	3.88
Priority C Lands	0.00	0.0%	0.00	0.0%	0.00
<b>Total</b>	<b>40.48</b>	<b>100.0%</b>	<b>28.34</b>	<b>100.0%</b>	<b>68.82</b>

TABLE 3: PRIORITY 'A' AREA ACCORDING TO SIZE OF PROPERTY

<i>Priority A - LDR</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	2	9.5%	41.37	58.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	19	90.5%	29.93	42.0%

<i>Priority A - LDR</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	6	6.5%	124.57	36.0%
Properties between 5 and 10 acres	8	8.7%	56.57	16.3%
Properties < 5 acres	78	84.8%	165.04	47.7%

<i>Priority A - MDR</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	2	66.7%	37.16	68.1%
Properties between 5 and 10 acres	1	33.3%	5.00	11.9%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>Priority A - MDR</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	0	0.0%	0.00	0.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	1	100.0%	0.30	100.0%

<i>Priority A - HDR</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	1	6.3%	11.12	30.4%
Properties between 5 and 10 acres	2	12.5%	13.25	36.2%
Properties < 5 acres	13	81.3%	12.23	33.4%

<i>Priority A - HDR</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	0	0.0%	0.00	0.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	18	100.0%	28.34	100.0%

<i>Priority A - Total</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	5	12.5%	89.85	59.7%
Properties between 5 and 10 acres	3	7.5%	18.25	12.2%
Properties < 5 acres	32	80.0%	42.16	28.1%

<i>Priority A - Total</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	6	5.4%	124.57	33.2%
Properties between 5 and 10 acres	8	7.2%	56.57	15.1%
Properties < 5 acres	97	87.4%	193.68	51.7%

TABLE 4: PRIORITY 'B' AREA ACCORDING TO SIZE OF PROPERTY

<i>Priority B - LDR</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	1	50.0%	26.63	80.8%
Properties between 5 and 10 acres	1	50.0%	6.34	19.2%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>Priority B - LDR</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	1	2.1%	11.59	9.5%
Properties between 5 and 10 acres	6	12.5%	38.84	31.9%
Properties < 5 acres	41	85.4%	71.42	58.6%

<i>Priority B - MDR</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	0	0.0%	0.00	0.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>Priority B - MDR</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	0	0.0%	0.00	0.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>Priority B - HDR</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	1	100.0%	3.88	100.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>Priority B - HDR</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	0	0.0%	0.00	0.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>Priority B - Total</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	2	66.7%	30.51	82.8%
Properties between 5 and 10 acres	1	33.3%	6.34	17.2%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>Priority B - Total</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	1	2.1%	11.59	9.5%
Properties between 5 and 10 acres	6	12.5%	38.84	31.9%
Properties < 5 acres	41	85.4%	71.42	58.6%

TABLE 5: PRIORITY 'C' AREA ACCORDING TO SIZE OF PROPERTY

<i>Priority C - LDR</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	1	20.0%	17.93	85.7%
Properties between 5 and 10 acres	1	20.0%	7.79	28.6%
Properties < 5 acres	3	60.0%	1.56	5.7%

<i>Priority C - LDR</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	6	7.6%	159.87	45.2%
Properties between 5 and 10 acres	14	17.7%	81.72	23.1%
Properties < 5 acres	59	74.7%	111.80	31.6%

<i>Priority C - MDR</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	0	0.0%	0.00	0.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>Priority C - MDR</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	0	0.0%	0.00	0.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>Priority C - HDR</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	0	0.0%	0.00	0.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>Priority C - HDR</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	0	0.0%	0.00	0.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>Priority C - Total</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	1	20.0%	17.93	85.7%
Properties between 5 and 10 acres	1	20.0%	7.79	28.6%
Properties < 5 acres	3	60.0%	1.56	5.7%

<i>Priority C - Total</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	6	7.6%	159.87	45.2%
Properties between 5 and 10 acres	14	17.7%	81.72	23.1%
Properties < 5 acres	59	74.7%	111.80	31.6%

TABLE 6: RESIDENTIAL AREAS ACCORDING TO SIZE OF PROPERTY

<i>LDR - Total</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	4	14.3%	85.93	65.3%
Properties between 5 and 10 acres	2	7.1%	14.13	10.7%
Properties < 5 acres	22	78.6%	31.49	23.9%

<i>LDR - Total</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	13	5.9%	296.03	36.0%
Properties between 5 and 10 acres	28	12.8%	177.13	21.6%
Properties < 5 acres	178	81.3%	348.26	42.4%

<i>MDR - Total</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	2	66.7%	37.16	88.1%
Properties between 5 and 10 acres	1	33.3%	5.00	11.9%
Properties < 5 acres	0	0.0%	0.00	0.0%

<i>MDR - Total</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	0	0.0%	0.00	0.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	1	100.0%	0.30	100.0%

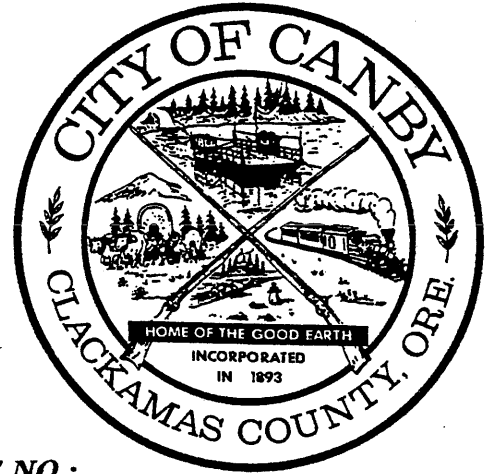
<i>HDR - Total</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	2	11.8%	15.00	37.1%
Properties between 5 and 10 acres	2	11.8%	13.25	32.7%
Properties < 5 acres	13	76.5%	12.23	30.2%

<i>HDR - Total</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	0	0.0%	0.00	0.0%
Properties between 5 and 10 acres	0	0.0%	0.00	0.0%
Properties < 5 acres	18	100.0%	28.34	100.0%

<i>Total - Residential</i>				
<i>Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	8	16.7%	138.09	64.5%
Properties between 5 and 10 acres	5	10.4%	32.38	15.1%
Properties < 5 acres	35	72.9%	43.72	20.4%

<i>Total - Residential</i>				
<i>Not Yet Annexed</i>	<i># of Lots</i>	<i>% of Lots</i>	<i>Size</i>	<i>% of Size</i>
Properties > 10 acres	13	5.5%	296.03	34.8%
Properties between 5 and 10 acres	28	11.8%	177.13	20.8%
Properties < 5 acres	197	82.8%	378.90	44.3%

**- STAFF REPORT -**



**APPLICANT:**

Douglas Kolberg  
P.O. Box 1426  
Lake Oswego, OR 97035

**FILE NO.:**

SUB 95-01/PUD  
(Deiningers Farms)

**OWNER:**

Joan Jones  
2554 N.W. Overton  
Portland, OR 97210

Gertrude Thompson  
930 Rosemont Road  
West Linn, OR 97068

**STAFF:**

James S. Wheeler  
Assistant Planner

**LEGAL DESCRIPTION:**

Tax Lots 900, 1100, and 1200  
Tax Map 4-1E-3

**DATE OF REPORT:**

May 12, 1995

**LOCATION:**

South of S.E. Township Road  
between the Molalla Forest Road  
and Trost Elementary School

**DATE OF HEARING:**

May 22, 1995

**COMP. PLAN DESIGNATION:**

Low Density Residential

**ZONING DESIGNINATION:**

Upon Annexation: R-1  
(Low Density Residential)  
Currently: E.F.U.-20  
(Exclusive Farm Use - 20 acre minimum)

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval for a 209 lot planned unit development subdivision. The subdivision includes eleven public roads, and the dedication of a 5.09 forested parcel for a park.

**II. APPLICABLE CRITERIA:**

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

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

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

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

■ **City of Canby General Ordinances:**

- 16.16 R-1 Low Density Residential Zone
- 16.60 Major and Minor Partitions (Subdivisions)  
(especially 16.64, Subdivision Design)
- 16.70 Planned Unit Development and Condominium Regulations
- 16.76 Requirements (Planned Unit Developments)
- 16.86 Street Alignment
- 16.88 General Standards

**III. FINDINGS:**

**A. Background and Relationships**

The subject parcel is located south of S.E. Township Road, between Trost Elementary School to the west and the Molalla Forest Road to the east. A 5.09 acre forested piece of land is proposed to be dedicated to the City for park purposes. A new local road network will be constructed with the proposed



subdivision, accessing onto S.E. Township Road. The proposed 209 lots, varying in size between 6,030 square feet to 9,877 square feet, area a part of a Planned Unit Development, which permits reduced minimum lot sizes while maintaining an overall lot size average of at least the zone's minimum of 7,000 square feet.

The property is currently not inside the City limits. The property is under application for annexation into the City (ANN 95-01). Because the proposed subdivision cannot be approved without the annexation of the property being approved, the review of this application will be contingent upon an approval of the annexation.

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

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

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

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

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

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

### **ANALYSIS**

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

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

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

**ii. Urban Growth**

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

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

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

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

**ANALYSIS**

1. The property is entirely within the Urban Growth Boundary. The City has sought the County's input regarding the impact of the subdivision on the adjoining County road, S.E. Township Road. Additionally, the County's input has been sought regarding the property's annexation application. If approved by the Planning Commission, the approval will be contingent upon the property's annexation into the City.

2. No changes to the Urban Growth Boundary are proposed with this application. The property is currently being used agriculturally, however, it is fully within the current Urban Growth Boundary and has been acknowledged for 'future' urbanization.

3. All necessary urban services are, or will be available for the subdivision (see discussion under Public Services Element). The subdivision will not be permitted unless annexation of the property occurs. Public Services, as a matter of policy, are not extended to properties that are not inside the City limits, and the services needed for a subdivision are not available through the County.

**iii. Land Use Element**

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

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

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

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

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

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

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

## ANALYSIS

1. The parcel is currently zoned E.F.U.-20, Exclusive Farm Use - 20 acre minimum lot size. Under the County's regulations, subdivision of the this property is not permitted. The subdivision of this property can only occur if the property is annexed into the City. An annexation application has been submitted (ANN 95-01). Upon annexation into the City, the property will be zoned R-1, Low Density Residential. The Comprehensive Plan land use designation of the subject parcel is Low Density Residential, which is consistent with the zoning and the proposed development. The proposed development, with the Planned Unit Development designation, is permitted within the zone. The current use of the property is farming - of hay/grass.

Without some form of buffering, the proposed development is not compatible with the majority of the surrounding land uses. The Comprehensive Plan has designated properties to the north and east as industrial land. Current use of the properties to the south is agricultural. Residential uses are not considered to be compatible with industrial and agricultural uses. The properties to the north have not yet been developed, while the property to the east, located outside the current City limits, has an industrial use - metal fabrication and storage. When the industrial properties to the north are developed, buffering will be required. While it is not customary for residential properties to provide buffering against future industrial uses, it may be beneficial for the future residents. The current industrial use to the east has expressed concern of new residents of the proposed development creating difficulty for the continued use of that property. This is a compatible use issue. The current use of the property to the east does generate noise - outdoor storage and loading activity, machinery, and the air ventilation system. Additionally, the Molalla Rail Spur is immediately east of the development property. This rail line is not used significantly and is not expected to generate significant noise often. A solid wall can provide significant sound buffering as well as some visual buffering for the new residents of the proposed development.

Immediately to the west is the Trost Elementary School. The proposed development is considered to be compatible with the school. To the south is agricultural land that is within the Urban Growth Boundary. A fence along the school's property boundary with the proposed subdivision has been requested by the school. It is an appropriate request to assure that access to the school grounds is restricted to appropriate, planned, and known access points.

The property to the south is in the "Priority C" area for annexation and is therefore not expected to be annexed and developed in the very near future, unless adequate findings are made to qualify for an exception to

the Comprehensive Plan's phasing plan (Urban Growth Element, Policy 3). The property to the southwest applied for annexation last year (ANN 94-01 and ANN 94-02), both applications were withdrawn. Agricultural and residential uses are often considered to be incompatible. A fence to inhibit pedestrian traffic onto neighboring agricultural fields will be helpful. The residents of this proposed development may be subject to the negative impacts that the existing agricultural operation to the south might have, such as blowing dust while plowing and harvesting, and the spread of fertilizer.

The proposed development density (6.7 lots per developable acre) is higher than that of the comprehensive plan standard calculation used to estimate the amount of area that is needed for low density residential areas (4.7 lots per developable acre, p.36). This density is also higher than those of the nearby subdivision developments: Township Village 5 (5.1 lots per developable acre), Township 6 (6.1 lots per developable acre), Township 7 (5.6 lots per developable acre), Valley Farms I (5.5 lots per developable acre), Valley Farms II (5.8 lots per developable acre), Valley Farms III (5.2 lots per developable acre). Developable acres does not include streets or park land dedication. This proposed subdivision development is not immediately adjacent to any other subdivision development. The calculations used in the Comprehensive Plan are "average" densities with the assumption that the lot sizes will vary considerably. Page 35 of the Comprehensive Plan describes a wide range of lot sizes and the methods recommended to achieve them.

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

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

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

5. The potential zoning, after annexation, of the property, R-1, Low Density Residential, is consistent with the Land Use Map designation for the property (Low Density Residential). The minimum lot size for parcels in the R-1 zone is 7000 square feet. A planned unit development does not have a minimum lot size, however, the average lot size must not be less than 7,000 square feet. The average lot size for the development (including the park dedication) is 7,570 square feet.
6. The subject property is not identified as one of the "unique" sites or "areas of special concern".

**iv. Environmental Concerns**

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

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

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

- Policy #1-R-A: Canby shall direct urban growth such that viable agricultural uses within the urban growth boundary can continue as long as it is economically feasible for them to do so.
- Policy #1-R-B: Canby shall encourage the urbanization of the least productive agricultural area within the urban growth boundary as a first priority.
- Policy #2-R: Canby shall maintain and protect surface water and groundwater resources.
- Policy #3-R: Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.
- Policy #4-R: Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.
- Policy #5-R: Canby shall support local sand and gravel operations and will cooperate with county and state agencies in the review of aggregate removal applications.

- Policy #6-R: Canby shall preserve and, where possible, encourage restoration of historic sites and buildings.
- Policy #7-R: Canby shall seek to improve the overall scenic and aesthetic qualities of the City.
- Policy #8-R: Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.
- Policy #9-R: Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.
- Policy #1-H: Canby shall restrict urbanization in areas of identified steep slopes.
- Policy #2-H: Canby shall continue to participate in and shall actively support the federal flood insurance program.
- Policy #3-H: Canby shall seek to inform property owners and builders of the potential risks associated with construction in areas of expansive soils, high water tables, and shallow topsoil.

### ANALYSIS

1-R-A. With the annexation of the property, the agricultural nature of the property is considered to be insignificant and the development of the land is appropriate. Arguments regarding the development of agricultural land are addressed in the annexation application and review (ANN 95-01).

1-R-B. With the annexation of the property, the land is no longer considered to be agriculturally productive land and development at this time is appropriate.

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

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

4-R. Noise will be expected as a result of residential construction. There is existing noise that is generated by the adjoining industrial activity to the east. A conflict may arise by placing residents in the proximity of the existing noise. Mitigation, at least in a partial sense, is possible with the construction of a six-foot wall along the eastern boundary of the subdivision development.

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

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

7-R. Residential development will affect the scenic and aesthetic quality of the City. Open farm land is considered to be a positive scenic and aesthetic quality. However, urbanization of land within the Urban Growth Boundary is permitted. The review of that development takes into consideration the scenic and aesthetic quality of that development. Further, a five (5) acre forested parcel has been dedicated to the City for park/open space. Street trees will be provided as a part of the subdivision and will help to improve the scenic quality of the area.

8-R. The subject property is considered to be open space at this time. Preservation of the full property in perpetuity is impractical. The proposed dedication of the five (5) acres on the south side of the proposed development will preserve a reasonable portion of the overall development site as open space.

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

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

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

3-H. The subject property has Latourell loam soil, which is a deep, well-drained soil. A very small section of the subject property, in the extreme southeastern portion, has Canderly sandy loam soil, which is a deep, somewhat excessively drained soil. No expansive soils, shallow topsoil, high water table, or other potential risks associated with construction on the subject property have been identified.



v. ***Transportation***

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

- Policy #1: Canby shall provide the necessary improvement to city streets, and will encourage the county to make the same commitment to local county roads, in an effort to keep pace with growth.
- Policy #2: Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the city's growth needs.
- Policy #3: Canby shall attempt to improve its problem intersections, in keeping with its policies for upgrading or new construction of roads.
- Policy #4: Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents.
- Policy #5: Canby shall actively work toward the construction of a functional overpass or underpass to allow for traffic movement between the north and south side of town.
- Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.
- Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.
- Policy #8: Canby shall work cooperatively with the State Department of Transportation and the Southern Pacific Railroad Company in order to assure the safe utilization of the rail facilities.
- Policy #9: Canby shall support efforts to improve and expand nearby air transport facilities.
- Policy #10: Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.

Policy #11: Canby shall work with private developers and public agencies in the interest of maintaining the transportation significance as well as environmental and recreational significance of the Willamette River.

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

### ANALYSIS

1. The City has adopted a Transportation Master Plan that specifies the City's responsibilities, and acknowledges the County's and State's responsibilities for improving existing roads due to normal travel wear. The Transportation Master Plan also recognizes that as vacant property abutting a road in need of improvement develops, the development is responsible for the necessary improvements.

2. Township Road is a collector street according to the City's Transportation Master Plan. Township Road is a County-maintained road. Township Road will provide the development's only access at the present time. Eventually, a local road connection will be made to S.E. 13th Avenue through the development of the properties to the south. The layout of the subdivision accounts for the future development with S.E. 10th Avenue and S. Vine Street abutting the properties to the south. All local roads within the proposed subdivision will need to be constructed to the City's local road construction standards.

Township Road will need to be improved to collector street standards. Half-street improvement to the collector street standards for the full frontage of the subject property along Township Road, is the responsibility of the developer of this subdivision. The construction of S.E. Township Road will need to conform to the City's and the County's road construction standards set for a collector street, which include curbs, sidewalks, bike lanes, and street trees.

A traffic study (exhibit 3) has been completed for the impact of the traffic generated by the proposed subdivision on the intersections of S.E. Township Road and S. Redwood Street, S.E. Township Road and S. Ivy Street, and S. Redwood/Pine Street and Highway 99-E. The summary of the traffic study is as follows:

1. The proposed project is not expected to have an adverse impact on any of the study intersections.

2. For existing plus other planned development plus site-generated traffic, no improvements are required to any of the study area intersections. The intersection of Township at Ivy currently meets 70 percent of the standard signal warrants. Since the background plus site-generated traffic volumes will result in level of service D, which is considered an acceptable level of service for an unsignalized intersection, a traffic signal is not recommended.
3. The development frontage along Township should be improved to a half-section width which meet the Canby Collector street design criteria, providing sidewalks and bike lanes.
4. The primary site access to the proposed project will be from two future streets (Street A and Street B) intersecting Township Road. The majority of site traffic will utilize Street A. both intersections should be controlled by STOP signs. Since Street A will be the only proposed access to a majority of the residences, a third access for emergency vehicles should be included for the project site.
5. Left-turn lane warrants are not satisfied at the intersection of Township road at Redwood Street or the future intersections of Township with Street A and Street B for the background plus site-generated traffic volumes.
6. Sight distance was visually observed on Township between Redwood Street and the railroad crossing and found to be satisfactory for the future Street A and Street B intersections.

The County has requested and been sent a copy of the traffic study before they respond to the City's request for comments. One of their primary concerns is regarding the site distance along Township Road where the proposed subdivision's local streets access Township Road. The traffic study has addressed this concern and the findings are located in summary statement number 6. The County has responded requesting a number of conditions of approval. The first states that the ultimate paving width of Township Road will be 36 feet. However, the improvements that have been approved and constructed along this portion of Township Road indicate an ultimate paving width of 44 feet. Further, the County states that the right-of-way width for Township Road is 40 feet. The County's Tax Assessor's maps, in addition to other development's construction plans, indicate that the right-of-way width for Township Road is 60 feet. The County has maintained a desire for an ultimate right-of-way width of 70 feet, however, this amount of right-of-way is unnecessary according to the City's standards as found in

the Transportation Master Plan (collector and arterial streets' right-of-way widths are a maximum of 60 feet). The County is requesting that a one-foot reserve plug be dedicated (it is our guess that the dedication would be to the County) to control private access onto Township Road. This type of dedication has never been requested by the County in similar situations regarding the Township Village subdivision developments on Township Road and S.E. 13th Avenue (another County Road), nor for the Valley Farms subdivision development on S.E. 13th Avenue. The recommended conditions of approval, should the application be approved by the Planning Commission, include a restriction against private access onto Township Road from the residential lots. This has been sufficient in the past for restricting access and is expected to be sufficient for this development. The County has stated a desire for a left-turn lane on Township Road for the intersection of S.E. Township Road and S. Ivy Street. The traffic level of service will be "D" and a left-turn lane is not specifically warranted.

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

3. There are two major intersections near the subject property, the intersection of S.E. Township Road (a collector) and S. Ivy Street (an arterial), and the intersection of S.E. Township Road (a collector) and S. Redwood (a collector). At this time, the intersection of S.E. Township Road and S. Redwood Street is not considered to be a "problem intersection". The intersection of S.E. Township Road and S. Ivy Street is considered to be a "problem intersection". The City has adopted a Transportation Systems Development Charge (SDC). This subdivision development will contribute to the improvement of that intersection through the SDC at the time the individual homes are constructed within the subdivision.

The level of service for the Township and Ivy intersection is currently C for both the AM and the PM peak hours. With the traffic generated from the proposed subdivision, the level of service will change from C to D, during the PM peak hour. The traffic generated from a number of approved developments (Oregon Custom Cabinets, Inertia Systems, Canby Transfer Station, Canby Apartments - 28 units, Pine Crossing Manufactured Home Park - 60 units, Marlon South Apartments - 92 units, Township Village Phase VI - 12 lots, Township Village Phase VII - 33 lots) will also be involved in the traffic which will change the level of service from C to D for the PM peak hour. The traffic generated from the combination of the approved developments and the proposed subdivision will change the level of service from C to D for both the AM and the PM peak hours.

The general description for level of service C is:

- Average delay per vehicle ranges between 20 and 30 seconds
- Many times there is more than one vehicle in the queue
- Most drivers feel restricted, but not objectionably so

The general description for level of service D is:

- Average delay per vehicle ranges between 30 and 40 seconds
- Often there is more than one vehicle in the queue
- Drivers feel quite restricted

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

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

The Molalla Forest Road, often referred to as the "Logging Road", that abuts the subject property on the east side is owned by the City. The present and intended future use of the road is for a walk/bike path and is considered to be a part of the City's bike path system. Access to the

"Logging Road" is proposed to be from one walkway that is located approximately 750 feet from Township Road and approximately 850 feet from the southern property boundary. A second access point is needed to the Logging Road" in order to provide better pedestrian and bicycle access as well as to meet the requirements of Section 16.64.030(C) of the Land Development and Planning Ordinance, which requires two pedestrian ways for any block in excess of 1200 feet in length. The access paths need to be located away from the "T" intersections in the subdivisions. This locational provision helps with a safety concern regarding bicycles exiting the access path onto the street. If a second street is not available across from the access path, the incidents of bicycles crossing the street from the access path at a relatively high speed will be reduced. The locations of the pathways should be between lots 24 and 25, and between lots 32 and 33.

The blocks between S.E. 9th Avenue and S.E. 8th Avenue, and between S.E. 8th Avenue and S.E. 7th Avenue are longer than 800 feet (approximately 1050 feet and 850 feet respectively) and therefore need to have pedestrian/bicycle pathways to comply with Section 16.64.030(C) of the Land Development and Planning Ordinance. The placement of the walkways will result in the adjustment of the lot line locations in those blocks in order to accommodate the 10-foot wide walkways. The location of the walkways should be offset from each other and from a north-south street, namely proposed S.E. Pinnacle Street, in order to discourage bicyclists from crossing 7th and 8th Avenues at unsafe speeds. The suggested locations of the walkways are 1) between lots 132 and 133, and lots 120 and 121; and 2) between lots 106 and 107, and lots 90 and 91.

Another walkway is proposed to connect the subdivision to the Trost Elementary School property to the west. This walkway is located between lots 199 and 200. In talking with the Principal of the school, it was determined that the most appropriate location for the walkway, given the proposed subdivision layout, would be between lots 200 and 201. The change in the walkway's location will also provide an entry point that is not directly across from a street.

Another pedestrian/bicycle access to the subdivision will occur in conjunction with the connection of the proposed S.E. 10th Avenue and the school's southeastern corner. An emergency access to the school's eastern property line provides pedestrian access out to S. Redwood Street.

No details have been provided regarding the construction of the walkways. A ten (10) foot wide walkway is required to provide adequate pedestrian/bike pathways. Fencing of the walkways and concrete or metal centerpost to restrict access onto the walkway is also

needed for ensuring that the walkway will be used for the purposes designated, and provide adequate privacy to the adjoining homes. The walkway needs to be paved and a handicap access ramp at the street curb will need to be provided to allow for both wheelchairs and bicycles appropriate access to the walkways.

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

6. One of the traffic studies findings for the proposed subdivision is that a third emergency vehicle access should be provided. The proposed subdivision includes the provision for an emergency vehicle access from Trost Elementary School's emergency access at the southwestern corner of the proposed subdivision onto proposed S.E. 10th Avenue. A barricade will be needed to restrict regular vehicular traffic from the proposed subdivision from using the emergency access.

In order to provide appropriate traffic safety, access onto S.E. Township Road will need to be prohibited from individual lots. Thus, access to the homes on the corner lots at the intersection of S.E. Township Road and the local subdivision roads will be restricted to the local subdivision road only.

7. The widening of Township Road will allow room for a bicycle lane. Additionally, access will be provided to the "Logging Road" which is also a bike path.

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

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

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

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

12. The subject property is on a county road which serves as an access road into the City. The improvements to S.E. Township Road required as a part of development of the property will enhance this entrance into the City.

**vi. Public Facilities and Services**

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

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

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

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

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

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

**ANALYSIS**

1. All needed public facility and service providers were sent a "Request for Comments" regarding this application. Positive responses have been received from the Fire District, Police Department, Canby School District, the engineer for the City, Canby Telephone Association, Northwest Natural Gas, and the Canby Utility Board. All have indicated that adequate facilities and/or services are available, or will be made available through the development. The Canby Utility Board has stated that the water treatment facilities are presently running very close to capacity during the warmest months. CUB does state that expansion of the treatment plant is now underway and should be completed within eighteen months. When the comments were returned to the Planning Department, a verbal confirmation was received from Bob Rapp, the Operations Supervisor, that capacity to service this subdivision proposal is available. There has been no recent indication, unofficial or otherwise, of potential inadequacy of facilities or service from this provider. The Public Works Department and Clackamas County have expressed concern regarding the proposed subdivision's traffic impact upon Township Road. The traffic study that was conducted would appear to address their concerns.



Easements for utility construction and maintenance will be required. The Canby Utility Board does not have the information necessary to provide specific comments regarding the water and electric distribution systems within the subdivision. The water and electric utilities, including street lights, need to conform to the Canby Utility Board requirements, and other utility provision and construction will need to conform to the respective utility requirements. The location of fire hydrants have not been located on the utilities plan. The number and location of the fire hydrants will need to be provided according to the Fire District's standards.

The sewer lift station that is proposed to be located at the northeastern corner of the subject property will need to be located at the southeastern corner of the subject property. The southeastern location will allow the lift station to be utilized by future residential development to the south of the subject property. This change has been discussed with the proposed subdivision's engineers and the conclusion was that the new location will not create any difficulties for the proposed subdivision. The land that the sewer lift station is located on shall be dedicated to the City. This is necessary for proper control of the lift station.

2. Needed 'public improvements' range from street widening, curbs, sidewalks, street trees, to intersection improvement at S.E. 13th Avenue and S. Ivy Street. All of these improvements have been discussed under the Transportation Element discussion.

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

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

5. The City has adopted a Parks Master Plan in which appropriate sites or areas for recreation facilities are identified. A 5.09 parcel of land is proposed to be dedicated for park purposes. The land is forested with predominately mature firs and cedars and has light undergrowth. No further dedication is necessary. The location of the site is in accordance with the Parks Master Plan location for a mini-park. The applicant maintains that the City will receive a "special benefit" from the forested nature of the park. The trees on the parcel should remain for the purpose of the park. Upon dedication, the retention of the trees would then be at the City's discretion.

**vii. Economic**

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

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

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

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

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

**ANALYSIS**

1. The proposed development is not industrial in nature, nor does the current zoning of the subject property allow industrial development. The implementation measure A states that protecting industrial areas from encroachment of incompatible uses is needed. The proposed subdivision will allow residential uses, a potentially incompatible use with industrial uses, to encroach upon the existing industrial use located to the east. Residential use of the property is allowed according to the Comprehensive Plan, however, some buffering should occur to protect both the residents and the existing industrial use.
2. The proposed development is not commercial in nature, nor does the current zoning of the subject property allow commercial development.
3. Development of this site, with homes, will provide residences for Canby business owners and employees, and also will provide a few employment opportunities and expand the market for Canby businesses.
4. The proposed subdivision will have the effect of eliminating, as planned and acknowledged by the City, and as approved with annexation, the agricultural use on the property.

## **viii. Housing**

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

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

### **ANALYSIS**

1. The location and size of the Urban Growth Boundary is not a part of the proposed application. When the Urban Growth Boundary was designated and calculations to determine the amount of land needed for residential growth, in 1984 as a part of the acknowledged 1984 Comprehensive Plan, the subject property was counted for residential development.
2. The proposed development will increase the overall housing density, as the development's density is at the high end of the potential for the property and higher than the average densities used to calculate the amount of land needed for low density residential areas called for in the Comprehensive Plan.
3. The proposed development does not include higher density housing.
4. The proposed development does not include housing for low income persons, although the smaller average lot size may result in lower land costs per lot.

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

*ix. Energy Conservation*

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

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

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

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

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

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

**ANALYSIS**

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

2. The orientation of the subject property in this proposal does not meet the basic solar access standards for new residential developments. The percentage of lots complying with the basic solar access standard is approximately 65.6%. Approximately nine (9) more lots could be made to comply through the use of a "solar building setback line". That would bring the compliance percentage to 69.8%.

There is a minor discrepancy between the applicant's numbers regarding compliance, and staff's. The applicant maintains that lots 82, 113, and 138 comply with the basic solar requirement, however, staff believes that they do not as the street frontage of the lot, along the north lot line, is more than 30 degrees off of the true east-west orientation.

The applicant has provided the following argument for the permitting the reduced compliance with the solar access requirements:

"This section (16.95.050 Adjustments to Design Standard) provides that the percentage of lots that must comply with Section 16.95.030 must be reduced by the Planning Commission, to the minimum extent necessary, if it finds the applicant has shown compliance would cause adverse impacts on density and cost or loss of amenities, or that impacts of existing shade excludes a portion of the site. In this instance, the impacts of existing shade is not a factor. However, compliance would result in increased costs, loss of density, and loss of view amenities."

"Discussions with City planning staff have resulted in one design alternative to be considered to increase compliance with the basic design option. By moving Deininger Street to the western border of the site against the Trost Elementary School boundary, the east-west lots proposed on this street could be eliminated. We have prepared a concept plan depicting this alternative (Design Option "A" on the following page of this report). **(The report is a part of Exhibit 1 and the concept plan is found after page 28 of that report.)** This option was not as successful in providing compliance with the design standard as originally anticipated because the spacing of the lots resulted in non-complying lots being located along Carriage Gate Drive. However, the plan does achieve a greater percentage of the lots in compliance (72 percent versus 67 percent)."

"Option "A" results in a density reduction from 209 lots to 206 units. Additionally, streets and required utilities are increased by about six percent due to the need to extend the length of 6th, 7th, 8th, and 9th Avenues and the need to provide for the extension of S.E. Pinnacle Street in order to comply with the 1200 foot maximum block length standard. The increase in costs associated with longer street and utility runs would be proportional to the six percent increase in these facilities. The provisions Section 16.95.050A(1) allow for a reduced compliance with the solar design standard if compliance results in a loss of density or an increase in development costs of at least 5 percent. Both of these conditions would occur under Option "A"."

"The elimination of the east-west lots along Deininger Street also results in the loss of lots taking advantage of spectacular Mt. Hood views along this roadway. Section 16.95.050A(2) allows for a reduction to the design standard if "significant development amenities that would otherwise benefit the lot(s) would result from having the lot(s) comply". In order to take advantage of

the Mt. Hood views, these lots must be oriented on an east-west axis. compliance with the basic design option would require a north-south orientation. 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 (**137 lots**) in compliance with the basic design option out of the remaining 170 lots (82 percent) (**80.6%**). Thus, with the approval of the required adjustments, this application complies with the solar access requirements of this section.

The wording in bold are inserted comments made by staff.

3. Any building will be required, as a part of the building permit review process, to be reviewed for compliance to the Solar Ordinance.
4. The City's transportation standards, and this development, are in accordance with the City's Transportation Master Plan.
5. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.

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

Review of the above analysis will show that the proposed subdivision, with the recommended conditions of approval, is consistent with the policies of the Comprehensive Plan, provided that the Planning Commission accepts the findings of the traffic study and finds that the proposed subdivision is in compliance with the solar access requirements. Development of each of the lots will need to comply with all applicable provisions of the City of Canby Land Development and Planning Ordinance, Building Codes, and other County and State Codes and Regulations.

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

**16.64.010 Streets.**

The proposed street names are not in accordance with the street naming ordinance. The street with the proposed name S.E. 5th Avenue will need to be changed to S.E. 6th Avenue, as there is a S.E. 5th Avenue north of Township Road, and the master address grid has the addresses south of Township Road exceeding 500. The proposed S.E. 6th Avenue will need to be changed to S.E. 6th Place. The street is offset from the first street that will be called S.E. 6th Avenue. The designation of the street further to the south (and to the east) as 'Place' is consistent with the existing situation just west of S. Ivy Street where a 6th Avenue is immediately north of a 6th Place. The other east-west streets are appropriately named. All of the north-south streets will need to be renamed. All new north-south streets are to be named after vegetation and in alphabetical order. The following are the changes:

Proposed S.E. Aspen Street will be S. Spruce Street.

Proposed S.E. Deininger Street will be S. Teakwood Street.

The unnamed street joining proposed S.E. 6th Avenue (to be changed to S.E. 6th Place) will be S. Trillium Street.

Proposed S.E. Pinnacle Street will be S. Tulip Street.

Proposed S.E. Carriage Gate Drive will be S. Vine Street.

There are no specific cross-sections or other details of the streets proposed to be built or improved. The right-of-way widths for the local streets appear to be correct, and there is an appropriate amount of right-of-way width for Township Road according to the City's Transportation Master Plan. The pre-construction plans for the subdivision will need to include the following for verification that all street construction standards will be complied with:

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

A 1-foot reserve strip has been proposed for the south end of S. Vine Street. Another reserve strip is needed along the south side of S.E. 10th Avenue between the park dedication and the Trost Elementary School property. The reserve strips will provide control of access to S.E. 10th from the undeveloped property to the south.

The angle of all proposed intersections are 90-degrees, or very nearly 90-degrees. All offsets of street intersections are a minimum of 150 feet, as measured from the centerline of the streets. The centerline offset for S.E. 6th Avenue and S.E. 6th Place is 180 feet.

The only undeveloped property that would have access through this subdivision is located to the south. Access for the land to the south has been provided through S.E. 10th Avenue and S. Vine Street.

S.E. 10th Avenue, west of S. Teakwood Street will be improved to a half-street standard. This will match the existing 20-foot right-of-way located immediately south of the Trost Elementary School property.

#### **16.64.020      Blocks.**

All blocks are less than 1200 feet in length with the exception of the east side of S. Vine Street. Because the east side is bordered by the Molalla Forest Road and the Molalla Rail Spur, and the land beyond is industrial, no access to the east is required or desired.

#### **16.64.030      Easements.**

Five foot utility easements will be required to be located along all interior lot lines as a building setback line of five feet is proposed for the side yards, with twelve foot utility easements for the rear property and street lot lines. A twelve foot tree-planting easement could also be provided along all street lot lines, which would allow the City to plant street trees at the desired location (11 feet from the curb), if the developer pays the cost of \$75 per tree.

The sidewalks will be located against the curb. The sidewalks will be "swung" around obstacles (such as mailboxes, newspaper boxes and fire hydrants) that are located against the curb. The width of the sidewalk will be five feet, including the curb when the sidewalk is against the curb. The minimum distance between the garage and the back of the sidewalk is nineteen feet (allowing for a car to be parked in front of the garage without obstructing the



sidewalk), regardless of the sidewalk's location. Locating the sidewalk in this manner will allow for the utilities and street trees to be placed with the least amount of conflict and hinderance on the "buildable" area of the lot. In addition, the sidewalk will be kept clear of obstacles to pedestrians.

As discussed in the analysis of Policy 4 of the Comprehensive Plan's Transportation Element (page 14), additional pathways will be needed between S. Vine Street and the logging road, between S.E. 7th and 8th Avenues, and between S.E. 8th and 9th Avenues.

#### **16.64.040      Lots.**

The lots will range in size from approximately 6,030 square feet to 9,975 square feet. The subdivision will meet the required minimum average lot size of 7,000 square feet, and will be of such dimensions as not to preclude development with single-family homes for reasons of insufficient room for required setbacks. The minimum average lot size is according to the Planned Unit Development standards (Section 16.76.010(B)). The majority of the lots meet the minimum lot frontage and lot width requirements. However, there are some lots on the half cul-de-sac and along the eastern curved portions of the east-west streets that are less than the standard 60 feet in width for interior lots and 65 feet for corner lots. Section 16.64.040(C) allows the Planning Commission to permit reduced lot frontages upon findings that access and building areas are adequate. The design of this subdivision and the proposed lots that have reduced frontages are such that there is adequate building areas and access. All lots are functional for residential uses. Direct access to S.E. Township Road from the lots that abut on S.E. Township Road needs to be prohibited.

Section 16.76.040 permits the Planning Commission to allow modifications in the regulation requirements regarding lot size, lot width, and yard setback requirements, for any approved Planned Unit Development. The applicant is requesting that 5-foot building setbacks be permitted for the side yards.

#### **16.64.050      Public Open Spaces.**

A 5.04 parcel of land is proposed to be dedicated to the City for park purposes. The land is forested predominately with mature firs and cedars and light undergrowth. The location of the parcel proposed to be dedicated is in the approximate area that the Park's Master Plan calls for a mini-park. The trees should be retained until the dedication of the land has been accepted by the City. The retention of the trees on the dedicated land should occur after the dedication has been accepted by the City, however, this decision appropriately resides at the discretion of the City Council.

**16.64.070 Improvements.**

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

**16.76.010 Minimum requirements.**

- A. The site plan preserves 11.21 percent of the site as open space (5.09 acres out of 45.42 acres). This exceeds the minimum 10 percent requirement of this section.
- B. The average area per dwelling unit is not less than that required by the R-1 zone. The site contains a total of 45.42 acres, of which 9.10 acres will be dedicated for public streets. The net site area, 36.32 acres or 1,582,179 square feet, divided by 209 units equals an average area per dwelling unit of 7,570 square feet. There is a minor discrepancy between the applicant's figures and staff's figures, however, using either, the average area per dwelling unit is still not less than that required by the R-1 zone.
- C. The size of the subject property, 45.42 acres, exceeds the minimum PUD site area requirement of one acre.

**16.76 General.**

The layout and construction of the improvements is expected to be completed within one year's time from the approval of the preliminary plat and within six months from the date of the signing of the final plat.

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

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

#### **IV. CONCLUSION**

The Planning Commission must accept the findings of the traffic study, the adjustment to the solar access requirements, and the reduced lot sizes, frontages and side yard setbacks. If the Planning Commission accepts these items, then, in general, the proposed subdivision is consistent with the Comprehensive Plan, all applicable requirements of the Land Development and Planning Ordinance, and the overall design and arrangement of lots is functional and will not unduly hinder use or development of adjacent properties. Conditions are proposed herein to provide the necessary changes and details required to meet the City's standards for subdivisions.

#### **V. RECOMMENDATION**

Based on the application, site plan, the facts, findings and conclusions presented in this report, and without benefit of public testimony, staff recommends that should the Planning Commission approve, with conditions, SUB 95-02/PUD, that the following conditions apply:

1. The subdivision's approval is contingent on the approval of the annexation of the property to be subdivided and dedicated. No construction approval, grading work, or plat approval shall be granted or permitted prior to the effective date of annexation.

For the Final Plat:

2. Twelve (12) foot utility easements shall be provided along all exterior lot lines. The interior lot lines shall have five (5) foot utility easements as proposed by the applicant.
3. The final plat shall reference this land use application - City of Canby, File No. SUB 95-02/PUD, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits requested subsequent to the date of this approval.
4. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor, or his authorized Deputy, including, but not necessarily limited to, various matters related to land surveying, land title, plat security, and plat recordation.
5. A one-foot reserve plug, dedicated to the City of Canby, shall be placed at the south end of S. Vine Street, and along the southern side of S.E. 10th Avenue between the dedicated park and the western end of the street.

6. The street names shall be as follows:

Proposed Name	Approved Name
S.E. Aspen Street	S. Spruce Street
S.E. Deininger Street	S. Teakwood Street
Unnamed street (starts from S.E. 6th Avenue - proposed)	S. Trillium Street
S.E. Pinnacle Street	S. Tulip Street
S.E. Carriage Gate Drive	S. Vine Street
S.E. 5th Avenue	S.E. 6th Avenue
S.E. 6th Avenue	S.E. 6th Place
S.E. 7th Avenue	S.E. 7th Avenue
S.E. 8th Avenue	S.E. 8th Avenue
S.E. 9th Avenue	S.E. 9th Avenue
S.E. 10th Avenue	S.E. 10th Avenue

7. The land that the sewer lift station is located on shall be dedicated to the City. The location of the sewer lift station shall be at the southeastern corner of the subdivision.
8. A walkway shall be provided between S.E. 7th Avenue and S.E. 8th Avenue. Another walkway shall be provided between S.E. 8th Avenue and S.E. 9th Avenue. The walkways shall not be located directly across the street from a north-south street, nor directly across the street from each other. The walkways shall be located as close to the middle of the blocks as possible, given these restrictions.
9. Two walkways shall be provided between S. Vine Street and the Molalla Forest Road. The walkways shall be located between lots 24 and 25, and between lots 32 and 33.
10. The walkway proposed between lots 199 and 200 shall be located between lots 200 and 201.
11. The easement for the walkways shall be ten (10) feet wide.
12. The prohibition of direct access onto S.E. Township Road from lots 1, 11-15, 167, 171-174, 176, 180-181, shall be stated on the final plat.

As a part of construction:

13. A Street Construction and/or Encroachment Permit shall be obtained from the Clackamas County Department of Transportation and Development prior to road construction and/or work along S.E. 13th Avenue.
14. Any necessary utilities shall be constructed to the specifications of the utility provider.

15. A pre-construction conference shall be held prior to construction. The pre-construction plans shall be reviewed and approved by the Canby Utility Board, the Canby Telephone Association, Clackamas County (Township Road) and the City prior to the pre-construction conference. The City's review and approval shall be coordinated through the Planning Office. The construction plans shall include the street design, sidewalks, storm water, sewer, water, electric, telephone & cable, gas, fire hydrant location, street lights, and street trees.
16. Street name and traffic control signs shall be provided at the developer's expense. This shall include "Stop" street signs where required by the Director of Public Works. "Stop" signs shall be placed for S. Pine Street at the intersection of S.E. 10th Avenue.
17. Erosion-control during construction shall be provided by following the recommendations of the "Erosion Control Plans Technical Guidance Handbook," as used by Clackamas County, dated August 1991, and as revised.
18. The construction of the sewer system and street storm water system for the subdivision shall meet the standards and specifications of the City for the local streets and the County for Township Road.
19. All local streets shall be constructed to the City specifications and standards. The widening of S.E. Township Road shall be constructed to the City and the County specifications and standards. The improvements shall include the street, curbs, sidewalks, street lights, and street trees.
20. The sidewalks shall be located against the curb, and shall be five-feet wide, including the curb. Where mailboxes, newspaper boxes or other obstructions (such as fire hydrants) are located at the curb, the sidewalk shall be set away from the curb such that the sidewalk remains unobstructed for a full five-foot width.
21. The walkways shall be paved ten (10) feet wide. A solid or "good-neighbor" wood fence shall be constructed on both sides of each walkway. The fence shall be six (6) feet high, except within twenty (20) feet of the front property lines. Within twenty (20) feet of the front property lines, the fence shall be three and one-half (3-1/2) feet high. A concrete or metal post shall be placed in the center of the entrance to each walkway. The concrete sidewalks shall continue across the front of the entrances, with a handicap accessible ramp to the street.
22. Street trees shall be planted along all streets. The type of street trees to be planted along all the streets shall be selected from the Recommended Street Tree list. The trees shall be a different variety for each street. The number of street trees to be planted shall be in accordance with the recommended spacing for the selected tree. The trees shall be planted eleven (11) feet from the street curb.

23. An emergency vehicle accessible barricade shall be placed at the west end of S.E. 10th Avenue. The emergency vehicle access from the Trost Elementary School to S.E. 10th Avenue shall comply with the Fire District standards and specifications. Any other off-site improvements necessary for the emergency vehicle access to comply with the Fire District standards and specifications shall be the responsibility of the developer.
24. The six-foot high chain-link fence along a portion of the Trost Elementary School property shall be continued for the full mutual property boundary of the school, with the exception of the entrance to the walkway between lots 200 and 201.
25. A six-foot high chain-link fence shall be constructed along the subdivision's southern boundary, with the exception of the park land and the southern end of S. Vine Street.
26. The trees in the park shall be retained during and after construction until dedication to the City has been accepted by the City Council.

Prior to the signing of the Final Plat:

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

After construction:

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

Additional Notes:

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

**Possible Conditions:**

33. A six-foot wall shall be constructed along S.E. Township Road. (The purpose is to provide additional buffering between the subdivision and industrial land across S.E. Township Road.)
34. A six-foot wall shall be constructed along the Molalla Forest Road, with the exception of the pathways between lots 24 and 25, and between lots 32 and 33. (The purpose is to provide additional buffering between the encroachment of the residential subdivision upon the existing industrial use, and future industrial use to the east.)

**Exhibits:**

1. Application
2. Vicinity Map
3. Traffic Study (*too large to reproduce*)
4. Tentative Plat (*too large to reproduce*)
5. Responses to Request for Comments
6. Submitted Correspondence

DEININGER FARMS  
APPLICATION FOR ANNEXATION &  
SUBDIVISION/PLANNED UNIT DEVELOPMENT

APPLICANT:

Douglas Kolberg  
P.O. Box 1426  
Lake Oswego, OR 97035

OWNERS:

Joan Jones  
2554 N.W. Overton  
Portland, OR 97035

Gertrude Thompson  
930 Rosemont Road  
West Linn, OR 97068

LEGAL DESCRIPTION:

T.L. 900, 1100, & 1200  
Tax Map 4 1E 3

LOCATION:

The subject property is bounded by Township Road on the north, Molalla Forest Road on the east, S.E. 10th Avenue extended on the south, and Trost Elementary School on the west.

COMPREHENSIVE PLAN:

Low Density Residential

ZONING:

Clackamas County EFU-20  
(Will be zoned R-1 upon annexation)

SITE AREA:

45.42 Acres

PROPOSED USE:

The site is proposed to be developed with 209 lots for construction of single family detached homes. The Tentative Plat depicts the proposed Planned Unit Development including a planned 5.09 acre park dedication.



## ANNEXATION CRITERIA:

Section 16.84.040 of the Canby Municipal Code provides eight criteria to be used in the evaluation of annexation proposals. These criteria are listed below followed by a discussion of relevant facts and proposed findings.

1. *Compatibility with the text and maps of the Comprehensive Plan, giving special consideration to those portions of policies relating to the Urban Growth Boundary.*

Facts: The Canby Comprehensive Plan designation for the subject property is Low Density Residential. Upon annexation the property will be zoned R-1, consistent with this designation. Compliance of this proposal with specific goals and policies of the Comprehensive Plan is discussed below.

### *i. Citizen Involvement*

*Goal: To provide the opportunity for citizen involvement throughout the Planning Process.*

#### Analysis:

Consistent with Policy 1 under this goal, the City will provide notification and will hold a public hearing to allow citizen comment on the proposed annexation as well as the PUD/Subdivision. Consistent with Policy 2, the City will comply with requirements of Oregon Statutes and Administrative Rules in making decisions on the proposals in a timely manner.

### *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.*

#### *Policies:*

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

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.*
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

Regarding Goal 1, preservation of Agricultural and Forest lands, the subject property is farmed for grass seed production. However, it should be noted that this goal relates to the preservation of such resource lands in determining the appropriate location of the Urban Growth Boundary (UGB). In this instance, the subject property is already within the UGB and an exception to Statewide Planning Goals 3 and 4 has been taken. Annexation of this property to the City for urban development is, therefore, consistent with these statewide goals. A detailed discussion of the feasibility of continued agricultural practices on the subject property is provided later in this report.

1. The City of Canby will provide notice to Clackamas County of the proposed annexation and development, as called for in the Urban Growth Management Agreement between the two jurisdictions.
2. The subject property is within the existing UGB. No amendment to the UGB is required in order to approve this annexation and development.
3. A detailed discussion of service availability will be provided in the Public Services Element section of this report. All required public services are available at the present time to service this property. Sanitary sewer, water and storm drainage improvements are depicted on the preliminary utility plan, demonstrating the feasibility of providing such urban services.

Implementation Measure D under this policy states:

- D) *The adopted maps showing growth phasing shall be used as a general guideline for the City's outward expansion. Areas designated as Type "A" urbanization lands shall generally be annexed prior to those areas shown as Type "B", etc. Annexation which is not in keeping with the phased growth concept shall only be permitted when the following findings are made:*
  - *Proponents of the proposed annexation have borne the burden of proving the appropriateness of the annexation. Such burden being the greatest for those proposals which are least in keeping with the phased growth concept.*

- *There will be some special benefit to the City overall as a result of the annexation which would not occur if the phased growth pattern was followed.*
- *The annexation will result in no adverse impacts on the City's planned provision of public facilities and services.*
- *The annexation is appropriate in terms of timing for City growth and development.*

The subject property is located in the Type "C" area. As there is considerable undeveloped land within the Type "A" and "B" inventory, this annexation is not in keeping with the phased growth concept. Therefore, the following analysis of compliance with the four exception criteria to this phased growth comment is being provided.

- The first criterion relates to the "appropriateness" of the annexation. No specific standards are provided to be used evaluating such appropriateness. However, it is clear from the context of Implementation Measure "D", which supports Policy 3 under the second goal of the Urbanization Chapter, that the intent is to weigh efficiency of provision of urban services. In this instance, the contiguous Type "A" land to the west has been annexed to the City and developed as Trost Elementary School. This development resulted in the improvement of Redwood Street together with the extension of public water and sewer services to the school site. These services may be readily extended to the subject property without "leap frogging" any other undeveloped lands. Further, according to our discussions with City staff, these services have capacity to serve the subject property. Therefore, it is appropriate, in terms of efficiency of providing services, to annex the subject property at this time.
- The primary "special benefit" to the City which will result from the annexation of the subject property at this time is the proposed dedication of 5.09 acres of the site to the City for park purposes. The proposed dedication area is shown as Tract "C" on the Tentative Plan. This area of the site is unique in this area of the UGB in that it contains a stand of mature Douglas fir trees. These trees are a substantial natural resource and a prominent element in the visual character of this area. The proposed dedication would ensure the preservation of this resource and would provide needed park land in this area of the City. The proximity of this park site to Trost Elementary School offers special benefits to the community by allowing students convenient access for supervised field trips to study forest ecology.

Although it may be argued that this benefit could be achieved at some future date when annexation fits into the City's phased growth concept,

there is no assurance that a future developer will wish to preserve this area or that harvesting of the timber would not occur under existing Clackamas County resource lands regulations prior to future annexation. The approval of this annexation request, together with the approval of the Subdivision/PUD application, will result in the dedication of this area at the time of recordation of the final plat.

- The proposed annexation would make use of existing services available in Redwood Street within 200 feet of this site. These services, which include a 12 inch sanitary sewer trunk line and an 8 inch water line, have adequate capacity to accommodate the proposed development without adverse impact. The proposed development will provide for on-site disposal of storm drainage through the use of dry-wells, thereby ensuring no adverse impact upon downstream properties.
- The proposed annexation is appropriate in terms of timing because the subject property is immediately contiguous to the existing City limits, public services are available in close proximity to the site, and because convenient access to the contiguous Trost Elementary School site will provide for educational needs of children living in the development.

ii. *Land Use Element*

*Goal: To guide the development and used of land so that they are orderly, efficient, aesthetically pleasing and suitably related to one another.*

*Policies:*

1. *Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.*
2. *Canby shall encourage a general increase in the intensity and density of development as a means of minimizing urban sprawl.*
3. *Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.*
4. *Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.*
5. *Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.*

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

Analysis:

1. The proposed development of this site will provide for single family detached homes. This use is in keeping with the adjacent school use, to the west, as well as the recent Township Village and Valley Farms residential developments further to the south and west of this site. To the east and north of this property lands are zoned for industrial development. An existing sheet metal use is located to the east of the subject property. A waste transfer site is proposed to the north, across Township Road and is presently being reviewed by the City. Potential exists for incompatibility between industrial and residential uses. However, Township Road and the Molalla Forest Road will provide some separation and buffering between the proposed subdivision and these industrial areas. With screening requirements imposed on these industrial uses by the City, we believe the proposed development will be compatible with this land use. To the south, rural residences on small acreages abut this site. The proposed residential development is generally compatible with such rural home sites. However, separation from this area will be provided to some extent by the proposed park dedication.
2. The proposed intensity of development is consistent with the Low Density Residential comprehensive plan designation applied to this site as well as with the R-1 zoning which will be applied at the time of annexation. This density of about 4.6 units per gross acre will permit full utilization of public facilities and will, therefore, not promote sprawl.
3. Discussions with City and Utility Board staff indicate that adequate sewer and water services are available. Requests for comments from service providers will be made during the City's review of this request and will ensure adequate review of service capacity issues.
4. No natural hazards are identified on the subject property in the Comprehensive Plan or in the Department of Geology and Mineral Industries Geologic Hazards map for this area.
5. The R-1 zoning which will be applied to this site if the annexation is approved is the implementing zone for the Low Density Residential plan designation.

6. The subject property is not identified in the Plan as a "unique site" or an "area of special concern".

iv. *Environmental Concerns*

*Goal:*

1. *To protect identified natural and historical resources.*
2. *To prevent air, water, land and noise pollution. To protect lives and property from natural hazards.*

*Policies:*

- 1RA. *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.*
- 1RB. *Canby shall encourage the urbanization of the least productive agricultural area within the urban growth boundary as a first priority.*
- 2R. *Canby shall maintain and protect surface water and groundwater resources.*
- 3R. *Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.*
- 4R. *Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.*
- 5R. *Canby shall support local sand and gravel operations and will cooperate with county and state agencies in the review of aggregate removal applications.*
- 6R. *Canby shall preserve and, where possible, encourage restoration of historic sites and buildings.*
- 7R. *Canby shall seek to improve the overall scenic and aesthetic qualities of the City.*
- 8R. *Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.*
- 9R. *Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.*

- 1H. *Canby shall restrict urbanization in areas of identified steep slopes.*
- 2H. *Canby shall continue to participate in and shall actively support the federal flood insurance program.*
- 3H. *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:

- 1R. According to the Soil Conservation Service's "Soil Survey of Clackamas County Area, Oregon", the subject property contains two soil types. The westerly portion, near the Southern Pacific Railroad tracks is Canderly sandy loam, 0 to 3 percent slopes. The balance of the site contains Latourell loam, 0 to 3 percent slopes. These soils are the most common soil type in the Canby area. The Canderly soils are rated as Capability Class IIs and the Latourell and Class I. Both can be farmed for a wide variety of crops. In the instance of the subject property, however, the parcel has no water rights available. Therefore, unlike many similar properties in the surrounding area which are farmed for berries and nursery stock, agricultural activities are limited to dryland crops.

The subject property has been leased out for the past several years and has been farmed for grass seed and hay. These crops are low-yield farming activities which require large acreages to support a farm dwelling. No criteria are provided under this policy to weigh the feasibility of continued agricultural use. However, a reasonable test for an economically viable farm unit is provided under current Oregon Administrative Rules relating to farm dwellings on lands designated for agricultural use. Under these rules, new agricultural dwellings are only permitted on farms which produce \$80,000 in gross farm income annually. Grass seed produces less than \$400 per acre annually in gross farm income. About 2 acres of the subject property are used for rental dwellings and an additional 5 acres is wooded. Thus, approximately 38 acres are available for farming. Assuming \$400 per acre, the grass seed crop would produce only \$15,200 per year, or 19 percent of that required to justify a farm dwelling under State and Clackamas County standards. Net farm income would be significantly less. The farming activities on this property are insufficient to justify its economic continuation.

- 1RB. Much of the existing vacant land supply in the Canby area is productively farmed for a wide variety of crops. This is true of many Type "A" areas,

including properties south of 13th Avenue opposite Ackerman Junior High School and land in nursery stock production north of Territorial Street between Maple and Holly Streets. The agricultural use of the subject property is restricted due to a lack of water rights allowing for irrigation of crops. In the absence of such water rights, this property must be viewed as among the least productive of agricultural areas and its annexation is consistent with this policy.

- 2R. The subject property does not contain any surface water resources, nor are there any nearby. The development of this property for residential purposes will not affect groundwater recharge because dry-wells will be employed to allow storm drainage to continue to percolate into the soil. Storm water management for compliance with the Federal Clean Water Act will be reviewed by Clackamas County prior to site development.
- 3R. The City requires that residential development comply with prescribed standards for air, water and land pollution.
- 4R. Residential construction and site development activities will produce noise during the construction phase of this project. Such activities will be regulated to comply with City standards.
- 5R. Not applicable. No sand or gravel operations exist on this site nor are such resources present.
- 6R. There are no historic residences present on this site.
- 7R. The only scenic resource on the subject property is the stand of fir trees on T.L. 900. This scenic resource is proposed to be preserved through dedication to the City for park purposes.
- 8R. More than five acres of the subject property is proposed to be set aside as open space through park dedication.
- 1H. The site has no steep slopes.
- 2H. The property is not in a floodplain area.
- 3H. The soils on the subject property, Latourell silt loam and Canderly sandy loam are both described in the SCS study as deep, well-drained soils. No expansive soils, shallow top-soil areas, or high water table areas are present on this site.



v. *Transportation*

*Goals:*

1. *To develop and maintain a transportation system which is safe, convenient and economical.*

*Policies:*

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.*
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.*
3. *Canby shall attempt to improve its problem intersections, in keeping with its policies for upgrading or new construction of roads.*
4. *Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents.*
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.*
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.*
7. *Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.*
8. *Canby shall support 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.*
9. *Canby shall support efforts to improve and expand nearby air transport facilities.*
10. *Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.*

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

Analysis:

1. All streets within the development are proposed to be designed to City standards. Additionally, frontage improvements will be provided along Township Road as required by Clackamas County collector street standards.
2. Access via Township Road will provide for the needs of this development. No new off-site roads are warranted.
3. The closest "problem intersection" is Township Road and Ivy Street. The applicant has retained a traffic consultant to review the impact of the proposed development on this intersection.
4. The City owns the Molalla Forest Road right-of-way along the east border of this site and plans to make use of it for pathway purposes. The proposed development plan will provide for a pedestrian connection to this pathway. Additionally, a pedestrian pathway is being proposed to provide access to Trost Elementary School. Bikepath and pedestrian improvements will be included to County standards in the widening of Township Road along the project frontage.
5. Not applicable to this project.
6. Two access points will be provided onto Township Road as well as one future connection via 10th Avenue to Redwood Street. This street system will ensure adequate emergency vehicle access to the proposed development.
7. Bicycle pathways will be included in the widening of Township Road along the project frontage.
8. The proposed development has no direct impact upon the safe utilization of the railroad line to the east of this site. No access is proposed that would affect this rail line and the Molalla Forest Road buffers the site from the right-of-way.

9. No airport facilities will be affected by this proposal.
10. The project will have no direct impact upon mass transit.
11. The development has no frontage on and does not affect the transportation usage of the Willamette River.
12. Improvements to Township Road, a County Road, will be made along the project frontage in conjunction with this development.

vi. *Public Facilities and Services*

*Goal:*

1. *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.*

*Policies:*

1. *Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.*
2. *Canby shall utilize all feasible means of financing needed public improvements and shall do so in an equitable manner.*
3. *Canby shall adopt and periodically update a capital improvement program for major city projects.*
4. *Canby shall strive to keep the internal organization of city government current with changing circumstances in the community.*
5. *Canby shall assure that adequate sites are provided for public schools and recreation facilities.*

Analysis:

1. All affected public utility providers will be notified as a part of the City's review of this project, thereby satisfying this policy.
2. All proposed public improvements associated with this project will be paid for privately by the project developer.

3. The proposed development does not require any improvements shown on the City's capital improvement program and will not affect its implementation.
4. This policy is a guide to City action and does not directly apply to this proposal.
5. A five acre park site is proposed to be dedicated to the City to assist in compliance with this policy. The Trost Elementary School site is immediately adjacent to the subject property and has remaining room for additional development. No new school sites are identified as being needed in this vicinity.

vii. *Economic*

*Goals:*

1. *To diversify and improve the economy of the City of Canby.*

*Policies:*

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

*Analysis:*

1. The proposed development is not industrial and the comprehensive plan designation precludes such development on this site.
2. The proposed development is not commercial and the comprehensive plan designation precludes such development on this site.

3. The proposed development will contribute to the area's economy through construction jobs during site development and home construction. No other direct economic impacts are associated with this proposal.
4. As discussed above, the agricultural activity on this site is low intensity in its character, does not generate significant agricultural income, and therefore is not feasible to continue. The proposal will result in urbanization of this site for residential use.

vii. *Housing*

*Goal:*

1. *To provide for the housing needs of the citizens of Canby.*

*Policies:*

1. *Canby shall adopt and implement an urban growth boundary which will adequately provide space for new housing starts to support and increase in population to a total of 20,000 persons.*
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.*
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.*
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.*
5. *Canby shall provide opportunities for mobile home developments in all residential zones, subject to appropriate design standards.*

*Analysis:*

1. The subject property is within the existing UGB and, therefore, is considered to be needed to meet projected population growth.
2. The proposed density of development is consistent with the Low Density Residential plan designation as well as the R-1 zoning standards.

3. The subject property is on the fringe of the city and has not been identified for higher density development in the Comprehensive Plan.
4. This project is aimed directly at providing affordable homes to assist in meeting the city's housing needs. The proposed houses are planned to be 1,000 to 1,500 square feet in area and will be designed with affordability in mind.
5. No mobile home development is proposed on this site.

*ix. Energy Conservation*

*Goal:*

1. *To conserve energy and encourage the use of renewable resources in place of non-renewable resources.*

*Policies:*

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

Analysis:

1. The subdivision has been planned to promote energy efficiency by orienting lots on predominantly east-west streets. All homes will comply with the strict energy standards of the building code.
2. The proposed east-west orientation of the street system maximizes the solar orientation of the building lots.

3. Building permits will be reviewed by the City for compliance with solar access and energy standards.
4. This policy is a guide to City action and is not directly applicable to the proposed annexation or development.
5. The City will review building permits for compliance with Uniform Building Code energy standards and City solar access standards.

#### CONTINUED ANALYSIS OF ANNEXATION CRITERIA:

2. *Compliance with other applicable City ordinances or policies.*

Comment: The proposed development has been designed as a Planned Unit Development and complies with applicable zoning and subdivision standards, as demonstrated in the following sections of this report.

3. *Capability of the City and other affected service-providing entities to amply provide the area with urban level services.*

Comment: As discussed above, basic urban services (water, sewer, and storm drainage) are depicted on the preliminary utility plan and are available to meet the needs of this project. Agency comments will be sought by the City during its review of this project to ensure adequate service availability.

4. *Compliance of the application with the applicable section of ORS 222.*

Comment: This application will be reviewed by the City Planning Commission, City Council, and the Boundary Commission for compliance with these standards. This property is contiguous with the City limits, the owners have authorized the applicant to apply for annexation, and the site can be provided with adequate levels of urban services.

5. *Appropriateness of the annexation of the specific area proposed, when compared to other properties that may be annexed to the City.*

Comment: The annexation of this site to the City outside of the phased annexation plan identified in the Comprehensive Plan is warranted because it will result in a specific benefit to the City through dedication of park lands, as discussed above. This special circumstance, together with the fact that the existing agricultural activities are less intensive and no water rights exist on this property, indicate that annexation prior to other areas is consistent with this policy.

6. *Risk of natural hazards that might be expected to occur on the subject property.*

Comment: No natural hazards have been identified on this site.

7. *Effect of the urbanization of the subject property on specially designated open space, scenic, historic, or natural resource areas.*

Comment: No such resources exist on this site, with the exception of the scenic resource associated with the forested area of the property. This area will be preserved as park land through dedication to the City if this annexation and PUD are approved.

8. *Economic impacts which are likely to result from the annexation.*

Comment: The only economic impacts associated with this proposal are the positive impacts resulting from construction jobs associated with site development and home construction.

#### COMPLIANCE WITH SUBDIVISION STANDARDS

1. *Conformance with the text and applicable maps of the Comprehensive Plan.*

Comment: See analysis of Comprehensive Plan policies above.

2. *Conformance with other applicable requirements of the Land Development and Planning Ordinances.*

Comment: The proposed development has been designed as a Planned Unit Development. Lot sizes are proposed to be reduced from the normal 7,000 sq. ft. standard of the R-1 district to a minimum of about 6,100 sq. ft. The overall density, however, has been designed to conform to that of the R-7 district. Approximately 5.09 acres of park lands will be dedicated to the City and the resulting density transfer has permitted the smaller lot sizes within the development. Street standards are proposed to conform with City standards for local streets, as shown on the preliminary utility plan. Compliance with specific standards of the Canby Land Development and Planning Ordinance is discussed below in this report.

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



Comment: All lots have adequate access onto City streets. Further, utilities will be located in street rights-of-way or easements, as shown on the preliminary utility plan. Street stubs and utility extensions are provided where needed to allow for future development of adjacent undeveloped properties.

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

Comment: See discussion above under the public facilities element of the Comprehensive Plan policy analysis.

## COMPLIANCE WITH OTHER PROVISIONS OF THE CANBY LAND DEVELOPMENT AND PLANNING ORDINANCE.

### DIVISION III. ZONING

#### Chapter 16.10 -- Off-Street Parking

Table 16.10.050 indicates that all new single-family dwellings shall provide a minimum of two off-street parking spaces. The minimum parcel size in the proposed development, 65' X 95', provides sufficient room for the construction of homes with two-car garages with parking in the driveway area for two additional vehicles. Specific compliance with this standard will be reviewed at the time of building permit application.

#### Chapter 16.16 -- R-1 Low Density Residential Zone

##### 16.16.010 Uses permitted outright

The land use proposed in this development, single-family dwellings, is listed as a use permitted outright in the R-1 zone (16.16.010A).

##### 16.16.030 Development Standards

- A. Minimum lot area: The R-1 zone requires a minimum lot area of 7,000 square feet. The proposed development, however, is a Planned Unit Development. Section 16.76.040 permits modification of lot size, lot width, and setback standards within a PUD. See discussion below under that section.
- B. Minimum lot width: Although the PUD provisions permit modification of the lot width standard, the minimum lot width proposed in this project, 65 feet, exceeds the 60 foot minimum standard of the R-1 district.

- C. Minimum yard requirements: As discussed under subsection A, above, the PUD provisions permit modification of the minimum setback provisions of the R-1 district. See discussion below under Section 16.76.040.
- D. Maximum building height: No specific building plans are being approved at this time. Plans for individual homes will be submitted to the City at the time of building permit application and reviewed for compliance with the 35 foot/2.5 story standard. No adjustment to this standard is being requested.
- E. Maximum lot coverage: The R-1 zone establishes no limit for the lot coverage of the main building. No accessory building will be permitted which exceeds the coverage of the main building, as specified in this section.

#### Chapter 16.46 -- Access Limitations on Project Density

All project streets are proposed to comply with the City's 36 foot paved width standard for local streets. Subsection 16.46.010 permits up to 40 dwellings on such roadways (this standard may be increased by up to 50 percent for looped streets and by an additional 20 percent in PUDs). In the proposed development, S.E. 9th Avenue is the street which will have the most homes fronting on it. The 33 units proposed on this street is less than the maximum access standard.

### DIVISION IV. LAND DIVISION REGULATION

#### Chapter 16.64 -- Subdivision Design Standards

##### 16.64.010 Streets

- A. The proposed subdivision plan conforms with the general street design standards because it provides for the continuation of S.E. 10th Avenue and provides a stub on Carriage Gate Drive for future development to the south. Further, the plan complies with City minimum width standards for right-of-way and paving.
- B. A reserve strip will be provided at the southerly terminus of Carriage Gate Drive, as required by this section.
- C. The site plan provides for "T" intersections for all streets in the subdivision. No offset intersections of less than 150 feet are proposed (the centerline offset of S.E. 5th and 6th Avenues is in excess of 180 feet).
- D. The only unplatted developable acreage which abuts the subject property lies to the south of this site. The site plan provides for future development of this area by providing frontage on S.E. 10th Avenue and by providing for a street stub on S.E. Carriage Gate Drive.

- E. All intersection angles proposed are approximately 90 degrees, consistent with the requirements of this subsection.
- F. Township Road, the only street abutting this site, complies with the minimum County standard for right-of-way width, 60 feet. No additional right-of-way dedication is needed.
- G. The only half-street in this development is the extension of S.E. 10th Avenue. The site plan provides for an immediate transition to a full-street dedication as soon as possible and continues this street with the minimum 40 foot right-of-way along the southern boundary of the subject property.
- H. The only cul-de-sac proposed in the site plan is a short "bubble" off of S.E. 5th Avenue. This street is less than 100 feet in length, well under the 450 foot maximum length standard of this subsection. Further, the cul-de-sac serves only six homes -- well within the maximum limit of 18.
- I. This subsection relates to marginal access streets which may be required by the City when a site abuts an arterial street. Township Road is designated as a collector street and, therefore, these provisions do not apply.
- J. No alleys are proposed and none are required by this subsection because the proposed development is not in an industrial or commercial district.
- K. Proposed street names are shown on the Tentative Plat. East-west streets continue the numbered avenue system consistent with the City's grid. Staff has advised us that north-south street names will have to be revised to conform to the City's street naming system. The applicant will work with staff so that necessary changes will be made prior to final plat approval.
- L. The site plan depicts proposed easements along streets in the development which are sufficient to provide room for the planting of street trees.
- M. As shown on preliminary profiles submitted with this application, the steepest road grade proposed is four percent -- well under the 15 percent maximum grade. The flattest grade proposed is .5 percent, consistent with minimum slope standards.
- N. The subject property parallels the Southern Pacific Railroad right-of-way along its east border. Carriage Gate Drive parallels this railroad right-of-way, as required by this section.

#### 16.64.020 Blocks

- A. The block system proposed complies with general design standards in that it provides adequate depth for building sites (95 feet minimum), maintains a grid system that provides appropriate traffic circulation throughout the development, and provides appropriate access for all lots.
- B. The proposed plan has a maximum block length of approximately 1,050 feet (8th and 9th Avenues between Deininger and Carriage Gate Drives). This complies with the maximum 1200 foot length standard of this subsection. The proposed block depth provides for two lot depths.

#### 16.64.030 Easements

- A. Twelve foot utility easements are proposed along all street lines in the project, as required by this section. Side and rear utility easements will be provided where appropriate.
- B. Drainage easements are not required because there are no watercourses on the property.
- C. Tracts are provided for pedestrian walkways to Trost Elementary School and to the pathway system along Molalla Forest Road.
- D. Compliance with solar access standards is discussed later in this report.

#### 16.64.040 Lots

- A. As far as possible, the proposed plan provides rectangular lots measuring 65 feet wide by 95 feet deep. These dimensions provide a building envelope of approximately 55 feet wide by 55 feet deep, adequate room for construction of single-family homes.
- B. Minimum lot sizes are modified through the PUD provisions. Please see discussion of Division V, below.
- C. All lots proposed have adequate frontage on public streets.
- D. The only double frontage lots proposed are along Township Road and Molalla Forest Road. The double frontage lots are necessary along Township Road because it is a Clackamas County Collector street and County policies discourage direct access to such roads. Additionally, sight distance is poor because of a vertical curve in this roadway making access at points other than the street intersections proposed unsafe. Molalla Forest Road is now owned by the City of

Canby and is planned to be used for pedestrian/bicycle purposes. Vehicular access from this road, therefore, is not permitted and double frontage lots must be used.

- E. Side lot lines have been designed to be perpendicular or radial to street right-of-ways in so far as practical.
- F. No lots or tracts capable of resubdivision are proposed.
- G. Special side yard setbacks (five feet) are proposed as a part of the Planned Unit Development. These setbacks will be noted in the deed restrictions.
- H. No flooding or soil hazards are present on this site. Therefore, approval of this Tentative Plat is consistent with this subsection.
- I. Only one flag lot (Lot 176) is proposed in the project. The access strip width proposed is 20 feet and is proposed to be paved, consistent with City standards. Appropriate setbacks and turn-around requirements will be demonstrated at the time of building permit application.

#### 16.64.050 Public open spaces.

The proposed site plan provides 5.09 acres of forested land which is proposed to be dedicated to the City of Canby for park purposes.

#### 16.64.070 Improvements

The improvements required for this project are indicated on the Preliminary Utility plans submitted with this application. Final engineering will be provided for these improvements prior to final plat approval. All City requirements for construction of these improvements, including appropriate inspections and/or bonding requirements, will be met prior to final plat approval.

### DIVISION V. PLANNED UNIT DEVELOPMENT

#### Chapter 16.70 -- General Provisions

##### 16.70.010 General provisions

Consistent with the provisions of this subsection, because the proposed Planned Unit Development includes the subdivision of property, it is being reviewed under the provisions of Division IV as well as the requirements of Division V.

#### 16.70.020 Purpose

The proposed development is consistent with the purpose statement this Division in that the design flexibility permitted through the PUD process will permit the lot sizes to be somewhat smaller, thereby allowing the preservation of the wooded area of the site through park dedication. The resulting development will be as good as, or better, than would be obtained through standard subdivision practices because the lots will still provide adequate building sites for single-family homes but the resource and open space value of the wooded area will be retained.

#### 16.70.030 Condominium projects treated as planned unit development

This section does not apply because no condominium units are proposed.

### Chapter 16.72 -- Applications

#### 16.72.010 General requirements

Consistent with this subsection, the application procedures for tentative subdivisions, pursuant to Division IV, are being followed for this application. Conditional use provisions of Division III are not applicable because the proposal includes the subdivision of property.

#### 16.72.020 Who may apply.

The application has been signed by all owners having title to the property in the proposed Planned Unit Development.

#### 16.72.030 Form and content.

- A. The application was submitted to the City Planner on forms provided for that purpose.
- B. The Tentative Plan map provides an accurate map drawn at a scale of one inch equals 100 feet showing the proposed development. Because the proposed PUD includes only lots for single-family homes, no architectural plans are being approved as a part of this application. Building plans will be reviewed individually for each home at the time of building permit application. The proposed location and dimensions of the proposed open space (Tract "C") are noted on the plan. Off-street parking will be provided in driveways and garages for the homes and will be reviewed at the time of building permit application. The site plan shows access points, topography and railroad right-of-way. Proposals for grading and drainage are shown on the preliminary utility plans. Landscaping will be provided by individual homeowners.

- C. The purpose of the proposed development is to provide building lots for 209 single-family detached homes. Additionally, the plan will provide 5.09 acres of park land which is proposed to be dedicated to the City of Canby. This dedication will preserve as open space the only area of the site containing significant physical features -- old growth Douglas fir trees. No other non-residential uses are proposed.

#### Chapter 16.74 -- Uses Permitted

##### 16.74.020 Uses permitted in residential zone.

The only uses proposed in this project are single-family detached homes and 5.09 acres of open space. Residential uses in R-1 zoned areas are permitted by this Division as well as Division III.

#### Chapter 16.76 -- Requirements

##### 16.76.010 Minimum requirements

- A. The site plan preserves 11.21 percent of the site as open space (5.09 acres out of 45.42 acres). This exceeds the minimum 10 percent requirement of this section.
- B. The average area per dwelling unit is not less than that required by the R-1 zone. The site contains a total of 45.42 acres, of which 8.91 acres will be dedicated for public streets. The net site area, 36.51 acres or 1,590,376 square feet, divided by 209 units equals an average area per dwelling unit of 7,609 square feet.
- C. The size of the subject property, 45.42 acres, exceeds the minimum PUD site area requirement of one acre.

##### 16.76.020 General requirements

Consistent with these requirements, this application report demonstrates that the requirements of Division IV, Land Division Standards, are satisfied. Additional information required by this subsection has been addressed as follows:

- A. Public dedication areas include: Tracts "A" and "B", which are to be used for pedestrian pathways, Tract "C", a 5.09 acre proposed to be dedicated to the City of Canby for park purposes, and 8.91 acres of public street.
- B. No undedicated open space is proposed.

C. Land use within the proposed development is shown on the site plan and is summarized as follows:

1.	209 Single-family home lots --	31.38 acres
2.	Public street right-of-way --	8.91 acres
3.	Tract "C" park dedication --	5.09 acres
4.	Tracts "A" and "B" pathways --	.04 acres

D. All dwellings proposed will be single-family detached units. They will be sited within required setbacks on the 209 lots shown on the site plan.

E. All off-street parking requirements will be met in the driveway and garage areas on the individual lots.

F. Pedestrian pathways are shown as Tracts "A" and "B" on the site plan.

G. Approval is being requested for the entire project at this time. While the development may be constructed in two stages, completion of the entire project within the permitted preliminary approval period is anticipated.

H. Adjacent utilities are depicted on the preliminary utility plan.

I. The proposed density of development is 4.6 units per gross acre or 5.72 units per net acre. Lot coverage will be reviewed with the building permit application.

J. The only other pertinent information requested by staff is a traffic study. See the report prepared by Lancaster Engineering.

#### 16.76.030 Standards and criteria.

A. The applicant acknowledges that the approval of this PUD will be binding upon the developer.

B. The applicant acknowledges that land within the PUD may be subject to contractual agreements with the City and will record approved agreements with the covenants of the development.

C. This report provides a detailed analysis demonstrating that the proposed development complies with other relevant provisions of the Land Development and Planning Ordinance.

D. The proposed development provides an organized arrangement of lots, with each having appropriate access to public services as shown on the utility plan.



- E. The proposed development pattern provides single-family homes on individual lots. This land use is typical of nearby residential areas and is a use authorized by the R-1 zoning on the subject property.
- F. The proposed development has been demonstrated to be a complete development with respect to the provisions of this ordinance. Proposals for utilities, street improvements, etc. are shown on the site plan.
- G. The only undeveloped lands proposed are the two pedestrian pathways, Tracts "A" and "B", and the park site, Tract "C". These areas are proposed to be dedicated to the City in perpetuity.
- H. As with any other City park, the maintenance of the park dedication area is proposed to be the responsibility of the City of Canby.
- I. All units are proposed to have individual utility services.
- J. No condominium conversions are proposed. This subsection does not apply.
- K. No condominium conversions are proposed. This subsection does not apply.

#### 16.76.040 Exceptions

- A. Modification to the minimum lot size and setback standards of the R-1 zone are requested in conjunction with this application. The R-1 zone requires a minimum lot size of 7,000 square feet. Within this PUD a minimum lot area of 6,000 square feet is proposed in order to compensate for the 5.09 acres reserved as park dedication area. Because the lot sizes are smaller, a side yard setback of five feet is proposed.
- B. Building height is proposed to conform to the basic R-1 standards.
- C. As previously discussed, the off-street parking requirements of Division III will be met.

#### Chapter 16.78 -- Condominium Projects Involving Construction of Six or Fewer Units.

Not applicable. No condominium units are proposed.

#### Chapter 16.80 -- Manufactured or Mobile Home Subdivisions.

Not applicable. No manufactured or mobile homes are proposed.

Chapter 16.82 -- Special Housing Projects for the Elderly or Handicapped.

Not applicable. No housing specifically for the elderly or handicapped is proposed.

DIVISION VI. ANNEXATION

These provisions have been previously addressed in this report.

DIVISION VII. STREET ALIGNMENTS

Consistent with the provisions of subsection 16.86.020(B) the streets in the proposed development are proposed to have a right-of-way width of 40 feet. No other provisions of this section are applicable to this proposal.

DIVISION VIII. GENERAL STANDARDS AND PROCEDURES

The provisions of this Division provide general guidance to City action on land use and are not directly applicable to the review of this development application.

DIVISION IX. SOLAR ACCESS

Chapter 16.95 -- Solar Access for New Developments

16.95.020 Applicability

The subject property is zoned R-1 and, therefore, the provisions of this chapter apply to the proposed development.

16.95.030 Design Standard.

Compliance with the 80 percent design standard would require that 168 out of 209 meet one of the three options for solar access. In the proposed subdivision, we have oriented nearly every street on an east-west axis to maximize solar access. The only significant streets oriented other than east-west are the access road from Township Road, Deininger Street, and Carriage Gate Drive along the eastern border of the property.

Despite our attempt to maximize lots on a north/south axis, the proposed subdivision provides for only 67 percent (140 out of 209 lots) to meet the basic design option (90 feet deep on the north-south axis and front lot line within 30 degrees of east-west).

Because of the narrow north-south width dimension of the lots which do not meet the basic design option, using the protected solar building line or performance options are not practical alternatives for this site. The lots which do comply with the basic design option are: Lots 5-7, 11-15, 42-138, 141-157, 161, 164-166, 172-173, 176-177, and 185-194. An adjustment to the 80 percent design standard is being requested pursuant to the provisions of Section 16.95.050.

#### 16.95.050 Adjustments to Design Standard

This section provides that the percentage of lots that must comply with Section 16.95.030 must be reduced by the Planning Commission, to the minimum extent necessary, if it finds the applicant has shown compliance would cause adverse impacts on density and cost or loss of amenities, or that impacts of existing shade excludes a portion of the site. In this instance, the impacts of existing shade is not a factor. However, compliance would result in increased costs, loss of density, and loss of view amenities.

Discussions with City planning staff have resulted in one design alternative to be considered to increase compliance with the basic design option. By moving Deininger Street to the western border of the site against the Trost Elementary School boundary, the east-west lots proposed on this street could be eliminated. We have prepared a concept plan depicting this alternative (Design Option "A" on the following page of this report). This option was not as successful in providing compliance with the design standard as originally anticipated because the spacing of the lots resulted in non-complying lots being located along Carriage Gate Drive. However, the plan does achieve a greater percentage of the lots in compliance (72 percent versus 67 percent).

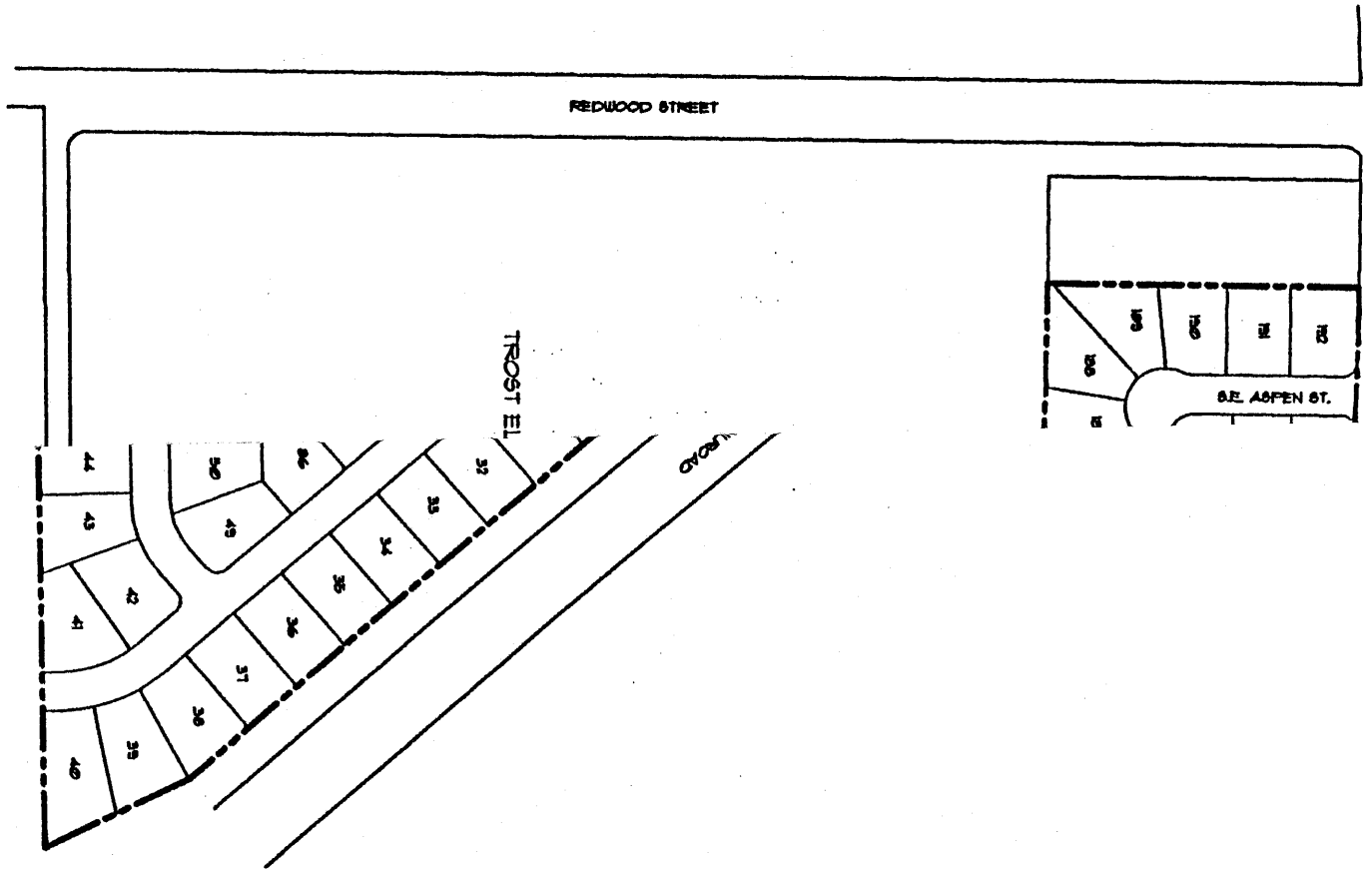
Option "A" results in a density reduction from 209 lots to 206 units. Additionally, streets and required utilities are increased by about six percent due to the need to extend the length of 6th, 7th, 8th, and 9th Avenues and the need to provide for the extension of S.E. Pinnacle Street in order to comply with the 1200 foot maximum block length standard. The increase in costs associated with longer street and utility runs would be proportional to the six percent increase in these facilities. The provisions of Section 16.95.050A(1) allow for a reduced compliance with the solar design standard if compliance results in a loss of density or an increase in development costs of at least 5 percent. Both of these conditions would occur under Option "A".

The elimination of the east-west lots along Deininger Street also results in the loss of lots taking advantage of spectacular Mt. Hood views along this roadway. Section 16.95.050A(2) allows for a reduction to the design standard if "significant development amenities that would otherwise benefit the lot(s) would result from having the lot(s) comply". In order to take advantage of the Mt. Hood views, these lots must be oriented on an east-west axis. Compliance with the basic design option would require a north-south orientation.



SCALE: 1" = 200'

D E

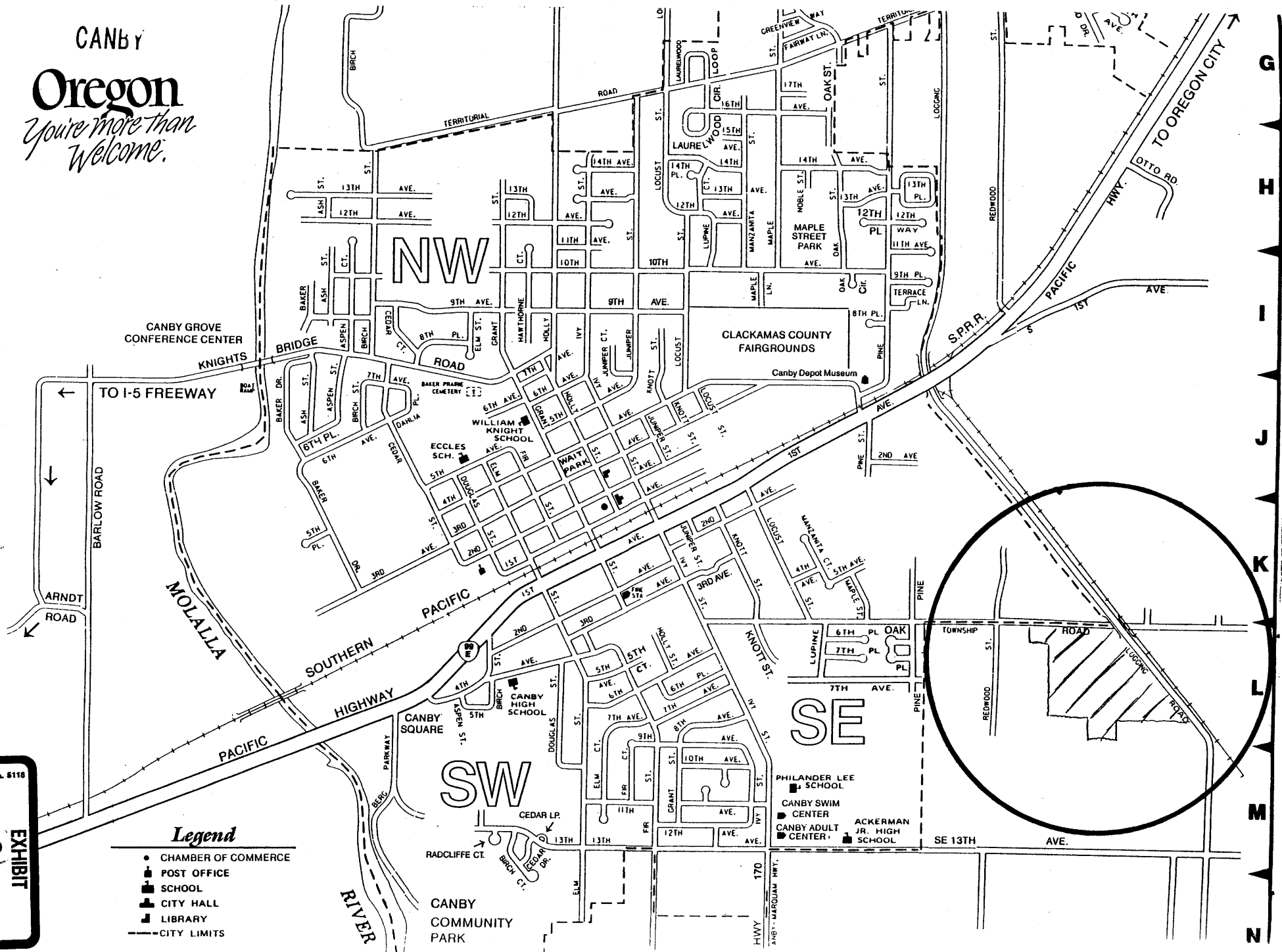


Based upon loss of density, increased development costs, and the loss of the amenity value of Mt. Hood views, an adjustment is warranted for Lots 195 to 209.

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.

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



CANBY GROVE  
 CONFERENCE CENTER

TO I-5 FREEWAY

NW

CLACKAMAS COUNTY  
 FAIRGROUNDS

WILLIAM  
 KNIGHT  
 SCHOOL

CANBY  
 HIGH SCHOOL

SW

SE

PHILANDER LEE  
 SCHOOL  
 CANBY SWIM  
 CENTER  
 CANBY ADULT  
 CENTER

ACKERMAN  
 JR. HIGH  
 SCHOOL

CANBY  
 COMMUNITY  
 PARK

**Legend**

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

Blumberg No. 5118

EXHIBIT  
 2



# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 20, 1995

TO: FIRE, POLICE, CUB, TELEPHONE, TELECOM, NW NATURAL GAS, ROY, STEVE, MIKE J., JOHN K., CURT McLEOD, CLACKAMAS COUNTY PLANNING, CLACKAMAS COUNTY TRANSPORTATION, *School Dist*

The City has received SUB 95-01[PUD], an application by Douglas F. Kolberg [applicant] and Joan Joans and Gertrude Thompson [owners] for approval to develop a 209 lot planned unit development subdivision. The property is bounded by Township Road on the north, the Molalla Forest Road on the east, and Trost Elementary School on the west [Tax Lots 900, 1100 and 1200 of Tax Map 4-1E-3].

We would appreciate your reviewing the enclosed application and returning your comments by **April 1, 1995 PLEASE**. The Planning Commission plans to consider this application on April 24, 1995. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

*No comments or Proposed Condition at this time*

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: *Jack Stork* Date: *3-27-95*

EXHIBIT  
5  
11 pgs

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 20, 1995

TO: FIRE, POLICE, CUB, TELEPHONE, TELECOM, NW NATURAL GAS, ROY, STEVE, MIKE J., JOHN K., CURT McLEOD, CLACKAMAS COUNTY PLANNING, CLACKAMAS COUNTY TRANSPORTATION, *School Dist*

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



# PLEASE RETURN ATTACHMENTS!!!

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P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 20, 1995

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Comments or Proposed Conditions:

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Please check one box:

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

Signature: Jerry Stiger Date: 3/29/95

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 20, 1995

TO: FIRE, POLICE, CUB, TELEPHONE, TELECOM, NW NATURAL GAS, ROY, STEVE, MIKE J., JOHN K., CURT McLEOD, CLACKAMAS COUNTY PLANNING, CLACKAMAS COUNTY TRANSPORTATION, School Dist

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We would appreciate your reviewing the enclosed application and returning your comments by April 1, 1995 PLEASE. The Planning Commission plans to consider this application on April 24, 1995. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

- SANITARY SEWER PUMP STATION MUST CONSIDER ADJACENT PROPERTIES FOR COMBINED USE.
- STREET ROW'S ARE LESS THAN STD SECTION.
- 12" WATERLINE AT REDWOOD WILL REQUIRE EXTENSION ON TOWNSHIP

Please check one box:

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

Signature: Curt McLeod

Date: 4-3-95

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 20, 1995

TO: FIRE, POLICE, CUB, TELEPHONE, TELECOM, NW NATURAL GAS, ROY, STEVE, MIKE J., JOHN K., CURT McLEOD, CLACKAMAS COUNTY PLANNING, CLACKAMAS COUNTY TRANSPORTATION, School Dist

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We would appreciate your reviewing the enclosed application and returning your comments by April 1, 1995 PLEASE. The Planning Commission plans to consider this application on April 24, 1995. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

The Impact on Township Road would make it very congested. With Township being a County Road and no plans for improvement, it would not withstand the extra TRAFFIC. Storm drainage on Township isn't shown. The plans don't show enough detail to comment.

Please check one box:

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

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

*Roy L. Hester*

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

*April 5, 1995*

April 5, 1995

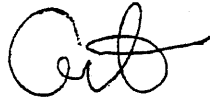
CURRAN-McLEOD, INC.  
CONSULTING ENGINEERS

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

**MEMORANDUM**

**TO:** Jim Wheeler  
City of Canby

**FROM:** Curt McLeod



**RE: DEININGER FARMS P.U.D.  
SANITARY SEWER LAYOUT**

As we discussed, Sanitary Service to the proposed Deininger Farms must be designed to accommodate extension beyond this development. The existing collection system on Redwood Street provides gravity service on 11th loop and 13th Avenue. This is ample to collect gravity services from all or portions of tax lots 400, 500, 600, 700 and 800. The south easterly areas, tax lot 401, 190 and 200 will require pumping.

To consolidate the pumping requirements in this area, the pump station shown for Deininger Farms should be located at the most south easterly point of the property. Future developers in this area should be required to extend the collection system and force main for this pump station and relocate the station to the low point of the UGB.

We have discussed this with the project engineer and this created no problems for him.

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: March 20, 1995

TO: FIRE, POLICE, CUB TELEPHONE, TELECOM, NW NATURAL GAS, ROY, STEVE, MIKE J., JOHN K., CURT McLEOD, CLACKAMAS COUNTY PLANNING, CLACKAMAS COUNTY TRANSPORTATION, SCHOOL DISTRICT

The City has received ANN 95-01 application by Douglas F. Kolberg [applicant] and Joan Joans and Gertrude Thompson [owners] for approval to annex a 45.42 acre parcel into the City of Canby. A subdivision application has also been submitted, to develop a 209 lot planned unit development subdivision. The property is bounded by Township Road on the north, the Molalla Forest Road on the east, and Trost Elementary School on the west [Tax Lots 900, 1100 and 1200 of Tax Map 4-1E-3].

We would appreciate your reviewing the enclosed application and returning your comments by April 1, 1995 PLEASE. The Planning Commission plans to consider this application on April 24, 1995. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

### Comments or Proposed Conditions:

1. Preconstruction Conferences are a Requirement of water and Electric Service.
  2. Easements for Construction and Maintenance of utilities are Required
  3. Street Lighting Requirements, line extension charges, Hookup Fees and System development charges and inspection fees are paid by others (i.e. not CUB)
  4. Water treatment facilities are presently running very close to capacity during the warmest months however treatment facility expansion is now underway and should be completed within  
eighteen months. CUB is neither a proponent nor opponent of the
- Please check one box: Proposed annexation and subdivision SRB 95-01(PUD)

- 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: Robt E Roy

Date: 5-8-95



# CLACKAMAS COUNTY

Department of Transportation & Development

THOMAS J. VANDERZANDEN  
DIRECTOR

## Memorandum

**DATE:** May 5, 1995

**TO:** Jim Wheeler & Bob Hoffman - City of Canby

**FROM:** Clackamas County Traffic Engineering & *EQM*  
Transportation Planning

**RE:** Kolberg Annexation/Subdivision

**C:** Bill Spears

Clackamas County appreciates the opportunity to comment of the Kolberg Annexation and Subdivision. Based on the traffic study provided, the subdivision consists of 209 single-family homes located generally south of Township Road and west of the Southern Pacific Railroad right-of-way and the Molalla River Pathway.

Township Road is operated and maintained by Clackamas County and is designated as a Minor Arterial.

Clackamas County recommends approval of this subdivision and annexation with the following conditions of approval:

1. The ultimate width of Township Road is 36 feet including two 12 foot travel lanes and two six foot bikelanes. The applicant shall design and construct a half street section of 18 feet including a 6 foot bikelane, curb and 5 foot sidewalk.
2. The existing right-of-way on Township Road is 40 feet. The applicant shall dedicate 15 feet of right-of-way as part of the roadway improvements. This will provide the flexibility to provide a full three-lane section (one travel lane in each direction and a center turn lane) with bikelane, curb and sidewalk at some point in the future.
3. The applicant shall dedicate a one foot non-access strip along the Township Road frontage.
4. The applicant shall submit engineered plans to the County Construction and Development section for review and approval. An access and street encroachment permit will need to be obtained from the County.
5. The level-of-service (LOS) at the Ivy/Township Road intersection is estimated to be an "D" with a reserve capacity of 112 vehicles per hour. This is approaching LOS "E." As the delay increases for movements from Township to Ivy, the intersection would benefit from the construction of a second westbound lane to create a separate left and separate right-turn lane. This improvement will improve the efficiency of the intersection and service as an improvement that can easily be incorporated in the future signalization of the intersection.

Signalization of the intersection is anticipate to occur in the next 6 to 10 years according to the recently completed *City of Canby Transportation System Plan*. This improvement may be SDC creditable from the City of Canby.

6. The roadways intersection Township road shall be stop-controlled.
7. The County recommends that the applicant provide pedestrian/bicycle connections to the Molalla Forest Road.

Clackamas County has discussed the issue of jurisdictional transfer of Township Road. This issue should be discussed more between the two jurisdictions.

file=te-039\kolberg.doc



# CLACKAMAS COUNTY

Department of Transportation & Development

THOMAS J. VANDERZANDEN  
DIRECTOR

## MEMORANDUM

TO : CITY OF CANBY

FROM : CLACKAMAS COUNTY-DTD,  
CONSTRUCTION AND DEVELOPMENT

DATE : MARCH 31, 1995

RE : ANN95-01/SUB95-01 (KOLBERG)

This office has the following preliminary comments pertaining to these requests:

1. South Township Road is classified as a minor arterial in the County's Comprehensive Plan and it is within the County's jurisdiction for maintenance. Sufficient right of way and frontage improvements are required to develop Township Road to match existing improvements to the west and comply with the minor arterial classification.
2. Based upon the number of vehicle trips and the intention to use Township Road for access a traffic study is required. The scope of work for the study must be jointly approved by the City and County. The county contact will be Joseph Marek (650-3452). Township Road outside of the City is still a rural County road. It will most likely be used as the primary route north. The need for intersection improvements, left turn channelization, sight distance, and traffic controls need to be addressed.
3. The County staff will be discussing the future jurisdiction of Township Road in a "Roads and Engineering" meeting next week.
4. The County has a concern about the immediate lack of alternative access opportunities for this development to use existing streets for circulation and emergency vehicle access. We acknowledge that having numerous accesses to Township Road may not be the answer because of traffic conflict potential. Also, a vertical curve on Township Road limits access locations that comply with a 450 foot minimum sight distance requirement.

A master plan needs to be provided that incorporates the access past the south side of the school and the property to the south.



5. It is our understanding that the City of Canby will receive Transportation System Development (or Impact) fees from this project as building permits are issued. Since there will be even greater impacts on the County road system, the County is requesting that the City participate with the County in the administration of the Transportation funds for the benefit of this project.
6. An NPDES Permit is required.
7. Surface water management plans must include provisions in the event of failure of drywells. The County's drainage system must be able to accommodate the contribution or off site improvements will be required. The County must be able to review the drainage plans.
8. Engineered plans for street frontage improvements must be reviewed and approved by the County. A Street Construction and/or Encroachment Permit and a Street Opening Permit must be obtained. Performance guarantees and inspection fee must be provided.
9. Frontage improvements on Township Road shall include standard curb, surfacing, storm sewer, six (6) foot sidewalk, six (6) foot bike lane, pavement tapers, utility easements, and illumination. The frontage improvements may have to include left turn channelization.  
  
The frontage improvements including sidewalks must be designed and constructed with the first phase of development and be included with the new streets.
10. No individual lots shall have direct access to Township Road and shall be so noted on the plat.

In conclusion we respectfully request that any decision on the annexation and subdivision be postponed until the staff has an opportunity to meet and discuss future jurisdiction of Township road and until the various transportation/traffic issues are satisfactorily addressed.

---

BS/jb

c: Joseph Marek

**HIBBARD, CALDWELL & SCHULTZ**

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

OFFICE ADDRESS: 1001 MOLALLA AVENUE, SUITE 200

MAILING ADDRESS: P.O. BOX 667 • OREGON CITY, OREGON 97045

PHONE: 503-656-5200

FAX: 503-656-0125

JOHN C. CALDWELL  
STEVEN M. CARPENTER  
SHERRIE KAISER GOFF  
EDWARD A. LANTON  
PAUL D. SCHULTZ  
NANCY S. TAUMAN  
LINDSON L. WALKER  
HELEN G. WENGER

ALL M. IN TAXATION  
\*ALSO ADMITTED IN WASHINGTON

ESTABLISHED 1897 AS  
HIBBARD, CALDWELL & SCHULTZ  
**RECEIVED**

10 95W  
MAY 11 1995

CITY OF CANBY

May 9, 1995

City of Canby  
Planning Department  
182 N. Holly  
Canby, OR 97013

ATTENTION: Jim Wheeler

RE: ANN 95-02/SUB 95-01

Dear Mr. Wheeler:

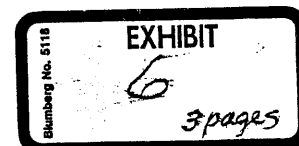
This office represents BBC Steel Corp. which is located at 2001 SE Township Road, Canby.

We have reviewed the application of Douglas F. Kolberg in the above-captioned matters on behalf of our client. Our client has a number of concerns which we believe need to be addressed in the Staff's analysis of the applications.

In the background information contained in the Urban Growth Element of the City's Comprehensive Plan, the City is committed to increasing industrial development and recognizes that that commitment will prevent overall population density from increasing significantly.

The background discussion of the Urban Growth Element also recognizes the difficulty in avoiding conflicts between residential developments and nearby agricultural operations. The Plan states, "[d]istance is one of the only real 'buffers' which averts such conflicts." The same conflicts exist between residential developments and industrial uses.

Under Implementation Measure "D" relating to Policy No. 3 of the Comprehensive Plan's Urban Growth Element, maps were adopted showing growth phasing to be used as a general guideline for the City's outward expansion. The Plan provides that areas designated as Type "A" shall generally be annexed to those prior to Type "B" and Type "C." Annexation which is not in keeping with the phased-growth development shall only be permitted when certain findings are made. The proponent of the proposed annexation has the burden of proving the appropriateness of the annexation, and said burden is greatest when the proposal is least in keeping with the phased-growth concept. In this case,



City of Canby  
Planning Department  
May 9, 1995  
Page Two

the property proposed for annexation is Type "C." It is therefore incumbent upon the applicant to establish that a special benefit to the City will result from the annexation which would not occur if the phased-growth program was followed and that the annexation is appropriate in terms of timing for City growth and development.

In this case, the only special benefit which the applicant has cited is that it is willing to dedicate five acres to the City for park purposes. There is a serious question as to whether the dedication is really a special benefit to the City since it is being proposed in order to obtain a density transfer to reduce lot sizes by approximately 13 percent. The City clearly needs to analyze whether a 5-acre park located relatively close to an existing school site is really needed.

In terms of timing, the applicant notes the timing is appropriate because public services are currently available to the site. The City will need to consider whether educational services are, in fact, currently available. This will include an analysis of whether Trost Elementary School has the capacity to absorb the additional students that will result from 209 single-family dwellings being constructed in its attendance area.

The applicant has totally failed to address the issue of whether other areas within the City's urban growth boundary designated as Type "A" Urbanization Lands might better qualify for annexation prior to the annexation of this Type "C" land.

My client's chief concern with the proposal is that this extremely high-density development is incompatible with its industrial use of adjoining property.

Policy No. 1 of the City's Comprehensive Plan Land Use Element provides that Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses by grouping compatible uses. One of the implementation measures for carrying out this policy is to utilize conditions of approval for discretionary applications as a means of minimizing or mitigating conflicts between land uses. This policy is echoed under Policy 4R of the Environmental Concerns Element which provides Canby shall seek to mitigate wherever possible noise pollution generated from new proposals or existing activities. One of the implementation measures under Policy 4R is to continue to require landscaping or such other devices in new development to buffer and/or absorb sound. Implementation Measure B under Policy 8R of the Environmental Element emphasizes that in the Development Review Process the City will encourage designs which surround

City of Canby  
Planning Department  
May 9, 1995  
Page Three

hazardous or noisy areas with open space that can serve as buffers.

Policy No. 1 under the Plan's Economic Element requires the City to promote increased industrial development at appropriate locations. Implementation Measure A under Policy 1 requires the City to protect future industrial areas from encroachment of incompatible uses.

The applicant recognized that the potential exists for incompatibility between industrial and residential uses as a result of the proposed development. The applicant states in its application, "with screening requirements imposed on these industrial uses by the City, we believe the proposed development will be compatible with this land use."

It is unrealistic to require existing industrial developments located on land designated for industrial purposes in the Comprehensive Plan to redevelop in order to accommodate new high-density residential development. At the very least, a condition of approval of this proposal should include a requirement that the applicant provide the necessary buffering to protect the residents of its development from the natural affects of existing industrial development.

There are other areas of concern which need to be addressed by the City with respect to the application which arise under the Transportation Element of the City's Comprehensive Plan and the provision of the Plan's Environmental and Economic Elements designed to protect agricultural lands from urban encroachment.

Very truly yours,

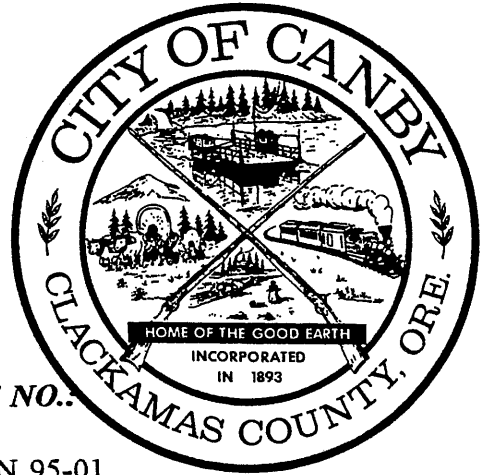


Paul D. Schultz

PDS/ped

cc: BBC Steel Corp.

# **- STAFF REPORT -**



## **APPLICANT:**

Douglas Kolberg  
P.O. Box 1426  
Lake Oswego, OR 97035

## **FILE NO.:**

ANN 95-01  
(*Deiningers Farms*)

## **OWNER:**

Joan Jones  
2554 N.W. Overton  
Portland, OR 97210

Gertrude Thompson  
930 Rosemont Road  
West Linn, OR 97068

## **STAFF:**

James S. Wheeler  
Assistant Planner

## **LEGAL DESCRIPTION:**

Tax Lot 900, 1100, and 1200  
Tax Map 4-1E-3

## **DATE OF REPORT:**

May 12, 1995

## **LOCATION:**

South of S.E. Township Road  
between the Molalla Forest Road  
and Trost Elementary School

## **DATE OF HEARING:**

May 22, 1995

(*City Council Hearing - at  
earliest possible Council meeting*)

## **COMP. PLAN DESIGNATION:**

Low Density Residential

## **ZONING DESIGNATION:**

County Zoning EFU-20 (*will come  
into City after Annexation as Low  
Density Residential R-1*)

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval to annex 45.42 acres, located on S.E. Township Road between the Molalla Forest Road on the east and Trost Elementary School on the west.

**II. MAJOR APPROVAL CRITERIA:**

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

- A. Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Commission shall give ample consideration to the following:
1. Compatibility with the text and maps of the Comprehensive Plan, giving special consideration to those portions of policies relating to the Urban Growth Boundary.
  2. Compliance with other applicable City ordinances or policies.
  3. Capability of the City and other affected service-providing entities to amply provide the area with urban level services.
  4. Compliance of the application with the applicable section of ORS 222.
  5. Appropriateness of the annexation of the specific area proposed, when compared to other properties that may be annexed to the City.
  6. Risk of natural hazards that might be expected to occur on the subject property.
  7. Effect of the urbanization of the subject property on specially designated open space, scenic, historic, or natural resource areas.
  8. Economic impacts which are likely to result from the annexation.
- B. If the proposed annexation involves property beyond the City's Urban Growth Boundary, or if the annexation is proposed prior to the acknowledgement of compliance of the City Comprehensive Plan by the State Land Conservation and Development Commission, the proposal shall be reviewed for compliance with the statewide planning goals. (Not Applicable since Canby's Comprehensive Plan has been acknowledged)

### **III. FINDINGS:**

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

The Comprehensive Plan Land Use designation of the subject parcel is for Low Density Residential. City zoning for the subject parcel will be R-1, Low Density Residential. S.E. Township Road is a collector street. The subject parcel is currently zoned EFU-20 (Exclusive Farm Use: 20-acre minimum lot size). The property to the east and the south is not in the City and is also zoned EFU-20. The property to the west is in the City and is zoned R-1 (Low Density Residential). The properties to the north are in the City and zoned M-1 (Light Industrial). All of the surrounding properties are in the Urban Growth Boundary.

The property is under application for subdivision (SUB 95-01/PUD), subject to the annexation of the land into the City.

**The applicant has submitted a full report regarding the application's consistency with the Comprehensive Plan's goals and policies, and the other Annexation approval criteria. The review is from the applicant's perspective, and the arguments have been left to stand on their own merits. Staff has added relevant information regarding the Planning Commission's review of a recent, similar annexation application.**

**The applicant's report is exhibit 1 of the staff report. The report includes the applicant's arguments for the subdivision application. Please read the first 16-1/2 pages of the report for the applicant's arguments regarding the annexation application. Additional information provided by staff is found below.**

#### **B. Additional Staff Input**

The similar annexation application that was recently reviewed by the Planning Commission, was of the property immediately to the southwest of the subject property (to be referred to as the "Deininger Farms property"). The similarities between the Faist property, as the former annexation application had been referred to, and the Deininger Farms property are as follows:

1. The properties are "priority C" in the phasing priority plan of the Comprehensive Plan. Which means that, generally, it is to be annexed after "priority A and B" lands are annexed. There is a provision in the Comprehensive Plan that permits annexation of "priority C" land prior to annexation of "priority A and B" lands. Both the Faist property applicant and the Deininger Farms property applicant applied under that provision.

2. The properties are being farmed.
3. The properties are adjacent to lands that are already annexed into the City.
4. The properties are readily serviced by existing infrastructure (sewer, water, telephone, cable, electric, streets).
5. The properties are in the fast-growing, "southeast" quadrant of the City.

There are some dissimilarities between the two applications that should be mentioned as well, they are as follows:

1. The Faist property annexation application was for a portion of a property, creating a problem regarding the mechanism of partitioning a property that isn't yet in the City, and couldn't be partitioned in the County. The Deininger Farms property involves the entirety of three tax lots.
2. The Faist property annexation application has been more intensively farmed than the Deininger Farms property. The Faist property is serviced by well water and the Deininger Farms property is not.
3. The existing infrastructure (utilities and streets) is located along the northwest corner of the Faist property, while they will need to be extended to the Deininger Farms property.
4. The Deininger Farms property has offered for dedication a 5.09 acre forested parcel of land for parks purposes.

In reviewing the findings of the Planning Commission's recommendation regarding the Faist property annexation, the similarities and differences between the applications need to be kept in mind. The following are the Planning Commission's findings for the Faist Annexation application:

1. In reviewing Policies 1-R-A and 1-R-B of the Environmental Concerns Element of the Comprehensive Plan, the Planning Commission finds that the subject property is economically viable agricultural land in that the information supplied by the applicant did not support the applicant's position that the subject property is not economically viable agricultural land. Income producing crops were planted on 7 of the 30 acres, with the remaining 23 acres planted with crops used for feed for the farmer's livestock.



2. The Planning Commission finds that the annexation of the subject property at this time, being a "priority C" property in the Urban Growth Element phasing plan (pp. 25 & 28 of the Comprehensive Plan), will not procure "special benefits" to the City in that the more efficient use of the utility facilities located immediately adjacent to the subject property through the development of the property is not a "special benefit". Further, the Planning Commission finds that the reimbursement of the advanced financed public improvement, funded by the City and benefitting the subject property, does not constitute a "special benefit" in that the development of the subject property and therefore the reimbursement of the public improvement may occur at anytime, up to January 19, 2004, with interest.
3. In reviewing Policy 3 of the Urban Growth Element of the Comprehensive Plan, the Planning Commission finds that there is sufficient lands designated both "priority A" and "priority B" for annexation for residential development purposes within the Urban Growth Boundary in that approximately 60% of "priority A" lands, and approximately 60%-70% of "priority B" lands for residential development have yet to be annexed into the City.
4. The Planning Commission finds that the annexation of the subject property further perpetuates an imbalance between annexation of lands designated for commercial/industrial development and residential development that is needed for the desired balance of City growth in that the last annexation of commercial/industrial land occurred in 1991.
5. The Planning Commission finds the annexation of the subject property further perpetuates a geographic imbalance in the residential growth of the City in that the residential growth over the past two years has been concentrated primarily in the southeastern quadrant of the City (the location of the subject property) creating an imbalance in the demand of public services that is more difficult to correct than a geographically balanced residential growth.

There should be noted that the vote to recommend denial of the Faist property annexation was approved 5-1. The dissenting vote found:

1. the subject property is eligible for annexation and development due to its location within the Urban Growth Boundary ;
2. not all of the "priority A" and "priority B" designated lands must be annexed into the City prior to the annexation of "priority C" lands;

3. the agricultural operations of the subject property are incompatible with the adjacent urban level residential development;
4. adjacent and nearby properties with similar soil characteristics and farming production potential have been annexed and developed; and,
5. the property will eventually be developed.

A memorandum, written by staff (exhibit 3) on February 8, 1995, provides quantified information regarding the amount of "priority A, B, & C" lands that have been annexed into the City, and have yet to be annexed into the City. The information shows that approximately 83% of "priority A" Low Density Residential lands, and 79% of "priority B" Low Density Residential lands have yet to be annexed. This amounts to approximately 468 acres of "priority A and B" Low Density Residential lands yet to be annexed. At the same time, it should be noted that only 7 lots of the "priority A and B" Low Density Residential lands are over 10 acres in size (approximately 136 acres).

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

Consideration of this application has two sets of competing goals and policies of the Comprehensive Plan. The current use of the property is agriculture (grass seed farming). The Comprehensive Plan is clear in stating the goal of preserving viable agricultural land for as long as "economically feasible to do so". The viability or economic feasibility of farming this property is questionable. The applicant has supplied information that concludes that the property is not economically viable as farmland. The purpose of the annexation is to develop the property residentially. There are other properties within the Urban Growth Boundary that could be annexed, however, the availability of the properties is questionable. Most of these properties do not have a full range of public services immediately available. This is particularly so of sewer, water and electric services. There are existing public facilities and services directly available to the subject property that will remain under-utilized until the subject property is developed. The subject property is in an 'annexation zone' of priority C, which means that it ought to be annexed last. The applicant has supplied arguments for the appropriateness of annexation of this property at this time. Development of the subject property will assist in the financing of the Logging Road Industrial Park road improvement project, and thereby, will increase (indirectly) the local employment opportunity in the City, another clearly stated goal of the Comprehensive Plan.

The Planning Commission will need to decide if the information submitted by the applicant, arguing for the appropriateness of annexation of this property at this time, is adequate to meet the requirements of Implementation Measure D of Policy 3 of the Urban Growth Element. If the information is considered to be adequate, then the application is in conformance with the Goals and Policies of the Comprehensive Plan.

**C. *Evaluation Regarding Annexation Consideration Criteria***

The applicant has provided the evaluation regarding the annexation consideration criteria. This evaluation is found on pages 16 and 17 of exhibit 1 of this staff report.

The Planning Commission will need to decide if the information submitted by the applicant regarding the annexation consideration criteria is adequate and correct.

**III. *CONCLUSION***

Staff hereby concludes that the proposed annexation will meet the requirements of the standards and criteria included in the Canby Land Development and Planning Ordinance, Section 16.84.040, provided that the Planning Commission makes particular findings that the applicant's findings related to : 1) Comprehensive Plan consistency; 2) Compliance with other applicable Codes and Ordinances; 3) Capability to provide urban level of services; 4) Compliance with ORS 222 regarding annexations of contiguous properties; 5) Appropriateness of area for annexation compared to other properties; 6) Risk of natural hazards; 7) Effect of urbanization on designated open space, scenic, historic or natural resource area; and 8) Economic impacts are correct and adequate.

**IV. *RECOMMENDATION***

Based upon the findings and conclusions contained in this report (and without benefit of a public hearing), staff recommends that should the Planning Commission recommend approval of ANN 95-01 to the PMALGBC (Boundary Commission), through the City Council, the following understandings should apply:

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

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

**Exhibits:**

1. Application
2. Vicinity Map
3. February 8, 1995 staff memo
4. Request for Comments

DEININGER FARMS  
APPLICATION FOR ANNEXATION &  
SUBDIVISION/PLANNED UNIT DEVELOPMENT

APPLICANT: Douglas Kolberg  
P.O. Box 1426  
Lake Oswego, OR 97035

OWNERS: Joan Jones  
2554 N.W. Overton  
Portland, OR 97035  
  
Gertrude Thompson  
930 Rosemont Road  
West Linn, OR 97068

LEGAL DESCRIPTION: T.L. 900, 1100, & 1200  
Tax Map 4 1E 3

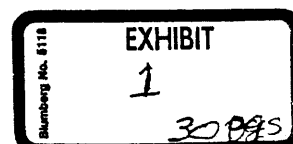
LOCATION: The subject property is bounded by Township Road on the north, Molalla Forest Road on the east, S.E. 10th Avenue extended on the south, and Trost Elementary School on the west.

COMPREHENSIVE PLAN: Low Density Residential

ZONING: Clackamas County EFU-20  
(Will be zoned R-1 upon annexation)

SITE AREA: 45.42 Acres

PROPOSED USE: The site is proposed to be developed with 209 lots for construction of single family detached homes. The Tentative Plat depicts the proposed Planned Unit Development including a planned 5.09 acre park dedication.



## ANNEXATION CRITERIA:

Section 16.84.040 of the Canby Municipal Code provides eight criteria to be used in the evaluation of annexation proposals. These criteria are listed below followed by a discussion of relevant facts and proposed findings.

1. *Compatibility with the text and maps of the Comprehensive Plan, giving special consideration to those portions of policies relating to the Urban Growth Boundary.*

Facts: The Canby Comprehensive Plan designation for the subject property is Low Density Residential. Upon annexation the property will be zoned R-1, consistent with this designation. Compliance of this proposal with specific goals and policies of the Comprehensive Plan is discussed below.

### *i. Citizen Involvement*

*Goal: To provide the opportunity for citizen involvement throughout the Planning Process.*

#### Analysis:

Consistent with Policy 1 under this goal, the City will provide notification and will hold a public hearing to allow citizen comment on the proposed annexation as well as the PUD/Subdivision. Consistent with Policy 2, the City will comply with requirements of Oregon Statutes and Administrative Rules in making decisions on the proposals in a timely manner.

### *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.*

#### *Policies:*

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

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.*
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

Regarding Goal 1, preservation of Agricultural and Forest lands, the subject property is farmed for grass seed production. However, it should be noted that this goal relates to the preservation of such resource lands in determining the appropriate location of the Urban Growth Boundary (UGB). In this instance, the subject property is already within the UGB and an exception to Statewide Planning Goals 3 and 4 has been taken. Annexation of this property to the City for urban development is, therefore, consistent with these statewide goals. A detailed discussion of the feasibility of continued agricultural practices on the subject property is provided later in this report.

1. The City of Canby will provide notice to Clackamas County of the proposed annexation and development, as called for in the Urban Growth Management Agreement between the two jurisdictions.
2. The subject property is within the existing UGB. No amendment to the UGB is required in order to approve this annexation and development.
3. A detailed discussion of service availability will be provided in the Public Services Element section of this report. All required public services are available at the present time to service this property. Sanitary sewer, water and storm drainage improvements are depicted on the preliminary utility plan, demonstrating the feasibility of providing such urban services.

Implementation Measure D under this policy states:

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

- *Proponents of the proposed annexation have borne the burden of proving the appropriateness of the annexation. Such burden being the greatest for those proposals which are least in keeping with the phased growth concept.*

- *There will be some special benefit to the City overall as a result of the annexation which would not occur if the phased growth pattern was followed.*
- *The annexation will result in no adverse impacts on the City's planned provision of public facilities and services.*
- *The annexation is appropriate in terms of timing for City growth and development.*

The subject property is located in the Type "C" area. As there is considerable undeveloped land within the Type "A" and "B" inventory, this annexation is not in keeping with the phased growth concept. Therefore, the following analysis of compliance with the four exception criteria to this phased growth comment is being provided.

- The first criterion relates to the "appropriateness" of the annexation. No specific standards are provided to be used evaluating such appropriateness. However, it is clear from the context of Implementation Measure "D", which supports Policy 3 under the second goal of the Urbanization Chapter, that the intent is to weigh efficiency of provision of urban services. In this instance, the contiguous Type "A" land to the west has been annexed to the City and developed as Trost Elementary School. This development resulted in the improvement of Redwood Street together with the extension of public water and sewer services to the school site. These services may be readily extended to the subject property without "leap frogging" any other undeveloped lands. Further, according to our discussions with City staff, these services have capacity to serve the subject property. Therefore, it is appropriate, in terms of efficiency of providing services, to annex the subject property at this time.
- The primary "special benefit" to the City which will result from the annexation of the subject property at this time is the proposed dedication of 5.09 acres of the site to the City for park purposes. The proposed dedication area is shown as Tract "C" on the Tentative Plan. This area of the site is unique in this area of the UGB in that it contains a stand of mature Douglas fir trees. These trees are a substantial natural resource and a prominent element in the visual character of this area. The proposed dedication would ensure the preservation of this resource and would provide needed park land in this area of the City. The proximity of this park site to Trost Elementary School offers special benefits to the community by allowing students convenient access for supervised field trips to study forest ecology.

Although it may be argued that this benefit could be achieved at some future date when annexation fits into the City's phased growth concept,



there is no assurance that a future developer will wish to preserve this area or that harvesting of the timber would not occur under existing Clackamas County resource lands regulations prior to future annexation. The approval of this annexation request, together with the approval of the Subdivision/PUD application, will result in the dedication of this area at the time of recordation of the final plat.

- The proposed annexation would make use of existing services available in Redwood Street within 200 feet of this site. These services, which include a 12 inch sanitary sewer trunk line and an 8 inch water line, have adequate capacity to accommodate the proposed development without adverse impact. The proposed development will provide for on-site disposal of storm drainage through the use of dry-wells, thereby ensuring no adverse impact upon downstream properties.
- The proposed annexation is appropriate in terms of timing because the subject property is immediately contiguous to the existing City limits, public services are available in close proximity to the site, and because convenient access to the contiguous Trost Elementary School site will provide for educational needs of children living in the development.

ii. *Land Use Element*

*Goal: To guide the development and used of land so that they are orderly, efficient, aesthetically pleasing and suitably related to one another.*

*Policies:*

1. *Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.*
2. *Canby shall encourage a general increase in the intensity and density of development as a means of minimizing urban sprawl.*
3. *Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.*
4. *Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.*
5. *Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.*

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

Analysis:

1. The proposed development of this site will provide for single family detached homes. This use is in keeping with the adjacent school use, to the west, as well as the recent Township Village and Valley Farms residential developments further to the south and west of this site. To the east and north of this property lands are zoned for industrial development. An existing sheet metal use is located to the east of the subject property. A waste transfer site is proposed to the north, across Township Road and is presently being reviewed by the City. Potential exists for incompatibility between industrial and residential uses. However, Township Road and the Molalla Forest Road will provide some separation and buffering between the proposed subdivision and these industrial areas. With screening requirements imposed on these industrial uses by the City, we believe the proposed development will be compatible with this land use. To the south, rural residences on small acreages abut this site. The proposed residential development is generally compatible with such rural home sites. However, separation from this area will be provided to some extent by the proposed park dedication.
2. The proposed intensity of development is consistent with the Low Density Residential comprehensive plan designation applied to this site as well as with the R-1 zoning which will be applied at the time of annexation. This density of about 4.6 units per gross acre will permit full utilization of public facilities and will, therefore, not promote sprawl.
3. Discussions with City and Utility Board staff indicate that adequate sewer and water services are available. Requests for comments from service providers will be made during the City's review of this request and will ensure adequate review of service capacity issues.
4. No natural hazards are identified on the subject property in the Comprehensive Plan or in the Department of Geology and Mineral Industries Geologic Hazards map for this area.
5. The R-1 zoning which will be applied to this site if the annexation is approved is the implementing zone for the Low Density Residential plan designation.

6. The subject property is not identified in the Plan as a "unique site" or an "area of special concern".

iv. *Environmental Concerns*

*Goal:*

1. *To protect identified natural and historical resources.*
2. *To prevent air, water, land and noise pollution. To protect lives and property from natural hazards.*

*Policies:*

- 1RA. *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.*
- 1RB. *Canby shall encourage the urbanization of the least productive agricultural area within the urban growth boundary as a first priority.*
- 2R. *Canby shall maintain and protect surface water and groundwater resources.*
- 3R. *Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.*
- 4R. *Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.*
- 5R. *Canby shall support local sand and gravel operations and will cooperate with county and state agencies in the review of aggregate removal applications.*
- 6R. *Canby shall preserve and, where possible, encourage restoration of historic sites and buildings.*
- 7R. *Canby shall seek to improve the overall scenic and aesthetic qualities of the City.*
- 8R. *Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.*
- 9R. *Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.*

- 1H. *Canby shall restrict urbanization in areas of identified steep slopes.*
- 2H. *Canby shall continue to participate in and shall actively support the federal flood insurance program.*
- 3H. *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:

- 1R. According to the Soil Conservation Service's "Soil Survey of Clackamas County Area, Oregon", the subject property contains two soil types. The westerly portion, near the Southern Pacific Railroad tracks is Canderly sandy loam, 0 to 3 percent slopes. The balance of the site contains Latourell loam, 0 to 3 percent slopes. These soils are the most common soil type in the Canby area. The Canderly soils are rated as Capability Class IIs and the Latourell and Class I. Both can be farmed for a wide variety of crops. In the instance of the subject property, however, the parcel has no water rights available. Therefore, unlike many similar properties in the surrounding area which are farmed for berries and nursery stock, agricultural activities are limited to dryland crops.

The subject property has been leased out for the past several years and has been farmed for grass seed and hay. These crops are low-yield farming activities which require large acreages to support a farm dwelling. No criteria are provided under this policy to weigh the feasibility of continued agricultural use. However, a reasonable test for an economically viable farm unit is provided under current Oregon Administrative Rules relating to farm dwellings on lands designated for agricultural use. Under these rules, new agricultural dwellings are only permitted on farms which produce \$80,000 in gross farm income annually. Grass seed produces less than \$400 per acre annually in gross farm income. About 2 acres of the subject property are used for rental dwellings and an additional 5 acres is wooded. Thus, approximately 38 acres are available for farming. Assuming \$400 per acre, the grass seed crop would produce only \$15,200 per year, or 19 percent of that required to justify a farm dwelling under State and Clackamas County standards. Net farm income would be significantly less. The farming activities on this property are insufficient to justify its economic continuation.

- 1RB. Much of the existing vacant land supply in the Canby area is productively farmed for a wide variety of crops. This is true of many Type "A" areas,

including properties south of 13th Avenue opposite Ackerman Junior High School and land in nursery stock production north of Territorial Street between Maple and Holly Streets. The agricultural use of the subject property is restricted due to a lack of water rights allowing for irrigation of crops. In the absence of such water rights, this property must be viewed as among the least productive of agricultural areas and its annexation is consistent with this policy.

- 2R. The subject property does not contain any surface water resources, nor are there any nearby. The development of this property for residential purposes will not affect groundwater recharge because dry-wells will be employed to allow storm drainage to continue to percolate into the soil. Storm water management for compliance with the Federal Clean Water Act will be reviewed by Clackamas County prior to site development.
- 3R. The City requires that residential development comply with prescribed standards for air, water and land pollution.
- 4R. Residential construction and site development activities will produce noise during the construction phase of this project. Such activities will be regulated to comply with City standards.
- 5R. Not applicable. No sand or gravel operations exist on this site nor are such resources present.
- 6R. There are no historic residences present on this site.
- 7R. The only scenic resource on the subject property is the stand of fir trees on T.L. 900. This scenic resource is proposed to be preserved through dedication to the City for park purposes.
- 8R. More than five acres of the subject property is proposed to be set aside as open space through park dedication.
- 1H. The site has no steep slopes.
- 2H. The property is not in a floodplain area.
- 3H. The soils on the subject property, Latourell silt loam and Canderly sandy loam are both described in the SCS study as deep, well-drained soils. No expansive soils, shallow top-soil areas, or high water table areas are present on this site.

v. *Transportation*

*Goals:*

1. *To develop and maintain a transportation system which is safe, convenient and economical.*

*Policies:*

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.*
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.*
3. *Canby shall attempt to improve its problem intersections, in keeping with its policies for upgrading or new construction of roads.*
4. *Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents.*
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.*
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.*
7. *Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.*
8. *Canby shall support 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.*
9. *Canby shall support efforts to improve and expand nearby air transport facilities.*
10. *Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.*

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

Analysis:

1. All streets within the development are proposed to be designed to City standards. Additionally, frontage improvements will be provided along Township Road as required by Clackamas County collector street standards.
2. Access via Township Road will provide for the needs of this development. No new off-site roads are warranted.
3. The closest "problem intersection" is Township Road and Ivy Street. The applicant has retained a traffic consultant to review the impact of the proposed development on this intersection.
4. The City owns the Molalla Forest Road right-of-way along the east border of this site and plans to make use of it for pathway purposes. The proposed development plan will provide for a pedestrian connection to this pathway. Additionally, a pedestrian pathway is being proposed to provide access to Trost Elementary School. Bikepath and pedestrian improvements will be included to County standards in the widening of Township Road along the project frontage.
5. Not applicable to this project.
6. Two access points will be provided onto Township Road as well as one future connection via 10th Avenue to Redwood Street. This street system will ensure adequate emergency vehicle access to the proposed development.
7. Bicycle pathways will be included in the widening of Township Road along the project frontage.
8. The proposed development has no direct impact upon the safe utilization of the railroad line to the east of this site. No access is proposed that would affect this rail line and the Molalla Forest Road buffers the site from the right-of-way.

9. No airport facilities will be affected by this proposal.
10. The project will have no direct impact upon mass transit.
11. The development has no frontage on and does not affect the transportation usage of the Willamette River.
12. Improvements to Township Road, a County Road, will be made along the project frontage in conjunction with this development.

vi. *Public Facilities and Services*

*Goal:*

1. *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.*

*Policies:*

1. *Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.*
2. *Canby shall utilize all feasible means of financing needed public improvements and shall do so in an equitable manner.*
3. *Canby shall adopt and periodically update a capital improvement program for major city projects.*
4. *Canby shall strive to keep the internal organization of city government current with changing circumstances in the community.*
5. *Canby shall assure that adequate sites are provided for public schools and recreation facilities.*

*Analysis:*

1. All affected public utility providers will be notified as a part of the City's review of this project, thereby satisfying this policy.
2. All proposed public improvements associated with this project will be paid for privately by the project developer.



3. The proposed development does not require any improvements shown on the City's capital improvement program and will not affect its implementation.
4. This policy is a guide to City action and does not directly apply to this proposal.
5. A five acre park site is proposed to be dedicated to the City to assist in compliance with this policy. The Trost Elementary School site is immediately adjacent to the subject property and has remaining room for additional development. No new school sites are identified as being needed in this vicinity.

vii. *Economic*

*Goals:*

1. *To diversify and improve the economy of the City of Canby.*

*Policies:*

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

*Analysis:*

1. The proposed development is not industrial and the comprehensive plan designation precludes such development on this site.
2. The proposed development is not commercial and the comprehensive plan designation precludes such development on this site.

3. The proposed development will contribute to the area's economy through construction jobs during site development and home construction. No other direct economic impacts are associated with this proposal.
4. As discussed above, the agricultural activity on this site is low intensity in its character, does not generate significant agricultural income, and therefore is not feasible to continue. The proposal will result in urbanization of this site for residential use.

vii. *Housing*

*Goal:*

1. *To provide for the housing needs of the citizens of Canby.*

*Policies:*

1. *Canby shall adopt and implement an urban growth boundary which will adequately provide space for new housing starts to support and increase in population to a total of 20,000 persons.*
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.*
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.*
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.*
5. *Canby shall provide opportunities for mobile home developments in all residential zones, subject to appropriate design standards.*

*Analysis:*

1. The subject property is within the existing UGB and, therefore, is considered to be needed to meet projected population growth.
2. The proposed density of development is consistent with the Low Density Residential plan designation as well as the R-1 zoning standards.

3. The subject property is on the fringe of the city and has not been identified for higher density development in the Comprehensive Plan.
4. This project is aimed directly at providing affordable homes to assist in meeting the city's housing needs. The proposed houses are planned to be 1,000 to 1,500 square feet in area and will be designed with affordability in mind.
5. No mobile home development is proposed on this site.

*ix. Energy Conservation*

*Goal:*

1. *To conserve energy and encourage the use of renewable resources in place of non-renewable resources.*

*Policies:*

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

*Analysis:*

1. The subdivision has been planned to promote energy efficiency by orienting lots on predominantly east-west streets. All homes will comply with the strict energy standards of the building code.
2. The proposed east-west orientation of the street system maximizes the solar orientation of the building lots.

3. Building permits will be reviewed by the City for compliance with solar access and energy standards.
4. This policy is a guide to City action and is not directly applicable to the proposed annexation or development.
5. The City will review building permits for compliance with Uniform Building Code energy standards and City solar access standards.

#### CONTINUED ANALYSIS OF ANNEXATION CRITERIA:

2. *Compliance with other applicable City ordinances or policies.*

Comment: The proposed development has been designed as a Planned Unit Development and complies with applicable zoning and subdivision standards, as demonstrated in the following sections of this report.

3. *Capability of the City and other affected service-providing entities to amply provide the area with urban level services.*

Comment: As discussed above, basic urban services (water, sewer, and storm drainage) are depicted on the preliminary utility plan and are available to meet the needs of this project. Agency comments will be sought by the City during its review of this project to ensure adequate service availability.

4. *Compliance of the application with the applicable section of ORS 222.*

Comment: This application will be reviewed by the City Planning Commission, City Council, and the Boundary Commission for compliance with these standards. This property is contiguous with the City limits, the owners have authorized the applicant to apply for annexation, and the site can be provided with adequate levels of urban services.

5. *Appropriateness of the annexation of the specific area proposed, when compared to other properties that may be annexed to the City.*

Comment: The annexation of this site to the City outside of the phased annexation plan identified in the Comprehensive Plan is warranted because it will result in a specific benefit to the City through dedication of park lands, as discussed above. This special circumstance, together with the fact that the existing agricultural activities are less intensive and no water rights exist on this property, indicate that annexation prior to other areas is consistent with this policy.

6. *Risk of natural hazards that might be expected to occur on the subject property.*

Comment: No natural hazards have been identified on this site.

7. *Effect of the urbanization of the subject property on specially designated open space, scenic, historic, or natural resource areas.*

Comment: No such resources exist on this site, with the exception of the scenic resource associated with the forested area of the property. This area will be preserved as park land through dedication to the City if this annexation and PUD are approved.

8. *Economic impacts which are likely to result from the annexation.*

Comment: The only economic impacts associated with this proposal are the positive impacts resulting from construction jobs associated with site development and home construction.

## COMPLIANCE WITH SUBDIVISION STANDARDS

1. *Conformance with the text and applicable maps of the Comprehensive Plan.*

Comment: See analysis of Comprehensive Plan policies above.

2. *Conformance with other applicable requirements of the Land Development and Planning Ordinances.*

Comment: The proposed development has been designed as a Planned Unit Development. Lot sizes are proposed to be reduced from the normal 7,000 sq. ft. standard of the R-1 district to a minimum of about 6,100 sq. ft. The overall density, however, has been designed to conform to that of the R-7 district. Approximately 5.09 acres of park lands will be dedicated to the City and the resulting density transfer has permitted the smaller lot sizes within the development. Street standards are proposed to conform with City standards for local streets, as shown on the preliminary utility plan. Compliance with specific standards of the Canby Land Development and Planning Ordinance is discussed below in this report.

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

Comment: All lots have adequate access onto City streets. Further, utilities will be located in street rights-of-way or easements, as shown on the preliminary utility plan. Street stubs and utility extensions are provided where needed to allow for future development of adjacent undeveloped properties.

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

Comment: See discussion above under the public facilities element of the Comprehensive Plan policy analysis.

## COMPLIANCE WITH OTHER PROVISIONS OF THE CANBY LAND DEVELOPMENT AND PLANNING ORDINANCE.

### DIVISION III. ZONING

#### Chapter 16.10 -- Off-Street Parking

Table 16.10.050 indicates that all new single-family dwellings shall provide a minimum of two off-street parking spaces. The minimum parcel size in the proposed development, 65' X 95', provides sufficient room for the construction of homes with two-car garages with parking in the driveway area for two additional vehicles. Specific compliance with this standard will be reviewed at the time of building permit application.

#### Chapter 16.16 -- R-1 Low Density Residential Zone

##### 16.16.010 Uses permitted outright

The land use proposed in this development, single-family dwellings, is listed as a use permitted outright in the R-1 zone (16.16.010A).

##### 16.16.030 Development Standards

- A. Minimum lot area: The R-1 zone requires a minimum lot area of 7,000 square feet. The proposed development, however, is a Planned Unit Development. Section 16.76.040 permits modification of lot size, lot width, and setback standards within a PUD. See discussion below under that section.
- B. Minimum lot width: Although the PUD provisions permit modification of the lot width standard, the minimum lot width proposed in this project, 65 feet, exceeds the 60 foot minimum standard of the R-1 district.

- C. Minimum yard requirements: As discussed under subsection A, above, the PUD provisions permit modification of the minimum setback provisions of the R-1 district. See discussion below under Section 16.76.040.
- D. Maximum building height: No specific building plans are being approved at this time. Plans for individual homes will be submitted to the City at the time of building permit application and reviewed for compliance with the 35 foot/2.5 story standard. No adjustment to this standard is being requested.
- E. Maximum lot coverage: The R-1 zone establishes no limit for the lot coverage of the main building. No accessory building will be permitted which exceeds the coverage of the main building, as specified in this section.

Chapter 16.46 -- Access Limitations on Project Density

All project streets are proposed to comply with the City's 36 foot paved width standard for local streets. Subsection 16.46.010 permits up to 40 dwellings on such roadways (this standard may be increased by up to 50 percent for looped streets and by an additional 20 percent in PUDs). In the proposed development, S.E. 9th Avenue is the street which will have the most homes fronting on it. The 33 units proposed on this street is less than the maximum access standard.

DIVISION IV. LAND DIVISION REGULATION

Chapter 16.64 -- Subdivision Design Standards

16.64.010 Streets

- A. The proposed subdivision plan conforms with the general street design standards because it provides for the continuation of S.E. 10th Avenue and provides a stub on Carriage Gate Drive for future development to the south. Further, the plan complies with City minimum width standards for right-of-way and paving.
- B. A reserve strip will be provided at the southerly terminus of Carriage Gate Drive, as required by this section.
- C. The site plan provides for "T" intersections for all streets in the subdivision. No offset intersections of less than 150 feet are proposed (the centerline offset of S.E. 5th and 6th Avenues is in excess of 180 feet).
- D. The only unplatted developable acreage which abuts the subject property lies to the south of this site. The site plan provides for future development of this area by providing frontage on S.E. 10th Avenue and by providing for a street stub on S.E. Carriage Gate Drive.

- E. All intersection angles proposed are approximately 90 degrees, consistent with the requirements of this subsection.
- F. Township Road, the only street abutting this site, complies with the minimum County standard for right-of-way width, 60 feet. No additional right-of-way dedication is needed.
- G. The only half-street in this development is the extension of S.E. 10th Avenue. The site plan provides for an immediate transition to a full-street dedication as soon as possible and continues this street with the minimum 40 foot right-of-way along the southern boundary of the subject property.
- H. The only cul-de-sac proposed in the site plan is a short "bubble" off of S.E. 5th Avenue. This street is less than 100 feet in length, well under the 450 foot maximum length standard of this subsection. Further, the cul-de-sac serves only six homes -- well within the maximum limit of 18.
- I. This subsection relates to marginal access streets which may be required by the City when a site abuts an arterial street. Township Road is designated as a collector street and, therefore, these provisions do not apply.
- J. No alleys are proposed and none are required by this subsection because the proposed development is not in an industrial or commercial district.
- K. Proposed street names are shown on the Tentative Plat. East-west streets continue the numbered avenue system consistent with the City's grid. Staff has advised us that north-south street names will have to be revised to conform to the City's street naming system. The applicant will work with staff so that necessary changes will be made prior to final plat approval.
- L. The site plan depicts proposed easements along streets in the development which are sufficient to provide room for the planting of street trees.
- M. As shown on preliminary profiles submitted with this application, the steepest road grade proposed is four percent -- well under the 15 percent maximum grade. The flattest grade proposed is .5 percent, consistent with minimum slope standards.
- N. The subject property parallels the Southern Pacific Railroad right-of-way along its east border. Carriage Gate Drive parallels this railroad right-of-way, as required by this section.



#### 16.64.020 Blocks

- A. The block system proposed complies with general design standards in that it provides adequate depth for building sites (95 feet minimum), maintains a grid system that provides appropriate traffic circulation throughout the development, and provides appropriate access for all lots.
- B. The proposed plan has a maximum block length of approximately 1,050 feet (8th and 9th Avenues between Deininger and Carriage Gate Drives). This complies with the maximum 1200 foot length standard of this subsection. The proposed block depth provides for two lot depths.

#### 16.64.030 Easements

- A. Twelve foot utility easements are proposed along all street lines in the project, as required by this section. Side and rear utility easements will be provided where appropriate.
- B. Drainage easements are not required because there are no watercourses on the property.
- C. Tracts are provided for pedestrian walkways to Trost Elementary School and to the pathway system along Molalla Forest Road.
- D. Compliance with solar access standards is discussed later in this report.

#### 16.64.040 Lots

- A. As far as possible, the proposed plan provides rectangular lots measuring 65 feet wide by 95 feet deep. These dimensions provide a building envelope of approximately 55 feet wide by 55 feet deep, adequate room for construction of single-family homes.
- B. Minimum lot sizes are modified through the PUD provisions. Please see discussion of Division V, below.
- C. All lots proposed have adequate frontage on public streets.
- D. The only double frontage lots proposed are along Township Road and Molalla Forest Road. The double frontage lots are necessary along Township Road because it is a Clackamas County Collector street and County policies discourage direct access to such roads. Additionally, sight distance is poor because of a vertical curve in this roadway making access at points other than the street intersections proposed unsafe. Molalla Forest Road is now owned by the City of

Canby and is planned to be used for pedestrian/bicycle purposes. Vehicular access from this road, therefore, is not permitted and double frontage lots must be used.

- E. Side lot lines have been designed to be perpendicular or radial to street right-of-ways in so far as practical.
- F. No lots or tracts capable of resubdivision are proposed.
- G. Special side yard setbacks (five feet) are proposed as a part of the Planned Unit Development. These setbacks will be noted in the deed restrictions.
- H. No flooding or soil hazards are present on this site. Therefore, approval of this Tentative Plat is consistent with this subsection.
- I. Only one flag lot (Lot 176) is proposed in the project. The access strip width proposed is 20 feet and is proposed to be paved, consistent with City standards. Appropriate setbacks and turn-around requirements will be demonstrated at the time of building permit application.

#### 16.64.050 Public open spaces.

The proposed site plan provides 5.09 acres of forested land which is proposed to be dedicated to the City of Canby for park purposes.

#### 16.64.070 Improvements

The improvements required for this project are indicated on the Preliminary Utility plans submitted with this application. Final engineering will be provided for these improvements prior to final plat approval. All City requirements for construction of these improvements, including appropriate inspections and/or bonding requirements, will be met prior to final plat approval.

### DIVISION V. PLANNED UNIT DEVELOPMENT

#### Chapter 16.70 -- General Provisions

#### 16.70.010 General provisions

Consistent with the provisions of this subsection, because the proposed Planned Unit Development includes the subdivision of property, it is being reviewed under the provisions of Division IV as well as the requirements of Division V.

#### 16.70.020 Purpose

The proposed development is consistent with the purpose statement this Division in that the design flexibility permitted through the PUD process will permit the lot sizes to be somewhat smaller, thereby allowing the preservation of the wooded area of the site through park dedication. The resulting development will be as good as, or better, than would be obtained through standard subdivision practices because the lots will still provide adequate building sites for single-family homes but the resource and open space value of the wooded area will be retained.

#### 16.70.030 Condominium projects treated as planned unit development

This section does not apply because no condominium units are proposed.

### Chapter 16.72 -- Applications

#### 16.72.010 General requirements

Consistent with this subsection, the application procedures for tentative subdivisions, pursuant to Division IV, are being followed for this application. Conditional use provisions of Division III are not applicable because the proposal includes the subdivision of property.

#### 16.72.020 Who may apply.

The application has been signed by all owners having title to the property in the proposed Planned Unit Development.

#### 16.72.030 Form and content.

- A. The application was submitted to the City Planner on forms provided for that purpose.
- B. The Tentative Plan map provides an accurate map drawn at a scale of one inch equals 100 feet showing the proposed development. Because the proposed PUD includes only lots for single-family homes, no architectural plans are being approved as a part of this application. Building plans will be reviewed individually for each home at the time of building permit application. The proposed location and dimensions of the proposed open space (Tract "C") are noted on the plan. Off-street parking will be provided in driveways and garages for the homes and will be reviewed at the time of building permit application. The site plan shows access points, topography and railroad right-of-way. Proposals for grading and drainage are shown on the preliminary utility plans. Landscaping will be provided by individual homeowners.

- C. The purpose of the proposed development is to provide building lots for 209 single-family detached homes. Additionally, the plan will provide 5.09 acres of park land which is proposed to be dedicated to the City of Canby. This dedication will preserve as open space the only area of the site containing significant physical features -- old growth Douglas fir trees. No other non-residential uses are proposed.

#### Chapter 16.74 -- Uses Permitted

##### 16.74.020 Uses permitted in residential zone.

The only uses proposed in this project are single-family detached homes and 5.09 acres of open space. Residential uses in R-1 zoned areas are permitted by this Division as well as Division III.

#### Chapter 16.76 -- Requirements

##### 16.76.010 Minimum requirements

- A. The site plan preserves 11.21 percent of the site as open space (5.09 acres out of 45.42 acres). This exceeds the minimum 10 percent requirement of this section.
- B. The average area per dwelling unit is not less than that required by the R-1 zone. The site contains a total of 45.42 acres, of which 8.91 acres will be dedicated for public streets. The net site area, 36.51 acres or 1,590,376 square feet, divided by 209 units equals an average area per dwelling unit of 7,609 square feet.
- C. The size of the subject property, 45.42 acres, exceeds the minimum PUD site area requirement of one acre.

##### 16.76.020 General requirements

Consistent with these requirements, this application report demonstrates that the requirements of Division IV, Land Division Standards, are satisfied. Additional information required by this subsection has been addressed as follows:

- A. Public dedication areas include: Tracts "A" and "B", which are to be used for pedestrian pathways, Tract "C", a 5.09 acre proposed to be dedicated to the City of Canby for park purposes, and 8.91 acres of public street.
- B. No undedicated open space is proposed.

C. Land use within the proposed development is shown on the site plan and is summarized as follows:

- |    |                                |             |
|----|--------------------------------|-------------|
| 1. | 209 Single-family home lots -- | 31.38 acres |
| 2. | Public street right-of-way --  | 8.91 acres  |
| 3. | Tract "C" park dedication --   | 5.09 acres  |
| 4. | Tracts "A" and "B" pathways -- | .04 acres   |

D. All dwellings proposed will be single-family detached units. They will be sited within required setbacks on the 209 lots shown on the site plan.

E. All off-street parking requirements will be met in the driveway and garage areas on the individual lots.

F. Pedestrian pathways are shown as Tracts "A" and "B" on the site plan.

G. Approval is being requested for the entire project at this time. While the development may be constructed in two stages, completion of the entire project within the permitted preliminary approval period is anticipated.

H. Adjacent utilities are depicted on the preliminary utility plan.

I. The proposed density of development is 4.6 units per gross acre or 5.72 units per net acre. Lot coverage will be reviewed with the building permit application.

J. The only other pertinent information requested by staff is a traffic study. See the report prepared by Lancaster Engineering.

#### 16.76.030 Standards and criteria.

A. The applicant acknowledges that the approval of this PUD will be binding upon the developer.

B. The applicant acknowledges that land within the PUD may be subject to contractual agreements with the City and will record approved agreements with the covenants of the development.

C. This report provides a detailed analysis demonstrating that the proposed development complies with other relevant provisions of the Land Development and Planning Ordinance.

D. The proposed development provides an organized arrangement of lots, with each having appropriate access to public services as shown on the utility plan.

- E. The proposed development pattern provides single-family homes on individual lots. This land use is typical of nearby residential areas and is a use authorized by the R-1 zoning on the subject property.
- F. The proposed development has been demonstrated to be a complete development with respect to the provisions of this ordinance. Proposals for utilities, street improvements, etc. are shown on the site plan.
- G. The only undeveloped lands proposed are the two pedestrian pathways, Tracts "A" and "B", and the park site, Tract "C". These areas are proposed to be dedicated to the City in perpetuity.
- H. As with any other City park, the maintenance of the park dedication area is proposed to be the responsibility of the City of Canby.
- I. All units are proposed to have individual utility services.
- J. No condominium conversions are proposed. This subsection does not apply.
- K. No condominium conversions are proposed. This subsection does not apply.

16.76.040 Exceptions

- A. Modification to the minimum lot size and setback standards of the R-1 zone are requested in conjunction with this application. The R-1 zone requires a minimum lot size of 7,000 square feet. Within this PUD a minimum lot area of 6,000 square feet is proposed in order to compensate for the 5.09 acres reserved as park dedication area. Because the lot sizes are smaller, a side yard setback of five feet is proposed.
- B. Building height is proposed to conform to the basic R-1 standards.
- C. As previously discussed, the off-street parking requirements of Division III will be met.

Chapter 16.78 -- Condominium Projects Involving Construction of Six or Fewer Units.

Not applicable. No condominium units are proposed.

Chapter 16.80 -- Manufactured or Mobile Home Subdivisions.

Not applicable. No manufactured or mobile homes are proposed.

Chapter 16.82 -- Special Housing Projects for the Elderly or Handicapped.

Not applicable. No housing specifically for the elderly or handicapped is proposed.

DIVISION VI. ANNEXATION

These provisions have been previously addressed in this report.

DIVISION VII. STREET ALIGNMENTS

Consistent with the provisions of subsection 16.86.020(B) the streets in the proposed development are proposed to have a right-of-way width of 40 feet. No other provisions of this section are applicable to this proposal.

DIVISION VIII. GENERAL STANDARDS AND PROCEDURES

The provisions of this Division provide general guidance to City action on land use and are not directly applicable to the review of this development application.

DIVISION IX. SOLAR ACCESS

Chapter 16.95 -- Solar Access for New Developments

16.95.020 Applicability

The subject property is zoned R-1 and, therefore, the provisions of this chapter apply to the proposed development.

16.95.030 Design Standard.

Compliance with the 80 percent design standard would require that 168 out of 209 meet one of the three options for solar access. In the proposed subdivision, we have oriented nearly every street on an east-west axis to maximize solar access. The only significant streets oriented other than east-west are the access road from Township Road, Deininger Street, and Carriage Gate Drive along the eastern border of the property.

Despite our attempt to maximize lots on a north/south axis, the proposed subdivision provides for only 67 percent (140 out of 209 lots) to meet the basic design option (90 feet deep on the north-south axis and front lot line within 30 degrees of east-west).

Because of the narrow north-south width dimension of the lots which do not meet the basic design option, using the protected solar building line or performance options are not practical alternatives for this site. The lots which do comply with the basic design option are: Lots 5-7, 11-15, 42-138, 141-157, 161, 164-166, 172-173, 176-177, and 185-194. An adjustment to the 80 percent design standard is being requested pursuant to the provisions of Section 16.95.050.

#### 16.95.050 Adjustments to Design Standard

This section provides that the percentage of lots that must comply with Section 16.95.030 must be reduced by the Planning Commission, to the minimum extent necessary, if it finds the applicant has shown compliance would cause adverse impacts on density and cost or loss of amenities, or that impacts of existing shade excludes a portion of the site. In this instance, the impacts of existing shade is not a factor. However, compliance would result in increased costs, loss of density, and loss of view amenities.

Discussions with City planning staff have resulted in one design alternative to be considered to increase compliance with the basic design option. By moving Deininger Street to the western border of the site against the Trost Elementary School boundary, the east-west lots proposed on this street could be eliminated. We have prepared a concept plan depicting this alternative (Design Option "A" on the following page of this report). This option was not as successful in providing compliance with the design standard as originally anticipated because the spacing of the lots resulted in non-complying lots being located along Carriage Gate Drive. However, the plan does achieve a greater percentage of the lots in compliance (72 percent versus 67 percent).

Option "A" results in a density reduction from 209 lots to 206 units. Additionally, streets and required utilities are increased by about six percent due to the need to extend the length of 6th, 7th, 8th, and 9th Avenues and the need to provide for the extension of S.E. Pinnacle Street in order to comply with the 1200 foot maximum block length standard. The increase in costs associated with longer street and utility runs would be proportional to the six percent increase in these facilities. The provisions of Section 16.95.050A(1) allow for a reduced compliance with the solar design standard if compliance results in a loss of density or an increase in development costs of at least 5 percent. Both of these conditions would occur under Option "A".

The elimination of the east-west lots along Deininger Street also results in the loss of lots taking advantage of spectacular Mt. Hood views along this roadway. Section 16.95.050A(2) allows for a reduction to the design standard if "significant development amenities that would otherwise benefit the lot(s) would result from having the lot(s) comply". In order to take advantage of the Mt. Hood views, these lots must be oriented on an east-west axis. Compliance with the basic design option would require a north-south orientation.