

# A G E N D A

## CANBY PLANNING COMMISSION

### REGULAR MEETING

*City Council Chambers  
Monday, May 23, 1994  
7:30 p.m.*

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**I. ROLL CALL**

**II. MINUTES**

April 11, 1994  
April 25, 1994  
May 9, 1994  
May 16, 1994

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

**IV. COMMUNICATIONS**

**V. FINDINGS**

*DR 94-04 - Jim Hefflinger and Wayne Askew for design review*

**VI. CONTINUED HEARINGS**

*SUB 94-02*, an application by Zarosinski-Tatone Engineers, Inc. for approval to develop a 7.25 acre parcel into a 26-lot single-family subdivision. The site is located north of N.E. 34th Place, on N. Maple Street (Tax Lot 2602 of Tax Map 3-1E-21). *(Continued from April 11, 1994, April 25, 1994, and May 9, 1994)*

*SUB 94-03*, an application by Regan Enterprises for approval to develop Phase VI of Township Village. The applicant is proposing to develop 12-single family residential lots. The site is located south of Township Road, west of S. Pine, at S.E. 10th (Tax Lot 4500 [part] of Tax Map 4-1E-3BC and Tax Lot 4800 [part] of Tax Map 4-1E-4AA). *Continued from April 11, 1994, April 25, 1994, and May 9, 1994)*

**VII. NEW BUSINESS**

*ANN 94-01*, an application by Oregon Development, Inc. [Tom Kendall] for approval to annex a 30.07 acre parcel into the City of Canby. The property is located on the north side of S.E. 13th Avenue, east of S. Ivy Street and just east of Valley Farms Subdivision (Tax Lot 2000 of Tax Map 4-1E-3).

VIII.

CURRENT PUBLIC HEARINGS

MLP 94-02, an application by Oregon Development, Inc. [Tom Kendall] for approval to partition a 39.32 acre parcel into two parcels, approximately 30.07 and 9.85 acres, respectively. The property is located on the north side of S.E. 13th Avenue, east of S. Ivy Street and just east of Valley Farms Subdivision (Tax Lot 2000 of Tax Map 4-1E-3).

CUP 94-04, an application by Roderick Ashley, Architect, for Canby Medical Clinic, for approval to construct a 5,522 square foot one-story building to consolidate two front entrances and three separate waiting rooms, to improve efficiency at the clinic. The property is located at 1185 S. Elm Street (Tax Lot 7300 of Tax Map 4-1E-4BD).

IX. DIRECTOR'S REPORT

X. 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

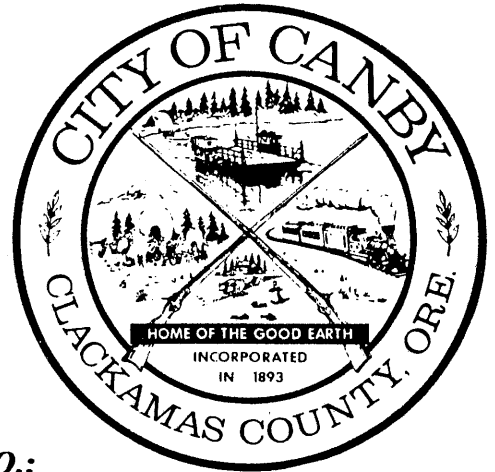
- In order not to restrict any person from testifying but, rather, to encourage everyone to do so, the Canby Planning Commission shall try to adhere as closely as possible to the following timelines:

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.





## **- STAFF REPORT -**

### **APPLICANT:**

Oregon Development, Inc.  
P.O. Box 151  
Canby, OR 97013

### **FILE NO.:**

MLP 94-02

### **OWNER:**

Larry & Betty Faist  
1866 S.E. 13th Avenue  
Canby, OR 97013

### **STAFF:**

James S. Wheeler  
Assistant Planner

### **LEGAL DESCRIPTION:**

Tax Lot 2000 of Tax Map 4-1E-3

### **DATE OF REPORT:**

May 13, 1994

### **LOCATION:**

1866 S.E. 13th Avenue -  
North side of S.E. 13th Ave.,  
east of Valley Farms Subdivision

### **DATE OF HEARING:**

May 23, 1994

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

Low Density Residential

### **ZONING DESIGNATION:**

EFU-20 (*Exclusive Farm Use - County Zoning*)

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

The applicant is requesting approval to partition a 39.92 acre parcel into two parcels, approximately 30.07 acres and 9.85 acres, respectively. The property is not inside the City limits at this time. The proposed 30.07 acre lot is under application to annex into the City. The purpose of the partition is to facilitate annexation of the 30 acre parcel. The annexation will not take place without the partition, according to a recent Boundary Commission staff ruling.

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

**II. APPLICABLE CRITERIA:**

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

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

**III. OTHER APPLICABLE CRITERIA**

- A. 16.16.030 Development Standards in R-1 Areas
- B. 16.56 General Provisions (for land divisions)
- C. 16.60 Major or Minor Partitions
- D. 16.64 Subdivisions - Design Standards

**IV. FINDINGS:**

**A. Location and Background**

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 2000 of Tax Map 4-1E-3. It is located at 1866 S.E. 13th Avenue, on the north side of S.E. 13th Avenue, east of Valley Farms Subdivision. The property consists of approximately 30.92 acres. There is approximately 1320 feet of frontage along S.E. 13th Avenue. A small portion of the northwest corner of the property was dedicated for the right-of-way for S. Redwood Street. There is approximately 128 feet of frontage on S. Redwood Street.



Clackamas County has requested that, because the purpose for the proposed partition is annexation of one of the parcels, the City of Canby process the partition application under the City's rules.

**B. Comprehensive Plan Consistency Analysis**

**i. Citizen Involvement**

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

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

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

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

**ANALYSIS**

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

**ii. Urban Growth**

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

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

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

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

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

**ANALYSIS**

1. The County has requested that the City review the partition application according to the City's partition approval criteria. Comments from the County have been received.
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. The applicant is requesting that the 'future' be considered now.
3. The 30-acre portion of the subject property will be entirely within the City limits if the annexation is approved. All necessary urban services are, or will be available for the 30-acre portion of the subject property (see discussion under Public Services Element).

**iii. Land Use Element**

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

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

**ANALYSIS**

1. The current use of the property is agricultural. If the 30-acre parcel is annexed into the City, the intention of the applicant and owner is to develop the property with single family residences. Single-family residential development would be compatible with the school to the north and the single-family residential development to the west. To the east and the south are more agricultural uses. Agricultural practices and residential uses are not always compatible as some farming operations are considered nuisances by homeowners. The properties to the east are within the Urban Growth Boundary and will eventually be urbanized themselves. In the meantime, the boundary area between the urbanized land within the City and the non-urbanized

land in the County will be a boundary of potential "incompatible" uses. The property to the south is not in the Urban Growth Boundary, but will be minimally separated from the 30-acre parcel by a sixty (60) foot right-of-way. The degree of conflict is dependent on the nature of the immediately adjacent uses. The development review process should account for this potential conflict through buffers, fences, or other means.

2. The partition of the property will permit future development of the property according to the Comprehensive Plan. The partition is a preliminary step in the process of developing the property. The owner desires to retain small acreage outside the City at this time. Use of the 30-acre property for single-family residential development is in accordance with the Comprehensive Plan and will minimize urban sprawl. If the property is not developed residentially, as directed by the Comprehensive Plan, then the residential development needed would occur where the Comprehensive Plan had not called for residential development, the essence of urban sprawl.
3. Request for comments have been sent to all public facility and service providers (see discussion under Public Services Element).
4. No natural hazards have been identified on the subject property.
5. The zoning of the property, if annexed into the City (R-1, Low Density Residential) is consistent with the Land Use Map designation for the property (Low Density Residential). The remaining 9-acre parcel would remain in the County under the EFU-20 zoning. The EFU-20 zone is an Exclusive Farm Use zone with a minimum acreage of 20 acres. The resulting acreage would be less than the zone allows, however, the County understood this and requested that the City process the application under the City's codes. The 9-acre parcel, if annexed into the City (not under application for annexation into the City at this time), would also be R-1, Low Density Residential. The minimum lot size for parcels in the R-1 zone is 7000 square feet, and both parcels will meet the minimum lot size.
6. The subject property is not identified as one of the "unique" sites or "areas 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.**

- Policy #1-R-A: Canby shall direct urban growth such that viable agricultural uses within the urban growth boundary can continue as long as it is economically feasible for them to do so.
- Policy #1-R-B: Canby shall encourage the urbanization of the least productive agricultural area within the urban growth boundary as a first priority.
- Policy #2-R: Canby shall maintain and protect surface water and groundwater resources.
- Policy #3-R: Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.
- Policy #4-R: Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.
- Policy #5-R: Canby shall support local sand and gravel operations and will cooperate with county and state agencies in the review of aggregate removal applications.
- Policy #6-R: Canby shall preserve and, where possible, encourage restoration of historic sites and buildings.
- Policy #7-R: Canby shall seek to improve the overall scenic and aesthetic qualities of the City.
- Policy #8-R: Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.
- Policy #9-R: Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.
- Policy #1-H: Canby shall restrict urbanization in areas of identified steep slopes.

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

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

### ANALYSIS

**1-R-A.** The subject property is viable for agricultural uses. Partition of the 39-acre parcel will result in two parcels, one of which will be less than 20 acres. The purpose of the partition is to permit annexation of 30 acres. Should this be done, 30 acres of viable agricultural land will become urbanized. If urban growth should be directed such that viable agricultural uses within the urban growth boundary can continue as long as it is economically feasible for them to do so, then annexation of the 30 acres should not occur at this time. The partition is unnecessary if annexation is not to occur. There has been no argument presented stating that it is no longer economically feasible to continue agricultural use of the property. Nor has an argument been presented that states a need for conversion of agricultural land to urban residential land.

**1-R-B.** The subject property is not the least productive agricultural area within the urban growth boundary, and therefore should not be the first priority in urbanization.

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

**3-R.** The existing use has not created a known pollution problem. No residential construction, beyond one single-family home would be permitted without further development review. Construction activity, the development activity directly related to residential development, is required to comply with prescribed standards for air, water, and land pollution, through the building permit process. Storm water drainage is mentioned in the above 2-R.

**4-R.** Noise will be expected as a result of residential construction. No residential construction, beyond one single-family home would be permitted without further development review.

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

**6-R.** The existing building (the home on the 9-acre parcel) and the buildings on the surrounding properties are not historic buildings. The subject property and surrounding properties are not historic sites.

**7-R.** The partition itself would not affect the scenic or aesthetic quality of the City. Future development of the 30-acre parcel, should it be annexed into the City would 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. Such a review will be a part of further development review of the 30-acre parcel.

**8-R.** The subject property is considered to be open space at this time. Preservation of the full property in perpetuity is impractical. Preservation of a portion of the property for park/open space is, on the other hand, possible. Further discussion of this is found under the discussion of the Public Facilities Element.

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

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

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

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

**v. TRANSPORTATION**

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

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

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

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

### **ANALYSIS**

1. The City normally requires dedication of land for right-of-way purposes and road improvements as a part of land development. The County has requested that, as a part of annexation, the City take over half of S.E. 13th Avenue (the part that would be in the City). S.E.



13th Avenue is a County road from S. Elm Street west, including Valley Farms immediately to the west of the subject property, and the subject property. It would be impractical for the City to "own" and maintain a 1000-foot stretch of 1/2 of a road (the southern half of S.E.13th Avenue would both remain in the County and remain under County control) in the middle of a County controlled road. The City and the County do not have an intergovernmental agreement regarding the "turning over" of County arterial roads to City control. Such an agreement is currently being negotiated. There are issues regarding the condition of the existing roads and cost that have not been resolved. These issues are beyond the purview of the Minor Land Partition review. At this time there is no appropriate mechanism for the City to take control of S.E. 13th Avenue. The County is requesting that additional right-of-way be dedicated at this time.

The City, as a part of land development, requires dedication and road improvement. The amount of land needed for right-of-way dedication along S.E. 13th Avenue is twenty (20) feet, which would match up with the right-of-way width immediately to the west. The dedication will be required for the full length of both parcels along S.E. 13th Avenue. The road improvements include widening of S.E. 13th Avenue, matching the widening immediately to the west in front of Valley Farms subdivision, and curbs. Sidewalks will be discussed below.

No further dedication or road improvements are required along S. Redwood Street. Street trees should not be required at this time as the location of future streets that would be a part of further development is unknown.

2. No new streets are needed as a result of the proposed partition. New streets would be needed with further development of the property, and would be addressed under the review process for that development.
3. The nearest major intersection to the subject property is the intersection of S.E. 13th Avenue and S. Redwood Street. At this time, that intersection is not considered to be a "problem intersection". The proposed partition will not impact a "problem intersection", S.E. 13th Avenue and S. Ivy Street. The City has required a "fair-share contribution" of \$50 per lot for improvements to the intersection. The figure of \$50 per lot was arrived at through two independent traffic impact studies and the cost of possible improvements needed at the intersection. Future development of the subject property will have an impact on the "problem intersection". The City is undergoing a formal

Transportation Plan study at the present time and the "fair-share contribution" may be replaced by a Systems Development Charge. These contributions would only affect further development of the subject property. The partition itself will not have much of an effect on the S.E. 13th Avenue/S. Ivy Street intersection since a maximum of one house per lot is permitted without further development.

4. Sidewalks will be required for the property's frontage along S.E. 13th Avenue and S. Redwood Street. Due to the lack of actual development, the requirement for sidewalks may be delayed until further development of the property occurs. The sidewalk along S.E. 13th Avenue immediately to the west is located against the curb, with trees behind the sidewalk. A more pedestrian friendly design would locate the sidewalk six feet in from the curb with street trees between the curb and the sidewalk. This would provide distance between the pedestrian and traffic, and well as a sidewalk that is better shaded from the summer sun. An adjustment of the sidewalk from the existing sidewalk adjacent to Valley Farms to the subject property will be necessary. The sidewalk will need to be five feet wide regardless of its location.

Because of the limited distance along the property's frontage of S. Redwood Street, matching the existing sidewalk setback distance and width is deemed appropriate. A street will most likely be extending eastward along this frontage, with further development of the property, thus reducing the distance of sidewalk further. A change in the setback and width of the sidewalks within future development of the property will be handled at the time that the property is further developed.

It is appropriate that the requirement for construction of sidewalks be delayed until further development of the property occurs. The proposed development at this time is not anticipated to generate any demand for sidewalks and any further development of the property will necessitate further review. Additionally, it is likely that streets will be needed for further development of the property, and the location of those streets at this time is unknown. Thus, sidewalks constructed at this time would be dug up in the near future and replaced with street intersections.

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

6. The fire district and police department have responded to the Request for Comments and have indicated that both adequate services are available and no further conditions related to the proposed partition are necessary in view of the functions of both the fire district and the police department.
7. The widening of S.E. 13th Avenue will allow room for a bicycle lane. No other improvements will be needed until further development of the property occurs.
8. The existing use and the proposed use of the property have no specific use for the rail facilities that exist in Canby.
9. The proposed partition has no bearing on efforts to improve or expand nearby air transport facilities. There have been reports produced that have indicated a desire to have S.E. 13th Avenue become part of a direct route between I-5 and the Mulino Airport. At this time, no project or proposal is active, and there are no known plans for S.E. 13th Avenue beyond being an arterial road for the City of Canby.
10. The mass transit system in operation in Canby has no direct bearing on the proposed partition. No future transit stops have been proposed. The City is undergoing a Transportation Master Plan study which includes mass transit considerations. Any future development of the property will be reviewed in light of the City's actions on the recommendations of the study.
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. 13th Avenue 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 Public Works Department, Waste Water Treatment Plant, Police Department, Fire District, NW Natural Gas, County Transportation, and the School District. All have indicated that adequate facilities and/or services are available. The Canby Utility Board and Canby Telephone Association have not responded. There has been no recent indication, unofficial or otherwise, of potential inadequacy of facilities or service from these providers.

The adequacy of public school facilities and services has been much in question over at least the past few months. The school district has checked the box marked "Adequate Public Services (of your agency) are available". A policy statement from the school board was attached which does not clearly refute that response. Therefore, at this point, there is considered to be adequate public school services available.

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 subject property is a part of the area benefitting from the Logging Road Industrial Park road improvements project. Major infrastructure improvements have been or are under construction which will benefit this property and are being initially funded through the City. Development of property within the benefitted property zones is the mechanism by which the City will be able to pay for the improvements. The improvements include the S.Pine Street/S.

Redwood Street road connection between Highway 99-E and Township Road, and sewer and water mains to service the southeastern portion of the City, including the subject property.

4. The City's internal organization is not germane to this application.
5. The City has adopted a Parks Master Plan in which appropriate sites or areas for recreation facilities are identified. A mini-park has been designated in the area of this property. A mini-park is a minimum of 2 acres in size. Ten percent of the property to be annexed into the City would amount to 3 acres. The approximate location of the mini-park, according to the Parks Master Plan, is in the northeastern corner of the property to be annexed into the City. Dedication of the 3 acres in the northeastern corner of the property to be annexed, to the City is appropriate and necessary to comply with the Parks Master Plan. The dedication of land for parks will allow for a reduction in the associated Parks System Development Charges for residential development. The exact amount of reduction is dependent on the value of land being dedicated. The Parks SDC ordinance limits required park dedication to 15% of the gross site area. the total partition is approximately 40 acres, which equates to a maximum limitation on park dedication of 6 acres.

Trost Elementary School is located immediately to the north of the subject property and is on a lot of sufficient size (20 acres) for its use. No other land is needed for the school district.

**vii. ECONOMIC**

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

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

## ANALYSIS

1. The proposed development is not industrial in nature, nor does the current zoning of the subject property allow industrial development.
2. The proposed development is not commercial in nature, nor does the current zoning of the subject property allow commercial development.
3. The subject property is a part of the area benefitting from the Logging Road Industrial Park road improvements project. The project will greatly enhance the marketability of industry locating the Logging Road Industrial Park, thus increasing local employment opportunities. The Advance Financing project should increase the value of the property served by the sewer, water, and road improvements. The partition of the subject property will not directly result in increased local employment opportunities. However, the development of the subject property will help pay for the improvements to the industrial park, which will increase local employment opportunities and will provide temporary construction employment while the subdivision and homes are built.
4. The proposed partition is for the purpose of annexation, with the expected result of development of the property. Thus, the proposed partition will have the effect of eliminating a viable agricultural operation.

### **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 neither increase nor decrease the housing density. The property is not currently within the City limits. The potential for housing will also be increased as a result of the proposed development.
3. The proposed development does not include higher density housing. Future development of the property will not include higher density housing.
4. The proposed development does not include housing for low income persons. Future development of the property could include housing for low income persons.
5. The proposed development is not a mobile home development. Future development of the property could include mobile/manufactured home development.

### *ix. ENERGY CONSERVATION*

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

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

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

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

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

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

### ANALYSIS

1. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.
2. The orientation of the subject property in this proposal meets the basic solar access standards for new residential developments. Future development of the property will be reviewed for compliance with the solar access requirements for residential developments.
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 is undergoing a Transportation Master Plan study. Once completed and incorporated into the Comprehensive Plan and City standards, transportation patterns of all developments will be reviewed through the Transportation Master Plan.
5. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.

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

This application has two sets of competing goals and policies of the Comprehensive Plan. The current use of the property is agriculture (row crops and berry farming). The Comprehensive Plan is clear in stating the goal of preserving viable agricultural land for as long as "economically feasible to do so". Most of these properties do not have a full range of public services immediately available. This is particularly so of sewer, water and electric service. The purpose of the partition is to facilitate annexation of 30 acres of the subject property. There are other properties within the Urban Growth Boundary that are available for annexation. The subject property is in an 'annexation zone' of priority C, which means that it ought to be annexed last. On the other side of the argument, there are existing public facilities and services directly available to the subject property that will remain under-utilized until the subject property is developed. Additionally, development of the subject property will assist in the financing of the Logging Road Industrial Park road improvement project.



This project will increase the local employment opportunity in the City, another clearly stated goal of the Comprehensive Plan. The Planning Commission will need to decide between the sets of competing goals and policies as to which set is considered more important at this particular time given the evidence before them. The remaining Comprehensive plan goals and policies appear to be met by the development provided certain conditions of approval are added.

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

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

See above discussion.

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

The purpose of the partition is to facilitate annexation of a portion of the subject property. If the 30-acre portion of the subject property is not annexed into the City, the partition serves no function except to divide agricultural land into two parcels, one of which is substandard in size to the County zoning in which it is located. The partition should not be approved if the 30-acre portion of the subject property is not annexed into the City.

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

The size and orientation of the proposed parcels is such that future development of either parcel is both possible and feasible. If the 30-acre portion of the subject property is annexed into the City, the remaining 9-acre portion of the subject property will be substandard in size to the County zoning in which it is located. This is acceptable to the County as the parcel will meet the City minimum lot size for the zone that it would be located in if it were within the City limits. It will continue to be used as a home site and for berry farming. The County has exception criteria to fit this situation according to County staff.

Access facilities are available. The existing access for the existing home will need to be upgraded, with a standard driveway entry permit with the County. Utility easements along the new property lines will be needed to allow for potential utility extensions.

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

As best as staff has been able to determine, all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division. The school district has submitted a response that so indicates. Canby Utility Board and Canby Telephone Association have not responded. No indication of difficulties have been mentioned, officially or otherwise, with regards to these public facilities and services providing service to any development.

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

No new private roads are proposed as a part of this application. Future development will require new roads and will be reviewed at that time.

## **V. CONCLUSION**

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

## **VI. RECOMMENDATION**

Based upon the application and drawings submitted, facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that should the Planning Commission approve MLP 94-02, the following conditions should apply:

1. The partition is approved only upon approval of annexation of the 30-acre parcel by the Portland Metropolitan Area Local Government Boundary Commission.
2. 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 94-02.
3. 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.
4. 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.
5. All monumentation and recording fees shall be borne by the applicant.
6. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:
  - 6 feet in width along all lot lines, except;
  - 12 feet in width along street frontages.
7. All utilities must meet the standards and criteria of the providing utility authority.
8. 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.
9. Twenty (20) feet of additional right-of-way along the full frontage of both parcels on S.E. 13th Avenue, shall be dedicated as public right-of-way.

10. Three (3) acres of land in the northeastern corner of the 30-acre parcel shall be reserved for eventual park purposes. The land shall be dedicated prior to, or in conjunction with, further land division or development. An agreement with the City to accomplish this shall be signed by the owner prior to the signing of the final plat. The dedication shall be eligible for SDC credit.
  
11. Street widening and curbs shall be provided along S.E. 13th Avenue, matching improvements to S.E. 13th Avenue immediately west of the subject property. Sidewalks and street trees for S.E. 13th Avenue and S. Redwood Street shall be provided. Design and construction of the improvements shall meet both Clackamas County and City of Canby standards and approval. Actual construction of street widening, curbs, sidewalks, and street trees may be delayed until development or further land division, provided an agreement with the City is signed stating that these improvements will be provided at time of further development.

Exhibits:

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

# MINOR LAND PARTITION APPLICATION

Fee: \$600.00

## OWNER

Name Larry + Betty Faust  
 Address 1866 S.E. 1374  
 City Canby State OR Zip 97013  
 Signature: Betty Faust  
Larry Faust

## APPLICANT

Name OREGON DEVELOPMENT, INC.  
 Address ~~239~~ ~~151~~ P.O. Box 151  
 City ~~Canby~~ ~~Canby~~ State OR Zip 97013  
 Phone: 557-1012

## DESCRIPTION OF PROPERTY:

Tax Map T45, R1E, 3 Tax Lot(s) Westerly 995 Lot Size 30,20  
ft. of 762000 (Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

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

## PROPERTY OWNERSHIP LIST

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

## USE

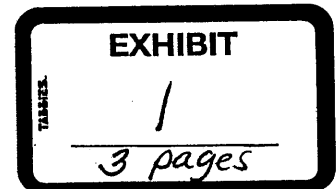
Existing Pasture Land Proposed Single Family Subdivision  
 Existing Structures None

## PROJECT DESCRIPTION

Preparing a phased single family  
subdivision

ZONING EFU-20 COMPREHENSIVE PLAN DESIGNATION R-1  
 PREVIOUS ACTION (if any) \_\_\_\_\_

File No. MLP94-02  
 Receipt No. 2865  
 Received by JY  
 Date Received 4/8/94  
 Completeness Date 4/19/94  
 Pre-App Meeting \_\_\_\_\_  
 Hearing Date 5-9-94



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

April 7, 1994

We the undersigned, Larry and Betty Faist, owners of the property located at 1866 SE 13th Avenue, Canby, Oregon 97013, do hereby authorize Oregon Development, Inc. to act as our agent in the filing of a minor land partition.

Larry Faist  
Larry Faist      Date

Betty Faist      4-7-94  
Betty Faist      Date

We are proposing a single family subdivision. The property is a natural and logical expansion to the existing city limits. A new elementary school is located at the northerly boundary. A new single family residential development is located along the westerly boundary. All city services are available at the boundary of the parcel. The partition meets all of the city's standards and criteria for a minor land partition.

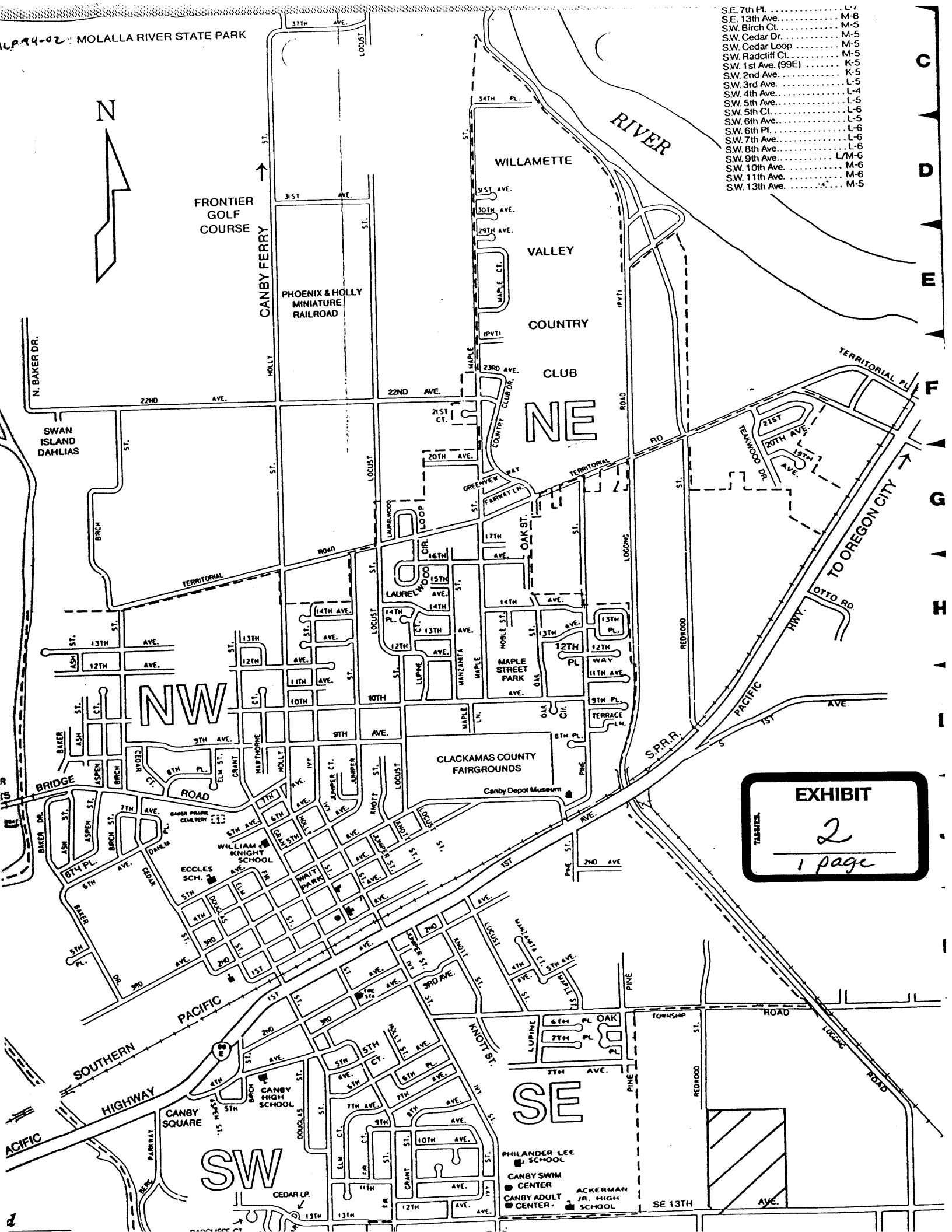
EXHIBIT B

In response to the Canby Comprehensive Plan, Finding  
No. 3, Section D.

Although the parcel to be annexed is in the area known as Type C, we conclude that this Comprehensive Plan was established before a school and city services were brought to the boundary of the subject parcel. This property is a natural and logical expansion to the existing city limits. A new elementary school is located at the Northerly boundary. A new single family residential development is located along the westerly boundary. All City services are available at the boundary of the parcel.

- SE. 7th Pl. .... L-4
- SE. 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 Ave. .... L-5
- SW. 6th Pl. .... L-6
- SW. 7th Ave. .... L-6
- SW. 8th Ave. .... L-6
- SW. 9th Ave. .... L-6
- SW. 10th Ave. .... M-6
- SW. 11th Ave. .... M-6
- SW. 13th Ave. .... M-5

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**EXHIBIT**  
 2  
 1 page



South Redwood

Tax Lot 1100  
Public - Elementary  
School

R= 175'  
L.A.= 128.357  
 $\Delta = 42^{\circ}01'29''$

12750'

950'

325'

Valley Farms  
Single Family  
Residential 1182.846

Unplatted  
EFU 20

1300'

1300'

1300'

Parcel 2  
A= 1309783.8 sq. feet

Parcel 1  
A= 429000.0 sq. feet

*For Ref*

*28'*

995'

325'

South East 13TH Avenue

Unplatted - EFU 20

NORTH  
1"=300'

*13520*

EXHIBIT  
3  
1 page

LARRY & BETTY FAIST  
PARTITION APPLICATION  
1866 SE 13TH  
CANBY, OR 97013

# PLEASE RETURN ATTACHMENTS!!!

9/14  
5/14/94

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 12, 1994

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN,  
JOHN KELLY, ROY, SEWER, CLACKAMAS COUNTY TRANSPORTATION DEPT., and  
CLACKAMAS COUNTY PLANNING DEPARTMENT CANBY ELEMENTARY AND  
CANBY HIGH SCHOOL DISTRICTS

The City has received MLP 94-02,, an application by Oregon Development, Inc. [Tom Kendall] for approval to partition a 39.32 acre parcel into two parcels, approximately 30.07 and 9.85 acres, respectively. The property is located on the north side of S.E. 13th Avenue, east of S. Ivy Street and just east of Valley Farms Subdivision (Tax Lot 2000 of Tax Map 4-1E-3). *The proposed 30.07 acre parcel is under applicaton for annexation to the City [ANN 94-01].*

*We would appreciate your reviewing the enclosed application and returning your comments by May 6, 1994 PLEASE. The Planning Commission plans to consider this application on May 23, 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:

*Please see attached position statement*

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Please check one of the following boxes:

- 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	
TABLER	4
	11 pages

Signature: Stephen Miller Date: 4-22

## CANBY SCHOOL DISTRICT

### SCHOOL BOARD POSITION: Available Public School Services & Facilities Related to Community Development

The Canby Union High School Board, which will become the board of the unified Canby School District on July 1, 1994, recommends neither approval nor denial of proposed residential subdivisions. The school district is in the business of providing a quality education to students in grades kindergarten through twelfth grade. The board believes the city and its planning staff is in a better position to determine future growth of the Canby area. Perhaps the "City Vision" of February 19, 1994 would be helpful in the city's deliberations.

We do wish to advise you of the following:

As a result of the 1991 bond approval and subsequent construction, as well as the vote for unification of the district, there are approximately 21 empty classrooms available, located at Lee School, Carus School, and 91 School. At an average of 25 students per classroom, this provides capacity for an increase of 525 students.

The board believes the majority of the patrons of the district support full utilization of the existing facilities prior to expansion of the existing facilities or construction of a new school. Consequently, the relocation of school boundaries is being studied, but there have been no conclusions. It is reasonable to expect some shifts, and it is possible the physical boundaries of Carus and 91 schools will expand.

The implications of Measure 5 are affecting the financing of education. The consolidated budget for the year 1993-94 was \$22,607,671. The expected budget for 1994-95 is estimated to be \$22,212,101. The best guess estimate for 1995-96 is \$21,664,194 and the best guess estimate for 1996-97 is \$21,688,190.

The district anticipates a reduction of revenue and will be responding to projected growth and inflation by continuing to reduce or eliminate certain expenses, as well as reduce staff, services, and cash reserves. Further reductions are expected. We anticipate the funds available per student to continue to decline.

In summary, we recommend neither approval nor denial of residential subdivisions. Please be assured the board, administrators, and staff of Canby School District will continue to provide to the students the best quality education that available funds allow.

Contact Person: Stephen Miller, Superintendent; (503)266-7861, extension 240

# PLEASE RETURN ATTACHMENTS!!!

9w  
4/25/94

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 12, 1994

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN, JOHN KELLY, ROY, SEWER, CLACKAMAS COUNTY TRANSPORTATION DEPT., and CLACKAMAS COUNTY PLANNING DEPARTMENT, CANBY ELEMENTARY AND CANBY HIGH SCHOOL DISTRICTS

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*We would appreciate your reviewing the enclosed application and returning your comments by May 6, 1994 PLEASE. The Planning Commission plans to consider this application on May 23, 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:

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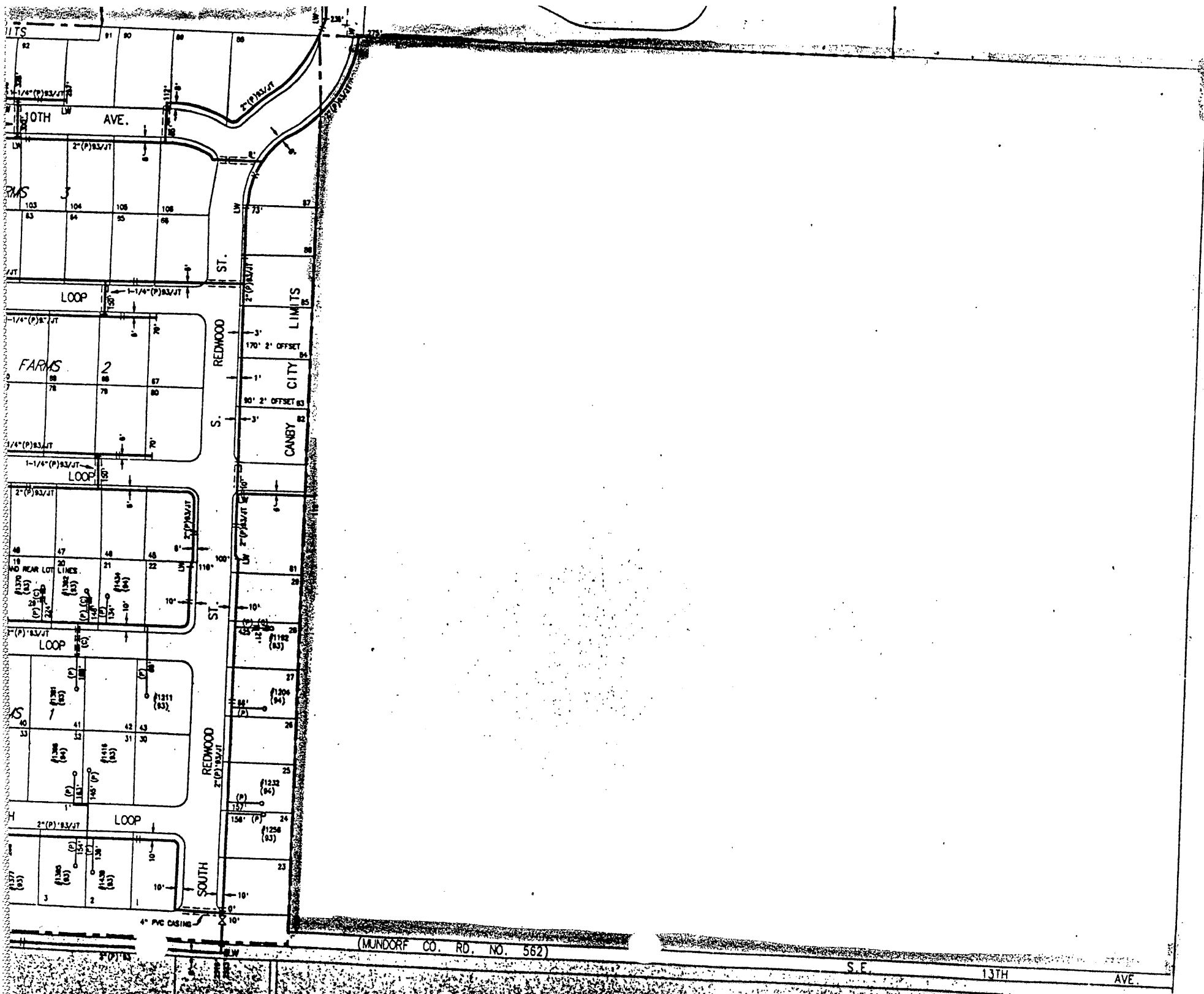
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Please check one of the following boxes:

- 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: 4/22/94



MUNDORF CO. RD. NO. 562

S.E. 13TH AVE.

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

5/13/94  
JSC

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 12, 1994

TO: FIRE, POLICE (CUB), TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN, JOHN KELLY, ROY, SEWER, CLACKAMAS COUNTY TRANSPORTATION DEPT., and CLACKAMAS COUNTY PLANNING DEPARTMENT, CANBY ELEMENTARY AND CANBY HIGH SCHOOL DISTRICTS

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### Comments or Proposed Conditions:

*The Canby Utility Board has no objection to the MINOR LAND Partition of the Subject property. It should be noted however, that when said properties are developed, the developer will be responsible for most costs involved in the extension of water and electric facilities. Easements for these facilities will also be required at no cost to CUB. A preconstruction meeting early in the planning process with all public*

*Please check one of the following boxes: Facility and Services Organization is strongly recommended*

- 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: \_\_\_\_\_

*Keith E. Rasmussen*

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

*5-12-94*

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

ASW  
5/13/94

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 12, 1994

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN, JOHN KELLY, ROY SEWER, CLACKAMAS COUNTY TRANSPORTATION DEPT., and CLACKAMAS COUNTY PLANNING DEPARTMENT, CANBY ELEMENTARY AND CANBY HIGH SCHOOL DISTRICTS

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Comments or Proposed Conditions:

*NMC - IN NO lift stations are needed*

Please check one of the following boxes:

- 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: \_\_\_\_\_

*Steph J. Hense*

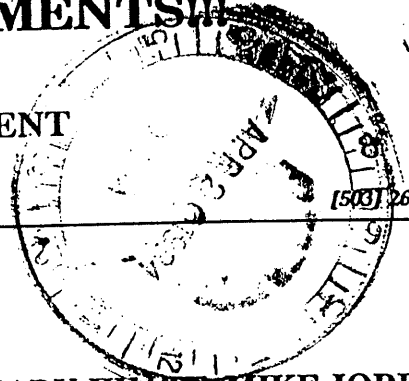
Date: \_\_\_\_\_

*5-12-94*

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013



4/20/94

DATE: April 12, 1994

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN, JOHN KELLY, ROY, SEWER, CLACKAMAS COUNTY TRANSPORTATION DEPT., and CLACKAMAS COUNTY PLANNING DEPARTMENT, CANBY ELEMENTARY AND CANBY HIGH SCHOOL DISTRICTS

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*We would appreciate your reviewing the enclosed application and returning your comments by May 6, 1994 PLEASE. The Planning Commission plans to consider this application on May 23, '94. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.*

### Comments or Proposed Conditions:

*Creation of the new parcel within the County's jurisdiction is permissible (see § 902.0195 of the zoning and development Ordinance). Clackamas County has no objection.*

### Please check one of the following boxes:

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

Signature: *[Handwritten Signature]*  
Assistant Planning Director

Date: 4/20/94





# CLACKAMAS COUNTY

Department of Transportation & Development

THOMAS J. VANDERZANDEN  
EXECUTIVE DIRECTOR

TO : CANBY PLANNING DEPARTMENT  
FROM : CLACKAMAS COUNTY - D.T.D. *WAZ*  
DATE : MAY 4, 1994  
RE : MLP 94-02 OREGON DEVELOPMENT, INC.

This office understands that this request is for a minor partition and that there is an annexation under consideration.

At this time no additional road improvements are needed with the exception of standard driveway entry permits for the upgrade of the existing entry and one for the new home on parcel 2. In addition sufficient right of way must be dedicated as needed to ultimately construct a full urban street to the same standard as the new development to the west.

At such time as the subject property redevelops under City of Canby rules and regulations the County requests that this portion of S.E. 13th Avenue become the City's responsibility. A transfer of jurisdiction may occur with annexation. The appropriate standards for road improvements and for surface water management will be coordinated with the City of Canby when redevelopment is proposed. It is anticipated that redevelopment will result in an extension of existing curb, sidewalk, storm sewer, bike paths and surfacing. The alignment of improvements would be the same as the improvements to the west.

RECEIVED

MAY 09 1994

CITY OF CANBY

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

gsw 5/11/94

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 12, 1994

**TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN, JOHN KELLY, ROY, SEWER, CLACKAMAS COUNTY TRANSPORTATION DEPT., and CLACKAMAS COUNTY PLANNING DEPARTMENT, CANBY ELEMENTARY AND CANBY HIGH SCHOOL DISTRICTS**

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*We would appreciate your reviewing the enclosed application and returning your comments by May 6, 1994 PLEASE. The Planning Commission plans to consider this application on May 23, 1994. Please indicate any conditions of approval you may wish the Commission to consider if hey approve the application. Thank you.*

Comments or Proposed Conditions:

No Comment

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Please check one of the following boxes:

- 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: May 4, 1994

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

94/5/2/94

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 12, 1994

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN, JOHN KELLY, ROY, SEWER, CLACKAMAS COUNTY TRANSPORTATION DEPT., and CLACKAMAS COUNTY PLANNING DEPARTMENT, CANBY ELEMENTARY AND CANBY HIGH SCHOOL DISTRICTS

The City has received MLP 94-02,, an application by Oregon Development, Inc. [Tom Kendall] for approval to partition a 39.32 acre parcel into two parcels, approximately 30.07 and 9.85 acres, respectively. The property is located on the north side of S.E. 13th Avenue, east of S. Ivy Street and just east of Valley Farms Subdivision (Tax Lot 2000 of Tax Map 4-1E-3). *The proposed 30.07 acre parcel is under applicaton for annexation to the City [ANN 94-01].*

*We would appreciate your reviewing the enclosed application and returning your comments by May 6, 1994 PLEASE. The Planning Commission plans to consider this application on May 23, 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:*

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*Please check one of the following boxes:*

- 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 Stiger

Date: 4/28/94

2. The proposed annexation will neither increase nor decrease the housing density. The property is not currently within the City limits. The potential for housing will also be increased as a result of the proposed annexation.
3. The proposed development does not include higher density housing. Future development of the property will not include higher density housing.
4. The proposed development does not include housing for low income persons. Future development of the property could include housing for low income persons.
5. The proposed development is not a mobile home development. Future development of the property could include mobile/manufactured home development.

**ix. ENERGY CONSERVATION**

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

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

**ANALYSIS**

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

2. The orientation of the subject property in this proposal meets the basic solar access standards for new residential developments. Future development of the property will be reviewed for compliance with the solar access requirements for residential developments.
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 is undergoing a Transportation Master Plan study. Once completed and incorporated into the Comprehensive Plan and City standards, transportation patterns of all developments will be reviewed through the Transportation Master Plan.
5. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.

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

This application has two sets of competing goals and policies of the Comprehensive Plan. The current use of the property is agriculture (row crops and berry 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 purpose of the annexation is to develop the property residentially. There are other properties within the Urban Growth Boundary that are available for annexation. 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. The subject property is in an 'annexation zone' of priority C, which means that it ought to be annexed last. On the other side of the argument, there are existing public facilities and services directly available to the subject property that will remain under-utilized until the subject property is developed. Additionally, development of the subject property will assist in the financing of the Logging Road Industrial Park road improvement project. This project will increase the local employment opportunity in the City, another clearly stated goal of the Comprehensive Plan. The Planning Commission will need to decide between the sets of competing goals and policies as to which set is considered more important at this particular time given the evidence before them. The remaining Comprehensive Plan goals and policies appear to be met.

C. *Evaluation Regarding Annexation Consideration Criteria*

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

The paragraph immediately preceding this section discusses the applications consistency with the policies and goals of the Comprehensive Plan. The site will be zoned for Low Density Residential development (R-1), which permits single-family houses. The City and County have an agreed-upon procedure for handling annexations.

2. Capability of the City and Other Affected Service-Providing Entities to Amply Provide the Area With Urban Level Services:

Capability of Service providers to service the subject property with urban level services has been discussed under the Public Facilities and Services Element discussion of the Comprehensive Plan. All public facilities and services are available, or will become available through development, with sufficient capacity for development of the subject property.

3. Compliance with the Applicable Sections of ORS 222:

This application is being reviewed under the provisions of the Canby Land Development and Planning Ordinance, Chapter 16.84. Action by the City Council will be an advisory recommendation to the Boundary Commission, which has final authority. This property is contiguous with the City limits, the owners have authorized the applicant to apply and the properties can be served with an urban level of services. Thus, the staff believes the application complies with the requirements of ORS 222.

4. Appropriateness of the Annexation of the specific area proposed, when compared to other properties which might reasonably be expected to be annexed to the City:

Discussion of annexation of agricultural land was provided under the Urban Growth Element, Land Use Element, Environmental Concerns Element, and the Economic Element discussions of the Comprehensive Plan. The subject property is located within an area which has been determined to be Priority "C", the last stage for annexation and development. Public utilities already exist with sufficient capacity to

properly service any development of this property. Further, annexation and subsequent development of the property will assist in the funding of the Logging Road Industrial Park road improvement project. The Logging Road project will increase the opportunities for local employment.

There are other, non-agricultural properties within the Priority "A" or "B" areas that could be annexed into the City to provide any additional land needed for residential development. Essentially, the Planning Commission needs to weigh the desire to preserve viable agricultural land within the Urban Growth Boundary from development as long as possible with the desire to properly and efficiently utilize existing infrastructure and to help fund the Logging Road Industrial Park road improvement project.

5. Risk of Natural Hazards which might be expected to occur on the subject property:

No natural hazards have been identified on the subject properties. There are no steep slopes, no flood-prone areas, or any major stream corridors.

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

There are no designated open space, scenic, historic, or natural resource areas present on the properties. The development ordinance will review details of any site development, other than a single family residential structure, under the Subdivision review process or design review process, to give protection to any detailed resources which may be identified and ensure that needed public facilities and services are available. Park land dedication will be reviewed as a part of development of the property.

7. Economic impacts which are likely to result from the annexation:

The previous discussion of the Economic policies of the Comprehensive Plan concluded that development of the site as it will be zoned, will not adversely affect the economy of Canby. Urban type potential development will increase land values and tax values. Agricultural operations are considered to be viable economic resources to the City of Canby. Annexation of the subject property will be trading the economic resource of an ongoing agricultural operation for the economic resource of residential construction. It is estimated that approximately 150 homes could be built on the subject property.

### **III. CONCLUSION**

Staff hereby concludes that the proposed annexation can be interpreted to meet the requirements of the standards and criteria included in the Canby Land Development and Planning Ordinance, Section 16.84.040, including consideration of: 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.

### **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 94-01 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.
4. Any large scale development of the property must be preceded by a Subdivision review or Site and Design Review.
5. Dedication of ten (10) feet of land for road widening purposes, prior to connecting to the City sewer system will be needed.
6. Road improvements to the whole street frontage along N. Maple Street will be required as a part of any development of the property, beyond one single family residential structure.

#### **Exhibits:**

1. Application
2. Tax Map
3. Request for Comments



ANNEXATION APPLICATION

Fee: \$1000.00

OWNER

APPLICANT

Name Larry & Betty Faust

Name OREGON DEVELOPMENT, INC.

Address 1866 S.E. 13th

Address P.O. Box 151

City Canby State OR Zip 97013

City Canby State OR Zip 97013

SIGNATURE Betty Faust

Phone: 557-1012

Amy Faust

DESCRIPTION OF PROPERTY:

Tax Map T45, R1E, 3 Tax Lot(s) Westerly 995 feet of TL 02000 Lot Size 30,20  
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

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

PROPERTY OWNERSHIP LIST

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

USE

Existing Pasture Land  
Proposed Single Family Subdivision

Existing Structures NONE

PROJECT DESCRIPTION

Proposing a single family subdivision

ZONING EFU-20 COMPREHENSIVE PLAN DESIGNATION R-1

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

File No. ANN 94-01

Receipt No. 2865

Received by [Signature]

Date Received 4/18/94

Completeness Date 4/19/94

Pre-App Meeting \_\_\_\_\_

Hearing Date 6/1/94 (Council)

EXHIBIT  
1  
34 Pages

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

## INSTRUCTIONS TO APPLICANT

1. The applicant may request, or the City Planner may determine, that a pre-application conference is necessary after the application has been discussed, or upon receipt of the application by the City.
2. The applicant shall submit a written statement explaining the conditions surrounding the proposal and addressing the required approval criteria (see attached list). The written statement shall include a full draft application to the Metropolitan Boundary Commission for annexation.
3. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are routed to various City/State/County departments for their comments. Along with the comments received from others, the application is reviewed for completeness. The City Planner will accept or return the application with a written list of omissions within seven (7) calendar days of the submittal.
4. Staff investigates the request and writes a staff report.
5. The staff report will be available seven (7) days prior to the hearing.
6. The Planning Commission holds a public meeting approximately thirty (30) days after the complete application is submitted. The staff report is presented. Testimony is presented by the proponents.
7. The Commission then issues findings of fact which support approval, modification or denial of the application and passes such recommendation on to City Council for final action within forty (40) days after close of the hearing.
8. The City Council holds a public hearing, after placing a public notice in the newspaper and notifying adjacent property owners.
9. The City Council adopts a resolution recommending approval, denial, or amendment, to the Metropolitan Boundary Commission.
10. A summary of the record is sent to the Metropolitan Boundary Commission.

*Note: The applicant shall separately apply for annexation to the Metropolitan Boundary Commission.*

STANDARDS AND APPROVAL CRITERIA  
FOR ANNEXATION APPLICATIONS

**16.84.040 - Standards and Criteria**

- A. *In judging whether or not an Annexation Application shall be approved, the Commission shall give ample consideration to the following standards and criteria:*
1. *Compatibility with the text and maps of the Comprehensive Plan, giving special consideration to those portions or 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 areas with urban level services;*
  4. *Compliance of the application with the applicable sections of Oregon Revised Statutes 222. (In other words, a "triple majority" type application must contain proof that a triple majority does, in fact, exist, etc.);*
  5. *Appropriateness of the annexation of the specific area proposed, when compared to other properties which might reasonably be expected to be annexed to the City;*
  6. *Risk of natural hazards which 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.*

**16.84.050 - Consideration of Applications**

- A. *Upon receipt of an application, with all required supportive documentation, the staff shall schedule the proposed annexation for consideration by the Commission at an upcoming meeting. Copies of the submitted information shall be distributed to the Clackamas County Department of Environmental Services and to all affected public service-providing agencies or entities which might be affected by the proposal, requesting that they comment to the Commission.*
- B. *The Commission shall review the information submitted in view of the standards and criteria listed in Section 16.84.040 and shall formulate a recommendation for the consideration of the City Council.*
- C. *The City Council shall schedule the matter for public hearing at its next available calendar date, following the procedures outlined in Division VIII. Upon conclusion of the hearing, the Council shall vote to approve or deny the application based upon appropriate findings of fact.*
- D. *If a regional authority is empowered to make final decisions for annexations in the Canby area, the Council's action shall be viewed as a recommendation to that body which will be regarded as the official position of the City. If no such regional authority exists, the Council may order the annexation to proceed, following the requirements of Oregon Revised Statutes 222.*

Name of Applicant: OREGON DEVELOPMENT, INC. File No. \_\_\_\_\_

Subject Property: West 995 feet of TL 2000

Tax Map(s) 45, 1E Sec. 3

**AFFIDAVIT OF POSTING NOTICE**

I, THOMAS KENDALL, do swear or affirm that I am/represent the party initiating action before the City of Canby Planning Commission for a proposed Annexation affecting the land located at \_\_\_\_\_, and that on the \_\_\_\_\_ day of \_\_\_\_\_, 1993, I personally posted the notice indicating that the site is the subject of an application for a public hearing. The sign was posted at \_\_\_\_\_ (state location on property)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1993

\_\_\_\_\_  
Signature

Subscribed and sworn to, or affirmed, before me this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
Notary Public for the State of Oregon  
My Commission Expires: \_\_\_\_\_

**WITHIN SEVEN (7) CALENDAR DAYS OF THE SIGN POSTING, PLEASE RETURN THIS AFFIDAVIT TO**

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

*Stakes must be returned after the hearing is complete and a decision has been rendered.*

DIVISION 5

POLICIES

Policies

193-05-000 (1) Policy on incorporated status:  
 (a) Policy: The Boundary Commission generally sees cities as the primary providers of urban services.  
 (b) Basis for policy: This policy is based on the Commission's understanding of its purpose in simplifying governmental structure and on its long term view of how governmental structure relates to the economy, efficiency and equity of urban service provision.

(2) Policy on mediation, coordination and maintenance of financial integrity:

(a) Policy: The Boundary Commission's role includes mediating disputes arising over boundaries, coordinating service delivery, and exploring ways to keep units of government financially secure.

(b) Basis for policy: This policy is based on the Commission's desire to act as a catalyst to bring about greater long range planning and coordination of the boundary change process. This role is especially important during periods of recession when special service districts have lost much of their financial base as a result of annexation-caused withdrawals of territory but still have duties to perform.

(3) Policy on long range governmental structure:

(a) Policy: The Boundary Commission generally favors flexible long term arrangements of governmental structure which may dictate approval of irregular boundaries in the short term.

(b) Basis for policy: This policy is based on the Commission's understanding that the Legislature desires the Commission to help create a lasting system of responsive, efficient and economical governmental structure. This understanding comes from a reading of the Boundary Commission statute (particularly the "standards" and "policy" sections), and from legislative intent expressed in numerous hearings held and reports issued since the Boundary Commission was first created.

Stat. Auth.: ORS Ch. 183 & 199  
 Hist: PLGB 5-1982, f. 12-6-82, ef. 1-2-83

Policy Papers

Incorporated Status

193-05-005 (1) Background:  
 (a) The Boundary Commission Advisory Committee (1981-82) held a series of hearings with representatives of special districts and cities. A report was issued with recommendations to the Commission, one of which states:

"The Boundary Commission should let it be known that urbanized areas should be placed into incorporated cities for municipal services. This goal should be spelled out in statute as well as policy."

The proposed policy states the desires of most cities within the Boundary Commission's jurisdiction. For the special districts policy reflects what many of them see to be the reality of the situation even if this does not coincide with their preference. Many of the units feel the Commission maintains this as a fact and would prefer it be a stated public fact, even if they may disagree with it.

(b) One very clear reason for the existence of boundary commissions which has been re-emphasized a number of times

by the Legislature since the original law was passed, is to hold down the number of governmental units. When the Portland Boundary Commission came into existence there were approximately 305 units under its jurisdiction. Today there are 150.<sup>1</sup> Annexation of urban and urbanizable land to cities slowly but surely lessens the need for new single purpose units of government and will eventually lead to elimination of some existing single purpose districts. Special districts were originally formed as interim devices to deliver services until the areas they served became highly urbanized and needed the full services of a city.

<sup>1</sup> 16 of these were eliminated when Columbia County was dropped from BC jurisdiction.

(c) The existence of many different governmental units makes the delivery of urban services unnecessarily complex. The visibility and hence political accountability of many of these units is relatively low. (The average election turnout according to a study in the early '70s was in the neighborhood of 4 - 5% for special district elections). Cities on the other hand have a relatively much higher visibility and accountability. (A single city with 5 elected officials might deliver the same services as four special districts with 20 elected officials).

Cities have the ability to balance service needs and allocate scarce resources after comparing the relative merit of each service. Special service districts cannot do this.

(d) Within cities there is relative equity of service levels. With delivery by many units, this equity is often lost. The level of service varies widely, with some being unacceptably low and others being particularly high.

(e) Cities generally offer a wide range of necessary services for an urban area. Outside of cities some less popular but necessary services such as storm drainage and parks and recreation are often not available. Cities generally do a better job of long range planning for service delivery, particularly when it comes to these less popular and visible services. They do so precisely because cities are by nature supposed to be full service providers. As the need increases for a new service, the city responds by beginning to plan for it. Each special district plans only for the service it currently provides. Thus, planning for a new service is often not done until the need for the service is critical and with crisis at hand.

(f) Cities offer greater opportunity for economies of scale and operational coordination. Through interdepartmental joint purchasing and joint operations, economies can be effected in cities that are usually not possible in small single purpose units. A water and a sewer department in a city, for instance, may have a single crew and share backhoes, trucks, etc., whereas a water district and a sewer district serving the same area may duplicate manpower and equipment.

(g) Cities have greater fiscal resources available to them than many single or limited purpose units. Thus, cities are better able to balance the burden of paying for services and reducing potential heavy impacts on any one segment of the community.

(2) Policy constraints:

(a) This policy on incorporated status does relate to the section of boundary commission law which changes the Commission with maintaining the financial integrity of all units of government. Clearly, the Commission must uphold this portion of the statute as well as to meet its structural improvement goals. The policy on Mediation, Coordination and Maintenance of Financial Integrity addresses this need.

(b) Thus, the Commission must temper this policy when it conflicts with the maintenance of financial integrity of a special service district. The Commission should view financial integrity as applying in each individual case as well as the cumulative effect. However, the potential negative impact of

OREGON ADMINISTRATIVE RULES

CHAPTER 193, DIVISION 5 — PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION

in (or actions) on a unit's financial integrity must be considered to be an actual threat to the unit's fiscal integrity, ability to continue operation, solvency or efficiency.

Stat. Auth.: ORS Ch. 183 & 199

Hist: PLGB 5-1982, f. 12-6-82, cf. 1-2-83

**Mediation, Coordination and Maintenance of Financial Integrity**

193-05-010 (1) It is the intent of the Boundary Commission to promote greater long range planning and coordination in relation to the boundary change process. The Commission and its staff will attempt to be a catalyst in exploring better ways to provide public services from a governmental structure point of view, involving particularly the districts, cities and counties it serves as well as other interests in the region.

(2) This role of searching for ways to improve the service delivery systems will emphasize positive innovative approaches. As a continuation of longstanding practice, the Commission and staff will attempt to mediate interjurisdictional disputes arising from boundary determination and service delivery.

(3) An important aspect of the above role is the Commission's charge to maintain the financial integrity of units of government involved in the boundary change process.

(4) On a case by case basis the Commission and its staff will study ways to keep districts financially secure during periods of time when they have lost much of their financial resources due to encroaching city annexation, but still have a duty to provide service. In many cases the community at large (i.e. patrons of such districts) may have a responsibility to help ease out districts that eventually will be entirely annexed and the Boundary Commission could be the agent to define the methods.

Stat. Auth.: ORS Ch. 183 & 199

Hist: PLGB 5-1982, f. 12-6-82, cf. 1-2-83

**Long Range Governmental Structure**

193-05-015 (1) The Boundary Commission views as a major reason for its existence the facilitation of an economical efficient system of governmental structure. The boundary commission statute charges the Commission with guiding the creation and growth of units of government with this in mind. The statute likewise cautions the Commission against creating illogical extensions of boundaries. The Commission believes it should prevent creation of permanently illogical boundaries.

(2) However, the nature of the boundary change process is incremental. Because large inhabited areas generally resist annexation to units of government, most annexations are relatively small. Growth of city and district boundaries when viewed in this light, is almost always "illogical" by definition since the addition of each lot or group of lots creates irregularity in the boundary.

(3) The Boundary Commission must therefore look at the longer range picture of governmental structure and service delivery when reviewing individual proposals. When that longer range view indicates eventual logic, economy, efficiency, structural simplification, greater community identity, equity — and other long term results compatible with sound long term governmental structure, — the Commission may choose to approve proposals which at first glance may appear to be illogical extensions. This long term view may dictate annexations of "island" areas or conscious creation of island areas where circumstances warrant this approach. Particularly in the latter case, the Boundary Commission encourages units of government to work with the Commission and its staff.

(4) In the past, the Commission has encouraged some cities to explore ways of eliminating particularly tortured service boundaries. Such encouragement is always tempered with other standards and requirements of the law (such as timing and availability of services); so that while the overall goal is kept in sight, individual proposals are judged separately, with some accepted and some rejected.

Stat. Auth.: ORS Ch. 183 & 199

Hist: PLGB 5-1982, f. 12-6-82, cf. 1-2-83

PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION  
 800 NE OREGON ST #16 (STE 540) PORTLAND OR 97232 TEL: 731-4093

Public Hearing Schedule

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Date of Hearing (Thursdays)	Last Day to Submit Proposals
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1992 Hearing Schedule

OCT 22 ... and/or ...OCT 29*	September 18, 1992
NOV 19 ... and/or ...NOV 26*	October 16, 1992
DEC 17 ... and/or ...DEC 24*	November 13, 1992

1993 Hearing Schedule

JAN 14 ... and/or ...JAN 21*	December 11, 1992
FEB 11 ... and/or ...FEB 18*	January 8, 1993
MAR 11 ... and/or ...MAR 18*	February 5, 1993
APR 08 ... and/or ...APR 15*	March 5, 1993
MAY 06 ... and/or ...MAY 13*	April 2, 1993
JUN 03 ... and/or ...JUN 10*	April 30, 1993
JUL 01 ... and/or ...JUL 08*	May 28, 1993
JUL 29 ... and/or ...AUG 05*	June 25, 1993
AUG 26 ... and/or ...SEP 02*	July 23, 1993
SEP 23 ... and/or ...SEP 30*	August 20, 1993
OCT 21 ... and/or ...OCT 28*	September 17, 1993
NOV 18 ... and/or ...NOV 25*	October 15, 1993
DEC 16 ... and/or ...DEC 23*	November 12, 1993

*May 9  
In by  
Apr, 13  
to be  
heard  
May 9th*

1994 Hearing Schedule

JAN 13 ... and/or ...JAN 20*	December 10, 1993
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**NOTE:** The Commission will endeavor to follow this schedule but reserves the right to change dates or times of meetings if workload problems and other circumstances require it.

Proposals that are received earliest will ordinarily be placed on the earlier hearing agenda.

\* Second hearing date if needed -- a tentative public hearing date which will generally be utilized only if a uniquely large number of proposals are received.

April 7th, 1994

We the undersigned, Larry and Betty Faist owners of the property located at 1866 SE 13th Avenue canby Oregon 97013 (R41E03 0200) do hereby authorize Oregon Development inc. to act as agent in the filing of an annexation application for the above stated property.

Larry Faist  
Larry Faist                      Date

Betty Faist      4-7-94  
Betty Faist                      Date



EXHIBIT A

The Westerly 995 feet of the Southeast quarter ( SE 1/4 )  
of the Northwest quarter ( NW 1/4 ) of section 3, Township  
4 South, Range 1 East of the Willamette Meridan.

EXHIBIT B

In response to the Canby Comprehensive Plan, Finding  
No. 3, Section D.

Although the parcel to be annexed is in the area known as Type C, we conclude that this Comprehensive Plan was established before a school and city services were brought to the boundary of the subject parcel. This property is a natural and logical expansion to the existing city limits. A new elementary school is located at the Northerly boundary. A new single family residential development is located along the westerly boundary. All City services are available at the boundary of the parcel.

PETITION SIGNERS

NOTE: This petition may be signed by qualified persons even though they may not know their property description or precinct number.

SIGNATURE	PRINTED NAME	I AM A:*			ADDRESS	PROPERTY DESCRIPTION				PRECINCT #	DATE
		PO	RV	OV		LOT#	1/4 SEC.	T	R		
<i>Larry Faist</i>	Larry Faist			✓	1866 S.E. 13th	2000	3	45	1E	11711789	4-7-94
<i>Betty Faist</i>	Betty Faist			✓	1866 S.E. 13th	2000	3	45	1E	10428036	4-7-94

\* PO=Property Owner  
 RV=Registered Voter  
 OV=Owner

Original search criteria:

STAT:ACT AREA:146 CITY:CANBY TYPE:RESID  
HERITAGE REAL ESTATE, INC. 503-266-7333 04/08/94 JAY BOXBERGER

#	103776	A	RESID		1830 NE 21ST AVENUE	146	10000SF-	\$	37000
#	114642	A	RESID	*	1990*NE*21ST	146	10000SF-	\$	39000
#	114648	A	RESID	*	1807*NE*21ST	146	10000SF-	\$	42000
#	114647	A	RESID	*	1811*NE*20TH	146	10000SF-	\$	42000
#	114653	A	RESID	*	1888*NE*20TH	146	10000SF-	\$	43000
#	114650	A	RESID	*	1835*NE*21ST	146	10000SF-	\$	43000
#	114652	A	RESID	*	1938*NE*20TH	146	10000SF-	\$	44000
#	114644	A	RESID	*	2008*NE*21ST	146	10000SF-	\$	44000
#	114654	A	RESID	*	1812*NE*20TH	146	10000SF-	\$	45000
#	114655	A	RESID	*	1848*NE*19TH	146	20000SF-	\$	46000
#	114651	A	RESID	*	1962*NE*20TH	146	10000SF-	\$	47000
#	103784	A	RESID		1862 NE 20TH AVENUE	146	10000SF-	\$	47000
#	103779	A	RESID		1947 NE 21ST AVENUE	146	20000SF-	\$	48000
#	114645	A	RESID	*	1969*NE*20TH	146	10000SF-	\$	49000
#	103787	A	RESID		1851 NE 19TH AVENUE	146	10000SF-	\$	53000
#	103788	A	RESID		1979 NE 19TH AVENUE	146	20000SF-	\$	67000
#	84571	A	RESID		SW CEDAR RIDGE	146	10000SF-	\$	28500*
#	94861	A	RESID		2350 SE TERRITORIAL RD	146	3ACRES-	\$	100000*

These are the only available  
single family lots in the City of  
Canby as of 4/8/94. Most of these  
are in Willow Creek.

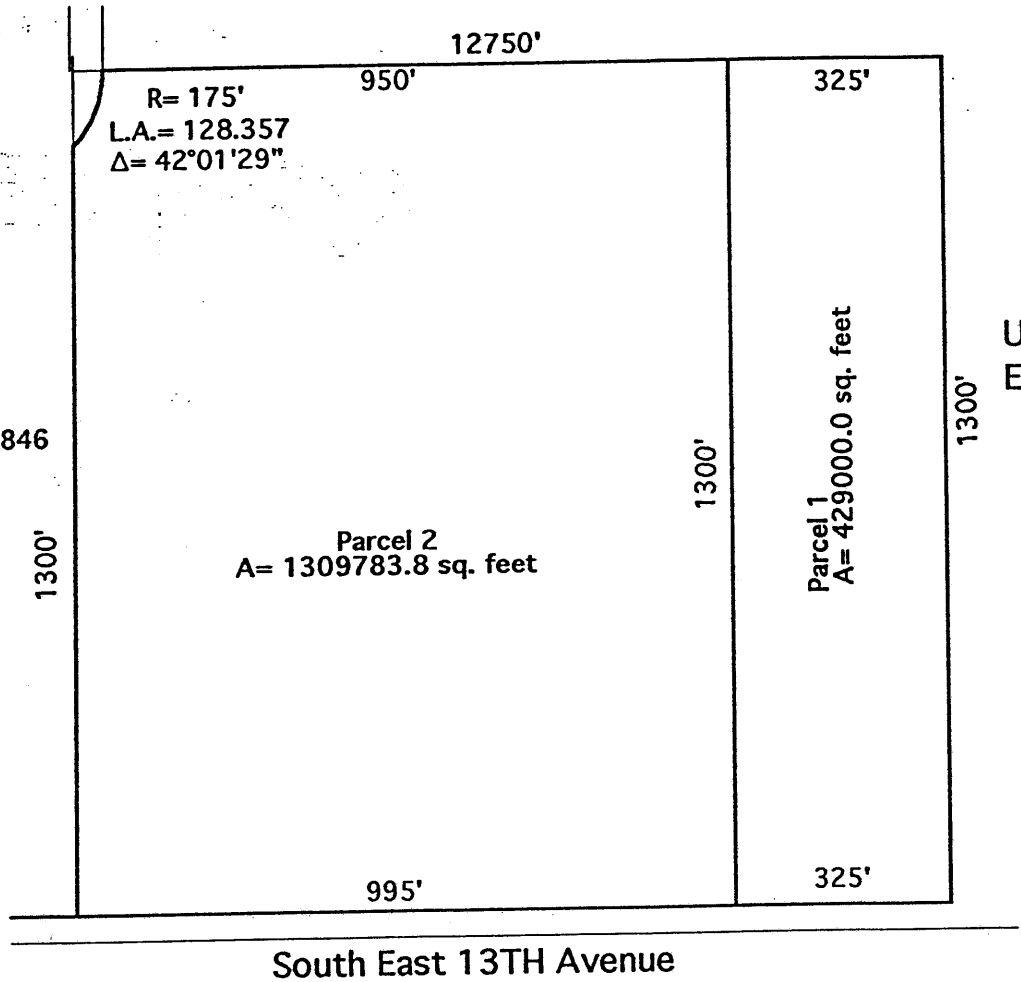
South Redwood

Tax Lot 1100  
Public - Elementary  
School

Public - Elementary  
School

Valley Farms  
Single Family  
Residential 1182.846

Unplatted  
EFU 20



Parcel 2  
A= 1309783.8 sq. feet

Parcel 1  
A= 429000.0 sq. feet

South East 13TH Avenue

Unplatted - EFU 20

NORTH  
1"=300'

LARRY & BETTY FAIST  
PARTITION APPLICATION  
1866 SE 13TH  
CANBY, OR 97013

Double-Majority - not votable  
if approved by  
BC

ELECTIONS LAW MAY CAUSE DELAY IN THE EFFECTIVE DATE  
OF THIS BOUNDARY CHANGE

Elections law (ORS 199.519) specifies that no boundary change can take effect within the period of 90 days before a general or primary election nor within varying time periods before any other city or district election.

Any annexation with an effective date falling within one of these restricted time periods shall take effect the day after the election.

This law takes precedence over all other effective dates spelled out in the boundary commission law.

An election by any city or any district affected by a boundary change may trigger this restriction. Thus, a city annexation could be delayed if that city is having an election during the specified time periods. Also if a city annexation causes a withdrawal from a district and that district is holding an election in the specified time period, this would cause a delay in the effective date of the city annexation.

The Boundary Commission will attempt to reflect this important possible delay in its staff reports and final orders. In some cases it will not be known at the time a final order is issued whether an election will cause a delayed date. In these cases the final order will simply state that the order is subject to the provisions of this elections law.

Important Exception: None of the above restrictions apply if the territory contains no registered voters.

INSTRUCTIONS FOR FILING MINOR BOUNDARY CHANGE PROPOSALS

Annexations to CITIES - Double Majority Method  
ORS 199.490(2)(a)(B)

PLEASE READ ALL INSTRUCTIONS BEFORE FILING A PETITION WITH THE CITY

NOTE: The requirements of ORS 199.490(2)(b) must be considered before proceeding with the following steps. That section (reprinted below) states that a governing body of a city or district which intends to solicit statements of consent, must first file a "notice of intent."

"ORS 199.490(2)(b) However, before soliciting statements of consent for the purpose of authorizing an annexation under a proceeding initiated as provided by this subsection, the governing body of the affected city or district shall file a notice of intent to annex with the boundary commission having jurisdiction of the affected territory. The notice of intent to annex shall name the affected city or district and generally describe the boundaries of the territory sought to be annexed, which territory must be contiguous to the city or district or separated from it only by a public right-of-way or a stream, bay, lake or other body of water. The notice of intent to annex shall have attached to it a county assessor's cadastral map showing the location of the affected territory that the city or district proposes to annex."

Step 1. Petition

A "consent to annex" is necessary to initiate the annexation proceeding. The consent to annex by a property owner and/or registered voter is in the form of a petition. You may use PMALGBC FORM #15 or a form furnished by the city. Supply all appropriate information as requested by blanks. To give consent for a particular piece of property, persons who own an interest in the property or who are purchasers of property on a contract sale that is recorded with the county must sign the annexation petition. If more than one person is shown as the recorded owner or contract purchaser, all must sign. In the case of a corporation or business, the person who is authorized to sign legal documents for the firm may sign the annexation petition. To give consent as a registered voter you must be currently registered to vote. After completing the petition, have the County Assessor's Office certify the signatures and area by completing PMALGBC FORM #16 and have the County Elections Department certify the signatures of the registered voters by completing PMALGBC FORM #17.

### Step 5. Information Sheet

Complete information sheet furnished by the Boundary Commission (PMALGBC FORM # 6).

### Step 6. Expedited Process

The Boundary Commission law allows for an expedited process which can significantly lessen the length of time necessary to process a proposal. There are two important conditions on this process, however. First, the expedited process must be specifically requested. Second, if the process is requested but a regular hearing process is ultimately required, the total length of time for processing the proposal could be longer than if the regular hearing process had been followed in the first place. A detailed explanation of the expedited process and the necessary forms are available from the Boundary Commission office.

### Step 7. Double Majority Work Sheet

Complete work sheet (PMALGBC FORM #20). This is to help verify that all double majority requirements are met.

### Step 8. Copies

Please submit to the city to which you desire annexation, two signed petitions and two copies of both the map and information sheet.

(NOTE: THE PRECEEDING STEPS COMPLETE THE PROCESS FOR PROPERTY OWNERS AND REGISTERED VOTERS TO FILE WITH A CITY. THE FOLLOWING STEPS DESCRIBE THE CITY AND BOUNDARY COMMISSION REVIEW.)

### INFORMATION FOR CITIES

Below is a summary of the steps to be taken regarding annexations initiated by this method.

1. A petition or petitions [consent(s)] for annexation is submitted to the city. These consents are of land owners/registered voters stating that they individually consent to being taken into the city. There is no requirement that the individual land owners must consent to annexation of the whole area.



To assist in the review of the annexation proposal, the cities should address these same issues during their review. City review should include Planning Commission review and recommendation to the City Council. Staff notes (if any) and minutes of the Planning Commission and City Council meetings on the issue should be forwarded to the Boundary Commission with the city's resolution and attached consents (petition).

Step 9. Resolution

City adopts resolution (sample attached - PMALGBC FORM #18).

Step 10. Filing with Boundary Commission - Filing Fee

City files annexation proposal with the Boundary Commission. (See attached schedule for filing deadlines.) Cities should forward the following documents to the Boundary Commission:

1. Resolution--one original or true copy.
2. Petition(s) (consent(s) for annexation)--one original or true copy complete with certification page. (The petitioners have filed two signed petitions with the city. The city should retain one petition and use the other for Boundary Commission filing.)
3. One copy of information sheet (PMALGBC FORM #19).
4. One copy of boundary change data sheet (PMALGBC FORM #6).
5. One County Assessor's map[s] showing area to be annexed (outlined in red pencil) and its relation to the existing city limits.
6. Certification Forms #16, #17 and #4
7. One copy of Double Majority Work Sheet (PMALGBC FORM #20).
8. One set of city review data:
  - a. City staff notes (if available)
  - b. Minutes of City Planning Commission and City Council meetings
  - c. Any department review reports, etc.

(c) Provide an impartial forum for the resolution of local governmental jurisdictional questions;

(d) Provide that boundary determinations are consistent with acknowledged local comprehensive plans and are, in conformance with state-wide planning goals. In making boundary determinations the commission shall first consider the acknowledged comprehensive plan for consistency of its action. Only when the acknowledged local comprehensive plan provides inadequate policy direction shall the commission consider the state-wide planning goals. The commission shall consider the timing, phasing and availability of services in making a boundary determination; and

(e) Reduce the fragmented approach to service delivery by encouraging single agency service delivery over service delivery by several agencies."

In general the staff review considers the following items:

- . Reason for Action
- . Land Use and Conformance to Applicable Planning and Zoning...LCDC Goals if applicable...METRO UGB...County Comprehensive Plan and/or Neighborhood Plans...City Comprehensive Plan and/or Neighborhood Plans
- . Demography  
Population...Population Density...Growth Potential...Proximity to Populated Areas--define populated area in terms of number of homes, businesses, etc....Relation of Growth and Density to METRO and County Plans
- . Adequacy of Public Facilities and Services  
Water...Sewer...Fire Protection...Police Protection...Parks & Recreation...Streets and Traffic Regulation...Street Lights...Storm Sewers...Library...Schools...Transportation... Vector Control...Private Utilities--Electricity, Garbage, Telephone, Natural Gas
- . Public Economic Considerations  
Financial Integrity of Units of Government--costs now vs. costs later...Debt Structure Obligations

proponents of a proposal testify first and opponents second. Rebuttal by proponents is allowed. All questions are directed through the Chair of the Commission. The Chair of the Commission has authority to limit the time allowed for speakers to present their views. In the past when the Chair has chosen to limit time allotted for testimony it has often been to 45 minutes per side. That is, the proponents had 45 minutes and the opponents 45 minutes with additional time allowed for rebuttal by proponents and questions from the Commission.

Rules of Procedure for the Boundary Commission are available upon request.

Submit to:

PORTLAND METROPOLITAN AREA BOUNDARY COMMISSION  
800 NE Oregon ST (STE 540) #16  
PORTLAND, OREGON 97232  
(Tel: 731-4093)

(Filing Fee required with proposal submittal. See attached schedule)

PMALGBC FORM #6  
BOUNDARY CHANGE DATA SHEET

1. EXISTING CONDITIONS IN AREA TO BE ANNEXED OR WITHDRAWN

A. Land Area: Acres 30, 20 Acres or Square Miles \_\_\_\_\_

B. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal).

Generally flat land with a gentle  
slope to the North and East

C. Describe land uses on surrounding parcels. Use tax lots as reference points.

North: THE Property has Trost Elementary  
School on it, TL 1100

East: Pasture TL 2000

South: This property is being Farmed, TL 2500

West: This property is single family  
residents, TL 1900

D. Existing Land Use:

Number of single-family units 0 Number of multi-family units 0

Number commercial structures 0 Number industrial structures 0

Public facilities or other uses None

What is the current use of the land proposed to be annexed:

Undeveloped farm land

E. Total current year Assessed Valuation \$ \$30,540

F. Total existing population 0

## II. REASON FOR BOUNDARY CHANGE

- A. ORS 199.462 of the Boundary Commission Act states: "In order to carry out the purposes described in ORS 199.410 when reviewing a boundary change..., a boundary commission shall consider local comprehensive planning for the area, economic, demographic, sociological projections pertinent to the proposal, past and prospective physical developments of land that would directly or indirectly be affected by the proposed boundary change..." Considering these points, please provide the reasons the proposed boundary change should be made. Please be very specific. Use additional pages if necessary. (This information is often quoted in the Staff Report, so be thorough and complete.)

This property is a natural and logical expansion to the existing city limits. A new elementary school is located at the northerly boundary. A new single family residential development is located along the westerly boundary. All City services are available at the boundary of the parcel.

- B. If the property to be served is entirely or substantially undeveloped, what are the plans for future development? Be specific. Describe type (residential, industrial, commercial, etc.), density, etc.

The owner plans to develop this property as low density single family residential lots, in phases.

III. LAND USE AND PLANNING

- A. Is the subject territory to be developed at this time? yes
- B. Generally describe the anticipated development (building types, facilities, number of units).

The property will be developed as low density single family lots. The number of lots has not been determined, it will be consistent with the City's low density residential development standards.

- C. If no development is planned at this time, will approval of this proposal increase the development potential of the property? \_\_\_\_\_  
If so, please indicate in terms of allowable uses, number of units).
- \_\_\_\_\_
- \_\_\_\_\_

- D. Does the proposed development comply with applicable regional, county or city comprehensive plans? Please describe.

The proposed ~~development~~ <sup>development</sup> is in conformance with the City's Comprehensive plan.

\_\_\_\_\_

- E. What is the zoning on the territory to be served? Currently EFU-2

the property will come into the City as R-1

F. Please indicate all permits and/or approvals from a City, County, or Regional Government which will be needed for the proposed development. If already granted, please indicate date of approval and identifying number:

Approval	Project File #	Date of Approval	Future Requirement
Metro UGB Amendment	_____	_____	_____
City or County Plan Amendment	_____	_____	_____
Pre-Application Hearing (City or County)	_____	_____	City
Zone Change (City or County)	_____	_____	_____
Preliminary Subdivision Approval	_____	_____	City
Final Plat Approval	_____	_____	_____
Land Partition	_____	_____	_____
Conditional Use Variance	_____	_____	_____
Sub-Surface Sewage Disposal	_____	_____	_____
Building Permit	_____	_____	City

Please submit copies of proceedings relating to any of the above permits or approvals which are pertinent to the annexation.

G. Can the proposed development be accomplished under current county zoning? \_\_\_\_\_ Yes No No.

If No,---has a zone change been sought from the county either formally or informally. \_\_\_\_\_ Yes No No.

Please describe outcome of zone change request if answer to previous questions was Yes. \_\_\_\_\_

H. Is the proposed development compatible with the city's comprehensive land use plan for the area? Yes yes No \_\_\_\_\_  
 City has no Plan for the area \_\_\_\_\_. Has the proposed development been discussed either formally or informally with any of the following? (Please indicate)

City Planning commission \_\_\_\_\_ City Planning Staff yes

City Council \_\_\_\_\_ City Manager \_\_\_\_\_  
 Please describe the reaction to the proposed development from the persons or agencies indicated above.

Comments have been favorable.

- I. If a city and/or county-sanctioned citizens' group exists in the area of the annexation, please list its name and the address of a contact person.
- 
- 

#### IV. SERVICES AND UTILITIES

- A. If the reason for the annexation or withdrawal is to obtain specific municipal services such as water service, sewerage service, fire protection, etc., please indicate the following:

1. Proximity of facilities (such as water mains, sewer laterals, storm drains, etc.) to the territory to be annexed. (Please indicate location of facilities--for example: 8" water main in Durham Rd. 500' from east edge of territory). Please indicate whose facilities they are and whether in fact these facilities will be the ones actually providing service to the area. If the facilities belong to another governmental entity, explain the agreement by which they will provide the service and what the city's policy is on subsequent withdrawal and/or compensation to the other unit.

8" Watermain and 12" Sanitary Sewer  
main are located at the Northwest  
and Southwest corners of the  
property.

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2. The time at which services can be reasonably provided by the city or district. \_\_\_\_\_
3. The estimated cost of extending such facilities and/or services and what is to be the method of financing. (Attach any supporting documents.)

Required facilities will be constructed  
and paid for by the developer.



4. Availability of the desired service from any other unit of local government. (Please indicate the government.)

B. If the territory described in the proposal is presently included within the boundaries of any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved.

City Canby VGB Rural Fire Dist. \_\_\_\_\_  
 County Service Dist. \_\_\_\_\_ Sanitary District \_\_\_\_\_  
 Hwy. Lighting Dist. \_\_\_\_\_ Water District \_\_\_\_\_  
 Grade School Dist. Dist. 86 Drainage District \_\_\_\_\_  
 High School Dist. Dist. 1 Diking District \_\_\_\_\_  
 Library Dist. \_\_\_\_\_ Park & Rec. Dist. \_\_\_\_\_  
 Special Road Dist. \_\_\_\_\_ Other Dist. Supplying Water Service \_\_\_\_\_

C. If any of the above units are presently servicing the territory (for instance, are residents in the territory hooked up to a public sewer or water system), please so describe.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPLICANT'S NAME THOMAS KENDALL

MAILING ADDRESS 25588 Cheryl Dr.  
West Linn, OR, 97068

TELEPHONE NUMBER 557-1012 (Work)  
650-2352 (Res.)

REPRESENTING OREGON DEVELOPMENT, INC.

DATE: \_\_\_\_\_

PMALGBC FORM #15

PETITION FOR ANNEXATION TO THE CITY OF Canby, OREGON

TO: The Council of the City of Canby, Oregon

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Canby. If approved by the city, we further request that this petition be forwarded to the Portland Metropolitan Area local Government Boundary Commission for the necessary procedures as prescribed by ORS 199.490(2).

The property to be annexed is described as follows:

(Insert Legal Description here OR attach it as Exhibit "A")

CERTIFICATION OF PROPERTY OWNERSHIP

(Double Majority Method)

I hereby certify that the attached petition for annexation of the territory described therein to the City of Canby contains the names of the owners of a majority of the land area of the territory to be annexed.

NAME Carol Maier  
TITLE Cartographer  
DEPARTMENT Assessment & Tax  
COUNTY OF Clackamas  
DATE: 4-7-94

PMALGBC FORM #17

CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition for annexation of territory described herein to the City of CANBY contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME FLOYD THOMAS  
TITLE DEPUTY CLERK  
DEPARTMENT ELECTIONS  
COUNTY OF CLACKAMAS  
DATE 4-7-94

Floyd Thom



PMALGBC FORM #4

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 41E 03) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME Carol Maier  
TITLE Cartographer  
DEPARTMENT Assessment & TAX  
COUNTY OF Clatsamas  
DATE: 4-7-94

(This form is NOT the petition)

LAND OWNERS OF PROPERTY AND/OR REGISTERED VOTERS INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA

(To be completed IF the proposal contains 10 or fewer land owners/registered voters. Please indicate the name and address of all owners/voters regardless of whether they signed an annexation petition or not. This is for notification purposes.)

NAME OF OWNER/VOTER	ADDRESS	PROPERTY DESIGNATION (Indicate tax lot, section number, Township and Range)
(1) <u>Larry Faist</u>	<u>1866 S.E. 13th Conby</u> <u>OR 97013</u>	<u>T45, R1E, 3</u> <u>TL 2000</u>
(2) <u>Betty Faist</u>	<u>1866 S.E. 13th</u> <u>Conby, OR</u>	<u>T45, R1E, 3</u> <u>TL 2000</u>
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		

PMALGBC FORM #19 (continued)

(This form is NOT the petition)

ALL OWNERS OF PROPERTY AND/OR REGISTERED VOTERS INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA

(To be completed IF the proposal contains 10 or fewer land owners/registered voters. Please indicate the name and address of all owners/voters regardless of whether they signed an annexation petition or not. This is for notification purposes.

NAME OF OWNER/VOTER	ADDRESS	PROPERTY DESIGNATION (Indicate tax lot, section number, Township and Range)
(9)	_____	_____
	_____	_____
(10)	_____	_____
	_____	_____



PMALGBC FORM #20 (continued)

REGISTERED VOTERS

ADDRESS OF REGISTERED VOTER	NAME OF REGISTERED VOTER	SIGNED PETITION	
		Yes	No
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TOTALS			

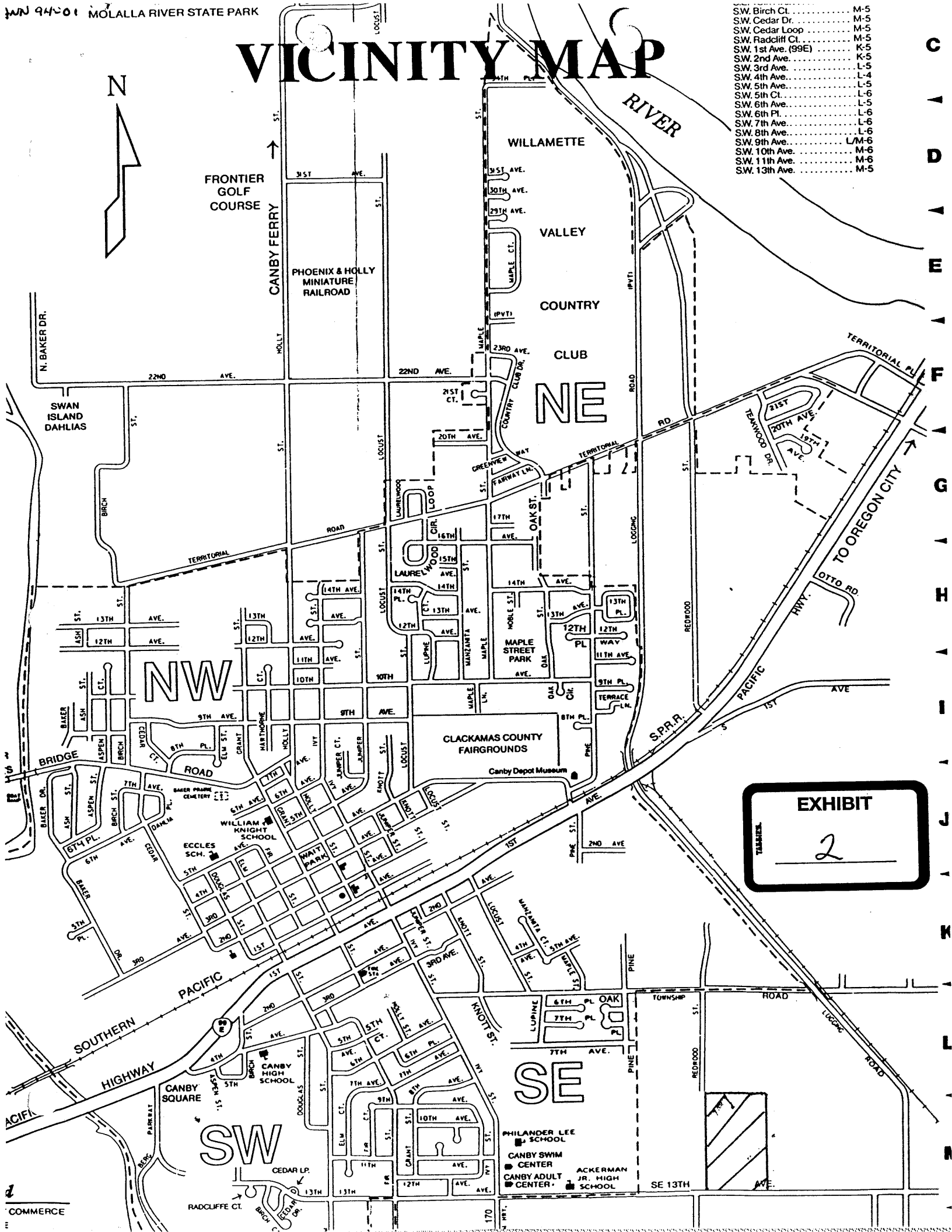
SUMMARY

TOTAL NUMBER REGISTERED VOTERS IN THE PROPOSAL 2  
NUMBER OF REGISTERED VOTERS WHO SIGNED 2  
PERCENTAGE OF REGISTERED VOTERS WHO SIGNED 100%  
TOTAL ACREAGE IN PROPOSAL 30.20  
ACREAGE SIGNED FOR ~~100%~~ 30.20  
PERCENTAGE OF ACREAGE SIGNED FOR 100%



# VICINITY MAP

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



**EXHIBIT**

2

C  
A  
D  
A  
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A  
G  
A  
H  
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C  
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K  
A  
L

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

95W  
5/13/94

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 12, 1994

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN, JOHN KELLY, ROY, (SEWER), CLACKAMAS COUNTY PLANNING, CANBY ELEMENTARY AND CANBY HIGH SCHOOL DISTRICTS

The City has received ANN 94-01,, an application by Oregon Development, Inc. [Tom Kendall] for approval to annex a 30.07 acre parcel into the City of Canby. The property is located on the north side of S.E. 13th Avenue, east of S. Ivy Street and just east of Valley Farms Subdivision (Tax Lot 2000 of Tax Map 4-1E-3).

*We would appreciate your reviewing the enclosed application and returning your comments by May 6, 1994 PLEASE. The Planning Commission plans to consider this application on May 23, 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:*

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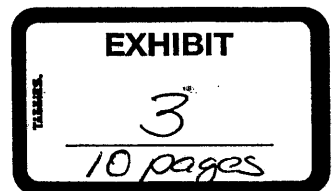
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*Please check one of the following:*

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



Signature: Steve Hansen

Date: 5/13/94

15 6  
**PLEASE RETURN ATTACHMENTS!!!**

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

95W  
5/13/94

P.O. Box 930, Canby, OR 97013

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TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN,  
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*Comments or Proposed Conditions:*

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*Please check one of the following:*

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

Signature: Steve Hansen

Date: 5/13/94

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

5/13/94

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 12, 1994

TO: FIRE, POLICE (CUB), TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN, JOHN KELLY, ROY, SEWER, CLACKAMAS COUNTY PLANNING, CANBY ELEMENTARY AND CANBY HIGH SCHOOL DISTRICTS

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### Comments or Proposed Conditions:

The annexation of the Subject property does not have an immediate bearing on the Canby Utility Board. When the Subject property is developed, Water and electric infrastructure must be installed at the cost of the developer. Existing water source, treatment and storage facilities and electric substation capacities are adequate to serve the Subject property.

### Please check one of the following:

- 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: \_\_\_\_\_

*Robert E. Ray*

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

5-12-94

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

JSW  
5/11/94

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 12, 1994

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN, JOHN KELLY, (ROY), SEWER, CLACKAMAS COUNTY PLANNING, CANBY ELEMENTARY AND CANBY HIGH SCHOOL DISTRICTS

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Comments or Proposed Conditions:

No Comment

Please check one of the following:

- 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: May 4, 1994

**PLEASE RETURN ATTACHMENTS!!!**

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

93w  
5/12/94

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 12, 1994

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN, JOHN KELLY, ROY, SEWER, CLACKAMAS COUNTY PLANNING, CANBY ELEMENTARY AND CANBY HIGH SCHOOL DISTRICTS

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*Comments or Proposed Conditions:*

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*Please check one of the following:*

- 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 Stiger

Date: 4/28/94

# PLEASE RETURN ATTACHMENTS!!!

Rec'd 4/20/94  
LA

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

5/2/94  
gsw

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 12, 1994

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN,  
JOHN KELLY, ROY, SEWER, CLACKAMAS COUNTY PLANNING, CANBY  
ELEMENTARY AND CANBY HIGH SCHOOL DISTRICTS

The City has received ANN 94-01,, an application by Oregon Development, Inc. [Tom Kendall] for approval to annex a 30.07 acre parcel into the City of Canby. The property is located on the north side of S.E. 13th Avenue, east of S. Ivy Street and just east of Valley Farms Subdivision (Tax Lot 2000 of Tax Map 4-1E-3).

*We would appreciate your reviewing the enclosed application and returning your comments by May 6, 1994 PLEASE. The Planning Commission plans to consider this application on May 23, 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:

*Please see attached position statement.*

Please check one of the following:

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

Signature: *Stephen Miller*

Date: 4-22-94

## CANBY SCHOOL DISTRICT

### SCHOOL BOARD POSITION: Available Public School Services & Facilities Related to Community Development

The Canby Union High School Board, which will become the board of the unified Canby School District on July 1, 1994, recommends neither approval nor denial of proposed residential subdivisions. The school district is in the business of providing a quality education to students in grades kindergarten through twelfth grade. The board believes the city and its planning staff is in a better position to determine future growth of the Canby area. Perhaps the "City Vision" of February 19, 1994 would be helpful in the city's deliberations.

We do wish to advise you of the following:

As a result of the 1991 bond approval and subsequent construction, as well as the vote for unification of the district, there are approximately 21 empty classrooms available, located at Lee School, Carus School, and 91 School. At an average of 25 students per classroom, this provides capacity for an increase of 525 students.

The board believes the majority of the patrons of the district support full utilization of the existing facilities prior to expansion of the existing facilities or construction of a new school. Consequently, the relocation of school boundaries is being studied, but there have been no conclusions. It is reasonable to expect some shifts, and it is possible the physical boundaries of Carus and 91 schools will expand.

The implications of Measure 5 are affecting the financing of education. The consolidated budget for the year 1993-94 was \$22,607,671. The expected budget for 1994-95 is estimated to be \$22,212,101. The best guess estimate for 1995-96 is \$21,664,194 and the best guess estimate for 1996-97 is \$21,688,190.

The district anticipates a reduction of revenue and will be responding to projected growth and inflation by continuing to reduce or eliminate certain expenses, as well as reduce staff, services, and cash reserves. Further reductions are expected. We anticipate the funds available per student to continue to decline.

In summary, we recommend neither approval nor denial of residential subdivisions. Please be assured the board, administrators, and staff of Canby School District will continue to provide to the students the best quality education that available funds allow.

Contact Person: Stephen Miller, Superintendent; (503)266-7861, extension 240



PLEASE RETURN ATTACHMENTS!!!

07-29

psw  
4/25/94

CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 12, 1994

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMITZ, GARY HYATT, MIKE JORDAN, JOHN KELLY, ROY, SEWER, CLACKAMAS COUNTY PLANNING, CANBY ELEMENTARY AND CANBY HIGH SCHOOL DISTRICTS

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Comments or Proposed Conditions:

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Please check one of the following:

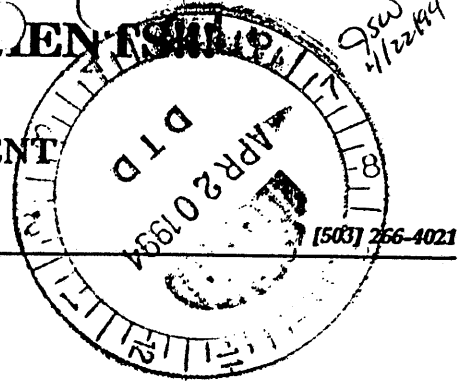
- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: Gary Hyatt Date: 4/22/94

PLEASE RETURN ATTACHMENTS

CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013



DATE: April 12, 1994

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN, JOHN KELLY, ROY, SEWER, CLACKAMAS COUNTY PLANNING, CANBY ELEMENTARY AND CANBY HIGH SCHOOL DISTRICTS

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We would appreciate your reviewing the enclosed application and returning your comments by May 6, 1994 PLEASE. The Planning Commission plans to consider this application on May 23, 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:

The property is located within the UGB, according to Map IV-7a of The Comprehensive Plan. Clackamas County has no objection to this request.

Please check one of the following:

- 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

RECEIVED

CITY C.

Signature:

*[Handwritten Signature]*  
Assistant Planning Director

Date:

4/20/94

JSW  
4/20/94

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 12, 1994

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN, JOHN KELLY, ROY, SEWER, CLACKAMAS COUNTY PLANNING, CANBY ELEMENTARY AND CANBY HIGH SCHOOL DISTRICTS

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Comments or Proposed Conditions:

No comments at this time

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Please check one of the following:

- 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: Jack Stark Date: 4-20-94

# PLEASE RETURN ATTACHMENTS!!!

ASW  
4/20/94

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 12, 1994

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, MIKE JORDAN, JOHN KELLY, ROY, SEWER, CLACKAMAS COUNTY TRANSPORTATION DEPT., and CLACKAMAS COUNTY PLANNING DEPARTMENT, CANBY ELEMENTARY AND CANBY HIGH SCHOOL DISTRICTS

The City has received MLP 94-02,, an application by Oregon Development, Inc. [Tom Kendall] for approval to partition a 39.32 acre parcel into two parcels, approximately 30.07 and 9.85 acres, respectively. The property is located on the north side of S.E. 13th Avenue, east of S. Ivy Street and just east of Valley Farms Subdivision (Tax Lot 2000 of Tax Map 4-1E-3). *The proposed 30.07 acre parcel is under applicaton for annexation to the City [ANN 94-01].*

*We would appreciate your reviewing the enclosed application and returning your comments by May 6, 1994 PLEASE. The Planning Commission plans to consider this application on May 23, 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 comments at this time

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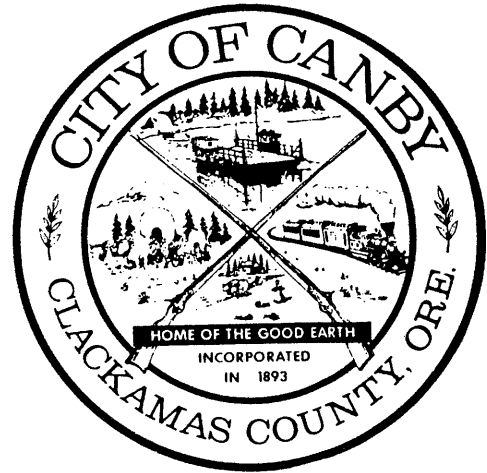
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Please check one of the following boxes:

- 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: 4-20-94

**- STAFF REPORT -**



**APPLICANT**

Roderick Ashley, Architect  
821 NW Flanders, Suite 330  
Portland, OR 97209

**FILE NO.:**

CUP 94-04

**OWNER:**

Canby Medical Clinic, Inc.  
1185 S. Elm  
Canby, OR 97013

**STAFF:**

James S. Wheeler  
Assistant Planner

**LEGAL DESCRIPTION:**

Tax Lot 7300 of  
Tax Map 4-1E-4BD

**DATE OF REPORT:**

May 13, 1994

**LOCATION:**

1185 S. Elm Street  
West side of S. Elm Street,  
across from S.W. 11th Avenue

**DATE OF HEARING:**

May 23, 1994

**COMP. PLAN DESIGNATION:**

Low Density Residential

**ZONING DESIGNATION:**

R-1 (Low Density Residential)

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval of a Conditional Use application to remodel the existing structure. The purpose of the remodelling is to consolidate two front entrances and three separate waiting rooms, and to improve efficiency at the clinic.

## **II. APPLICABLE REGULATIONS**

- **City of Canby General Ordinances:**
  - 16.16 R-1 Low Density Residential Zone
  - 16.50 Conditional Uses
  - 15.52 Non-conforming Uses and Structures
  - 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.

**16.52.050 Authorization to grant or deny expansion of nonconforming structure or change of nonconforming use.**

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of the Land Development and Planning Ordinance, other than those specific zoning standards to which the use or structure is nonconforming.
- 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 area in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.
- E. In considering whether to approve a change in use the Commission shall compare the following characteristics of the historical use of the property with that proposed by the applicant in order to assure that the change will not constitute an expansion or intensification of the nonconforming use:
  - 1. Traffic, including both volume and type (car, truck, foot, etc.);
  - 2. Noise;
  - 3. Days and hours of operation;
  - 4. Physical appearance;
  - 5. Other environmental considerations (dust,vibration, glare, etc.);
  - 6. Type and size of equipment used.

**IV. FINDINGS:**

**A. Background and Relationships:**

Canby Medical Clinic received Conditional Use Permit approval in 1971. Expansion of the clinic was approved as a Conditional Use in September of 1991 (CUP 91-06). That expansion and remodeling was postponed by the owner until now. The 1991 approval has since expired, thus requiring another application to complete the project. The existing building was conforming

when it was constructed. In 1989, ten (10) feet of land was dedicated to the City for right-of-way. In this dedication (a part of the Minor Land Partition that separated the nursing home from the clinic), the existing building was made nonconforming in regards to front yard setback.

**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 Comprehensive Plan is not germane to this application.



**ii. Urban Growth**

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

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

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

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

**ANALYSIS**

1. The project is entirely within the City limits and within the Urban Growth Boundary.
2. No changes to the Urban Growth Boundary are proposed with this application.
3. The project is entirely within the City limits and are serviced with all necessary urban services (see discussion under Public Services Element).

**iii. Land Use Element**

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

Policy #1 Canby shall guide the course of growth and development

so as to separate conflicting or incompatible uses, while grouping compatible uses.

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

### **ANALYSIS**

1. A medical clinic is considered to be commercial in nature. However, the original approval of the clinic was granted under the Conditional Use Permit review process in an R-1, Low Density Residential Zone. In 1991, expansion of this use was approved through the Conditional Use Permit review process in an R-1, Low Density Residential Zone. The pattern has been clearly set in the case of Canby Medical Clinic that it is considered to be a Conditional Use. The use was established in 1971. The surrounding uses are as follows: to the north is a church, to the south is a nursing home, to the west is the high school ball fields, and across the street to the east are residential homes. No complaints regarding the nature of the use of Canby Medical Clinic have been recorded with the City.
2. The expansion of the conditional use is an intensification of the use on the subject property. The expansion will allow for the Clinic to remain on site for a longer time period than might otherwise be possible.

3. Request for comments have been sent to all public facility and service providers for the Clinic (see discussion under Public Services Element).
4. No natural hazards have been identified on the subject property.
5. The zoning of the property (R-1, Low Density Residential) is consistent with the Land Use Map designation for the property (Low Density Residential).
6. The subject property is not identified as one of the "unique" sites or "areas 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.**

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

applications.

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

### ANALYSIS

**1-R-A.** The subject property is not viable for agricultural uses. The use of the property for the past 22 years has been a medical clinic.

**1-R-B.** The subject property was "urbanized" in 1971.

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

**3-R.** The existing use has not created a known pollution problem. The expansion is of the same character as the existing use and will not create air, water or land pollution. Storm water drainage is mentioned in the above 2-R.

**4-R.** Noise will be expected as a result of construction. Once construction of the expansion and remodeling is complete, no additional noise from the current operation is expected. The hours of the day that construction activity may occur is not regulated by the City. Restriction of the construction activity can be done, if it is considered necessary,

through the Conditional Use Permit approval conditions. Complaints of noise from construction activity occurring prior to 7 a.m. have been filed with the City for construction activity within the City.

**5-R.** The subject property is not a sand and gravel operation, nor does the expansion of the current use hinder any sand and gravel operation. There is no sand and gravel operation within the City limits.

**6-R.** The existing building and the buildings on the surrounding properties are not historic buildings. The subject property and surrounding properties are not historic sites.

**7-R.** The proposed project is not large enough to require Site and Design Review. No additional signage is proposed for the subject property.

**8-R.** The subject property is not considered to be open space. The property is not fully developed in the sense that the allowed parcel coverage has not been developed. The proposed expansion utilizes a minimal amount of the remaining developable portion of the property and is consistent with the intensification of urban uses policy in the Urban Growth Element. With the high school ball fields immediately adjacent to the subject property, further preservation of open space on the subject property is considered not to be appropriate.

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

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

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

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

**v. *TRANSPORTATION***

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

- Policy #1: Canby shall provide the necessary improvement to city streets, and will encourage the county to make the same commitment to local county roads, in an effort to keep pace with growth.
- Policy #2: Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the city's growth needs.
- Policy #3: Canby shall attempt to improve its problem intersections, in keeping with its policies for upgrading or new construction of roads.
- Policy #4: Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents.
- Policy #5: Canby shall actively work toward the construction of a functional overpass or underpass to allow for traffic movement between the north and south side of town.
- Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.
- Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.
- Policy #8: Canby shall work cooperatively with the State Department of Transportation and the Southern Pacific Railroad Company in order to assure the safe utilization of the rail facilities.
- Policy #9: Canby shall support efforts to improve and expand nearby air transport facilities.
- Policy #10: Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.
- Policy #11: Canby shall work with private developers and public

agencies in the interest of maintaining the transportation significance as well as environmental and recreational significance of the Willamette River.

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

### ANALYSIS

1. The street in front of the subject property is not in need of improvement, according to the Public Works Supervisor.
2. No new streets are needed as a result of the proposed expansion.
3. The nearest major intersection to the subject property is the intersection of S.E. 13th Avenue and S. Elm Street. At this time, that intersection is not considered to be a "problem intersection". The proposed expansion will not impact any "problem intersection".
4. Sidewalks will be needed as a part of the proposed expansion. The sidewalk on the church property to the south is 5-1/2 feet wide, including the curb, and the sidewalk that the City will be constructing on the property to the north will be 5 feet wide, including the curb. A transition from the 5 feet to the 5-1/2 feet will be needed. The sidewalk, in matching with the sidewalk on the adjoining property, will also need to be constructed against the curb.
5. The subject property is not involved in any possible overpass or underpass of Highway 99-E and the railroad.
6. The fire district and police department have responded to the Request for Comments and have indicated that both adequate services are available and no further conditions related to the proposed expansion are necessary in view of the functions of both the fire district and the police department.
7. The expansion will require a greater number of parking spaces, and therefore could be considered as also requiring some bicycle parking. A bicycle parking rack has not been required on any previous approvals, but could be considered appropriate.
8. The existing use and the proposed expansion have no specific

use for the rail facilities that exist in Canby.

9. The proposed expansion 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 expansion. No future transit stops have been proposed.
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 not on a road which serves as an access road into the City. S.E. 13th Avenue nearby will serve that function from Highway 99-E through Berg Parkway in the undetermined near future. The subject property is located north of the intersection of S.E. 13th Avenue and S. Elm Street. The proposed expansion will not inhibit the use of S.E. 13th Avenue as an arterial street.

## **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. The public facilities needed for the use of the property are already serving the existing clinic. The expansion will not require any new public facilities or services. All needed public facility and service providers were sent a "Request for Comments" regarding this application. Positive responses have been received from the Public Works Department, Police Department, Fire District, and NW Natural Gas. All have indicated the adequate facilities and/or services are available. The Canby Utility Board, Canby Telephone Association, and Sewer Treatment Plant have not responded. There has been no recent indication, unofficial or otherwise, of potential inadequacy of facilities or service from these providers.
2. The only 'needed' public improvement indicated for the subject property is a sidewalk. The clinic will be required, as a part of the proposed development, to construct a sidewalk for the full street frontage of the property. This has been the accepted practice for providing sidewalk improvements in Canby.
3. This application is not involved in any major city projects.
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. The subject parcel is not one of the identified sites or in an area in which a park or recreation facilities has been identified as being needed. The High School is located on the property immediately to the west of the-subject property. The School District has not stated a need for additional land.

### **vii. ECONOMIC**

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

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

### ANALYSIS

1. The proposed development is not industrial in nature, nor does the current zoning of the subject property allow industrial development.
2. The proposed development is commercial in nature, although allowed as a conditional use in the Low Density Residential Zone (R-1). The expansion will permit the existing use to continue and to provide better and more efficient service to the community.
3. The proposed development has not been identified with any specific economic program or project. No increase in employment was specifically mentioned to be a result of the proposed development.
4. The proposed development is not an agricultural operation, nor does it replace or hinder any agricultural operation.

### **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 being used for the Canby Medical Clinic. The proposed development furthers the use and should not increase nor create any further need for expansion of the Urban Growth Boundary as a result of non-residential development in residentially-zoned land.
2. The proposed development will neither increase nor decrease the housing density. The potential for housing will also not be decreased as a result of the proposed development. The proposed development is a continuation of the existing non-residential use of the subject property.
3. The proposed development does not include higher density housing.
4. The proposed development does not include housing for low income persons.
5. The proposed development is not a mobile home development.

### **ix. ENERGY CONSERVATION**

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

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

**ANALYSIS**

1. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review process and the Uniform Building Code.
2. The orientation of the subject property and the existing building are set. The proposed expansion is in relation to the functionality of the existing building and does not specifically incorporate solar or wind orientation. The proposed expansion will be required, as a part of the building permit review process, to be reviewed for compliance with the Solar Ordinance.
3. The proposed expansion will be required, as a part of the building permit review process, to be reviewed for compliance to the Solar Ordinance.
4. The proposed development will allow the existing clinic to remain and not necessitate a move to another location within the City, or outside the City. Land use patterns as a determinant of transportation efficiency is not germane to this application.
5. Energy conservation and efficiency as a part of construction practices has been incorporated into the building permit review

process and the Uniform Building Code.

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

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 previous discussion determined the proposal's relation to Comprehensive Plan consistency. The application for expansion of the Canby Medical Clinic is found to be consistent with the policies of the Comprehensive Plan.

The use is considered to be a Conditional Use as determined by the Planning Commission in the approval of the proposed expansion in 1991. There are 64 existing parking spaces. With the expansion, a total of 40 parking spaces are required. The applicant is proposing an additional nine spaces. No reason or need for the additional spaces has been provided. These spaces are unnecessary and should not be provided. Paving of an additional nine spaces would create a minimal impervious area of 1350 square feet in addition to the approximately 2400 square feet of building expansion. Site and Design Review would then be required, as the amount of impervious area would then be increased by 3750 square feet, more than the minimum 2500 square feet triggering Site and Design Review.

**2. Site Suitability**

The site is generally flat, and is large enough to accommodate the proposed use and building with the appropriate setbacks. Further discussion of the street yard setback deficiency is discussed under item D. Evaluation Regarding Expansion of Nonconforming Structures Criteria.

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

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

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

The proposed expansion will not change the use of the property. The use of the property will be intensified. The properties to the north, south, and west are non-residential in nature. Residential properties to the east are located across a street. The proposed expansion 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. There have been complaints related to construction activity in the City of Canby occurring prior to 7 a.m. A few years ago, the City Council repealed an ordinance that restricted the time of day construction activity could occur. It had been restricted to the hours between 7 a.m. and 6 p.m. With the adjoining uses being a nursing home and residences, it is appropriate to restrict construction activity to the hours between 7 a.m. and 6 p.m.

### ***D . Evaluation Regarding Expansion of Nonconforming Structures Criteria.***

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

The previous discussion determined the proposal's relation to Comprehensive Plan consistency. The application for expansion of the Canby Medical Clinic is found to be consistent with the policies of the Comprehensive Plan.

The existing building is nonconforming in the street yard setback. When the building was originally constructed in 1971, the building was set back 27 feet from the street right-of-way. In 1989, as a part of a Minor Land Partition that separated Canby Medical Clinic and the Elmhurst Nursing Home, ten (10) feet of land was dedicated to City for right-of-way purposes. The dedication of that land moved the property line to 17 feet from the front of the building, making the building nonconforming (a minimum setback of 20 feet is required for the street yard). The proposed expansion is a minimum of 20 feet from the present property line.

#### **2. Site Suitability**

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

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

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

**4. Compatibility with Surrounding Uses**

The proposed expansion will not change the use of the property. The use of the property will be intensified. The properties to the north, south, and west are non-residential in nature. Residential properties to the east are located across a street. The proposed expansion 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.

**5. Change in Use**

The proposed expansion is not a change in use, the use is not considered a nonconforming use.

**IV. CONCLUSION**

Based on the above analysis, and without benefit of a public hearing, staff concludes that, with appropriate 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 to adequately meet the needs of the existing structure and proposed use, and that no significant increase in demand for public facilities and service will result; and,
4. The proposed use will not alter the character of the surrounding areas in such a way as to substantially limit or preclude the uses allowed.

**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 should the Planning Commission approve CUP 94-04, the following conditions apply:

1. Site and Design Review shall be required if any new parking spaces are provided as a part of the expansion, or within one year of the approval of the expansion.
2. Construction shall be limited to the daily hours of 7 a.m. to 6 p.m.
3. A sidewalk shall be constructed against the curb for the full length of the street frontage. The sidewalk shall match the existing sidewalks to the north and south of the subject property. The sidewalk shall adjust in width from 5-1/2 feet on the south side, to 5 feet on the north side.
4. A bicycle parking rack shall be placed and secured near the entrance to the Clinic, prior to the final inspection.

**Exhibits:**

1. Application for Conditional Use
2. Site Plan
3. Request for Responses



CONDITIONAL USE APPLICATION

Fee: \$600.00

OWNER

APPLICANT

Name Canby Medical Clinic, Inc.

Name Roderick Ashley Architect

Address 1185 South Elm

Address 821 NW Flanders, Suite 330

City Canby State OR Zip 97013

City Portland State OR Zip 97209

SIGNATURE X *[Signature]* M.D.

Phone: (503) 223-8237

DESCRIPTION OF PROPERTY:

Tax Map 4S1E4B0 Tax Lot(s) 7300 Lot Size 85,167 sq. ft.  
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy) ATTACHED.  
Plat Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

PROPERTY OWNERSHIP LIST

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

USE

Existing Medical Clinic  
Proposed Medical Clinic (no change in use)

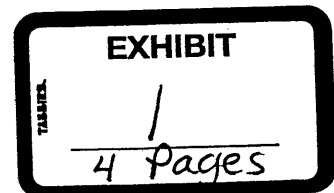
Existing Structures 5,522 sq. ft. one story type VN building.

PROJECT DESCRIPTION See attachment.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ZONING R-1 COMPREHENSIVE PLAN DESIGNATION Low Density Residential  
PREVIOUS ACTION (if any) \_\_\_\_\_

File No. CUP 94-04  
Receipt No. 2890  
Received by [Signature]  
Date Received 4/15/94  
Completeness Date 4/15/94  
Pre-Ap Meeting \_\_\_\_\_  
Hearing Date 5/23/94



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

The purpose of this Conditional Use Application is to reclassify an existing conforming structure and non-conforming use in an R-1 zone to a conditional use. Canby Medical Clinic was built in 1970 by the Canby Community and then purchased back by the physicians in practice there today. A Conditional Use Application for the same remodel was requested and approved on 26 August 1991. However that remodel was postponed until now, requiring this re-application.

The proposed Canby Medical Clinic remodel is a project which will help improve efficiency at the Clinic while having negligible impact upon the surrounding neighborhood. The proposed construction will consolidate two front entrances and three separate waiting rooms into one entrance and one centralized waiting room. A staff lounge will be relocated from a windowless basement and added to the rear of the building. A conference room will also be added in the rear. In addition, the Clinic will be able to address other long term maintenance items.

The Clinic, an existing use, is situated in an R-1 zone. Although built before the introduction of the City of Canby Land Development and Planning Ordinance, the existing structure complied with all yard setbacks, height and story restrictions. In 1989, a portion of the Clinic lot was partitioned and transferred to the Elmhurst Nursing Home. In the process of granting the partition request, the City of Canby received ten feet depth of property along South Elm to widen the street right-of-way. In doing so, the front yard setback for the Clinic was reduced to 17'-6", two feet six inches less than allowed by Code. However, the front yard setback for the new addition is twenty feet, allowed by present Code for this zone. The appearance of the building encroaching in the front yard is no different than as originally built. The yard setbacks are greater than required if this were a commercial zone abutting a residential zone.

Conditional uses allowed today in this zone include Churches, Nursing Homes and associated care centers, Hospitals and other developments as approved by the Planning Commission that would ordinarily be found in this zone. Canby Medical Clinic is a health care center offering minor surgery activities. The Canby Medical Clinic is bounded on three sides with non-residential structures and by South Elm Street and residences on the east. To the north is a nursing home and to the south the Church of the Latter Day Saints. Canby Union High School and playing fields are to the west. No residential property is directly abutting this property, but is across the street. All of these structures have been built prior to the adoption of the Development Guidelines.

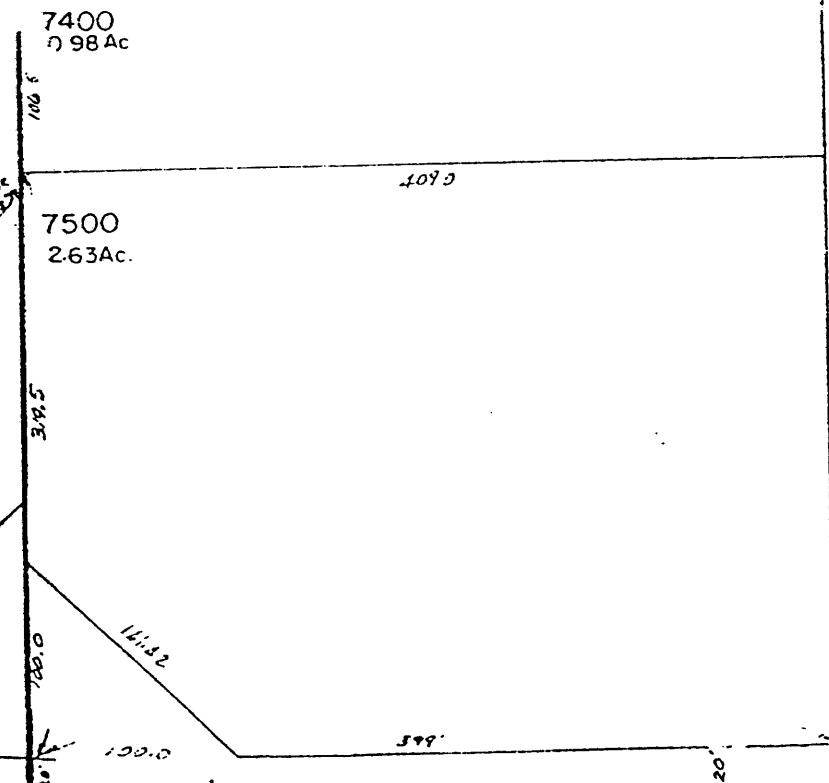
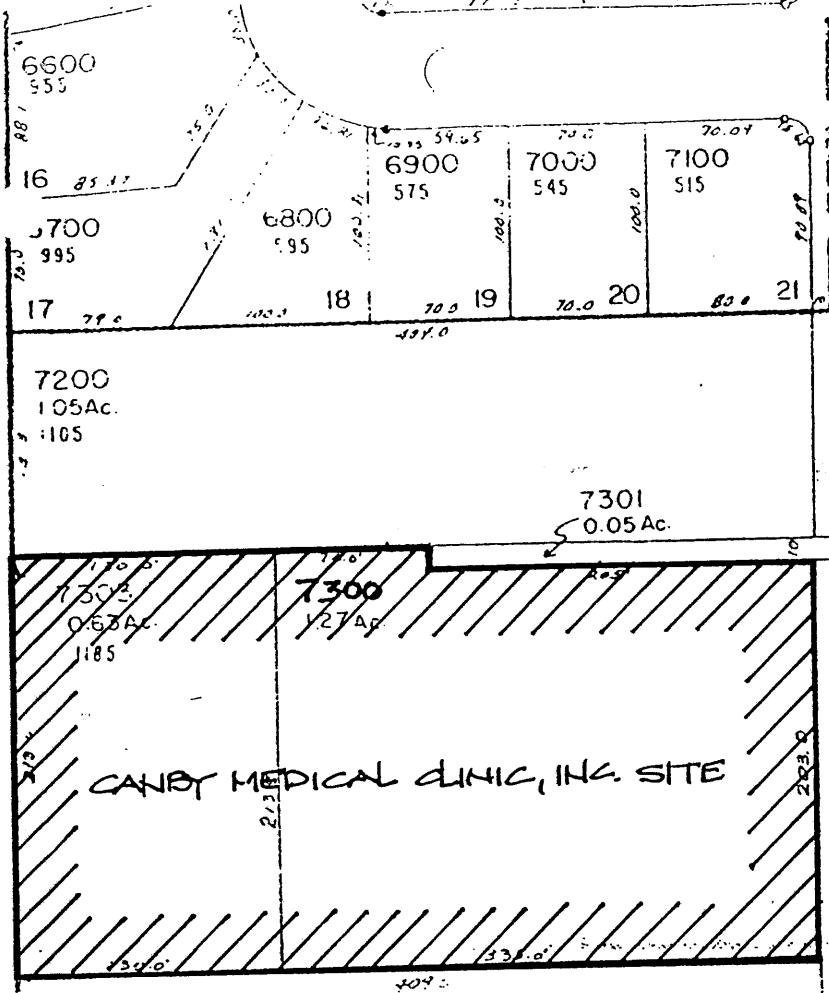
This proposed project will not change any use or bring any additional traffic into the neighborhood. South Elm Street is a collector street already serving a large number of properties. 28 parking stalls are required for the existing Clinic under ordinance; 38 are required for the proposed remodel. The clinic presently has 64 spaces at its disposal, and will be adding nine more. The parking lot is fully paved.

The one-story building size, scale, and style currently blends with the neighborhood. The large Elm Street frontage with its lawn presents a pleasant open space for the neighborhood. The density of this use is actually less than if this property were divided into residential building lots. If this property were developed to the fullest allowed by the existing zoning and each new dwelling were to have two automobiles, 20 to 24 cars would be entering this area at all times of the day. If the divided lots were built upon, assuming 2,000 square-foot homes with a two-car garage, the building to land ratio of a 7,000 square foot lot would be about 37% coverage. The existing structure covers about 6% of the site; the proposed remodeled structure about 9%. The Clinic is about one quarter as dense as a residential development would be with traffic occurring during working hours only.

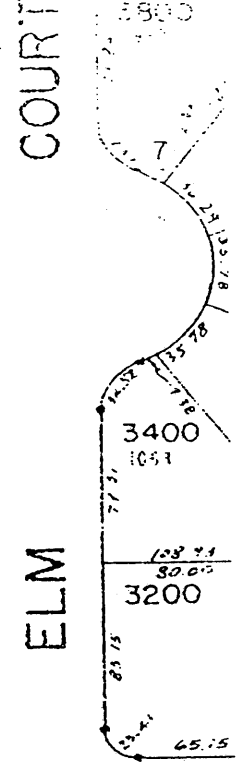
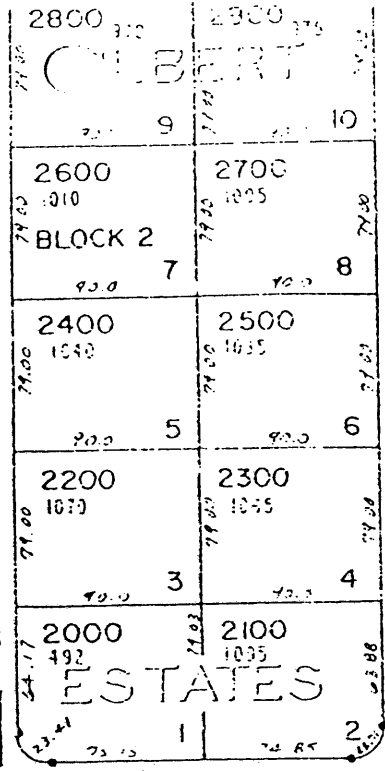
The proposed addition will not require any additional public facilities or services. This project will not alter the existing character of the surrounding area and does not prevent the surrounding area from being developed into single family residences which are consistent with the zone.

Although not intending to be a full service medical facility, the Clinic does have its own laboratory, x-ray facilities and cast room. The functions this facility could provide in an emergency are beneficial to this neighborhood and serve important public interests.

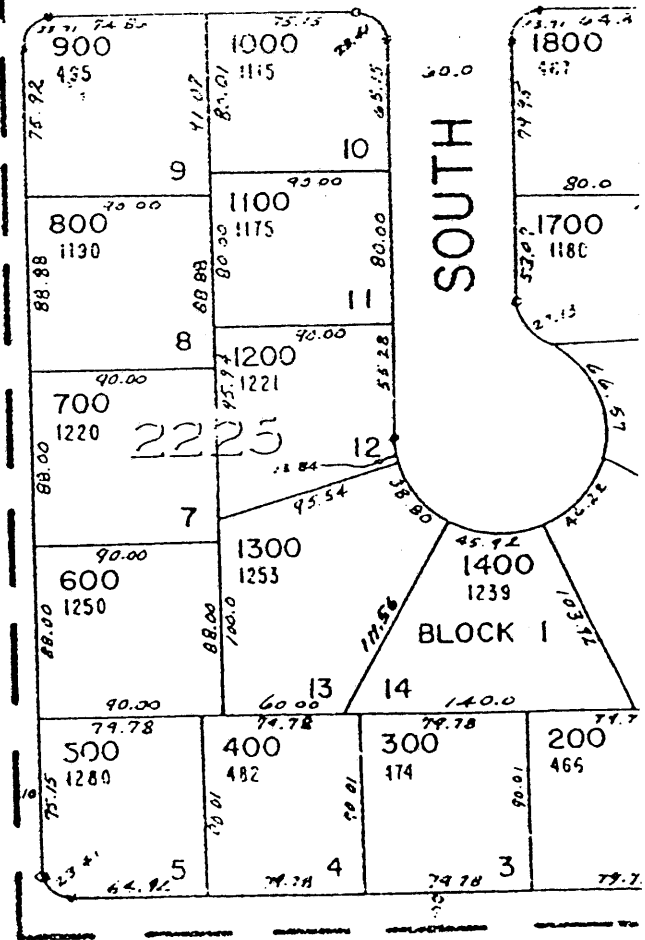
The Canby Medical Clinic was built by the community for the community it still serves. The proposed remodeling now requires the reclassifying of this community member as a conditional use. The remodeling plans are minimal, the net effect upon the community will be negligible and the completed structure will comply with all physical requirements for this zone.



STREE  
ELM  
SOUTH



SOUTH ELEVENTH



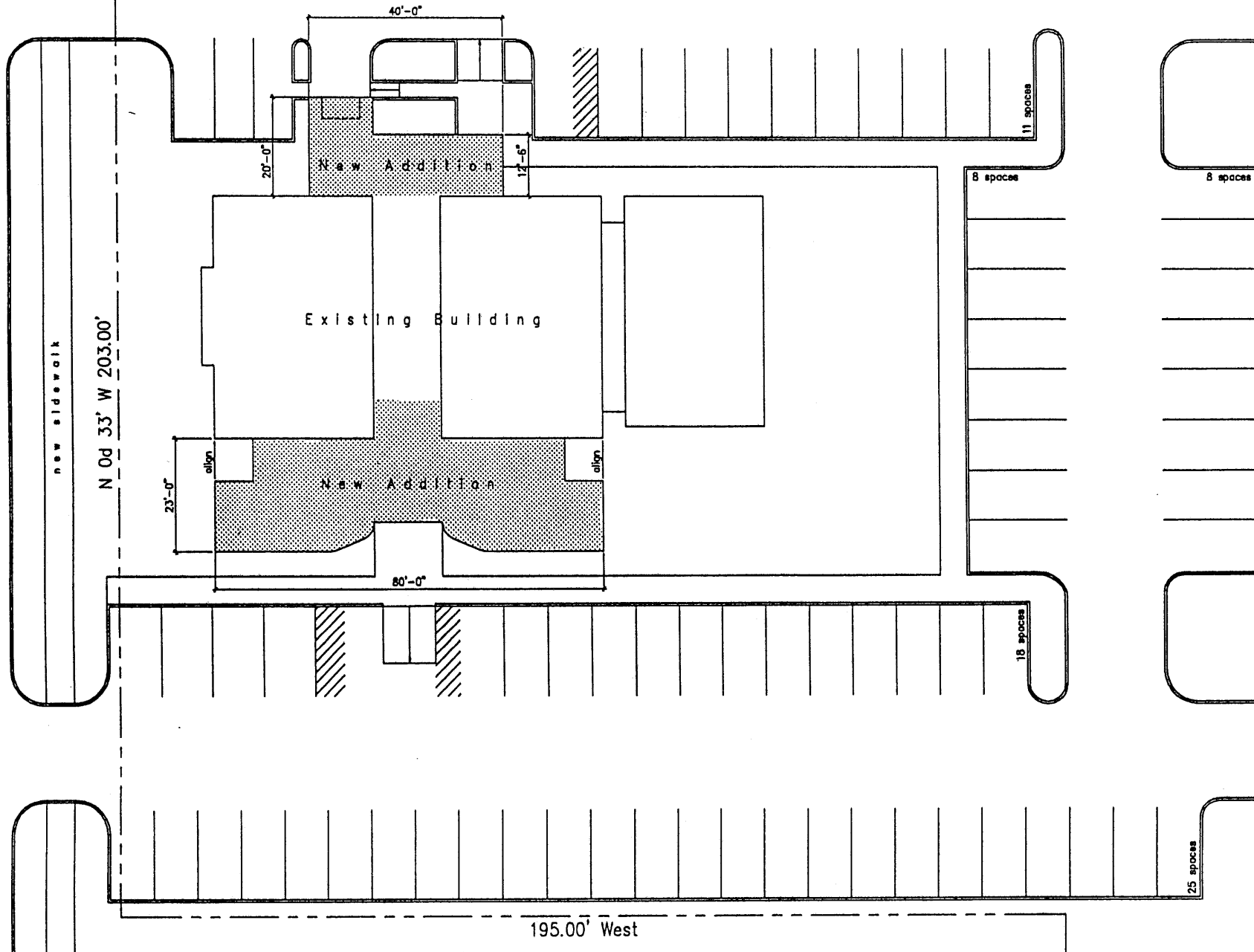
(RADCLIFFE RD.) CO. RD. NO. 1494

SW COR. S.E 1/4 NW 1/4

SEE MAP 4 1E 4CA

409.00' West

Loading



new sidewalk

N Od 33' W 203.00'

align

align

Existing Building

New Addition

New Addition

8 spaces

8 spaces

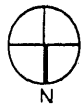
11 spaces

18 spaces

25 spaces

195.00' West

TABLER  
 1 Page  
 2  
 EXHIBIT



# Site Plan

1" = 30' - 0"

This site information was taken from drawings of the existing building.

The Architect takes no responsibility as to its accuracy or information.

Conby Medical Clinic Inc.

Roderick Ashley Architect 4/15/94

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

5/13/94  
95w

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 19, 1994

TO: FIRE, POLICE, CUB, Tom Pierson (Telephone), Todd Schmidt (NW Telecom, Gary Hyatt (NW Natural Gas), Mike Jordan, John Kelley, Roy, Steve

The City has received CUP 94-04, an application by Roderick Ashley Architects for Canby Medical Clinic for approval to construct a 5,522 square foot one-story building to consolidate two front entrances and three separate waiting rooms, to improve efficiency at the clinic. The property is located at 1185 S. Elm Street (Tax Lot 7300 of Tax Map 4-1E-4BD).

We would appreciate your reviewing the enclosed application and returning your comments by **May 6, 1994 PLEASE**. The Planning Commission plans to consider these applications on **May 23, 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:

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*Please Check One of the Following:*

- 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  
3  
6 Pages

Signature: Steve Nansen

Date: 5/13/94

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

JSW  
5/11/94

67-27

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 19, 1994

TO: FIRE, POLICE, CUB, Tom Pierson (Telephone), Todd Schmidt (NW Telecom), Gary Hyatt (NW Natural Gas), Mike Jordan, John Kelley, Roy, Steve

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Comments or Proposed Conditions:

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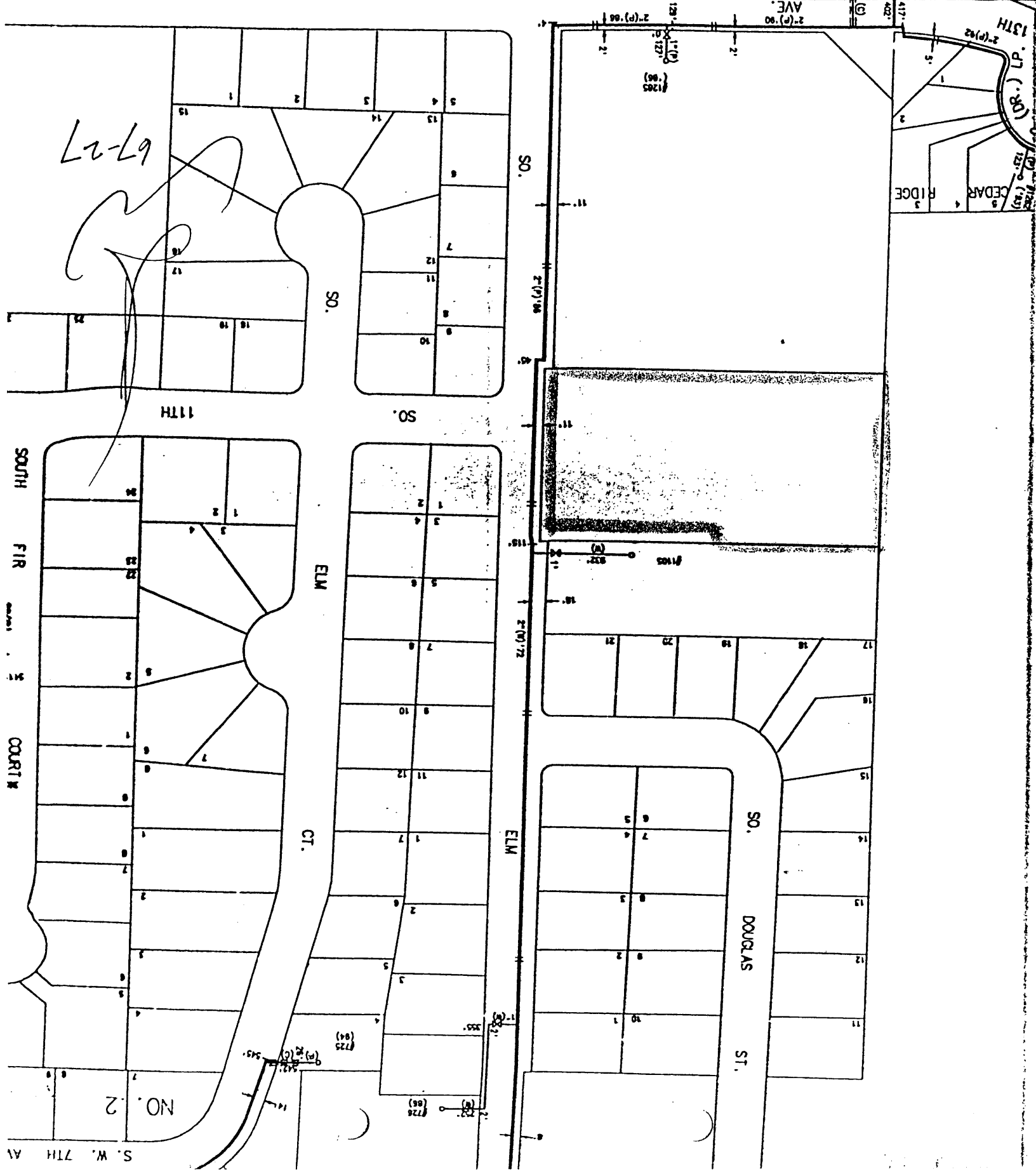
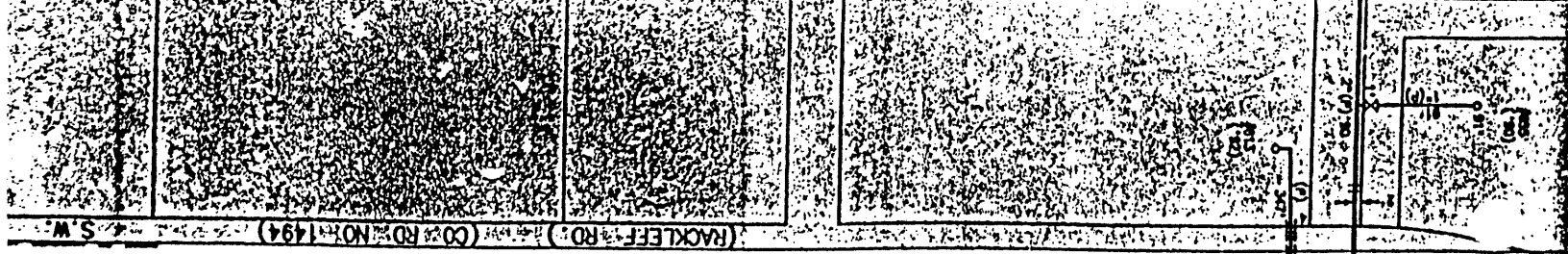
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*Please Check One of the Following:*

- 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: 4/25/94



L-2-L9



# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

95w  
5/2/94

[503] 266-4021

DATE: April 19, 1994

TO: FIRE, POLICE, CUB, Tom Pierson (Telephone), Todd Schmidt (NW Telecom, Gary Hyatt (NW Natural Gas), Mike Jordan, John Kelley, Roy, Steve

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Comments or Proposed Conditions:

The side WALK on L.D.S. Church property is 5 1/2 FT wide inclusive with curb. Please MAKE a TRANSITION at South property corner of Medical Clinic, TO A 5 FT side WALK inclusive OF curb, FRONTING Medical Clinic proceeding TO North property corner.

Please Check One of the Following:

- 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: Apr. 28, 1994

# PLEASE RETURN ATTACHMENTS!!!

5/21/94  
gsw

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 19, 1994

TO: FIRE, POLICE, CUB, Tom Pierson (Telephone), Todd Schmidt (NW Telecom, Gary Hyatt (NW Natural Gas), Mike Jordan, John Kelley, Roy, Steve

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Comments or Proposed Conditions:

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

Signature: Jerry Stiger

Date: 4/28/94

95W ulze 1994

# PLEASE RETURN ATTACHMENTS!!!

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P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: April 19, 1994

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We would appreciate your reviewing the enclosed application and returning your comments by May 6, 1994 PLEASE. The Planning Commission plans to consider these applications on May 23, 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 Comments

Please Check One of the Following:

- 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:

4-20-94



METRO

*For your info!*  
*BFH*

DATE: May 12, 1994  
TO: 2040 User's Group  
FROM: John Fregonese, Manager, Growth Management 72  
RE: Next Meeting - May 19th

Our next User's Group meeting will be here at Metro, in room 370 from 2-5 pm on May 17, 1994.

Enclosed is a draft of Chapter 12 of the Concept Report. This describes what we feel is a good basis for building the preferred alternative. It introduces a slightly different nomenclature from what we have been using to date. It does not at this point include two additional elements which we haven't had time to add yet - Urban Reserves and the Regional Center (Portland Central City).

Part of this Chapter (see Building the Alternative) is the presentation of a sample alternative using the "building blocks" plus some basic land conservation measures. The land conservation measures we are also calling a "program" - a combination of ways to lessen UGB expansion. The alternative presented is essentially based on the centers and corridors we have identified to date in 2040, and the program introduces the degree of change people are willing to undertake. Ideally, we would like to be able to state the preferred alternative as what it would take to get there from 1990. This means taking existing conditions and describing the changes to our current region rather than taking any of the Concepts and describing changes to one or more of those.

We'd like to hear from you on this proposal. Thanks.

DRAFT

DRAFT

## Chapter 12 Building the Preferred Alternative

The study of alternatives in Region 2040 has provided a wealth of information. Like engineers testing various prototypes, we have devised test cases that stressed various concepts to their extreme. The failures of the concepts are just as important as the successes, as they tell us the limits of performance of certain ideas.

But each of the concepts, including the base case, are only useful as sources of information and insight. They are like prototype cars that have been crashed into a wall: we may spend a lot of time pouring over the data and examining the remains, but they are not useful vehicles anymore.

Of the many benefits of the study is the broadening of knowledge <sup>keep</sup> of if ideas that have been proposed as solutions to our problems of growth are effective. We have learned that the long range result of our current practices is an enormous (by Oregon standards) consumption of land. We have learned that simply increasing density and providing transit does not solve the problems of growth.

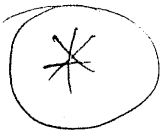
But most importantly, we have learned that we have a fairly broad range of workable alternatives. We should have both the knowledge and courage to choose what will keep intact what we most cherish about the region, and deal with the inevitable changes ahead.

### Elements of the Preferred Alternatives

There are several urban design elements that should make up the building blocks of the regional plan. These are evolutionary steps in themes that have long been a part of Oregon planning, and also have emerged as strategies that can be important component of success. In general, each these elements were responsible for the successes in each the Concepts. These would replace the concept design types with a richer palette of elements.

The accompanying map is not intended to be presented as the preferred alternative, but is used to illustrate some physical features that can be used to create the preferred alternative. These are open spaces, centers, corridors, and possible urban reserves.

## Urban Design Elements



O Neighboring Cities - The Satellite city concept has evolved from creating new cities, to adding growth to existing small cities at the periphery, to the simple recognition that we are linked in the future with these neighbors. Therefore, we will refer to them as neighbor cities, rather than satellites, which infers an orbit.

The results of our interaction with these neighbor cities has led to the conclusion that the base case projection for these cities is too low, and the Concept C allocation is too high. Also, not all of the satellites selected will grow equally. The largest will probably be Sandy, Canby and Newberg, with Scappoose, North Plains, and Estacata experiencing less growth.

The performance of the neighbor cities in Concept C was quite good. 65% of the work traffic and 90% of the non-work traffic remained inside the cities. The major reason for its success is the existence of three key elements: 1) a separation of rural land between the city and Metro. If the area sprawls together, both the performance of the transportation facility degrade and the trips in the satellite city begin "leaking". 2) A jobs-housing balance. The closer a city is to a one to one balance of jobs and households, the more travel will remain local. This is because travel is not only to work, but to other destinations that are created by employment, such as retail and service. It is not necessary for the neighbor cities to be hermetically sealed to reap an advantage from this feature. 3) The "green corridor", a high quality link to the Metro area without access to the intervening rural area. This kept accessibility high, which encourages employment growth, but limits the adverse affect on the surrounding rural areas.

Concept C masks some of the difficulties in achieving the three basics of a neighboring city. The greatest concern is that the housing will locate, but the jobs will not. Some of the existing cities have growth in residential sector only, others, notably Newberg, are balanced and the recent trend is that they will remain so.

The preferred alternative should plan on at least three of these cities reaching a size of between 20,000 to 40,000 in the next 50 years. Metro and the cities have a mutual interest in insuring that the three basic elements can be achieved as the region grows. On the other hand, the development of land uses that depend on the Metro market, but draw workers or shoppers out of Metro and into the neighboring communities can have a detrimental affect on the traffic

linkage and would be a violation of the kind of mutual cooperation and self sufficiency that the neighbor cities concept exemplifies.

\* Rural Reserves

The issues raised by the neighboring cities have led to the development of a new concept: that of permanent rural reserves. These are areas that separate the urban and urbanizable land from rural areas outside of the influence of the Metro market. These lands are not needed or planned for urbanization, but experience pressures to develop that areas farther away do not.

These areas are already designated for farm, forestry, or rural residential use. The designation as rural reserve is intended to preserve their current state beyond the 50 year timeframe we are working with. These lands, especially those that separate the Metro area from the neighbor cities, should be treated as especially sensitive to unanticipated results from increases in accessibility and service provision. Designation as rural reserve would involve the cooperation of Metro, the neighboring cities, the counties in which the land falls, and the State of Oregon, especially the Department of Land Conservation and Development and the Oregon Department of Transportation.

Designation would priority<sup>7</sup>es the retention of farm, forestry, or very low density rural residential development, would prohibit any commercial or industrial development, and would priority<sup>es</sup> these areas for park and open space acquisition. Development of road improvements would specifically exclude increasing accessibility to these areas, as would any nearby extensions of urban services.

In addition to the extension of rural reserves between Metro and neighboring cities, this concept can be applied to the areas that separate cities within the UGB. Cornelius and Hillsboro, Tualatin, Sherwood and wilsonville all have existing areas of rural land that provide a break in the urban patterns. Many people from these areas, both those in the cities and those living between cities, have told us that they value retention of this separation. New areas of urban reserves, if they are designated, could be separated by rural reserve areas as well. The region does not have to be a contiguous urban area, one of the key values held in common by the region is closeness to nature, and permanent rural reserves will assure that value.

**Greenspaces**

Within the boundary, another key element is the retention of important natural areas as green spaces. Many of these natural features already have significant land set aside as open space. For example, the Tualatin Mountains have major parks such as Forest Park and Tryon Creek State Park, and numerous small parks such as Gabriel Park in Portland and Wilderness Park in West Linn. Areas that are developed in very low densities, such as Dunthorp, contribute to the maintenance of the natural feature. Other areas are oriented to streams, and Fanno Creek has one of the best systems of parks and open space in the region.

Many other natural features have no protection and no park land. Major corridors such as Rock Creek, and the lava buttes in Clackamas County are valued areas that will be lost without preservation. A regional designation would prioritize these areas for acquisition as parks, provide for regulatory protection of critical creek areas, allow for very low density development, and provide for transfer of development rights to other lands better suited for development.

### **City and Town Centers**

It is clear that the increased development of higher density centers of employment in our region is important to many areas. From downtown Portland, to regional city centers like Gresham, Hillsboro, and Beaverton, to new centers such as Clackamas Town Center and Washington Square, and small city centers such as Milwaukee, Forest Grove, and Tualatin, the development of centers is important for several reasons. First, it provides for access to a variety of goods and services in a relatively small geographic area. Secondly, it makes good transportation sense, as most centers have good accessibility to markets and the high densities make access by transit, bike, and walking more feasible. Third, they provide for social gathering places, community centers, places where the casual meeting of friends and associates contributes to the continuation of the much valued "small town feel" so cherished by residents of this region.

The Concepts located centers only on areas that had light rail access, and this is too limiting. Centers exist not as supporting mechanisms for light rail, but vice versa. Also, the non-auto mode of travel can be equal in centers with good access to the community it serves, such as in Forest Grove. The final concept should designate a center for each significant sub region and major city, so that they are recognized and can be assisted in their development.



The major benefit of centers in the marketplace is the accessibility to its markets, and the ability to concentrate goods and services in a relatively small area. The problem in their development is that most of the existing centers are already developed, and any increase in the density and extent of these centers depends on redevelopment of land and buildings. For the region to favor development in centers over development of new areas of undeveloped land, it will require a partnership of regional, local, and state government to increase the attractiveness of these centers and remove barriers to redevelopment. This would require that they would receive the highest priority for accessibility for both autos and transit.

### **Corridors & Nodes**

Ancillary to the development of centers is development located along major arterials called corridors and nodes. In the concepts, these were located by transit, and again several that exist were ignored. The regional plan should recognize all the viable corridors and nodes, including historic areas such as Hawthorne boulevard, St. Johns, Multnomah, Moreland, and potential new areas such as Baseline Road, parts of McLaughlin, and others. Areas within one half mile of a light rail station should automatically be included as well.

It is interesting to note that both the historic Main Streets and new corridors that had the proper mix of pedestrian environment, density, and transit service performed as well as regional centers in the modeling. This implies that while corridors and nodes are more neighborhood centers than regional centers, a large number of small nodes can equal the impact of a large regional center, and promote better neighborhoods as well.

These corridors and nodes are centers primarily for service and retail uses, and will be most successful when located at the edges of neighborhoods on streets that have reasonable pedestrian characteristics ( see multi-modal arterial, below). They include both traditional shops and modern stores such as super markets, super drugs, and one-stop shopping centers, but built in a pedestrian friendly fashion.

### **Employment Centers**

One of the flaws in the way that the concepts were designed is that major employment centers were lumped into the "other" category. Major centers of employment such as the Sunset Corridor, the Tualatin-Wilsonville area, the Sunnyside corridor, and the Columbia Corridor, and the Rivergate areas, are centers that provide much of the basic employment that drive the local

economy. However, these areas will undergo transformations due to the changing economy. 9 out of 10 jobs created in the last 20 years were non-manufacturing. Many of the fastest growing areas in our economy do not require, and are not aided by the traditional industrial park enclave concept. Also, the older industrial areas have a much greater diversity of uses than new areas, often because of more liberal zoning. These employment centers need priority access to freight movement, and the flexibility to respond with the full range of mixed uses that a robust employment center would provide, including services for the employees who work, shop, and live in these areas. Providing access to households is a challenge, and these areas will develop in a much lower density than the centers.

## **Neighborhoods**

The most basic of land use types, and the way most people in the region relate where they live, is the neighborhood. These will include a widest range of areas, from nearly rural to very urban. However, their design can affect a region's livability. The well designed neighborhood will contribute less to the regional traffic by making many trips feasible within the confines of the neighborhood itself. This involves both design and land use. The successful neighborhood will provide for the residents basic needs for the most frequent trips, such as basic retail and service needs, recreation, school, and social interaction. Each neighborhood will not provide all of these, but if the following elements are included, they will provide most:

- **Boundaries & Centers** - neighbors are often defined by its boundaries and their centers. The most common is arterial streets and a park or school as the center, but often natural features such as creeks will form boundaries as well.
- **A Pedestrian Environment.** Neighborhoods, both to facilitate social interaction and to reduce auto traffic, should have a pleasant and safe environment in which to walk. Bicycling can best be accommodated on neighborhood streets, as volumes are low. Both bicycle and pedestrian traffic is safest when it is within sight of homes and businesses.
- **Mixed housing and uses.** While it is not necessary to have uses mixed within a single site or street, one of the requisites for a pedestrian trip is to have somewhere to go. Most local trips are for shopping, service, school, and recreational purposes, as well as work trips for some residents. These trips can be by foot or bike if they are within a half mile or less of the

residence. Therefore insuring that commercial activity in closeby neighborhoods is an important element in a regional design.

By the same token, a variety of housing types insures that a mixture of ages and incomes are in neighborhoods. This insures that people can remain in one neighborhood as their life need change.

○ **Through Streets** - One of the biggest problems in the newer areas of our region is the lack of through streets, except for arterial. This is a change that has occurred in the last 25 years, and is one of the causes for increased congestion in the newer suburbs. In traditional neighborhoods, a grid pattern permitted up to 20 through streets per mile. In ne areas, one to two through streets per mile is the rule. combined with large scale single use zoning and low densities, it is the major cause of increasing auto dependency in these areas. While existing neighborhoods will probably not change, any new developments need to begin accommodating frequent through streets. At least eight through local streets per mile should be a regional standard, which would permit multiple access and still allow frequent albeit short, cul-de-sacs.

○ **Parks, Schools, and Natural Features** - one of the defining characteristics of neighborhoods are community facilities. Each neighborhood should have at least one that can provide for recreational opportunity and activities for children growing up in the neighborhood.

The benefit of this repeating design type is that it reduces the load on regional facilities best used for long distance and freight traffic. In addition, it reinforces one of the most highly held values of our region, a complete neighborhood, with convenient shopping, services, parks, and schools, where one knows one's neighbors, and interacts with them in a positive way.

## **Transportation Elements**

The transportation elements are designed to reinforce the desired land use pattern. These systems are built on a philosophy that attempts to develop a complete, redundant, and flexible network that allows people to move about in the region a variety of ways. Each mode is considered important, although most travel, now and in the future, will be by automobile. Any shift in travel to alternative modes reduces the burden on the network, and in many cases improves the environment in neighborhoods, corridors, and centers, as the environment is less devoted to accommodation of cars.

Arterial - traffic & freight

These are the major streets that move people and goods around the region. They include freeways, limited access highways, and heavily traveled arterial. They are important not only because of the movement of people, but because they are the major freight routes in this region. As much of the regional economy involves the movement of goods and services, it is essential to keep congestion on these roads at manageable levels. They are often used as transit routes because buses can move at rapid speeds. However they offer either no or minimal pedestrian and bicycle environment, as the speed and volume of traffic makes these modes unpleasant at best, unsafe at worst.

#### Arterial - multi-modal

These represent the majority of arterial in the region. These have a variety of improvement styles and speeds, but if the neighborhood and corridor concepts are adopted, the arterial system becomes that backbone of multi-modal travel. Older sections of the region have better designs for this multi-modality than new areas. These streets often carry a great deal of traffic, up to 30,000 vehicles a day, but still have significant pedestrian activity. The ideal main street is similar in design to Southeast 17th Street in Moreland, with slow moving traffic, on street parking, and two lanes of traffic. However, other streets with much larger volumes have very good pedestrian aspects, such as SE Hawthorne and Broadway, and newer streets with heavy volumes and without on street parking also offer good examples of these multi-modal streets, such as State Street in lake Oswego and Macadam in SW Portland.

Many newer street that carry similar amounts of traffic have been designed to maximize the vehicle handling characteristics, at the expense of other uses of the right-of-way. Wide lanes, large turning radii, multiple turning lanes, narrow sidewalks next to high speed traffic, and limited street intersections, often thousands of feet apart, have created an environment that is difficult and dangerous to use without a car. To develop a multi-modal arterial, this design will have to be compromised to allow for other modes of travel to share the right-of-way. The Regional Transportation Plan should therefore identify the type of street, and set standards for improvements.

The ideal multi-modal arterial would have on street parking, be about 60 feet or less from curb to curb, have less than 30,000 vehicles per day, and maximum speeds of 30 mph or less. In addition, the must have frequent signalized crossings that allow for pedestrian movements across the street. Bicycles are accommodated in the traffic lanes, with a wider outside lane. Due to the frequent stops and slower speeds, separate lanes are not necessary. Sidewalks are eight to 12 feet wide.

These streets may have pedestrian nodes of commercial and residential clusters interspersed with longer stretches where speeds are higher, and the pedestrian environment is somewhat degraded. In these areas, sidewalks are less wide, but should be separated from the curb by a planting strip. In these areas, bike lanes are appropriate, and on street parking generally is not.

These streets are important because they are more than corridors for cars. They are the edges of neighborhoods, and important commercial centers. The environment is especially important, as local trips without a car are to these destinations, and many transit strips begin or end in these types of locations.

### Collectors and Local Streets

These streets have not been considered a regional priority, but become one when a lack of connectivity forces neighborhood traffic onto arterial. Much of the region, especially that built after 1970, has a studied dis-connectivity. The establishment of a standard of at least eight through streets in each cardinal direction per mile will insure that sufficient local connectivity will exist.

### Light Rail

The existing and planned light rail lines: Eastside, Westside, South-North, and Barber performed well in the concepts, and responded well to land use changes that were forecast to increase ridership. However, while popular, light rail and other forms of high capacity transit are useful primarily for building centers. Their high capacity is useful mostly to bring people to higher density centers along the lines. The downtown is the primary such center, and others will develop over time as well, although none will be as dense or dominant as Portland's downtown is today. Generally, increasing the areas around the stations by allowing and encouraging higher densities and mixed use neighborhoods showed promising results, and validates the current efforts at station area planning. However, there was no compelling case to greatly expand the basic configuration contained in the Regional Transportation Plan. Some new lines may appear promising in future years, but that decision should be postponed.

### Transit Corridors

Generally speaking, those areas that exists today as Main Streets were the best transit corridors. While the ridership on the bus based systems was less than on light rail, the land use effects were similar to the projected effects of light rail on the station areas. Each achieved a projected total non-auto travel of 10 to 15% of all trips. Therefore, the development of transit corridors that are more like Main

Streets appears to be a strategy worth pursuing. These usually are not continuous along a corridor, but occur in nodes of several blocks around key intersections.

### **Neighboring Cities & Clark County, Washington**

Throughout the exercise, there was no dynamic modeling done other than the Base Case that examined where growth would locate. The Base Case projection for Clark County was held constant - and if the Metro area does not restrict growth unduly, the projection should be fairly accurate. The question of the neighbor cities is different. If one looks at the percentage of regional growth they have accommodated since 1980, and apply that to the regional forecast, the amount of growth the neighbor cities would grow is xx,xxx households greater than the forecasts for the base case. If the assumption is made that the neighboring cities will grow by an equal number of house holds and jobs, and their growth will follow recent trends, the amount of growth forecast to be accommodated in the UGb is less.

### **Building the Alternative**

Taking the above land use and transportation building blocks, a comprehensive regional plan can be established. Without increasing the density of the region, significant benefits can be accomplished by rearranging some land uses, and focusing investment to achieving the plan. However, it would not accommodate the forecast population without either changes in the Urban Growth Boundary or increases in density inside the UGB.

There are four basic ideas that can be used in designing the regional plan:

- 1) Retention of key open spaces, both inside the urbanized area, and permanent rural areas between cities;
- 2) Development and enhancement of neighborhoods that are walkable, bikable, and contain enough commercial activity to provide for many everyday trips to be contained within the neighborhood.
- 3) A strategy to enhance and reinforce existing centers of employment, rather than creating new centers. These include traditional centers, such as downtown Portland, Gresham, and Hillsboro, new centers, such as Washington Square and Clackamas Town Center, and employment centers, such as the Columbia corridor, Sunset Corridor and Tualatin-Wilsonville.

Our recent experience, that of the last 40 years, involved a great deal of highway construction, which increased accessibility and created new centers. If future transportation investments are designed to enhance existing centers, rather than creating new centers, the region's spread can be controlled, the centers become denser and more multimodal, and the existing investment in infrastructure can be maximized.

4) Focus development on transit corridors, develop multi-modal arterial, and insure that a reasonable mix of uses occurs along these corridors.

Here is a sample preferred alternative. This builds on what we have learned in the 2040 process and designs a realistic and beneficial regional form.

The first step is to apply the building blocks described in Part 1 of Chapter 12. Doing so creates a better regional land use and transportation configuration, and better communities for people to live and work.

From a conceptual perspective this example can be described broadly. There would be a supportive transportation network connecting centers via transit corridors and an arterial system. There would be centers of different sizes with varying mixes of jobs and housing. Densities would vary from downtown Portland downtown at 400 persons per acre or 175 dwelling units an acre to town centers such as Milwaukee at 30 persons an acre and 12 units an acre. The neighborhoods would be bordered by mixed use corridors within walking and biking distance. Neighborhoods would have densities of 12 persons an acre or 5 dwelling units an acre. The corridors and nodes would vary between 20 and 30 persons an acre, 8 to 12 dwelling units an acre. The single family lot size would average around 8000 square feet. The region would have an enhanced parks and open space component, with rural reserves in select locations beyond the urban growth boundary. Neighboring cities would develop along with the metropolitan area in a coordinated fashion, keeping their distinct identities.

Once the conceptual design is in place, the second step is to estimate the capacity for accommodating population and employment in the region. We can do this by looking at the potential vacant and redevelopable land for all the neighborhoods, centers, corridors, etc., and applying zoning densities and other development assumptions. We did this for the three Concepts and Base Case. Undoubtedly, the key equation in estimating both capacity and its consequences are the assumptions for densities and the resulting land consumption. There is a continuum of density, redevelopment and other policy choices that impact land consumption, and ultimately the regional form. What follows are four basic policy approaches.

## Estimating Capacity and Land Consumption

To give a specific account of how land consumption could be affected in a preferred alternative, let's start with basic assumptions. 1.) That we expand the boundary in efficient ways by not encroaching on environmentally constrained lands (floodplains, steep slopes, greenspaces) and by favoring large easily developed parcels accessible to the existing urban area. 2.) That we assume the current rate of growth in the neighboring cities out to the year 2040. 3.) That there is 4500 acres of greenspaces and parks inside the UGB publicly owned protected. 4.) That a network of centers, corridors, neighborhoods, and a transportation network are in place as described above.

Assuming 1.1 million people coming to the region over 50 years, we estimate that the urban growth boundary in this example would add approximately 40,000 acres of urbanizable land. We arrive at this figure by assuming that although the building blocks discussed above are in place, the overall densities do not accommodate the population growth (average regional density for existing and new development at 10 persons acre - similar to what we saw in Concept A). This leaves approximately 162,000 households to locate in the UGB expansion areas; the existing employment land inside the UGB accommodates the employment growth. At 12 persons an acre (5 units an acre, 8000 square foot lots; FAR .25) the household growth equates to about 31,000 net acres or 40,000 gross acres of needed urban reserves or UGB expansion lands.

Here are five ways to reduce the need and amount of expansion, representing an array of policy choices available for reducing land consumption or urban reserves.

1. By decreasing the average lot size for single family land from 8000 square feet (12 persons an acre) to 6500 square feet (16 persons an acre) we can save 11,300 acres.
2. By increasing the number of households and jobs in the city and town centers by 35,000 households and 40,000 jobs, divided among approximately 10 city centers around the region, we can save 11,700 acres.
3. By increasing the redevelopment assumptions or adding 20% more buildable land to the corridors and nodes (approximately 1500 acres at a 50/50 jobs/housing mix) we can save 3300 acres. By increasing the densities by 10 persons an acre in corridors to 35 persons an acre or a mix of one and two story multi-family, single family and neighborhood commercial buildings, we can save 3900 acres. By doing a similar density increase from 50 to 55 persons an acre at nodes (three story multi-



family with office commercial or retail) we can save 3200 acres. The total package for expanding and densifying nodes and corridors saves 10,400 acres.

4. By reducing parking spaces and increasing the employment densities in otherwise less dense areas (for general commercial and industrial uses) from FAR .25 to .35, we could save 6600 acres.

5. An increased growth rate in neighboring cities could divert as much as an additional 30,000 households and jobs, diverting some pressure for expansion on the metropolitan area, or the equivalent of about 10,000 acres. This acreage would not be a net saving since it would occur elsewhere in the region, around neighboring cities.



These land conservation measures match the potential UGB expansion of 40,000 acres, providing a range of savings from 0 to 40,000 acres. It illustrates the importance of these decisions in designing the alternative. In addition to the building blocks, a discussion of densities and land conservation measures is a relevant element in estimating the regional form.

The five measures described could be tempered in different directions. They are premised on people's interest in preserving rural land and embracing a variety of incremental changes to lifestyle for a more compact region. These changes would include how and where people lived, where they work, and even how they get to work.

While we do not expect people interested in living on the fringe to move to centers, it is possible they could live comfortably on 6500 square foot lots. Similarly, some people may find convenient and affordable housing on mixed use corridors, and others who prefer the immediacy of living in a town or city center may choose to move there. These land conservation measures also presume similar changes or ripples in employment location; more employment in centers, nodes and corridors, along with less parking space or higher use of alternative travel modes to work.

This is one example of a how to think about constructing a preferred alternative. This would be a region that is principled in its complimentary urban design scheme, that encourages easier access, good neighborhoods, natural areas and parks. And secondly, it is an example that shows how densities can impact the urban form above and beyond the principle design and functional elements. The preferred alternative is not only applying the good principles for regional policy, but setting development guidelines to accommodate growth realistically.

## **Building the Preferred Concept**

The choice is now up to the region, and the local governments. By using the basic building blocks of the region, connecting them with the transportation elements, and applying the desired amount of land conservation elements, the preferred form can be developed.

It is important to remember that we are dealing with a complex system. There are many interrelated elements, and there are many unknowns. But it appears that an evolutionary step forward from our planning history can and will bring us to a consensus on the future. The most important step is to decide that we can control our future. We have already taken that action years ago. Now, our next step is to trust our values and act on them in creating our preferred growth concept.