

A G E N D A
CANBY PLANNING COMMISSION
REGULAR MEETING
City Council Chambers
Monday, March 14, 1994
7:30 p.m.

I. ROLL CALL

II. MINUTES

February 14, 1994
February 28, 1994

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMUNICATIONS

V. FINDINGS

VI. COMMISSION DISCUSSION OF PLANNING ISSUES

VII. NEW BUSINESS

VIII. PUBLIC HEARINGS

MLP 93-08, an application by Canby Fire Protection District #62 for approval to partition a 4.11 acre parcel into two lots, approximately 2.11 and 2 acres, respectively. The applicant is proposing to construct a fire station to house fire and emergency vehicles, and to eventually house equipment and staff. The site is located on the southwest corner of Highway 99-E and S. Pine (Tax Lot 800 of Tax Map 3-1E-33DA). (Continued from December 13, 1993.) *Continued from February 28, 1994.*

CUP 94-03, an application by Luey Architects on behalf of the Canby Union High School District, for approval of short- and long-term projects. Short term projects include: (1) upgrade the existing 24' x 72' pole barn building for use as a storage building for field and athletic equipment; (2) construct home and visitors dugouts at one of the existing softball diamonds at the south end of the school site; and (3) relocate an existing free-standing independent modular classroom for temporary use as a conference room for the unified school district. Long term projects include: (1) the addition of four tennis courts and (2) construction of a 50' x 144' training room facility addition on the north side of the existing Blue Gymnasium Building. The parcel is located at 811 SW 5th Avenue (Tax Lot 700 of Tax Map 4-1E-4B).

DR 94-02, a Design Review application by Luey Architects on behalf of the Canby Union High School, for design approval to upgrade an existing pole barn structure for use as a field and athletic equipment storage building, and for construction of dugouts for the softball field. The school is located at 811 S.W. Fifth Avenue (Tax Lot 700 of Tax Map 4-1E-4B).

DR 94-03, a Design Review application by North Willamette Telecom for design approval to alter the existing three-sided, covered structure by constructing a partitioning wall through the middle, enclosing approximately one-half the floor area. The remaining one-half shall be left as an open, covered vehicle parking area. The use of the structure will change from a lumber storage area to an enclosed warehouse facility. The review will include public facilities improvements and landscaping for the .316 acre parcel. The parcel is located at the northeast corner of the intersection of S.E. 2nd Avenue and S. Juniper (Tax Lot 900 of Tax Map 3-1E-33DC).

VIII. DIRECTOR'S REPORT

IX. ADJOURNMENT

The City of Canby Planning Commission welcomes your interest in these agenda items. Please feel free to come and go as you please.

Kurt Schrader, Chair
Stan Elliot
Wade Wiegand

Linda Mihata, Vice-Chair
Dan Ewert

Bob Gustafson
Tamara Maher



MEETING TIMELINES AND PROCEDURES

- *In order not to restrict any person from testifying but, rather, to encourage everyone to do so, the Canby Planning Commission shall try to adhere as closely as possible to the following timelines:*

Applicant (or representative[s]) - not more than 15 minutes

Proponents - not more than 5 minutes

Opponents - not more than 5 minutes

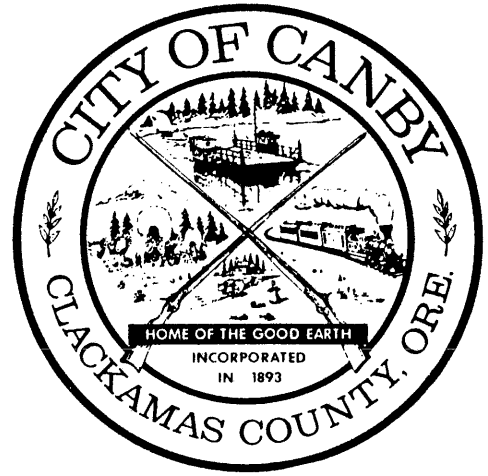
Rebuttal - not more than 10 minutes

- *Everyone present is encouraged to testify, even if it is only to concur with previous testimony. For more complete presentations, Proponents and Opponents may "buy" time from one another. In so doing, those either in favor, or opposed, may allocate their time to a spokesperson who can represent the entire group.*
- *All questions must be directed through the Chair.*
- *Any evidence to be considered must be submitted to the hearing body for public access.*
- *All written testimony received, both for and against, shall be summarized by staff and presented briefly to the hearing body at the beginning of the hearing.*

Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven (7) days after the hearing.



MEMORANDUM



TO: Planning Commission
FROM: James S. Wheeler, Assistant Planner
DATE: March 4, 1994
RE: Supplemental Staff Report MLP 93-08

This application has been continued since December 13, 1993, at the request of the applicant. The reason for the continuance was for the opportunity to negotiate an agreement regarding dedication of right-of-way. At this time, the City and the applicant have not come to terms regarding compensation for right-of-way to be dedicated as a part of the partitioning of the subject parcel. The City Council has directed Staff to continue the partition review. Findings are provided for changes in the conditions of approval from the original December 3, 1993 staff report recommendations. The revised conditions of approval follow the findings.

Condition #8 has been revised to reflect the appropriate requirement for land dedication for road improvement purposes. The right-of-way that is required to be dedicated as a part of the partition process is not easily described. Essentially, it is a twenty (20) foot wide strip of land along the eastern property line extending from an existing right-of-way dedication on the north side (97.13 feet from the Highway 99-E right-of-way) south to a point where S.E. 3rd Avenue will continue to the east (approximately 565 feet). Additionally, a triangular piece of land, an area of 4073.31 square feet, in the northeastern portion of the property is also required to be dedicated. The right-of-way dedication is necessary to provide an industrial grade road, and urban level services both to the southern portion of this property and to the properties located further to the south and east. The triangular piece of land dedication is necessary for the realignment of the Pine Street/Highway 99-E intersection, thus permitting signalization of the intersection with safer and more convenient traffic movement for the subject parcel and surrounding parcels. Because of the lack of ability to provide a deed type description of the land required to be dedicated, the condition reads that the alignment of the right-of-way shall be according to the City Engineer. A copy of the triangular dedication area at the intersection of Highway 99-E and S. Pine Street is enclosed to assist in visualizing this requirement.

Condition #9 has been revised to account for the undeveloped portion of the subject parcel's frontage along Highway 99-E. The standard sidewalk width requirement for Highway-Commercial (C-2) zoned land along Highway 99-E is eight (8) feet. Because the proximity of the pumps and vehicle lanes for the existing gas station make an eight (8) foot sidewalk impractical along the developed portion of the parcel's frontage, a four (4) foot sidewalk will be acceptable. The remaining portion of the parcel's frontage along Highway 99-E has no such limitations and, therefore, the sidewalk should be constructed at the standard eight (8) foot width.

Condition #10 has been changed to reflect the change in the industrial road project parameters as a result of the lack of agreement between the City and the applicant. The City will no longer be including the subject parcel as a part of the industrial road project that will be completed by the City. The applicant will be responsible for the road and sidewalk improvements along S. Pine Street that the City originally had planned for construction. The improvements, which are normally required for any partition or subdivision of land in a similar location, are now considered to be a part of the improvements of the partition that the applicant is responsible for (Condition #7). The improvements include road widening (to the full width the City requires for an industrial grade road), with full curb, sidewalk, and street tree improvements. The Advanced Financing mentioned previously in this condition is no longer an issue. The Advanced Financing resolution for the Logging Road Industrial Park public improvements has been passed by City Council and is independent of this partition application. Therefore, no further conditions of approval regarding advanced financing reimbursement are necessary.

Condition #11 has been revised to account for the location of the storage structures in relation to the property lines and building setback lines. The storage structures are located in Low Density Residential (R-1) zoned land which requires a minimum setback from street right-of-way of 20 feet for the either structure. Other setback requirements may also apply depending on the final location of the partition line.

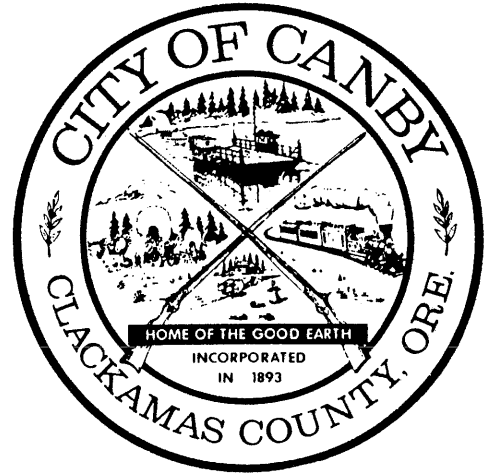
The following is the revised staff recommendation.

Based upon the findings and conclusions in this report, and without benefit of public hearing, staff recommends approval of MLP 93-08, subject to the following conditions:

1. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 93-08.
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
3. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.

4. All monumentation and recording fees shall be borne by the applicant.
5. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:
 - 6 feet in width along interior lot lines; and,
 - 12 feet in width along exterior lot lines.
6. All utilities must meet the standards and criteria of the providing utility authority.
7. 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 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.
8. Twenty (20) feet of right-of-way along the east property line shall be dedicated to the City. This dedication shall extend from the existing dedication, approximately 97 feet south of the Highway 99-E right-of-way, to the southern right-of-way of S.E. 3rd Avenue, a total distance of approximately 565 feet. Additional right-of-way, an approximately triangular shape amounting to 4073.31 square feet in the northeastern corner of the subject parcel shall be dedicated. The legal description and exact location shall be provided by the City and the City's consulting engineer, Curran-McLeod Engineering.
9. A four (4) foot sidewalk shall be constructed along Highway 99-E for the entire developed frontage of the property. An eight (8) foot sidewalk shall be constructed along the undeveloped Highway 99-E frontage of the property.
10. Street widening, including curbs and sidewalk, shall be constructed. The design and construction of the street, curb, and sidewalk improvements shall be approved by the Department of Public Works. Street trees, 'Cleveland Select II' Norway Maples, shall be planted 40 feet on center. The caliper of the trees planted shall be at least 2", and the planting shall be done in conjunction with the sidewalk improvements.
11. The storage structures shall be removed if they are located within the building setback requirements for the property.
12. The abandoned/"junk" vehicles and the "junk" piles shall be removed prior to the signing of the partition plat. The "junk" piles on parcel 1 may be fenced instead of being removed prior to the signing of the partition plat.

- STAFF REPORT -



APPLICANT

Canby Union High School

FILE NO.:

CUP 94-03

OWNER:

Canby Union High School

STAFF:

Robert G. Hoffman, AICP
Planning Director

LEGAL DESCRIPTION:

Tax Lot 700 of
Tax Map 4-1E-4B

DATE OF REPORT:

March 4, 1994

LOCATION:

811 SW 5th Avenue

DATE OF HEARING:

March 14, 1994

COMP. PLAN DESIGNATION:

Public and Highway Commercial

ZONING DESIGNATION:

R-1 (Low Density Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval of a major addition and major remodel to the existing Canby Union High School. A summary of the short term project is as follows:

- (1) upgrade the existing 24' x 72' pole barn building for use as a storage building for field and athletic equipment;

(2) construct home and visitors dugouts at one of the existing softball diamonds at the south end of the school site; and

(3) relocate an existing free-standing independent modular classroom for temporary use as a conference room for the unified school district.

Long term projects include:

(1) the addition of four tennis courts, and

(2) construction of a 50' x 144' training room facility addition on the north side of the existing Blue Gymnasium Building.

[Site and Design Review is part of a separate review for some of the uses. The applicant will apply for Design Review for the remaining uses at a later date.]

II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

16.10 Off-Street Parking and Loading
16.16 R-1 Low Density Residential Zone
16.50 Conditional Uses
16.88 General Standards

- **City of Canby Comprehensive Plan:**

I. Citizen Involvement
II. Urban Growth
III. Land Use
IV. Environmental Concerns
V. Transportation
VI. Public Facilities and Services
VII. Economics
VIII. Housing
IX. Energy

III. MAJOR APPROVAL CRITERIA

16.50.010 Authorization to Grant or Deny Conditional Uses

In judging whether or not a conditional use permit shall be approved or denied, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the location proposed and to approve such use, shall find that

the following criteria are either met, can be met by observance of conditions, or are not applicable:

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

IV. FINDINGS:

A. Background and Relationships:

The applicant is proposing additional uses and temporary classrooms to the existing high school site. No additional land is being used and some additional teachers will be involved. The 36 acre site is surrounded by public land, residential uses, the Canby Square Shopping Center, and Commercial uses along Highway 99-E.

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement

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

ii. Urban Growth

The project is entirely within the City limits and within the Urban Growth Boundary. It fully meets the intent of Canby goals and policies.

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.**

The applicant proposes additional uses at the existing high school. Also, temporary classroom buildings are proposed. The Comprehensive Plan designates the site as "Public" and Highway Commercial land uses, and the school is mentioned as a continuing use. It is staff's opinion that the additional uses, and temporary portable classrooms at the existing school, as proposed, is within the intent of the land use policies.

iv. ENVIRONMENTAL CONCERNS

Surface water is not affected. On-site disposal of storm water will be required. State and local Code requirements regarding air, water, and noise pollution will be required of any development and construction. State laws and local regulations will require development to meet standards to prevent air, water, land and noise pollution. The proposed development will provide a minor expansion of the school building space and an intensification of use of the site. Some of the new development will be located near housing. The proposal will have minimal affect on the open space since the site has been recently expanded to accommodate the new building and parking, and the changes will directly affect only a small proportion of that acreage. No designated historical structures will be affected. The high school administration has previously promised to be careful not to schedule multiple activities at the same time so that the parking facilities will not be overloaded.

v. HAZARDS - none known

vi. TRANSPORTATION

All activities and employees already exist on the site so there should not be an increase in need for parking. However, the users of the baseball diamonds occasionally park on the private streets south of 13th Avenue. Also, once SW 13th Avenue is completed to Berg Parkway, parking will be restricted. Therefore, some arrangement should be made to use the church parking at that time.

vii. PUBLIC FACILITIES AND SERVICES

The changes proposed do not seriously add load to any utilities. All needed easements will be respected. No agency has expressed any concerns related to the site at this time.

viii. ECONOMIC

The school and its associated uses will provide education and training for Canby youth, but will not directly affect any businesses or other economic development.

ix. HOUSING

The school will provide educational services to Canby residents and, thus, will support Canby housing.

x. ENERGY CONSERVATION

The proposal makes changes, through additions and renovations, to an existing site. State and local Code requirements will ensure construction methods that are energy efficient.

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

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

C. Evaluation Regarding Conditional Use Approval Criteria

1. Comprehensive Plan Consistency

The above analysis described how the school proposal relates to the Comprehensive Plan policies. It is hereby found that the proposal is consistent with the Comprehensive Plan proposals.

2. Site Suitability

The proposed addition of uses, and temporary portable classrooms to the existing school, is considered by staff to be appropriate improvements to the existing school building and site development. Parking is adequate for the addition, as almost 500 spaces will exist on the site. Some of the expanded uses will require replacement of existing parking spaces. No proposal has been submitted to accomplish this. The proposal for site development is suitable, but will be reviewed in more detail as part of the Design Review Process for each structure. Height requirements have been met. Buses already serve the area.

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

All needed public facilities and services already service the school.

4. **Compatibility with Surrounding Uses**

The proposals are a change when compared to the existing development, as evidenced by an inspection of the drawings and aerials. The additional uses and intensification appear to be appropriate and compatible with the surrounding uses provided adequate buffering of the "pole barn" and ultimate parking is provided. The Design Review hearing will consider this matter in greater detail later.

IV. CONCLUSION

Based on the above analysis, and without benefit of a public hearing, staff concludes that the proposal CUP 94-03, complies with the approval criteria for a Conditional Use since it is consistent with the Comprehensive Plan, is suitable for the site, needed public facilities and services are present, and the character of the surrounding areas are not negatively impacted.

V. RECOMMENDATION:

Based upon the application and drawings submitted, facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that the Planning Commission approve CUP 94-03 with the following conditions:

1. A Site and Design Review Application shall be filed by the school district for any future additions or new buildings that are not exempted by the Ordinance, and necessary building and electrical permits, as required by the Building Official, shall be obtained for all improvements.
2. Additional service connection fees shall be paid prior to issuance of a building permit and all utilities shall be built to the requirements of the service providers.
3. The current Design Review of the "pole building" and proposed "softball dugouts" shall be satisfactorily resolved in relation to satisfactory buffer treatment and ultimate need for parking. Until that is done, only the "use" is approved, not the specific location for design or buffer treatment.

4. The proposed location of the building adjacent to the district office is not approved until replacement parking is provided. Either location indicated is approved.

Exhibits:

1. Application for Conditional Use, including one page summary (Exhibit "A")
2. Vicinity Maps (*aerial photo too large to reproduce*)
3. Existing Site Plan (*too large to reproduce*)

CONDITIONAL USE APPLICATION

Fee: \$600.00

OWNER

APPLICANT

Name Canby Union High SD 1

Name LUEY ARCHITECTS

Address 811 SW Fifth Avenue

Address 11945 SW Pacific Hwy, Suite 301

City Canby State OR Zip 97013

City Tigard State OR Zip 97223

SIGNATURE Stephen E. Miller

Phone: (503) 684-3622

DESCRIPTION OF PROPERTY:

Tax Map 41E 4B Tax Lot(s) See Attached Lot Size 35.93 Acres
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name See Attached Lot _____ Block _____

PROPERTY OWNERSHIP LIST

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

USE

Existing High School Facilities

Proposed Same

Existing Structures High School Facilities

PROJECT DESCRIPTION

See Attached

ZONING R-1 COMPREHENSIVE PLAN DESIGNATION Highway Commercial

PREVIOUS ACTION (if any) _____

File No. CUP 94-03

Receipt No. 2729

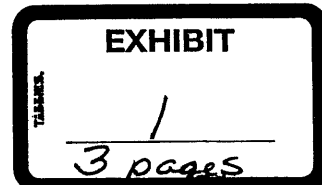
Received by lv

Date Received 2-2-94

Completeness Date _____

Pre-App Meeting _____

Hearing Date 3-14-94



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

Exhibit "A"
City of Canby Conditional Use Application
Canby Union High School District 1
Canby, Oregon
February 1, 1994

PROPERTY DESCRIPTION

TAX MAP 41E 4B
TAX LOTS 1100, 1200, 1300, 1400, 1500, 1600, 1700, 1800, 1900, 2000, 2200-84-44558, 2300-84-30582, 2400-72-11113, 700 Book 186, Page 162.

PROJECT DESCRIPTION

With completion of the \$11.9 million new construction and major remodel project the School District has developed a master plan for some future improvements - some near term and some long term projects.

Near Term Projects Are:

1. Upgrade the existing 24' x 72' Pole Barn building located at the south east corner of the site for storage of field and athletic equipment. This building was originally constructed in 1972 as an agricultural barn. A newer building for that purpose has since been constructed as part of the vocational technical complex.
2. Construction of a home and visitors dugouts at one of the existing softball diamonds at the south end of the school site.
3. Relocate an existing free standing independent modular classroom from the northeast corner of the site to a location adjacent to the existing School District Office. This building will be used as a conference room for the unified Canby School District on a temporary basis beginning July 1, 1994.

Long Term Projects Are:

1. Addition of four (4) tennis courts immediately south of the four (4) existing courts.
2. Construction of a 50' x 144' training room facilities addition on the north side of the existing Blue Gymnasium Building. This was part of the original 1974 gymnasium design but was deleted as an Alternate due to insufficient fund.

PROJECT SCHEDULE

The School District would like to apply for the City of Canby Building permit for the near term projects described above as soon as this conditional use application is approved. The Pole Barn is an existing building that was apparently built without a building permit. The School District is planning to upgrade the building to comply with the building codes. Construction will probably take place during the summer of 1994. The dugouts are intended for use for the spring softball season. The unified Canby School Relocation of the modular building is tentatively set for the summer of 1994 also.

Exhibit "A"
City of Canby Conditional Use Application
Canby Union High School District 1
Canby, Oregon
February 1, 1994
Page 2

COMPREHENSIVE PLAN COMPLIANCE AND APPROVAL CRITERIA

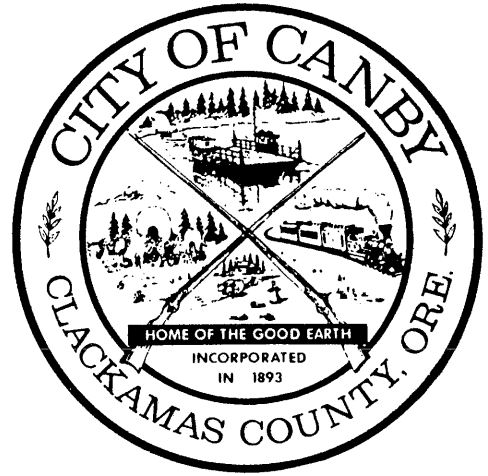
The proposed development is consistent with the City of Canby policies regarding the Comprehensive Plan and zoning requirements. All proposed projects would be an improvement of the school facilities. All facilities will be used for existing school activities.

The site is adequate to accommodate the proposed facilities under the R-1, Highway Commercial, designation. Since all of the proposed short term projects are for existing activities we anticipate no additional vehicular traffic to and from the site.

PROOF OF OWNERSHIP

Copy of the title report and legal description of the school property was submitted with the November, 1991 Conditional Use Application (DR 92-01 approved March 9, 1992.) This application involves no addition nor deletion of existing school properties.

- STAFF REPORT -



APPLICANT:

Canby Union High School

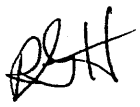
FILE NO.:

DR 94-02

OWNER:

Canby Union High School

STAFF:

Robert G. Hoffman 
Planning Director

LEGAL DESCRIPTION:

Tax Lot 700 of
Tax Map 4-1E-4B

DATE OF REPORT:

March 4, 1994

LOCATION:

Immediately to the north of
1250 to 1286 Cedar Loop, and
also adjacent to SW 13th Avenue

DATE OF HEARING:

March 14, 1994

COMP. PLAN DESIGNATION:

Public Use

ZONING DESIGNATION:

R-1 (Low Density
Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval of a Design Review Application for a storage building and for dugouts at the softball field at Canby Union High School.

II. APPLICABLE REGULATIONS

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

III. MAJOR APPROVAL CRITERIA

Site and Design Review

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

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

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

IV. FINDINGS:

A. Background and Relationships:

This application proposes to:

1. Upgrade the **existing** 24' x 72' pole barn building located at the southeast corner of the site for storage of field and athletic equipment. This building was originally constructed in 1972 as an agricultural barn. A newer building for that purpose has since been constructed as part of the vocational technical complex and approved under Design Review. The storage building has not been approved under Design Review and does not have a building permit. The original "Pole Building" has been enclosed without a building permit.
2. Construct home and visitors dugouts at one of the existing softball diamonds at the south end of the school site.

A parallel Conditional Use application has been made to approve the subject uses as part of a large package of intensified use of the site (see CUP 94-03 for further information).

B. Comprehensive Plan Consistency Analysis

i. CITIZEN INVOLVEMENT

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

ii. URBAN GROWTH

The project is entirely within the City limits and within the Urban Growth Boundary. It fully meets the intent of Canby goals and policies.

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.*

The applicant proposes to enclose an existing pole barn to create storage areas and a grounds-keepers office. The proposed dugouts are to serve the existing ballfields. The proposals are located at the southern edge

of the high school site, adjacent to S.W. 13th Avenue and homes along Cedar Loop. The Comprehensive Plan designates the site as "Public" land use and the school is mentioned as a continuing use. It is staff's opinion that the changes to the existing school site, as proposed, are within the intent of the land use policies, provided certain conditions of approval are added to ensure compatibility with the adjacent homes.

iv. ENVIRONMENTAL CONCERNS

Surface water is not affected. On-site disposal of storm water will be required. State and local Code requirements regarding air, water and noise pollution will be required of the development and construction. State laws and local regulations will require development to meet standards to prevent air, water, land and noise pollution. The proposed development will provide an expansion of the school building space. The new development will be located near housing, as new homes have been constructed along Cedar Loop, which is located immediately to the south. The proposal will have minimal effect on open space. The changes will directly affect only an insignificant proportion of that acreage. No designated historical structures will be affected. The building is proposed to remain as galvanized metal siding and roofing which is visible from the homes. The dugouts have a low profile and will have minimal affect on adjacent land use.

v. HAZARDS - none known

vi. TRANSPORTATION CONCERNS

The purpose of the building is to provide an office and storage for on-site maintenance and athletic equipment. Thus, new people will not be present and no new parking should be required. The dugouts are part of the ball diamond which has existed for years. No new people will use the fields. However, when 13th Avenue is extended to Highway 99-E, the current curbside parking may not be available. Alternate parking should be explored for that eventuality such as from the church along Elm, and the lot off S.W. 10th, which could accommodate parking if done sensitively to the homes there. The Commission has directed that for any discretionary land use application, sidewalks be required where missing. The frontage along 13th Avenue is such an instance.

vii. PUBLIC FACILITIES AND SERVICES

The changes proposed do not add load to any utilities. All needed easements will be respected. No agency has expressed any concerns related to the site or design.

viii. ECONOMIC

The school will provide education and training for Canby youth, but will not directly affect any businesses or other economic development.

ix. HOUSING

The school will provide educational services to Canby residents and, thus, will support City housing.

x. ENERGY CONSERVATION

The proposal makes changes, through additions and renovations, to an existing site. State and local Code requirements will ensure construction methods that are energy-efficient.

C. Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan:

The above analysis described how the school proposal relates to the Comprehensive Plan policies. It is hereby found that the proposal (with conditions) is consistent with the Comprehensive Plan proposals.

D. Evaluation Regarding Site and Design Review Approval Criteria

1. Part IV - Section 2, No. 2

"Minimum area for landscaping is 30% of the total area to be developed."

The site is and will continue to be landscaped. No new landscaping is proposed or needed to meet this condition. Visual site inspection or aerial photos confirm this.

2. Parking Requirements

The high school administration has agreed, in writing, not to use the auditorium area and the classroom space at the same time, so that the auditorium spaces are not required, reducing the required spaces to 367. Thus, the proposed parking for the site exceeds the requirements by 100 spaces. However, the location of that parking, being near the high school and auditorium on the northerly portion of the site, would be inconvenient for the ballfields. Currently, curbside parking along 13th Avenue is used.

3. Access

Access is from the Old Pacific Highway, 4th Avenue, Aspen Street, S. W. 13th Avenue and S.W. 10th. The Public Works Supervisor, City Engineer, City Administrator, and Traffic Consultant have all contributed to the design for access and site circulation, which appears to be functional and well conceived. There are gates in the fences at appropriate locations.

4. Architecture

The buildings and site plan have been prepared by a professional architect. The proposed roof and siding is unpainted galvanized metal. There are four large doors to allow access to the storage areas. They are painted white. The height of the storage building is 16 feet, within the allowed limits. It is basically a box with a 6 foot overhang on the north side. The design of the skirting around the structure is not indicated. Currently, there is a large open space below the structure. The design does not appear to be "residential" in appearance. The nearest single family home lot is only 30 feet away. Either the siding should be made compatible with adjacent homes or a vegetative buffer created. Skirting should be provided.

The "dugouts" are only 42 inches above grade with chain link sides and are, thus, a minimal addition and not immediately adjacent to housing. They will need to be set back at least 10 feet from the property line.

5. Other Aspects

a. Utilities

Utilities are available in the vicinity with no problems in extending the services to the site, if needed.

b. Effect on needed housing

The proposal will provide service to individuals and families. In staff's opinion, the development of the site could be made compatible with adjacent housing provided some changes are made in the architecture, or a vegetative buffer is created.

V. CONCLUSION

Considering the previous analysis, staff hereby determines that the proposed school-related site development described in the application and accompanying materials is in conformance with the standards of this and other applicable ordinances, provided certain conditions of approval are added, as recommended below.

Based upon the application and drawings submitted, facts, findings, and conclusions of this report, staff recommends that the Planning Commission approve DR 94-02 for Canby Union High School storage building and dugouts, with the following conditions:

1. The "dugouts" shall be set back at least 15 feet from the 13th Avenue property line.
2. The southerly and westerly facade of the storage structure shall be faced with neutral painted residentially compatible siding (e.g. ship-lapped or textured T-111) **or** the galvanized siding shall be painted a neutral color such as grey or beige **and** a 6 foot high opaque hedge shall be planted. Plant materials shall be at least 6 feet high within a 3-year time period. The hedge shall extend along the entire rear residential property lines of 1250 to 1286 Cedar Loop (unless specifically waived by the homeowners). Full shirting shall be provided of materials and color, consistent with the remainder of the structure.
3. A sidewalk shall be constructed along the entire property line along S.W. 13th Avenue at the time 13th Avenue is extended to Highway 99-E.
4. At the time S.W. 13th Avenue is extended to Highway 99-E and parking is no longer permitted along S.W. 13th Avenue adjacent to the baseball diamonds, alternative parking for the diamonds shall be provided, such as: 1) arrangements with the church for use of their parking lot; 2) and/or a parking lot constructed (with landscaped buffering) on the property at the end of S.W. 10th Avenue.

Exhibits:

1. Application for Design Review
2. Project Narrative
3. Vicinity Map
4. Dugout Design and Pole Building Renovation (*too large to reproduce*)

STAFF AND DESIGN REVIEW APPLICATION

Fee: \$500

OWNER

APPLICANT

Name Canby Union High SD 1

Name LUEY ARCHITECTS

Address 811 SW Fifth Avenue

Address 11945 SW Pacific Hwy, Suite 301

City Canby State OR Zip 97013

City Tigard State OR Zip 97223

SIGNATURE Stephen E. Miller

Phone: (503) 684-3622

DESCRIPTION OF PROPERTY:

Tax Map 41E 4B Tax Lot(s) See Attached Lot Size 35.93 Acres (Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name See Attached Lot Block

PROPERTY OWNERSHIP LIST

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

USE

Existing Field and Athletic Equipment Storage Proposed Same

Existing Structures A 24' x 72' metal siding pole barn structure.

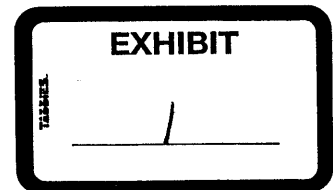
Surrounding Uses Residential

PROJECT DESCRIPTION Upgrade an existing pole barn structure for use as a field and athletic equipment storage building.

ZONING COMPREHENSIVE PLAN DESIGNATION

PREVIOUS ACTION (if any)

File No. DR 94-02 Receipt No. 8729 Received by lr Date Received 2-2-94 Completeness Date Pre-Ap Meeting Hearing Date 3-14-94



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

Exhibit "A"
City of Canby Conditional Use Application
Canby Union High School District 1
Canby, Oregon
February 1, 1994

PROPERTY DESCRIPTION

TAX MAP 41E 4B
TAX LOTS 1100, 1200, 1300, 1400, 1500, 1600, 1700, 1800, 1900, 2000, 2200-84-44558, 2300-84-30582, 2400-72-11113, 700 Book 186, Page 162.

PROJECT DESCRIPTION

With completion of the \$11.9 million new construction and major remodel project the School District has developed a master plan for some future improvements - some near term and some long term projects.

Near Term Projects Are:

1. Upgrade the existing 24' x 72' Pole Barn building located at the south east corner of the site for storage of field and athletic equipment. This building was originally constructed in 1972 as an agricultural barn. A newer building for that purpose has since been constructed as part of the vocational technical complex.
2. Construction of a home and visitors dugouts at one of the existing softball diamonds at the south end of the school site.
3. Relocate an existing free standing independent modular classroom from the northeast corner of the site to a location adjacent to the existing School District Office. This building will be used as a conference room for the unified Canby School District on a temporary basis beginning July 1, 1994.

Long Term Projects Are:

1. Addition of four (4) tennis courts immediately south of the four (4) existing courts.
2. Construction of a 50' x 144' training room facilities addition on the north side of the existing Blue Gymnasium Building. This was part of the original 1974 gymnasium design but was deleted as an Alternate due to insufficient fund.

PROJECT SCHEDULE

The School District would like to apply for the City of Canby Building permit for the near term projects described above as soon as this conditional use application is approved. The Pole Barn is an existing building that was apparently built without a building permit. The School District is planning to upgrade the building to comply with the building codes. Construction will probably take place during the summer of 1994. The dugouts are intended for use for the spring softball season. The unified Canby School Relocation of the modular building is tentatively set for the summer of 1994 also.

EXHIBIT

2

Exhibit "A"
City of Canby Conditional Use Application
Canby Union High School District 1
Canby, Oregon
February 1, 1994
Page 2

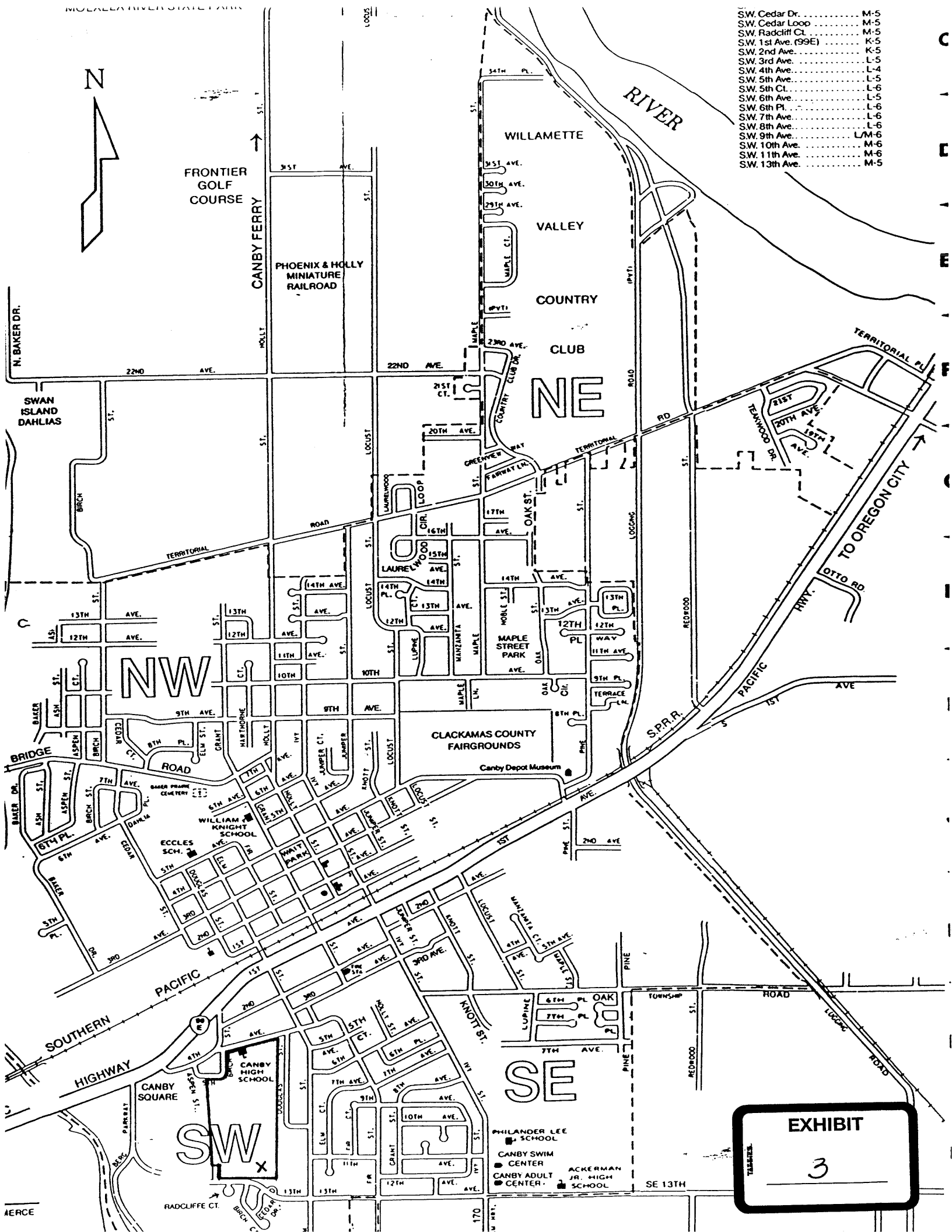
COMPREHENSIVE PLAN COMPLIANCE AND APPROVAL CRITERIA

The proposed development is consistent with the City of Canby policies regarding the Comprehensive Plan and zoning requirements. All proposed projects would be an improvement of the school facilities. All facilities will be used for existing school activities.

The site is adequate to accommodate the proposed facilities under the R-1, Highway Commercial, designation. Since all of the proposed short term projects are for existing activities we anticipate no additional vehicular traffic to and from the site.

PROOF OF OWNERSHIP

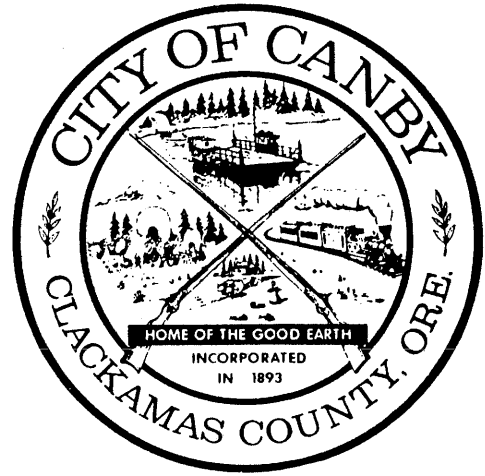
Copy of the title report and legal description of the school property was submitted with the November, 1991 Conditional Use Application (DR 92-01 approved March 9, 1992.) This application involves no addition nor deletion of existing school properties.



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

EXHIBIT
3

AEERCE



- STAFF REPORT -

APPLICANT:

North Willamette Telecom
P.O Box 850
Canby, OR 97013

FILE NO.:

DR 94-03

OWNER:

Same

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 900 of Tax Map 3-1E-33DC

DATE OF REPORT:

March 4, 1994

LOCATION:

Northeast corner of S.E. 2nd Avenue
and S. Juniper Street

DATE OF HEARING:

March 14, 1994

COMP. PLAN DESIGNATION:

Highway Commercial

ZONING DESIGNATION:

C-2 (Highway Commercial)

I. APPLICANT'S REQUEST:

The applicant is requesting design approval to alter the existing three-sided, covered structure by constructing a partitioning wall through the middle, enclosing approximately one-half the floor area. The remaining one-half shall be left as an open, covered vehicle parking area.

II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

16.10	Off-Street Parking and Loading
16.28	C-2 - Highway Commercial Zone
16.49	Site and Design Review
16.88	General Standards

III. MAJOR APPROVAL CRITERIA

Site and Design Review

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

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

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

IV. FINDINGS:

A. Background and Relationships:

The existing three-sided structure that had formerly been used for lumber storage is proposed to be enclosed, for warehousing, with the fenced-in gravel area to be paved. The opening faces east, away from S. Juniper Street. S.E. 2nd Avenue is to the south and Hoffman's Video is located on the north side.

The proposal is to enclose half of the structure for warehouse purposes and use the remaining open half for covered vehicular parking. The new uses are proposed to serve as accessory facilities to the operation of the cable television business, North Willamette Telecom. The proposed changes have received conditional use approval (CUP 94-02).

B. Comprehensive Plan Consistency Analysis

i. CITIZEN INVOLVEMENT

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

ANALYSIS

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

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

ANALYSIS

The project is entirely within the City limits and within the Urban Growth Boundary. It fully meets the intent of Canby goals and policies regarding the Comprehensive Plan Urban Growth Chapter. All necessary urban services can be provided for the site.

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

ANALYSIS

The property is located in the Highway Commercial (C-2) zone. North Willamette Telecom is a Cable TV service provider and is therefore considered to be a utility service provider. The proposed use, warehouse or utility storage and service yard, is permitted outright in the Light Industrial (M-1) zone, which in turn is permitted conditionally in the Highway Commercial (C-2) zone. The proposed use has received approval (CUP 94-02, 2/28/94). The existing building meets the 10-foot setback requirement for the southern property line. Land to the south of S.E. 2nd Avenue is zoned High Density Residential (R-2).

The surrounding uses include an apartment complex to the east, a commercial video rental store to the north, North Willamette Telecom - the applicant - to the west, and Canby Telephone Association, another utility provider, to the south. The proposed changes will mostly affect the apartments to the east. The current structure is open to the east toward the apartments. The storefront of Hoffman's Video is faced to the north, away from the subject property. To the south, Canby Telephone Association has a similar use. The back of the building is facing the west and the proposed change in use will not have any noticeable affect on properties to the west.

The area that is proposed to be used for vehicle parking and maneuvering is currently graveled. The area that will need to be paved is approximately 5500 square feet. This decrease in the pervious area of the lot is well in excess of the 2500 foot minimum requirement for Site and Design Review.

The proposed landscape plan includes Armstrong Red Maples along the east property line with dwarf laurel shrubs. This landscaping, with the existing fence should provide adequate screening between the apartments to the east and the subject property.

iv. **ENVIRONMENTAL CONCERNS**

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

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

TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

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

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

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

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

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

ANALYSIS

The site will require an on-site storm water drainage system. The design and construction of the system will need to be reviewed and

approved by the Public Works Department. The plans will need to include gutters and downspouts for the building. State and Local Code regulations will require the development to meet standards to prevent air, water, and noise pollution.

v. *TRANSPORTATION CONCERNS*

- ***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 sidewalk and pedestrian pathway system to serve all residents.

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

Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.

ANALYSIS

Existing vehicular access is from S.E. 2nd Avenue. No changes in the access are proposed. The plans show a door in the northern wall of the building. At this time, the applicant desires to leave the door as a future option. As such, when the door is constructed, it will need to have a walkway to the existing pedestrian gate in the northern fence of the property. The walkway from the door to the sidewalk on S. Juniper,

shown on the plans, should only be constructed when the door is constructed and if the gate across the vehicular access between this property and Hoffman's Video to the north is redesigned to allow for pedestrian traffic on the walkway. Curb and sidewalk design and construction will need to be approved by the Public Works Department.

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.

ANALYSIS

All public facilities are available for the proposal with adequate capacity. No additional services are proposed to be needed.

vii. ECONOMIC

- **GOAL:** TO DIVERSIFY AND IMPROVE THE ECONOMY OF THE CITY OF CANBY.
(Not applicable.)

viii. HOUSING

- **GOAL:** TO PROVIDE FOR THE HOUSING NEEDS OF THE CITIZENS OF CANBY.
(Not Applicable)

ix. ENERGY CONSERVATION

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

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

ANALYSIS

The City-adopted Solar Access Ordinance does not apply to this application. The State has rules which encourage energy conservation through design and construction methods.

C. Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan:

Based upon the above described analysis, the proposal, with appropriate modifications as outlined in the recommended conditions, is hereby found to be consistent with the policies of the Comprehensive Plan.

D. Evaluation Regarding Site and Design Review Approval Criteria

- 1. Part IV - Section 2, No. 2**
"Minimum area for landscaping is 15% of the total area to be developed."

The landscaping requirement for a highway-commercial property is 15% of the area being developed. The amount of landscaping required for the 13,775 square foot parcel is 2,066 square feet. The applicant is proposing approximately 2,900 square feet of landscaping (20.8%).

- 2. Parking.**

The parking requirement for a 2,000 square foot warehouse is 2 spaces. The applicant is proposing parking to be provided under the roof of the existing building. There is ample room for the 2 parking spaces, however, no specific spaces are shown. One of the designated parking

spaces will need to be a minimum width of 8.5' and a minimum 19' in depth. One of the two spaces will need to be a handicap parking space, with a minimum width of 17' (9' parking with an 8' access aisle) and a minimum depth of 19'. The parking area under the roof and the open area is proposed to be storage and vehicular maneuvering areas, not parking spaces, and therefore do not need to be striped (with the aforementioned exception).

3. Access

Access to the proposed development will be from S.E. 2nd Avenue. The access is existing and will not be altered.

4. Architecture

The building is existing and will not be altered, except to add a partitioning wall in the middle of the building. This will enclose half of the shed area, but will not enlarge the overall structure or significantly alter its appearance.

5. Other Aspects

a. Utilities

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

b. Landscaping

The applicant is proposing a perimeter landscaping plan. One perimeter planting is the street frontage, and the other is the interior lot perimeter. Along the street frontage, six "Red Sunset" red maples are proposed. The width of the planting street planting strip varies from eight feet to fourteen feet. The groundcover is proposed to be a low-growing juniper, with two areas of mugo pines (small pine shrubs). Six clusters of laurel shrubs are also proposed, along with two clusters of incense cedars and one cluster of Western Red Cedars. The cluster of three incense cedars at the corner of Juniper and 2nd will need to be moved to the north. As proposed the trees will violate the vision clearance zone of the intersection.

The interior lot perimeter planting strip is four to five feet wide and will be landscaped with eight Armstrong red maples and dwarf English laurels. The planting along the eastern property

line will be planted inside the existing fence and the plantings along the northern property line will be outside the existing fence.

c. Parking Lot Landscaping

Section 16.49.120.2 states that any paved vehicular use area larger than 3500 square feet is required to meet the parking landscaping requirements. There is an exception provided for such areas that are used specifically as a utility storage lot or a truck loading area. The proposed use is specifically for a utility storage area, and therefore exempt from the parking lot landscaping requirements.

d. Density and yards and height

C-2 zoning permits a storage building with no minimum lot size a 10-foot setback from residentially zoned land. The height of the building is well within the maximum height requirement of 45 feet.

V. CONCLUSION

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

Further, staff concludes that, with approval conditions:

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

5. the conditions listed are the minimum necessary to achieve the purposes of the Site and Design Review Ordinance, and do not unduly increase the cost of housing.

V. RECOMMENDATION:

Based upon the application, elevations, the site plan received by the City, the facts, findings and conclusions of this report, and without the benefit of a public hearing, staff recommends that the Planning Commission approve, with conditions, DR 94-03 for the conversion of the existing building into a warehouse and covered parking with a utility storage yard. Furthermore, staff recommends approval of DR 94-03 with the following conditions:

1. Storm water design and construction of the paved area of the property shall be approved by the Canby Public Works Department. Downspouts and gutters shall be included for the building.
2. The curb and sidewalk design and construction shall be approved by the Canby Public Works Department.
3. The walkway on the north side of the building, from the door in the northern side of the building to the pedestrian gate in the fence along the northern property line shall be required only in conjunction with the construction of a door in the northern side of the existing building. The walkway between the door and the sidewalk on S. Juniper Street shall be constructed only if the existing gate between the building and Hoffman's Video to the north is redesigned to allow for pedestrian traffic on the walkway.
4. Two parking spaces shall be designated and striped. One parking space shall be "van-handicap" accessible.
5. The incense cedars at the intersection of S. Juniper Street and S.E. 2nd Avenue shall be moved so as not to be located in the vision clearance area of the intersection (30 feet back from the intersection).

Exhibits:

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

SITE AND DESIGN REVIEW APPLICATION

Fee: \$500

OWNER

Name North Willamette Telecom
Address P.O. Box 850
City Canby State OR Zip 97013
SIGNATURE Eugene Cole
Eugene L. Cole, President

APPLICANT

Name North Willamette Telecom
Address P.O. Box 850
City Canby State OR Zip 97013
Phone: (503) 266-8383

DESCRIPTION OF PROPERTY:

Tax Map Philander Lee #56 Tax Lot(s) 900 Lot Size .316 acres/13,775 sq. ft.
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy) SEE Attachment I of CUP 94-02
Plat Name _____ Lot _____ Block _____

PROPERTY OWNERSHIP LIST SEE Attachment II

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

USE

Existing fenced, covered parking
Proposed fenced warehouse and covered vehicle parking (SEE Attachment III).

Existing Structures three-sided, covered structure, open to the east.

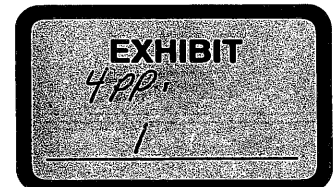
Surrounding Uses N-Hoffman's Video, E-2-story apartment complex, S-Canby Telephone, W-NWT offices

PROJECT DESCRIPTION

SEE ATTACHMENT I - PROJECT DESCRIPTION/NARRATIVE

ZONING C-2 COMPREHENSIVE PLAN DESIGNATION Highway Commercial
PREVIOUS ACTION (if any) Approval, with conditions, of Conditional Use Permit.

File No. CUP 94-02
Receipt No. 2683
Received by L. Robertson
Date Received Jan. 7, 1994
Completeness Date _____
Pre-App Meeting _____
Hearing Date Feb. 14, 1994



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

SITE AND DESIGN REVIEW APPLICATION

ATTACHMENT I.

PROJECT DESCRIPTION - NARRATIVE

I. APPLICANT'S REQUEST:

To comply with conditions imposed on the approval of a Conditional Use Permit, File No. CUP 94-02, (the Staff Report, application and record of proceedings of which is incorporated herein by reference), the applicant is requesting the approval of Site and Design Review, which includes the alteration of the existing structure, public facilities improvements and landscaping for the .316 acre parcel located at the northeast corner of the intersection of Southeast Second Street and South Juniper.

II. DESCRIPTION OF THE PROJECT:

The applicant is proposing to alter the existing three-sided, covered structure by constructing a partitioning wall through the middle of the open structure, enclosing approximately one-half of the floor area, with the remaining one-half to be left as an open, covered vehicle parking area.

The applicant is further proposing to change the use of the structure, formerly a lumber storage area, to an enclosed warehouse facility and covered vehicle parking area to serve as accessory facilities to the operation of the cable television business, North Willamette Telecom. (SEE record of Conditional Use Permit, File No. CUP 94-02). It has been determined that this proposal must be approved for Site and Design Review, as indicated in the Staff Report of said File No. CUP 94-02. To comply with all conditions of the Conditional Use Permit approval, the applicant must include public facilities improvements of sidewalk and curb, and storm drainage. The applicant must also comply with landscaping requirements provided in Section 16.49.080 and Section 16.49.090 of the Canby Land Development and Planning Ordinance.

III. APPLICABLE CRITERIA:

Section 16.49.040 of the Canby Land Use and Development Ordinance provides that the Planning Commission, in its capacity as Design Review Board, shall "determine whether there is compliance with the following:

A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development involved; and

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

C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity."

Since the proposal involves the alteration of an existing structure, approved in the Conditional Use Permit process, location, height and setbacks are not proposed for change. The appearance of the site will be drastically improved, through improvements to the exterior of the structure, public facilities improvements, replacing the existing graveled area with pavement, and the addition of landscaping. No signs are proposed for the site. Contingent upon the Board's determinations regarding compatibility with other developments and structures in the same vicinity, the applicant has attempted to meet, and in some cases, exceed, the above criteria and standards. This is illustrated in the site plan, construction drawings, public facilities plan, and landscaping plan submitted herewith as ATTACHMENT III. The exterior of the existing structure has aluminum siding, beige in color, and an existing roof. In the process of altering the structure by constructing a partitioning wall, the exterior of the new wall will match the existing walls. There is no plan to change the existing roof in any way.

This Section of the Ordinance further provides that the City Planner "shall determine whether those aspects (utility facilities or public utility facility) of the proposed plan comply with applicable standards."

IV.

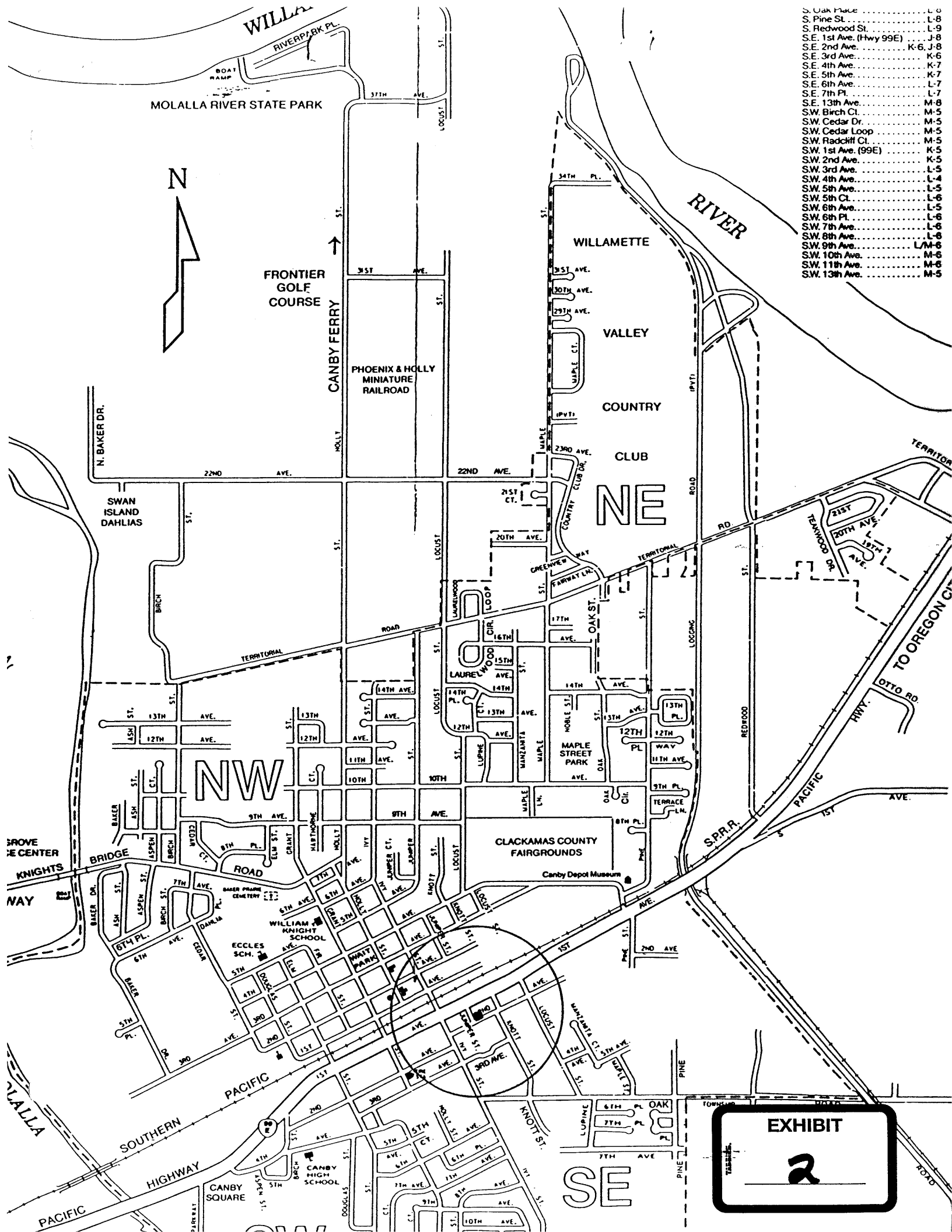
DISCUSSION

The proposal to alter the existing structure for use as an enclosed warehouse facility and covered parking area was approved, with conditions, on February 14, 1994. The applicant understands that prior to the issuance of a building permit for the alteration, Site and Design Review must be approved by the Design Review Board. The applicant has illustrated, in the four drawings included in Attachment III, intent to fully comply with all conditions imposed upon the approval of the Conditional Use Permit, (please refer to File No. CUP 94-02, Staff Report), and with the standards and criteria required for Site and Design Review approval.

V.

CONCLUSION

The proposal to improve the existing open structure, by constructing a partitioning wall and enclosing a portion of the structure to be used as a warehouse facility and covered vehicle parking structure, was subject to approval of a Conditional Use Permit in accordance with the provisions of the Land Development and Planning Ordinance. Because the proposed vehicle parking and maneuvering area must be paved, the proposal was determined to also be subject to Site and Design Review approval. If the proposal meets the applicable criteria, and in addition, enhances the existing aesthetics of an area without adversely impacting the surrounding area, such a proposal should be approved. Therefore, given the specific circumstances of this proposal, to enclose and enhance an existing open structure, with minimal impact on the surrounding area, to construct and/or improve public facilities and services in compliance with the Canby Comprehensive Plan and Land Development and Planning Ordinance, and to improve the site through landscaping and other exterior improvements to the site, it is respectfully requested that the Site and Design Review approval, a condition of the Conditional Use Permit, be granted.



SW Oak Place	L-8
SW Pine St	L-8
SW Redwood St	L-9
SW 1st Ave. (Hwy 99E)	J-8
SW 2nd Ave.	K-6
SW 3rd Ave.	K-6
SW 4th Ave.	K-7
SW 5th Ave.	K-7
SW 6th Ave.	L-7
SW 7th Pl.	L-7
SW 13th Ave.	M-8
SW Birch Ct.	M-5
SW Cedar Dr.	M-5
SW Cedar Loop	M-5
SW Radcliff Ct.	M-5
SW 1st Ave. (99E)	K-5
SW 2nd Ave.	K-5
SW 3rd Ave.	L-5
SW 4th Ave.	L-4
SW 5th Ave.	L-5
SW 5th Ct.	L-6
SW 6th Pl.	L-5
SW 6th Pl.	L-6
SW 7th Ave.	L-6
SW 8th Ave.	L-6
SW 9th Ave.	L/M-6
SW 10th Ave.	M-6
SW 11th Ave.	M-6
SW 13th Ave.	M-5

EXHIBIT
2

PLEASE RETURN ATTACHMENTS!!!

2/23/94
JW

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

[503] 266-4021

P.O. Box 930, Canby, OR 97013

DATE: February 22, 1994

TO: FIRE, POLICE, CUB, NW NATURAL GAS (GARY HYATT), MIKE JORDAN, JOHN KELLEY, ROY HESTER, STEVE HANSON

The City has received DR 94-03, a Design Review application by North Willamette Telecom for design approval to alter the existing three-sided, covered structure by constructing a partitioning wall through the middle, enclosing approximately one-half the floor area. The remaining one-half shall be left as an open, covered vehicle parking area. The use of the structure will change from a lumber storage area to an enclosed warehouse facility. The review will include public facilities improvements and landscaping for the .316 acre parcel. The parcel is located at the northeast corner of the intersection of S.E. 2nd Avenue and S. Juniper (Tax Lot 900 of Tax Map 3-1E-33DC).

We would appreciate your reviewing the enclosed application and returning your comments by February 28, 1994 PLEASE. The Planning Commission plans to consider this application on March 1, 1994. 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 Curb & Sidewalk detail on Plans on
the section of S. Juniper.
The Landscape at the corner S.W. 2nd & S. Juniper
shall meet City Vision Cleanance Code.
+ Gutters + Downspouts

- 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

EXHIBIT	
4	
4 pp	

Signature: Roy J. Hester

Date: Feb. 23, 1994

PLEASE RETURN ATTACHMENTS!!!

2/28/94
SSW

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: February 22, 1994

TO: **FIRE**, POLICE, CUB, NW NATURAL GAS (GARY HYATT), MIKE JORDAN, JOHN KELLEY, ROY HESTER, STEVE HANSON

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We would appreciate your reviewing the enclosed application and returning your comments by February 28, 1994 PLEASE. The Planning Commission plans to consider this application on March 4, 1994. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

- 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 Stark

Date: 2-23-94

PLEASE RETURN ATTACHMENTS!!!

3/1/94
JLW

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: February 22, 1994

TO: FIRE, POLICE, CUB, NW NATURAL GAS (GARY HYATT), MIKE JORDAN, JOHN KELLEY, ROY HESTER, STEVE HANSON

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We would appreciate your reviewing the enclosed application and returning your comments by February 28, 1994 PLEASE. The Planning Commission plans to consider this application on March 1, 1994. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

Adequate Public Services (of your agency) are available

Adequate Public Services will become available through the development

Conditions are needed, as indicated

Adequate public services are not available and will not become available

Signature: Gary F. Hyatt

Date: 2/25/94

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

2/23/94

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: February 22, 1994

TO: FIRE, POLICE, CUB, NW NATURAL GAS (GARY HYATT), MIKE JORDAN, JOHN KELLEY, ROY HESTER, STEVE HANSON

The City has received DR 94-03, a Design Review application by North Willamette Telecom for design approval to alter the existing three-sided, covered structure by constructing a partitioning wall through the middle, enclosing approximately one-half the floor area. The remaining one-half shall be left as an open, covered vehicle parking area. The use of the structure will change from a lumber storage area to an enclosed warehouse facility. The review will include public facilities improvements and landscaping for the .316 acre parcel. The parcel is located at the northeast corner of the intersection of S.E. 2nd Avenue and S. Juniper (Tax Lot 900 of Tax Map 3-1E-33DC).

We would appreciate your reviewing the enclosed application and returning your comments by February 28, 1994 PLEASE. The Planning Commission plans to consider this application on March 1, 1994. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

Police Dept has no immediate concerns with this request.

Adequate Public Services (of your agency) are available

Adequate Public Services will become available through the development

Conditions are needed, as indicated

Adequate public services are not available and will not become available

Signature: Jerry Kiger

Date: 2/23/94



CANBY ELEMENTARY SCHOOL DISTRICT NO. 86

117 NE Third Ave., Canby, OR 97013-3711 phone (503) 266-5871 fax (503) 263-6647

Board of Education

CAROL BEDDOW
Chairman

CHARLIE STINSON
Vice Chairman

GUY GIBSON
LINDA SCHWERZLER
JOHN McCULLOUGH

Administration

BOYD APPLGARTH
Superintendent

BOB CHRISTIANSEN
Director of Curriculum/
Special Services

PATRICIA PELLATZ
Deputy Clerk

March 2, 1994

Mr. Kurt Schrader, chairman
Canby Planning Commission
City of Canby
182 N Holly
P O Box 930
Canby, OR 97013


Dear Mr. Schrader,

I am responding to the letter you sent to me and Steve Miller, superintendent of the Canby Union High School District, dated February 23, 1994, concerning "findings" the Planning Commission must make in order to approve development proposals.

Inasmuch as the Canby Elementary School District becomes part of the new Canby School District effective July 1, 1994, I believe the information you request concerning school services and facilities should be provided by Steve Miller, who will become the superintendent of the Canby School District.

I have talked with Steve and he agrees that, inasmuch as the two districts become part of a single district in four months, there should be one response from the schools and it should come from his office.

Sincerely,

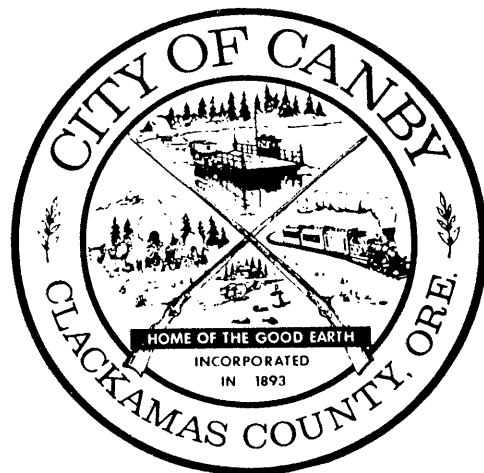


Boyd Applegarth
Superintendent

lb

c: Steve Miller

MEMORANDUM



TO: Planning Commission

FROM: James S. Wheeler, Assistant Planner

DATE: March 11, 1994

RE: Supplemental Staff Report MLP 93-08

The City and the Hellhake's have reached an agreement over dedication of right-of-way as a part of the partitioning of the subject parcel. In the Planning Commission packet that was sent last week, a supplemental report was submitted to you outlaying recommended changes in the conditions of approval. With this recent agreement between the applicant and the City, further changes in the conditions of approval are recommended. A copy of the letter sent to the applicant's attorney by the City Attorney, John Kelley, is enclosed. The following is the revised findings for the conditions of approval recommended for change and should replace the previous supplemental report dated 3/4/94.

Condition #8 has been revised to reflect the appropriate requirement for land dedication for road improvement purposes. The right-of-way that is required to be dedicated as a part of the partition process is not easily described. Essentially, it is a twenty (20) foot wide strip of land along the eastern property line extending from the existing right-of-way dedication on the north side (97.13 feet from the Highway 99-E right-of-way) south of a point where S.E. 3rd Avenue will continue to the east (approximately 565 feet). Additionally, a triangular piece of land, an area of approximately 4073.31 square feet, in the northeastern portion of the property is also required to be dedicated. The City Council will be asked to compensate the applicant for the dedication of the triangular piece of land. The land is needed to construct the realignment of the Pine Street and Highway 99-E intersection, and is more than normally required as a part of a Minor Land Partition application. Staff is recommending that the Planning Commission recommend to the City Council that the City pay for the triangular piece of land. The right-of-way dedication is necessary to provide an industrial grade road, and urban level services both to the southern portion of this property and to the properties located further to the south and east. Because of the lack of ability to provide a deed type description of the land required to be dedicated, the condition reads that the alignment of the right-of-way shall be according to the City Engineer. This is not to be construed that the survey and legal description for plat filing purposes. A copy of the triangular dedication area at the intersection of Highway 99-E and S. Pine Street is enclosed to assist in visualizing this requirement.

Condition #9 has been revised to account for the undeveloped portion of the subject parcel's frontage along Highway 99-E. The standard sidewalk width requirement for Highway-Commercial (C-2) zoned land along Highway 99-E is eight (8) feet. Because the proximity of the pumps and vehicle lanes for the existing gas station make an eight (8) foot sidewalk impractical along the developed portion of the parcel's frontage, a four (4) foot sidewalk will be acceptable. The remaining portion of the parcel's frontage along Highway 99-E has no such limitations and therefore, the sidewalk should be constructed at the standard eight (8) foot width.

Condition #10 has been changed to reflect the change in the industrial road project parameters as a result of the agreement between the City and the applicant. The City will be including the subject parcel as a part of the industrial road project that will be completed by the City. The applicant will not be responsible for the road and sidewalk improvements along S. Pine Street that the City originally had planned for construction. The Advanced Financing issue mentioned previously in this condition is to build the Pine Street improvements. The Advanced Financing resolution for the Logging Road Industrial Park public improvements has been passed by the City Council and is independent of this partition application. Therefore, no further conditions of approval regarding advanced financing reimbursement are necessary.

Condition #11 has been revised to account for the location of the storage structures in relation to the property lines and building setback lines. The storage structures are located in Low Density Residential (R-1) zoned land which requires a minimum setback from street right-of-way of 20 feet for the either structure. Other setback requirements may also apply depending on the final location of the partition line.

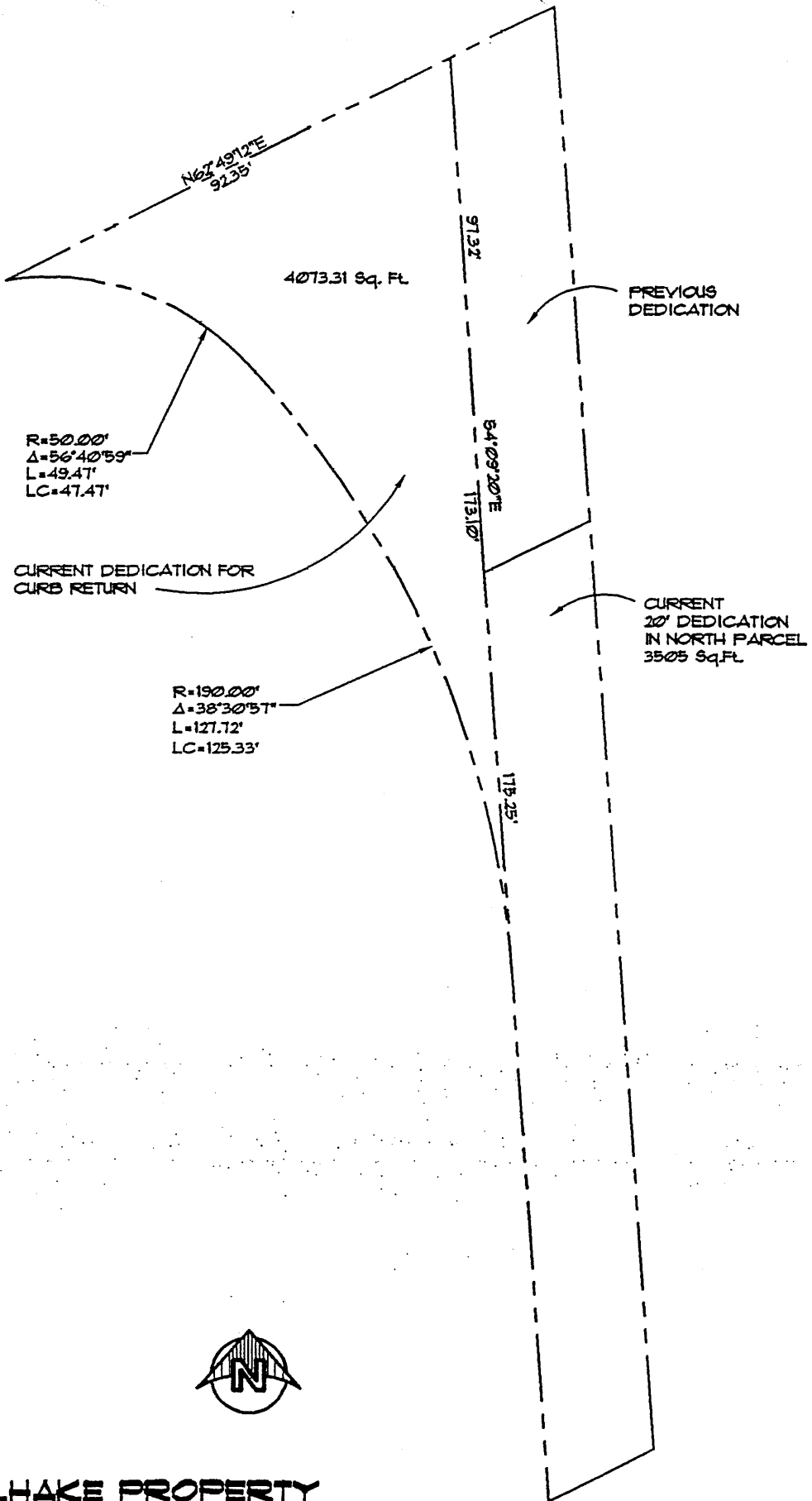
The applicant has expressed concern regarding timing of the removal of the existing storage structures, should it be necessary to remove them, and the timing of the signing of the final plat. The removal of the structures is considered a land development improvement as well as a condition of approval. The improvement can be bonded as an improvement (see condition #7) if it is not completed prior to the signing of the final plat.

The following is the revised staff recommendation.

Based upon the findings and conclusions in the 12/3/93 staff report, this supplemental report, and without benefit of public hearing, staff recommends approval of MLP 93-08, subject to the following conditions:

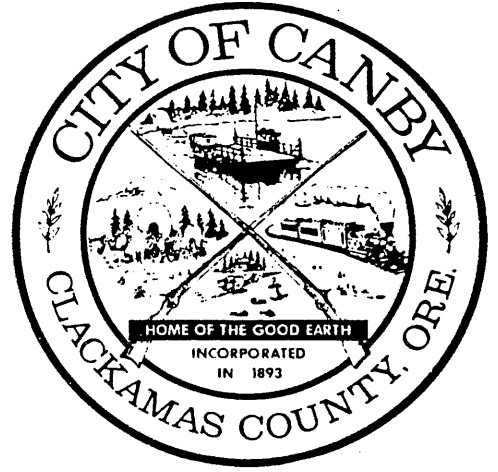
1. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 93-08.
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.

3. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
4. All monumentation and recording fees shall be borne by the applicant.
5. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:
 - 6 feet in width along interior lot lines; and,
 - 12 feet in width along exterior lot lines.
6. All utilities must meet the standards and criteria of the providing utility authority.
7. 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 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.
8. Twenty (20) feet of right-of-way along the east property line shall be dedicated to the City. This dedication shall extend from the existing dedication, approximately 97 feet south of the Highway 99-E right-of-way, to the southern right-of-way of S.E. 3rd Avenue, a total distance of approximately 565 feet. Additional right-of-way, a triangular shaped piece of land approximately 4073.31 square feet in size, in the northeastern corner of the subject parcel shall be dedicated. A legal description and/or the exact location shall be provided by the City and the City's consulting engineer, Curran-McLeod Engineering.
9. A four (4) foot sidewalk shall be constructed along Highway 99-E for the entire developed frontage of the property. An eight (8) foot sidewalk shall be constructed along the undeveloped Highway 99-E frontage of the property.
10. Street widening, including curbs and sidewalk, shall be constructed as a part of the Logging Road Industrial Park Advanced Financed Project. Street trees, 'Cleveland Select II' Norway Maples, shall be planted 40 feet on center. The caliper of the trees planted shall be at least 2".
11. The storage structures shall be removed if they are located within the building setback requirements for the property.
12. The abandoned/"junk" vehicles and the "junk" piles shall be removed prior to the signing of the partition plat. The "junk" piles on parcel 1 may be fenced instead of being removed prior to the signing of the partition plat.



**HELLHAKE PROPERTY
 REQUIRED ADDITIONAL DEDICATION**

March 9, 1994



William A. Monahan
Attorney at Law
1727 N.W. Hoyt Street
Portland, OR 97209

RE: Hellhake Property

Dear Bill:

This letter will confirm our understanding reached by telephone yesterday regarding the Hellhake property.

Mike Jordan is prepared to recommend to the City Council that it authorize payment of \$20,755 as compensation for the triangular piece of property of approximately 4,073 square feet needed to realign Pine Street with Highway 99 E. The next Council meeting is set for March 16, 1994. He believes, as I do, that the Council will approve the transaction, but we need to wait until then to give you a definite answer.


Also, as I indicated on the phone, it appears that by Charter, the City can't authorize expenditure of funds for a single purchase in excess of \$15,000 without it be authorized by ordinance. That process takes two (2) readings before the transaction is effective, which means the earliest we could finalize the payment of compensation would be April 20, 1994.

I am also confirming that with regard to the remaining twenty (20) feet along the eastern most boundary of the Hellhake's property, your clients, along with the Fire District, will be dedicating that portion to the City for widening of S. Pine Street, and that the City staff will advise the Planning Commission at its next meeting on March 14, 1994, that the improvements are to be made by the City with the assessment to be paid by your clients and the Fire District as set forth in the Advance Finance District project. Jim Wheeler will be making the appropriate corrections in the most recent staff report to reflect this agreement. It is also my understanding that the triangular peice mentioned above will be dedicated to the City with the partition process.

page 2
Letter to Monahan
March 9, 1994

I believe the above accurately represents our agreement. If it does not, please advise me of your concerns. Again, thank you for your cooperation in getting this matter resolved.

Sincerely,



John H. Kelley
City Attorney

JHK/mp

cc: Mayor & City Council
Michael Jordan
Bob Hoffman

PLANNING COMMISSION

SIGN-IN SHEET

Date: March 14, 1994

NAME (Please Print)	ADDRESS (Please Print)
Richard & Florence Ball	1238 S. Cedar Lp; Canby, OR
Ray & Mary Hellhake	Aurora
Mark Recker	1286 S. Cedar Loop Canby
Neil Wilson	1262 " " "
Charles Best	23112 S. BRAWO CA W/C
Eugene & Cole	888 NW 12th Canby
Smith French	CANBY Fire District
Larry Chapman	1070 S. Fir St, Canby
Frank R. Hooper	1952 N.E 19 th Ave., Canby
John P. ...	12511 S. Union Hall Rd. Canby
Royce Rief	273 N. Grant St
Jan Vleck	P.O. Box 432, Aurora