

A G E N D A
CANBY PLANNING COMMISSION
REGULAR MEETING
City Council Chambers
Monday, June 27, 1994
7:30 p.m.

I. ROLL CALL

II. MINUTES

May 23, 1994

June 13, 1994

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMUNICATIONS

V. FINDINGS

DR 94-05 - Broetje

MLP 94-02 - Oregon Development

SUB 94-03 - Township Village VI

VI. 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). *Carried over from May 23, 1994.*

VII. PUBLIC HEARINGS

DR 94-06, an application by Canby Congregation of Jehovah's Witnesses [Roger H. Hudson] for Site and Design Review approval of a one-story Kingdom Hall designed to accommodate several classrooms, an office, a main auditorium with seating for 189 persons, and a small caretaker's apartment. The site is located at 748 S. Ivy Street (Tax Lot 1100 of Tax Map 4-1E-4AB).

MLP 94-03, an application by Allen Manuel and Tom O'Halloran for approval to partition a 19,500 square foot parcel into two parcels, approximately 7,000 square feet and 12,500 square feet, respectively. The property is located on the west side of S. Ivy Street, south of S.W. 3rd Avenue and north of S. Township Road [Tax Lot 5900 of Tax Map 3-1E-33CD].

MLP 94-04, an application by Melvin L. Dorson for approval to partition a 24,375 square foot lot into two lots, 11,700 square feet and 12,675 square feet, respectively. The applicant proposes to install a manufactured home on the easterly 11,700 square foot lot. The property is located at 784 N.W. 3rd Avenue (Tax Lot 1400 of Tax Map 3-1E-32D).

MLP 94-05, an application by William and Linda Smith for approval to partition a 149' x 290' parcel into three parcels. The existing home is proposed to remain on a 120' x 154' parcel, and the two new parcels are proposed to be approximately 72' x 140' each, with access from a 20' deeded easement along the subject lots' westerly boundary line. The property is located at 1188 N. Locust Street [Tax Lot 7300 of Tax Map 3-1E-33AB].

DR 94-08, an application by Don Hardy, Planning Design Group [applicant] and William and Irva Graham [owners] for Site and Design Review approval of a Card Lock Facility added on to the existing Pacific Pride card lock facility, operated by Graham Oil. The site is located at 640 SW Second Avenue, west of S. Elm Street (Tax Lot s 6500 and 6501 of Tax Map 3-1E-33CC).

VIII. DIRECTOR'S REPORT

IX. ADJOURNMENT

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

Kurt Schrader, Chair
Stan Elliot
Wade Wiegand

Linda Mihata, Vice-Chair
Dan Ewert

Bob Gustafson
Tamara Maher



MEETING TIMELINES AND PROCEDURES

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

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

Proponents - not more than 5 minutes

Opponents - not more than 5 minutes

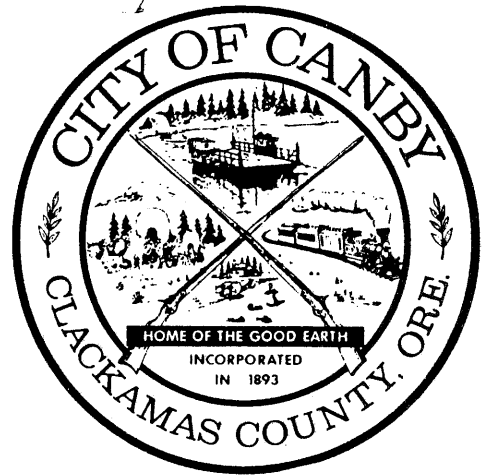
Rebuttal - not more than 10 minutes

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

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



- STAFF REPORT -



APPLICANT:

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

FILE NO.:

ANN 94-01

OWNER:

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

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 2000
Tax Map 4-1E-3

DATE OF REPORT:

May 13, 1994

LOCATION:

The north side of S.E. 13th Avenue
immediately east of Valley Farms Subdivision

DATE OF HEARING:

June 15, 1994 (*City Council -
earliest date*)

COMP. PLAN DESIGNATION:

Low Density Residential

ZONING DESIGNATION:

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

I. APPLICANT'S REQUEST:

The applicant is requesting approval to annex a 30.07 acre portion of a 39.92 acre lot located on S.E. 13th Avenue.

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

II. MAJOR APPROVAL CRITERIA:

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

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

III. FINDINGS:

- A. Background and Relationships:

The Comprehensive Plan Land Use designation of the subject parcel is for Low Density Residential. City zoning for the subject parcel will be R-1, Low

Density Residential. S.E. 13th Avenue is an arterial street. The subject parcel is currently zoned EFU-20 (Exclusive Farm Use: 20 acre minimum lot size). The property to the east is not in the City and is also zoned EFU-20. The property to the south is not in the City and is zoned GAD (General Agricultural District). The remaining surrounding properties to the north and west are in the City and zoned R-1. The properties to the east, north, and west are in the Urban Growth Boundary. The property to the south is not in the Urban Growth Boundary.

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 was sent a "Request for Comments" form. The response from the County indicated that there was not a problem with annexation of 30 acres of the subject property. The County suggests that the City take over control of the half of S.E. 13th Avenue that will be annexed into the City. Merits of this suggestion will be discussed in the Transportation Element discussion.
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.

One of the two overall goals listed for the Urban Growth Boundary is to preserve and maintain designated agricultural and forest lands by protecting them from urbanization. This goal is for the determination of the placement of the Urban Growth Boundary. While the subject property is agricultural, the acknowledged Comprehensive Plan has already designated this property for future urbanization.

3. The proposal is to bring 30 acres into the City, thus allowing future development of the property to be serviced with all necessary urban services. The availability of urban level public facilities and services will be discussed under the Public Services Element discussion.

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 through buffers, fences, or other means.
2. The annexation of the 30-acre parcel will permit future development of the property according to the Comprehensive Plan. A land partition is a required preliminary step to the annexation of the property. An application is under review to partition this 30-acre parcel from the parent property. Approval of the partition is necessary to permit the annexation of the 30-acre parcel. 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, but retained as agricultural land solely because it is agricultural land, then the residential development needed would occur unnecessarily beyond the Urban Growth Boundary, 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 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. Annexation of 30 acres of viable agricultural land will result in the conversion of agricultural land to residential land. 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. There is other land, designated for residential use, that can be annexed at this time. There has been no argument presented stating that it is no longer economically feasible to continue agricultural use of the property.

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 annexation or future use of the land hinder any sand and gravel operation. There is no sand and gravel operation within the City limits.

6-R. The subject property and surrounding properties are not historic sites. The homes on the adjacent properties are not designated historic homes.

7-R. The annexation itself will not affect the scenic or aesthetic quality of the City. Future development of the 30-acre parcel, should it be annexed into the City will affect the scenic and aesthetic quality of the City. Open farm land is considered to be a positive scenic and aesthetic quality. However, urbanization of land within the Urban Growth Boundary is permitted. The review of that development takes into consideration the scenic and aesthetic quality of that development. 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 in relation to changing control of maintenance and "ownership" of the roads that have not been resolved. These issues are beyond the purview of the annexation 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. This is also desired by the City and is a part of the conditions of approval of the land partition application. Other road improvements will also be required as a part of the land partition.
2. No new streets are needed as a result of the proposed expansion. 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 annexation will not impact a "problem intersection", S.E. 13th Avenue and S. Ivy Street. Future development of the 30-acre parcel will impact the "problem intersection". 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. 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.
4. Sidewalks and other pedestrian or non-motorized vehicle amenities are specifically handled in the land partition application.
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 annexation are necessary in view of the functions of both the fire district and the police department.
7. The widening of S.E. 13th Avenue (as a part of the land partition process) 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 annexation 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 annexation. 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 are under review with the land partition application, and any future development application.
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. Dedication of land for park purposes will be handled through the development applications for the subject property.

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 property served by the sewer, water and road improvements. The annexation 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

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will increase local employment opportunities and will provide temporary construction employment while the subdivision and homes are built.

4. The annexation of the 30-acre parcel will facilitate the urbanization of the land. The purpose of the annexation is for residential development. The proposed annexation 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.

PLANNING COMMISSION

SIGN-IN SHEET

Date: June 27, 1994

NAME

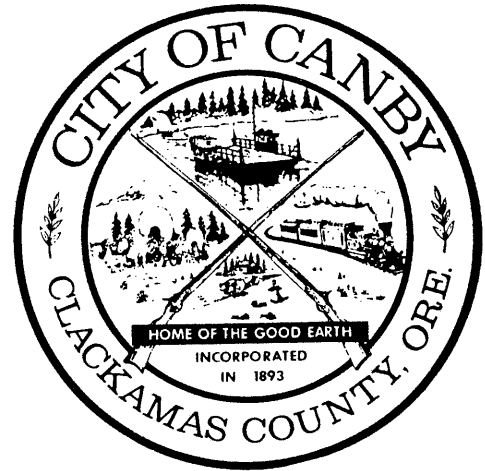
(Please Print)

ADDRESS

(Please Print)

<i>Barbara D. Bellini</i>	2105. Elm St.
<i>Dale + David Smith</i>	1188 N. Locust St
<i>Alison Shegerson</i>	420 S. 9th St
<i>William Shegerson</i>	4005 Holly
<i>Robert Shegerson</i>	671 SE 6TH PL
<i>Al Shindig</i>	1485 SE 13th Ave
<i>Ron Roeg</i>	203 SW Third Ave.
<i>Robert H. Hudson</i>	940 N.E. 17th Ave.
<i>John D. Robson</i>	1308 N. Power St
<i>Ronald Rogers</i>	3106 S.E. 57th Ave Pompano
<i>Allen Manuel</i>	1612 N. Redwood, Canby
<i>Dave Kimmel</i>	122 SE 27th Ave Prud 92214
<i>Brian M Olson</i>	1575 N Oak, Canby

- STAFF REPORT -



APPLICANT:

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

FILE NO.:

ANN 94-01

OWNER:

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

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 2000
Tax Map 4-1E-3

DATE OF REPORT:

May 13, 1994

LOCATION:

The north side of S.E. 13th Avenue
immediately east of Valley Farms Subdivision

DATE OF HEARING:

June 15, 1994 (*City Council -
earliest date*)

COMP. PLAN DESIGNATION:

Low Density Residential

ZONING DESIGNATION:

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

I. APPLICANT'S REQUEST:

The applicant is requesting approval to annex a 30.07 acre portion of a 39.92 acre lot located on S.E. 13th Avenue.

II. MAJOR APPROVAL CRITERIA:

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

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

III. FINDINGS:

- A. Background and Relationships:

The Comprehensive Plan Land Use designation of the subject parcel is for Low Density Residential. City zoning for the subject parcel will be R-1, Low

Density Residential. S.E. 13th Avenue is an arterial street. The subject parcel is currently zoned EFU-20 (Exclusive Farm Use: 20 acre minimum lot size). The property to the east is not in the City and is also zoned EFU-20. The property to the south is not in the City and is zoned GAD (General Agricultural District). The remaining surrounding properties to the north and west are in the City and zoned R-1. The properties to the east, north, and west are in the Urban Growth Boundary. The property to the south is not in the Urban Growth Boundary.

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 was sent a "Request for Comments" form. The response from the County indicated that there was not a problem with annexation of 30 acres of the subject property. The County suggests that the City take over control of the half of S.E. 13th Avenue that will be annexed into the City. Merits of this suggestion will be discussed in the Transportation Element discussion.
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.

One of the two overall goals listed for the Urban Growth Boundary is to preserve and maintain designated agricultural and forest lands by protecting them from urbanization. This goal is for the determination of the placement of the Urban Growth Boundary. While the subject property is agricultural, the acknowledged Comprehensive Plan has already designated this property for future urbanization.

3. The proposal is to bring 30 acres into the City, thus allowing future development of the property to be serviced with all necessary urban services. The availability of urban level public facilities and services will be discussed under the Public Services Element discussion.

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 through buffers, fences, or other means.
2. The annexation of the 30-acre parcel will permit future development of the property according to the Comprehensive Plan. A land partition is a required preliminary step to the annexation of the property. An application is under review to partition this 30-acre parcel from the parent property. Approval of the partition is necessary to permit the annexation of the 30-acre parcel. 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, but retained as agricultural land solely because it is agricultural land, then the residential development needed would occur unnecessarily beyond the Urban Growth Boundary, 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 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. Annexation of 30 acres of viable agricultural land will result in the conversion of agricultural land to residential land. 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. There is other land, designated for residential use, that can be annexed at this time. There has been no argument presented stating that it is no longer economically feasible to continue agricultural use of the property.

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 annexation or future use of the land hinder any sand and gravel operation. There is no sand and gravel operation within the City limits.

6-R. The subject property and surrounding properties are not historic sites. The homes on the adjacent properties are not designated historic homes.

7-R. The annexation itself will not affect the scenic or aesthetic quality of the City. Future development of the 30-acre parcel, should it be annexed into the City will affect the scenic and aesthetic quality of the City. Open farm land is considered to be a positive scenic and aesthetic quality. However, urbanization of land within the Urban Growth Boundary is permitted. The review of that development takes into consideration the scenic and aesthetic quality of that development. 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 in relation to changing control of maintenance and "ownership" of the roads that have not been resolved. These issues are beyond the purview of the annexation 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. This is also desired by the City and is a part of the conditions of approval of the land partition application. Other road improvements will also be required as a part of the land partition.
2. No new streets are needed as a result of the proposed expansion. 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 annexation will not impact a "problem intersection", S.E. 13th Avenue and S. Ivy Street. Future development of the 30-acre parcel will impact the "problem intersection". 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. 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.
4. Sidewalks and other pedestrian or non-motorized vehicle amenities are specifically handled in the land partition application.
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 annexation are necessary in view of the functions of both the fire district and the police department.
7. The widening of S.E. 13th Avenue (as a part of the land partition process) 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 annexation 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 annexation. 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 are under review with the land partition application, and any future development application.
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. Dedication of land for park purposes will be handled through the development applications for the subject property.

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 property served by the sewer, water and road improvements. The annexation 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 annexation of the 30-acre parcel will facilitate the urbanization of the land. The purpose of the annexation is for residential development. The proposed annexation 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 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 Faist

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 Faist

Phone: 557-1012

Harry Faist

DESCRIPTION OF PROPERTY:

Westerly 995 feet of

Tax Map T45, R1E, 3 Tax Lot(s) 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 ~~5/18/94~~ 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: Tax Lot(s) West 995 feet of TL 2000

Tax Map(s) 4S, 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.

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~~ ^{development} 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.

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 Thomas



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>T45, R1E, 3</u>
	<u>OR 97013</u>	<u>TL 2000</u>
(2) <u>Betty Faist</u>	<u>1866 S.E. 13th</u>	<u>T45, R1E, 3</u>
	<u>Conby, OR</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)	_____	_____

RESOLUTION NO. _____

A RESOLUTION INITIATING ANNEXATION OF TERRITORY TO THE CITY OF _____.

This matter is before the Common Council of the City of _____ hereinafter referred to as Council; and

It appearing that:

- 1) The Council is authorized by ORS 199.490(2)(a)(B) to initiate an annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed and written consent from owners of more than half the land in the territory proposed to be annexed.
- 2) The Council has received the necessary "consents" in sufficient numbers to meet so-called "double majority" annexation requirements listed above and has set the boundary of the territory proposed for annexation as authorized by ORS 199.490(2)(a)(B).
- 3) The territory proposed to be annexed is presently within the _____ Water District and/or _____ Sewer District and/or _____ Park & Recreation District and the Council intends to withdraw the territory from the _____ District(s) by authority of ORS 222.520 subsequent to consumation of the annexation.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF _____ AS FOLLOWS:

- 1) that the Council by this resolution approves the proposed annexation with the boundaries described in Exhibit "A" and depicted in Exhibit "B" attached hereto:
- 2) that the City recorder is hereby directed to file certified copies of the statements of consent and this Resolution with the Portland Metropolitan Area Local Government Boundary Commission at once.

The foregoing Resolution adopted this _____ day of _____, 19____.

(City Recorder)

CITY OF: _____

ADDRESS _____

(Zip)

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 time 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 logical long term arrangements of governmental structure which may dictate approval of irregular boundaries in the short

(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, cf. 1-2-83

Policy Papers

Incorporated Status

193-05-005 (1) Background:

(a) The Boundary Commission Advisory Committee recently (1981-82) held a series of hearings with representatives of special districts and cities. A report was issued with commendations 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."

This proposed policy states the desires of most cities within the Boundary Commission's jurisdiction. For the special districts the 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 status de facto 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 150.¹ 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.

¹ 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

an action (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, ef. 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. the patrons of such districts) may have a responsibility to help tie 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, ef. 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 temporary 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, ef. 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

Date of Hearing (Thursdays)	Last Day to Submit Proposals
--------------------------------	---------------------------------

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

*Boyd
In by
Apr, 13
to be
heard
may 9th*

1994 Hearing Schedule

JAN 13 ... and/or ...	JAN 20*.....	December 10, 1993
-----------------------	--------------	-------------------

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.

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,*

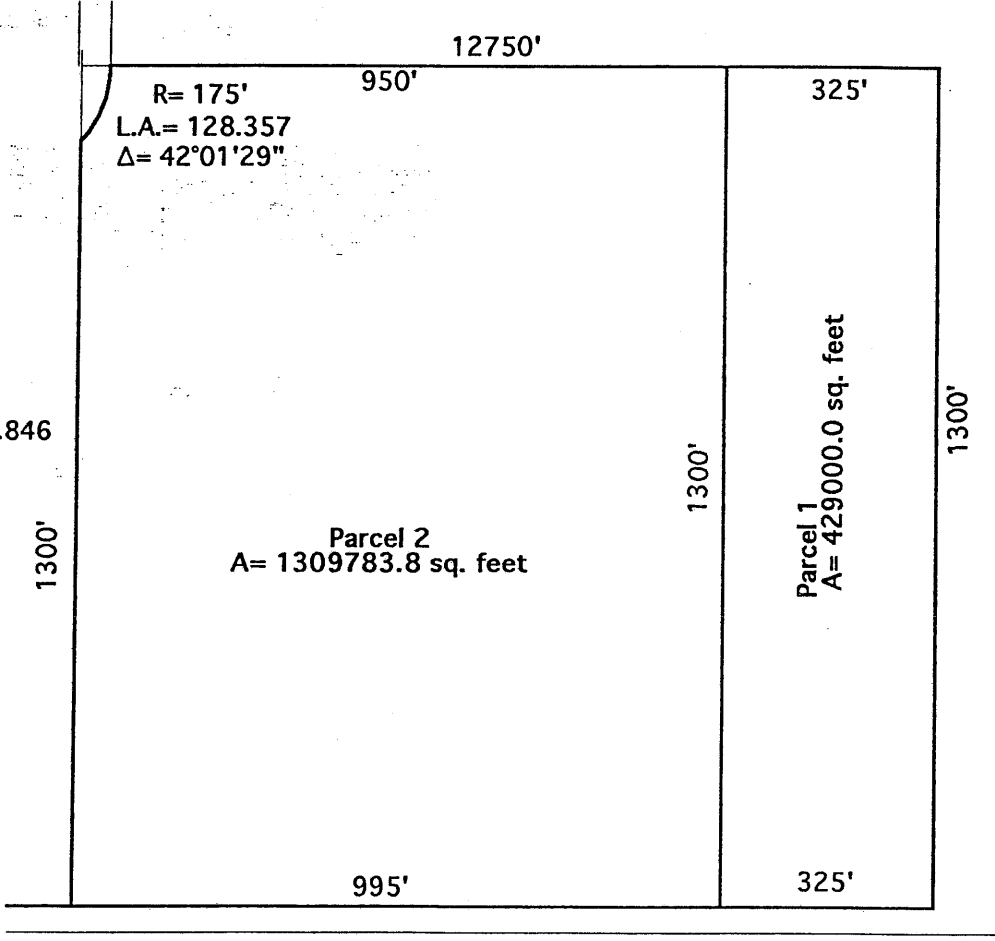
South Redwood

Tax Lot 1100
Public - Elementary
School

Public - Elementary
School

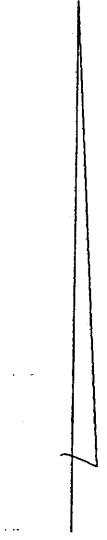
Valley Farms
Single Family
Residential 1182.846

Unplatted
EFU 20



South East 13TH Avenue

Unplatted - EFU 20



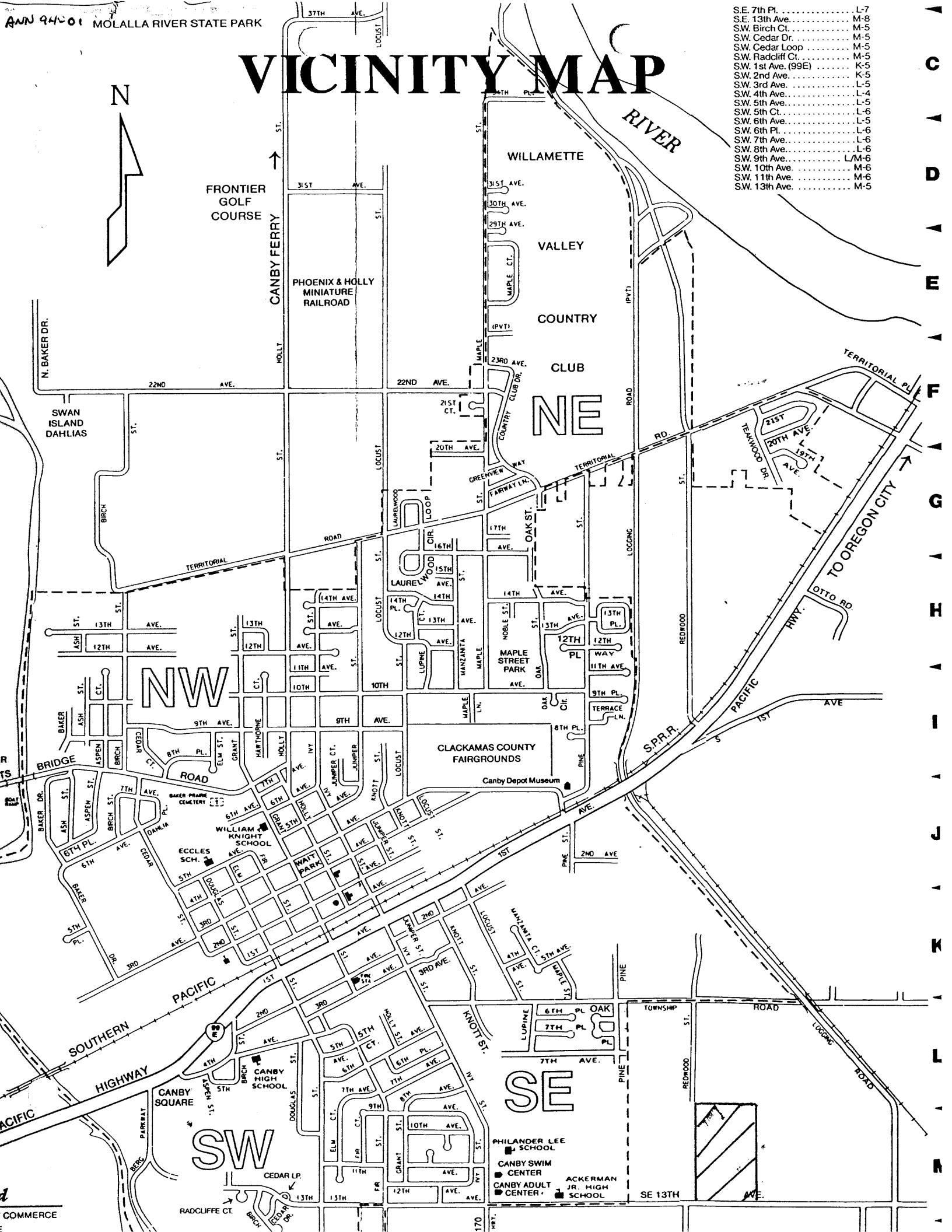
NORTH
1"=300'

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

VICINITY MAP



- S.E. 7th Pl. L-7
- S.E. 13th Ave. M-8
- 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-6
- 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. 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



FRONTIER GOLF COURSE

CANBY FERRY

PHOENIX & HOLLY MINIATURE RAILROAD

WILLAMETTE VALLEY COUNTRY CLUB

NW

NE

CLACKAMAS COUNTY FAIRGROUNDS

SE

SW

PHILANDER LEE SCHOOL
CANBY SWIM CENTER
CANBY ADULT CENTER
ACKERMAN JR. HIGH SCHOOL

RADCLIFFE CT.

SE 13TH AVE.

TO OREGON CITY

COMMERCE

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:

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	8 pages

Signature: Steve Hansen

Date: 5/13/94

PLEASE RETURN ATTACHMENTS!!!

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95W
5/13/94

P.O. Box 930, Canby, OR 97013

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Signature: Steve Hansen

Date: 5/13/94

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5/13/94

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[503] 266-4021

DATE: April 12, 1994

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

Signature: Roy L. Welter

Date: May 4, 1994

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

ASW
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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Signature: Jerry Stiger

Date: 4/28/94

PLEASE RETURN ATTACHMENTS!!!

Rec'd 4/20/94
JST

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

5/2/94
JST

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
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Comments or Proposed Conditions:

Please see attached position statement.

Please check one of the following:

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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

29w
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:

Please check one of the following:

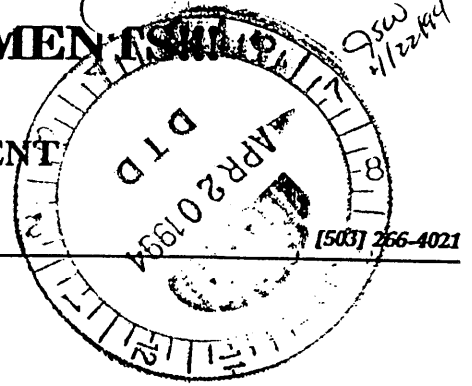
- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: Gary Hyatt Date: 4/22/94

PLEASE RETURN ATTACHMENT

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013



DATE: April 12, 1994

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMITT, 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 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]

[Handwritten Signature]

Assistant Planning Director

Date: 4/20/94

7shw
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

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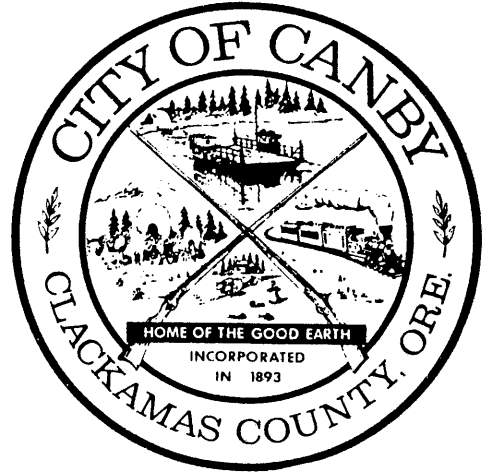
Comments or Proposed Conditions:

No comments at this time

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



- STAFF REPORT -

APPLICANT:

Melvin L. Dorson
784 N.W. 3rd
Canby, OR 97013

FILE NO.:

MLP 94-04

OWNER:

Same

STAFF:

Robert G. Hoffman, AICP
Planning Director

LEGAL DESCRIPTION:

Tax Lot 1400 of Tax Map 3-1E-32D

DATE OF REPORT:

June 17, 1994

LOCATION:

784 N.W. 3rd Avenue -
North side N.W. 3rd, west of Cedar

DATE OF HEARING:

June 27, 1994

COMP. PLAN DESIGNATION:

High Density Residential Land Use

ZONING DESIGNATION:

R-2 - High Density Residential Zone

I. APPLICANT'S REQUEST:

The applicant is requesting approval to partition a 0.57 acre parcel into two parcels approximately 11,700 square feet and 12,675 square feet, respectively. The purpose of the partition is to facilitate construction of a manufactured home on the most easterly

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

IV. FINDINGS:

A. Location and Background

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 1400 of Tax Map 3-1E-32D. It is located at 784 N.W. 3rd Avenue, on the north side of N.W. 3rd Avenue, west of Cedar. The property consists of approximately 0.57 acres. There is approximately 125 feet of frontage along N.W. 3rd Avenue. Multiple residential development exists to the north, buffered industry is located to the northwest, the Rinkes' vacant parcel is located to the south, and offices are located to the southeast. The Rinkes' parcel is zoned M-1, Light Industrial, and is proposed to be developed with light industrial and a park. Northwest Third Avenue is a collector street in the Comprehensive Plan.

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 City has an adopted Urban Cooperating Agreement with Clackamas County and the County is notified of development proposals, when appropriate.
2. No changes to the Urban Growth Boundary are proposed with this application. The property is currently being used as a home site. 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.

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 residential. The intention of the applicant and owner is to develop the property with single family residences. Single-family residential development would be compatible with development in the area since buffering is provided and setbacks will be required. The degree of potential conflict is dependent on the nature of future development of the immediately adjacent uses. The development review process should account for this potential conflict through buffers, fences, or other means. There will be truck traffic present on N.W. 3rd Avenue, but this will decrease when the Berg Parkway/Birch Street connection is completed.
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. Use of the property for single-family residential development is in accordance with the Comprehensive Plan and will help to 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). All Request for Comments received to date have indicated the ability to service the subject site.

4. No natural hazards have been identified on the subject property.
5. The zoning of the property (R-2, High Density Residential) is consistent with the Land Use Map designation for the property (High Density Residential). The minimum lot size for parcels in the R-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 not viable for agricultural uses.
- 1-R-B.** In the opinion of staff, the subject property is not an agricultural use within the urban growth boundary.
- 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. Minimal noise will be expected as a result of residential construction. An apartment or single family residential construction 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 westerly 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 easterly parcel would not affect the scenic and aesthetic quality of the City since it is a small site. 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 easterly parcel.

8-R. The subject property is not considered to be open space at this time since it is so small. Preservation of the full property in perpetuity is impractical. A parks SDC will be required for any development of the property.

9-R. No significant 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. If needed, the City normally requires dedication of land for right-of-way purposes and road improvements as a part of land development. N.W. 3rd Avenue is already wide enough, being a 60 foot strip of land with an agreement for use as part of a property the City is condemning.
2. No new streets are needed as a result of the proposed partition.
3. There are no "problem intersections" in this vicinity. The proposed partition will not impact any "problem intersection." The City has required a "fair-share contribution" of \$50 per lot for improvements to problem intersections. 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 not have an impact on "problem intersections." 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 possibly affect further development fees for the subject property.
4. Sidewalks will be required for the property's frontage along N.W. 3rd Avenue. Due to the lack of actual development, the requirement for sidewalks may be delayed until further development of the property occurs.
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 not indicated any problems and no further conditions have been requested, related to the proposed partition.
7. 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.
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 not on a County road which serves as an access road 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. Any responses received will be forwarded to the Commission.

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" on recent applications. Therefore, at this point, there is considered to be adequate public school services available.

2. Needed 'public improvements' range from curbs and sidewalks, to street trees. All of these improvements have been discussed under the Transportation Element discussion.
3. The City's internal organization is not germane to this application.
4. The City has adopted a Parks Master Plan in which appropriate sites or areas for recreation facilities are identified. A community park has been proposed for the Rinkes' property, across N.W. 3rd Avenue.

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 proposed partition is for the purpose of residential development. No agricultural land is affected.

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 currently within the City limits. The potential for housing will also be increased as a result of the proposed development. The resultant lot would be large enough for 3 units.
3. The proposed development does not currently include higher density housing. Future development of the property will not include higher density housing, as currently conceived.

4. The proposed development does not include housing for low income persons. Future development of the property could include housing for low income persons. The proposed manufactured home is likely to cost less per square footage than site built housing.
5. The proposed development is not a mobile home development. Future development of the property could include mobile/manufactured home development, as is currently proposed.

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:

According to the foregoing analysis, the proposal is consistent with the Comprehensive Plan.

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 development of a portion of the subject property. The City Code standards do appear to be met, as far as staff can determine.

- 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.

Access facilities are available. The existing access for the existing home will be available with a standard driveway. 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 which indicates adequate services are available for the next two years, or 1,200 units. No indication of difficulties have been mentioned, officially or otherwise, with regards to these public facilities and services providing service to any development. Staff will submit any additional reports received.

- 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, is 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 be available for 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 the proposed partition should be approved, with the following conditions:

1. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 94-04.
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
3. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
4. All monumentation and recording fees shall be borne by the applicant.
5. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:
 - 6 feet in width along all lot lines, except;
 - 12 feet in width along street frontages.
6. All utilities must meet the standards and criteria of the providing utility authority.
7. The land divider shall follow the provisions of Section 16.64.070 Improvements, in particular, but not limited to, subparagraph (O) Bonds, which requires a surety bond, personal bond, or cash bond for improvements, for any improvement not completed prior to the signing of the final plat. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.
8. Sidewalks and curbs, where missing, shall be provided prior to occupancy of the home on the easterly lot.

Exhibits:

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



MINOR LAND PARTITION APPLICATION

Fee: \$600.00

OWNER

APPLICANT

Name MELVIN L. DORSON
 Address 784 NW 3RD
 City CANBY State OR Zip 97013
 Signature: Melvin L. Dorson

Name MELVIN L. DORSON
 Address 784 NW 3RD
 City CANBY State OR Zip 97013
 Phone: 266-5983

DESCRIPTION OF PROPERTY:

Tax Map 31E 32D Tax Lot(s) 01400 Lot Size 0.57
 (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

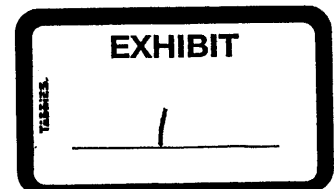
Existing TWO STORY - 3 BEDROOM Proposed MANUFACTURED HOME
 Existing Structures GARAGE & STORAGE SHED

PROJECT DESCRIPTION

PLACEMENT OF MANUFACTURED HOME ON OTHER
HALF OF LOT.

ZONING R 2 COMPREHENSIVE PLAN DESIGNATION _____
 PREVIOUS ACTION (if any) _____

File No. MLP 94-04
 Receipt No. 3000
 Received by K. Bellmore
 Date Received 5-27-94
 Completeness Date _____
 Pre-App Meeting _____
 Hearing Date 6-27-94



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

CHICAGO



"This plat is for your aid in locating your land with reference to streets and other parcels. While this plat is believed to be correct, the company assumes no liability for any loss occurring by reason of reliance thereon."

No. _____
CHICAGO TITLE INSURANCE COMPANY
1001 S.E. SUNNYSIDE ROAD
CLACKAMAS, OREGON 97015

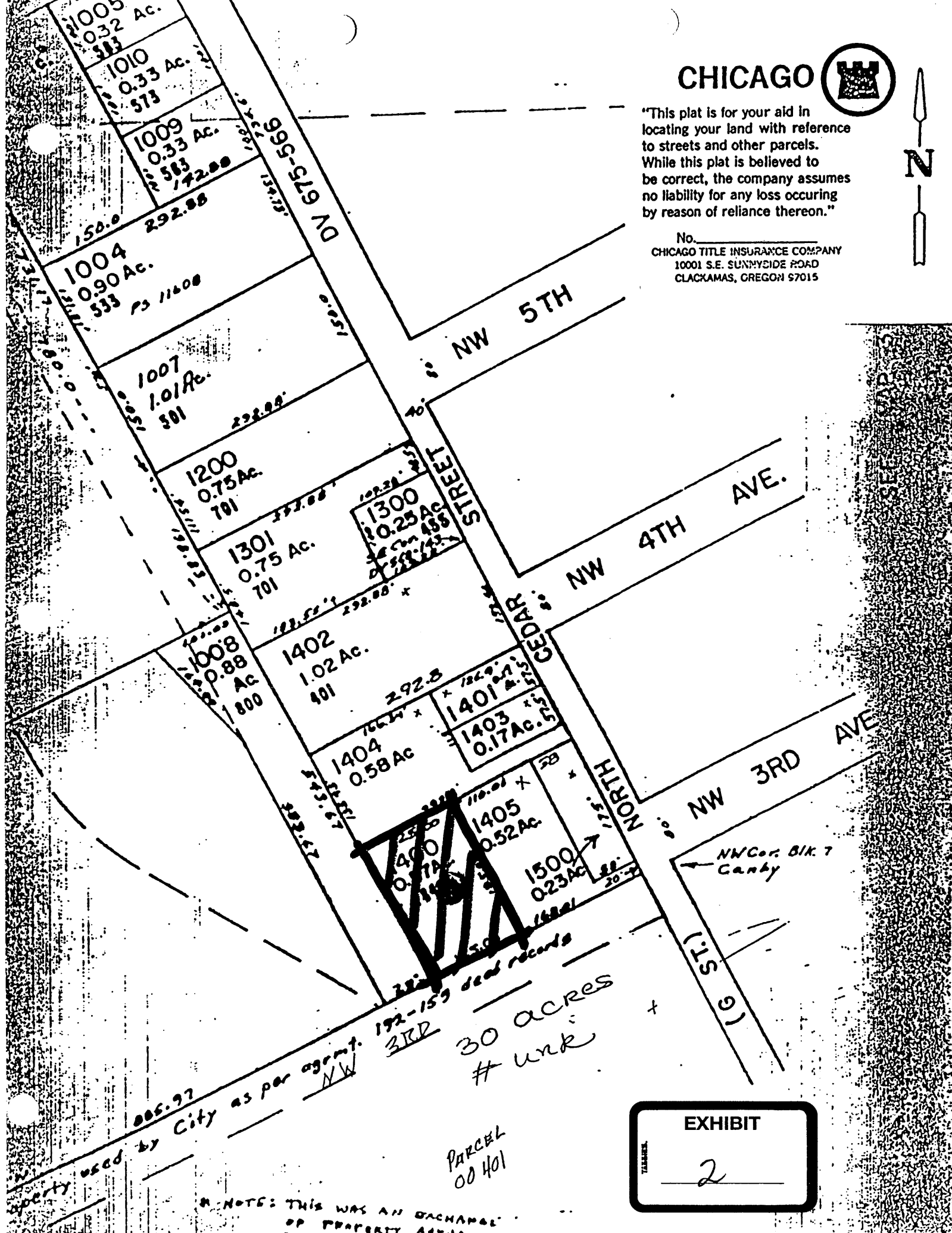


EXHIBIT
2

NOTE: THIS WAS AN EXCHANGE OF PROPERTY ACTUAL DIMENSIONS

PARCEL 00401

Property used by City as per agent. NW

192-159 dead records
3RP
30 acres
unk

NW Cor. Bk. 7
Canby

MELVIN L PARSON

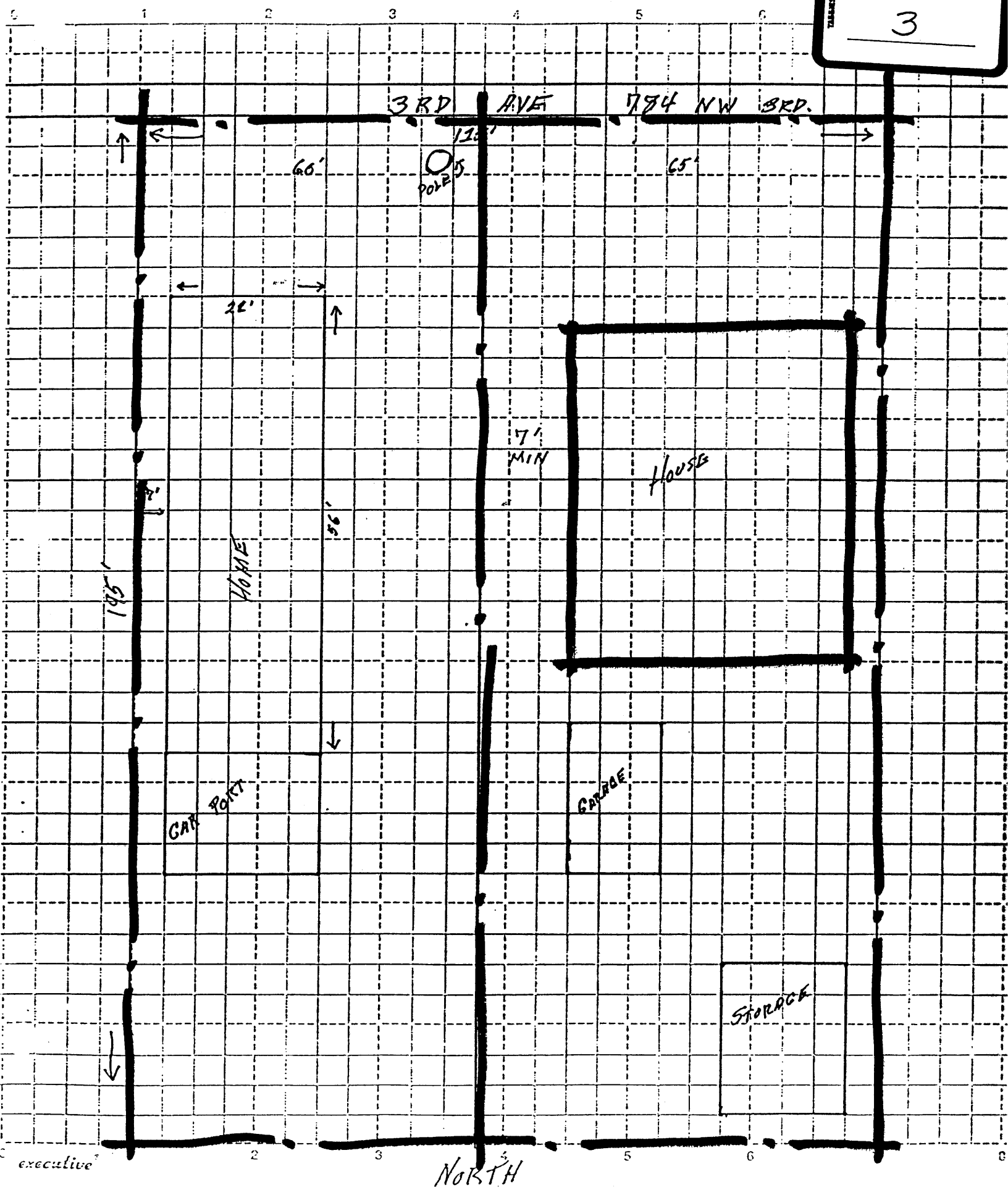
784 NW 3RD CANBY

L D

5-27-94

EXHIBIT

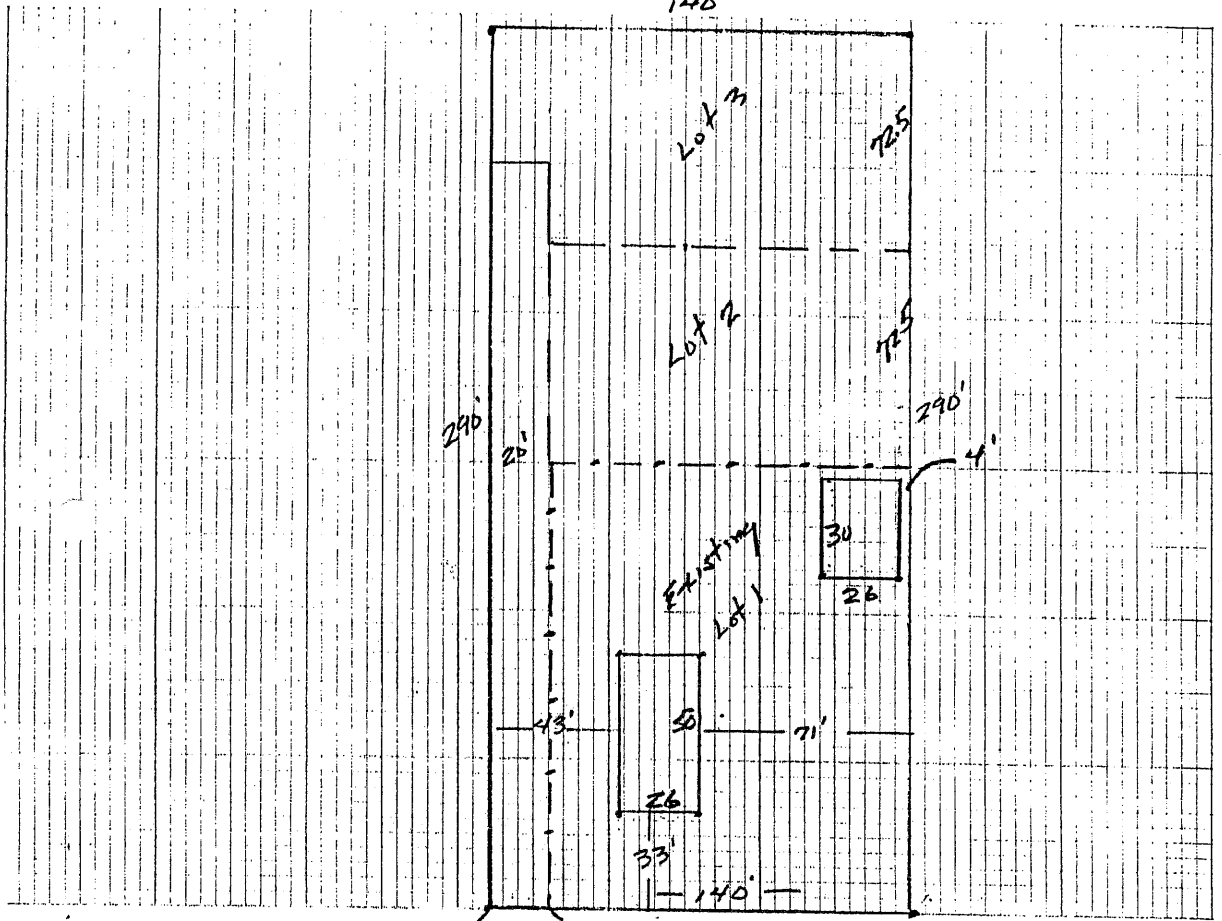
3



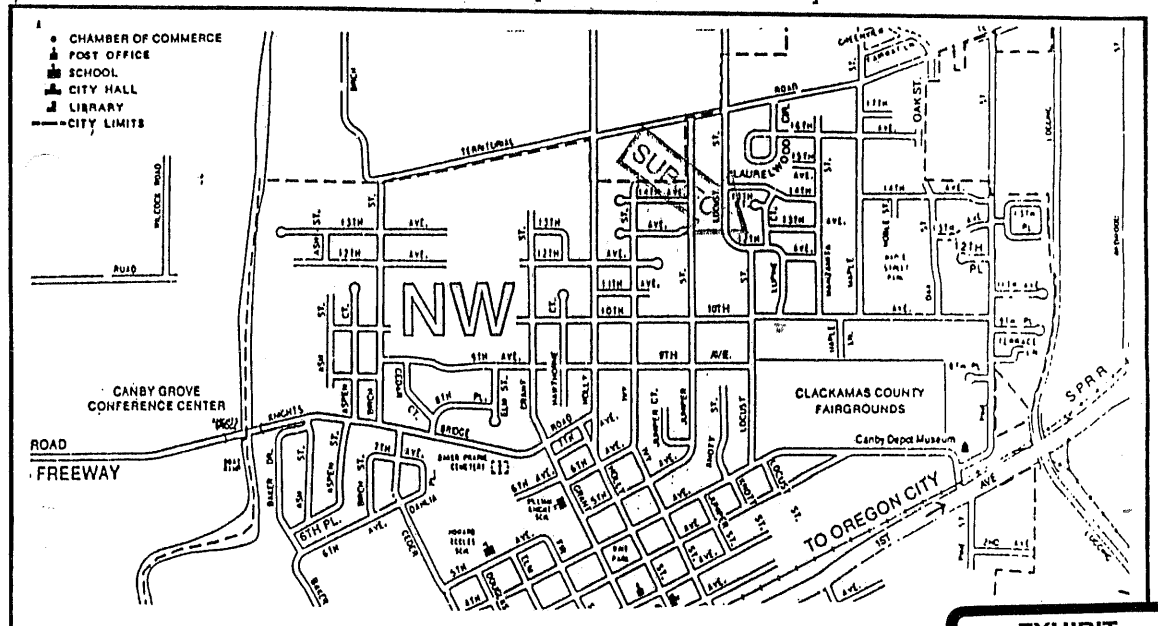
MAP SKETCH ADDENDUM

Borrower/Client			
Property Address			
City	County	State	Zip Code

BUILDING SKETCH



LOCATION MAP [*SUBJECT PROPERTY]



OVER FOR PHOTO ATTACHMENTS

EXHIBIT
3

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

[503] 266-4021

P.O. Box 930, Canby, OR 97013

DATE: June 2, 1994

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

The City has received MLP 94-04, an application by Melvin L. Dorson for approval to partition a 24,375 square foot lot into two lots, 11,700 square feet and 12,675 square feet, respectively. The applicant proposes to install a manufactured home on the easterly 11,700 square foot lot. The property is located at 784 N.W. 3rd Avenue (Tax Lot 1400 of Tax Map 3-1E-32D).

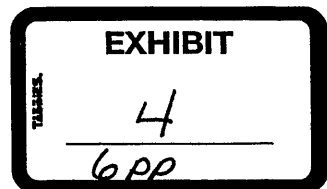
We would appreciate your reviewing the enclosed application and returning your comments by June 10, 1994 PLEASE. The Planning Commission plans to consider this application on June 27, 1994. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

OK

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: Mary L. Weston

Date: June 3, 1994

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 2, 1994

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

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

Signature: Jerry Stiger Date: 6/6/94

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 2, 1994

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

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

Signature: _____

Gary Hyatt

Date: _____

6/7/94

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 2, 1994

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

The City has received MLP 94-04, an application by Melvin L. Dorson for approval to partition a 24,375 square foot lot into two lots, 11,700 square feet and 12,675 square feet, respectively. The applicant proposes to install a manufactured home on the easterly 11,700 square foot lot. The property is located at 784 N.W. 3rd Avenue (Tax Lot 1400 of Tax Map 3-1E-32D).

We would appreciate your reviewing the enclosed application and returning your comments by June 10, 1994 PLEASE. The Planning Commission plans to consider this application on June 27, 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 or conditions

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: _____

6-3-94

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 2, 1994

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

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

Signature: _____

Stephen Miller

Date: _____

6-10-94

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 2, 1994

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

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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

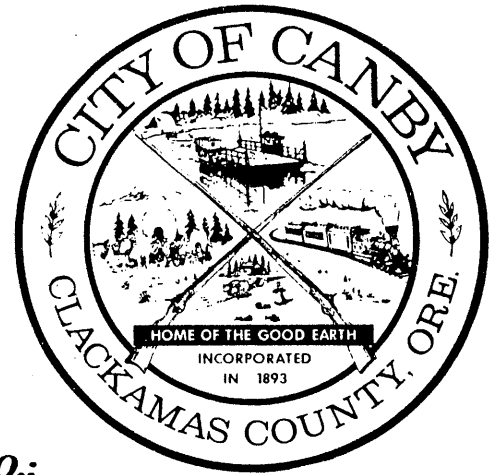
Signature: _____

Steph Hansen

Date: _____

6/6/94

- STAFF REPORT -



APPLICANT:

William and Linda Smith
1188 N. Locust Street
Canby, OR 97013

FILE NO.:

MLP 94-05

OWNER:

Same

STAFF:

Robert G. Hoffman, AICP
Planning Director

LEGAL DESCRIPTION:

Tax Lot 7300 of Tax Map 3-1E-33AB

DATE OF REPORT:

June 17, 1994

LOCATION:

North Locust at N.E. 12th Avenue

DATE OF HEARING:

June 27, 1994

COMP. PLAN DESIGNATION:

Low Density Residential

ZONING DESIGNATION:

R-1 [*Low Density Residential*]

I. APPLICANT'S REQUEST:

The applicant is requesting approval to partition a 40,600 square foot (140x290) parcel into three parcels, approximately 8,700 square feet, 9,700 square feet, and 17,400 square feet. The property is inside the City limits at this time. The purpose of the partition is to facilitate development of two new lots, with single family homes. The existing home would remain on the 17,400 square foot lot.

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 7300 of Tax Map 3-1E-33AB. It is located on the north end of N. Locust at N.E. 12th Avenue. The property consists of approximately 40,600 square feet. There is approximately 140 feet of frontage along N.E. 12th Avenue.

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 City has an adopted Urban Cooperating Agreement with Clackamas County and the County is notified of development proposals, when appropriate.
2. No changes to the Urban Growth Boundary are proposed with this application. The property is currently being used as a home site. 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.

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 residential. The intention of the applicant and owner is to facilitate development of the property with a single family residence.² Single-family residential development would be compatible with development in the area since the property is surrounded entirely by single family residences.
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. Use of the property for single-family residential development is in accordance with the Comprehensive Plan and will help to 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). All Request for Comments received to date have indicated the ability to service the subject site.
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). The minimum lot size for parcels in the R-1 zone is 7000 square feet, and all parcels will meet the minimum lot size, being 17,400 square feet, 8,700 square feet, and 9,700 square feet, respectively.
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.

1-R-B. In the opinion of staff, the subject property is not an agricultural use within the urban growth boundary.

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. Minimal noise will be expected as a result of residential construction. Single family residential construction 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 southerly 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 northerly flag lot parcels would not affect the scenic and aesthetic quality of the City since it is a small site. Urbanization of land within the Urban Growth Boundary is permitted.

8-R. The subject property is not considered to be open space at this time since it is so small. Preservation of the full property in perpetuity is impractical. A parks SDC will be required for any development of the property..

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

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

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

3-H. The subject property has Canderly sandy loam soil, which is a deep, 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. If needed, the City normally requires dedication of land for right-of-way purposes and road improvements as a part of land development. N.E. 12th Avenue is already wide enough, being a 60 foot strip of land.
2. No new streets are needed as a result of the proposed partition.
3. There are no "problem intersections" in this vicinity that are impacted by this proposal. The City has required a "fair-share contribution" of \$50 per lot for improvements to problem intersections. 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 not have an impact on "problem intersections." 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 possibly affect further development fees for the subject property.
4. Sidewalks will be required for the property's frontage along N.E. 12th Avenue, where not existing. Due to the lack of actual development, the requirement for sidewalks may be delayed until further development and occupancy of the property occurs.
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 not indicated any problems and no further conditions have been requested, related to the proposed partition.
7. 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.

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 not on a County road which serves as an access road into the City.
13. The access drive should be platted such that Lot #2 is attached to the easterly half of the drive, and the westerly half is attached to Lot #3 with a mutual access and a maintenance agreement between each lot is provided.

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. Any responses received will be forwarded to the Commission.

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" on recent applications. Therefore, at this point, there is considered to be adequate public school services available.

2. Needed 'public improvements' range from curbs and sidewalks, to street trees. All of these improvements have been discussed under the Transportation Element discussion.
3. The City's internal organization is not germane to this application.
4. The City has adopted a Parks Master Plan in which appropriate sites or areas for recreation facilities are identified. Maple Street Community Park exists nearby.

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 proposed partition is for the purpose of residential development. No agricultural land is affected.

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 currently within the City limits. The potential for housing will also be increased as a result of the proposed development. The resultant lots would be large enough for 3 units, as proposed. Lot #1 probably could be divided later or, if the garage were removed, additional smaller lots could be platted. However, the flag lots are reasonably sized, as platted.
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. A manufactured home could be placed on each lot to reduce the square footage cost, as compared to site built housing.
5. The proposed development is not a mobile home development. Future development of the property could include 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 and adjacent street in this proposal makes it difficult for lot orientation to meet the usual solar access standards for new residential developments. However, a "protected solar line option" could be recorded with the plat, as permitted in Section 16.95.030(B). 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:

According to the foregoing analysis, the proposal, with proposed conditions, is consistent with the Comprehensive Plan.

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 development of a portion of the subject property. The City Code standards do appear to be met, as far as staff can determine.

- 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. Solar access is possible with use of a "protected solar access line."

Access facilities are available. The existing access for the existing home will be available with a standard driveway. Utility easements along the new property lines will be needed to allow for potential utility extensions. The flag lots are proposed to be served by a 20 foot wide access drive.

- 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 which indicates adequate services are available for the next two years, or 1,200 units. No indication of difficulties have been mentioned, officially or otherwise, with regards to these public facilities and services providing service to any development. Staff will submit any additional reports received.

- 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.

Although no new private roads are proposed, a 20 foot wide paved access drive is proposed as a part of this application. Future development will not require new roads. The paved access drive appears, to staff, to provide adequate year-round maintenance and unhindered emergency access.

V. CONCLUSION

1. Staff concludes that the partition request, with appropriate conditions, is 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 be available for 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 the proposed partition should be approved, with the following conditions:

1. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 94-05.
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
3. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
4. All monumentation and recording fees shall be borne by the applicant.

5. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:
 - 6 feet in width along all lot lines, except;
 - 12 feet in width along street frontages.
6. All utilities must meet the standards and criteria of the providing utility authority.
7. The land divider shall follow the provisions of Section 16.64.070 Improvements, in particular, but not limited to, subparagraph (O) Bonds, which requires a surety bond, personal bond, or cash bond for improvements, for any improvement not completed prior to the signing of the final plat. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.
8. Wherever missing, sidewalks, street trees, and curbs shall be provided prior to occupancy of the home on the flag lots.
9. The proposed access drive shall be paved 20 feet wide and platted with one-half attached to each flag lot, with a mutual access and maintenance agreement provided for each flag lot.
10. A "protected solar access line" shall be recorded with each flag lot.
11. Each flag lot shall be developed in such a way that emergency vehicle access is provided for, as required by the Fire Marshal. "No Parking" signs are to be placed and such restriction shall be enforced along the access drive.

Exhibits:

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

MINOR LAND PARTITION APPLICATION

Fees: \$600.00

OWNER

APPLICANT

Name William + Linda Smith
Address 1188 N Locust St
City CANBY State OR Zip 97013
Signature: Linda Smith

Name _____
Address _____
City _____ State _____ Zip _____
Phone: _____

DESCRIPTION OF PROPERTY:

Tax Map 3-1E-33 AB Tax Lot(s) 7300 Lot Size 140' x 290'
(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 Residential Proposed Minor Partition To 3 Lots

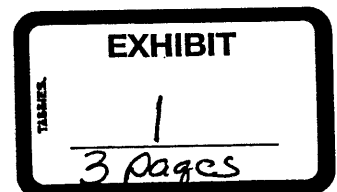
Existing Structures 3 Bedroom Home Detached garage

PROJECT DESCRIPTION

Minor partition existing lot to 3 lots - 1 lot with existing structures to be 120' x 154' Two newly created lots to be each approximately 77' x 140' to be served by a 20' Deeded Access along subject lots westerly boundary line

ZONING R-1 COMPREHENSIVE PLAN DESIGNATION Residential
PREVIOUS ACTION (if any) _____

File No. MLP 94-05
Receipt No. _____
Received by _____
Date Received _____
Completeness Date _____
Pre-App Meeting _____
Hearing Date _____



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

Minor Land Partition Standards

1188 N. Locust Street, Canby Oregon

- A. The subject is located in an R-1 Zone (single family residential) inside the city limits of Canby
- B. The subject site fronts N. Locust, a paved, curbed, city street with city sewer and water services available.
- C. The subject is surrounded by existing dwellings. The subject parcel is the last oversized parcel left to develop in this area. The flag lot access for the two lots being created front N. Locust will be 20 feet wide, paved with easements for utilities and ingress, egress.
- D. The lots access will be joint ownership with reciprocal easements, will be paved and shall have a road maintenance agreement by owners to follow the deed. 20 foot access is adequate for emergency vehicles.
- E. All city services are available and existing in N. Locust Street.

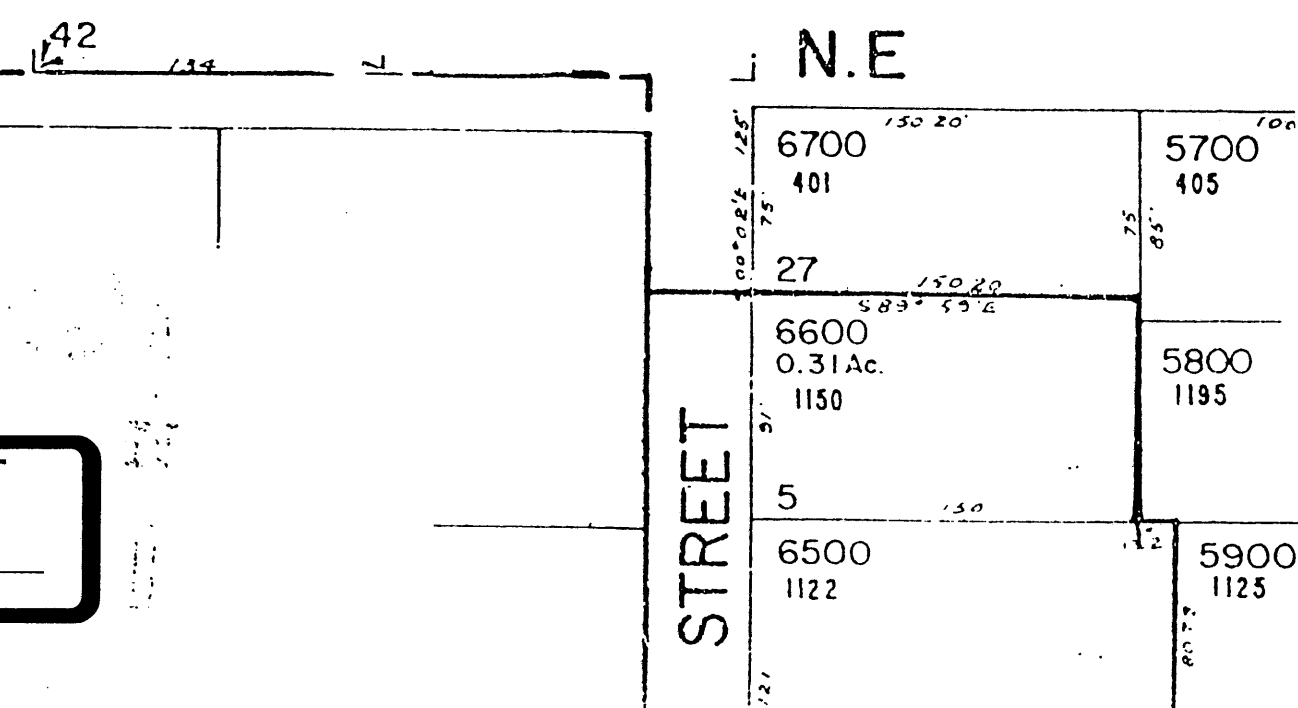
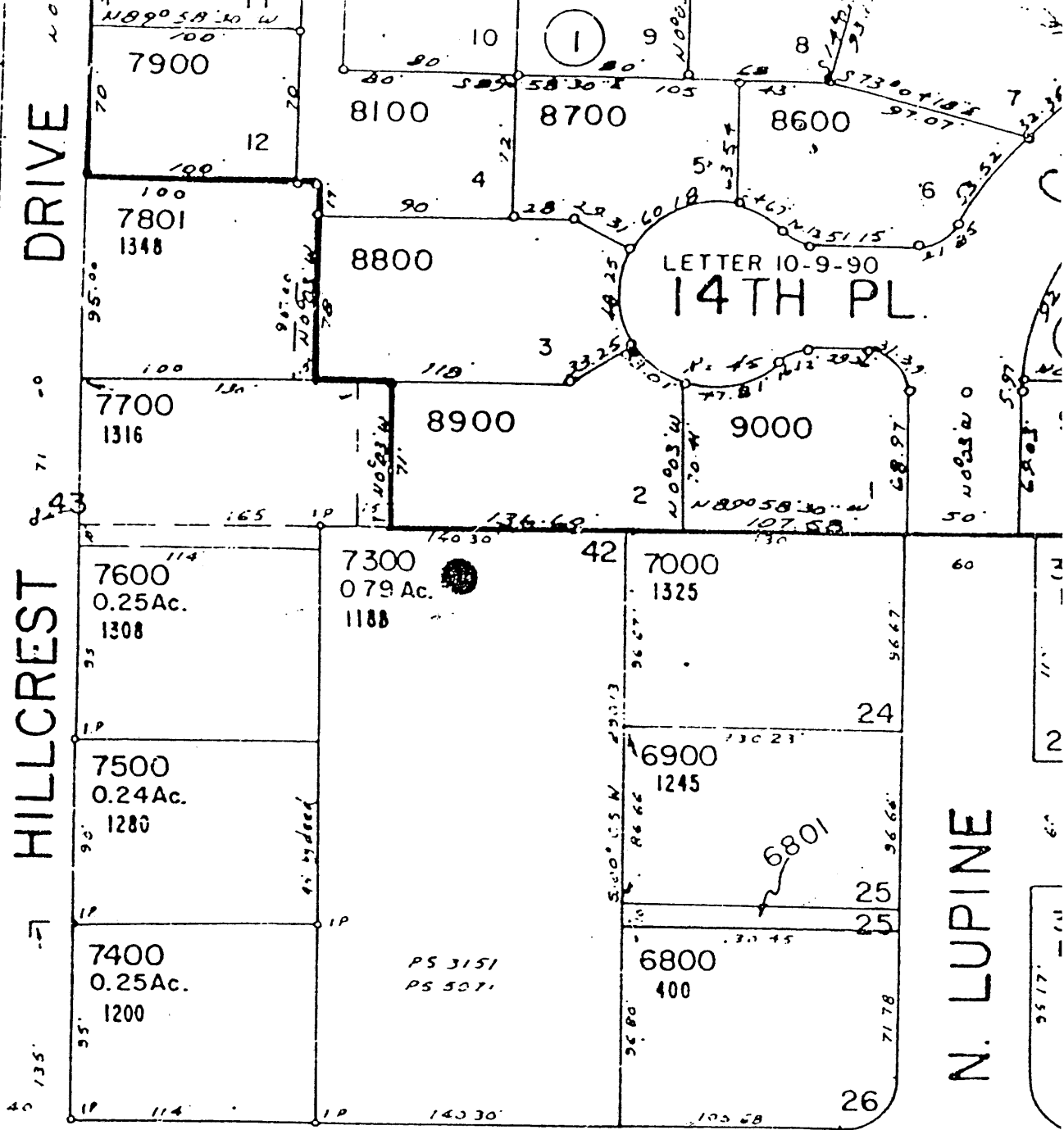
MINOR PARTITION

1188 N. LOCUST

The subject site is 140.30 x 290.13 in size and has an older home and garage sited on the front of the lot. The present zoning is R-1. The partition request is to create 2 additional lots to the rear of, by accessing them with a 20' deeded ingress/egress to N. Locust along the subjects Westerly boundary line. Each new lot created has more than 7,000 sq ft, not including the driveway access.

The City of Canby's zoning and comprehensive plans, provide for the minor partition of small tracts in an R-1 zone, and the creation of an access to reach said lots, subject to governmental hearing process. The division of the subject is compatible with the surrounded area.

SEE MAP 3 IE 33BA



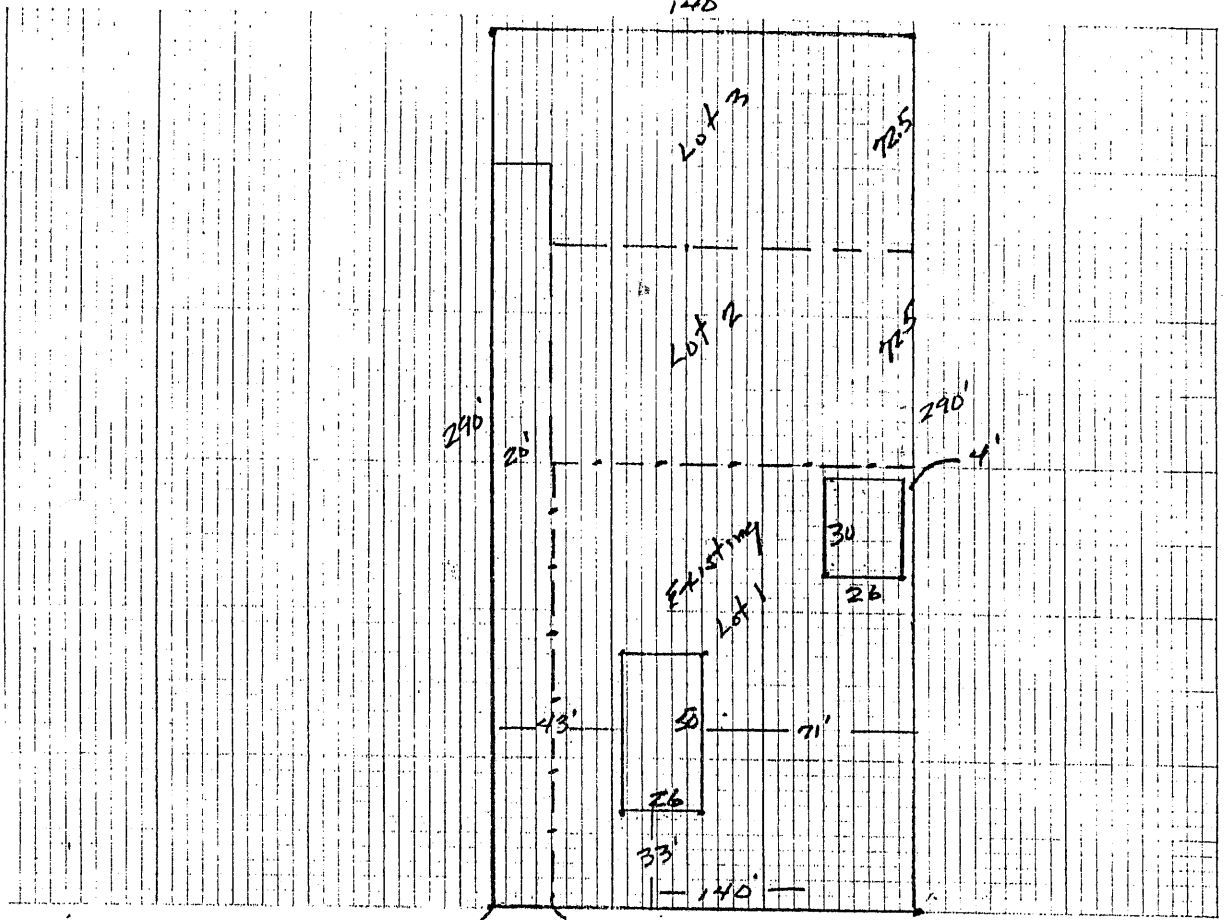
EXHIBIT

2

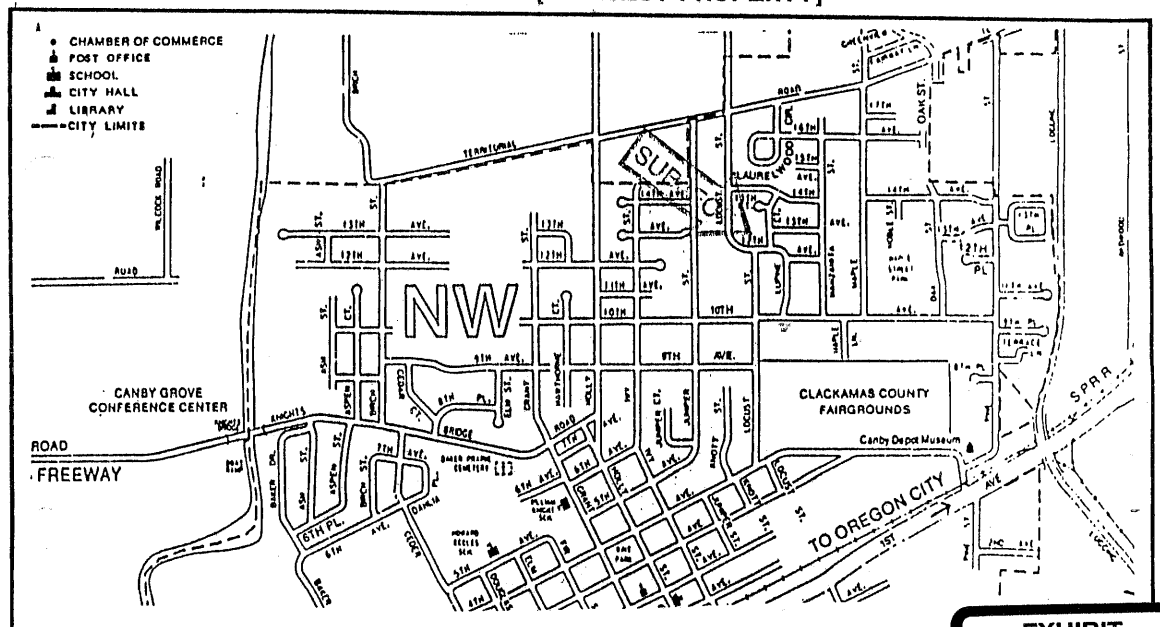
MAP SKETCH ADDENDUM

Borrower/Client			
Property Address			
City	County	State	Zip Code
L	r		

BUILDING SKETCH



LOCATION MAP [*SUBJECT PROPERTY]



OVER FOR PHOTO ATTACHMENTS

EXHIBIT

3

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 1, 1994

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

The City has received MLP 94-05,, an application by William and Linda Smith for approval to partition a 149' x 290' parcel into three parcels. The existing home is proposed to remain on a 120' x 154' parcel, and the two new parcels are proposed to be 72' x 140' each, with access from a 20' deeded easement along the subject lots' westerly boundary line. The property is located at 1188 N. Locust Street [Tax Lot 7300 of Tax Map 3-1E-33AB].

We would appreciate your reviewing the enclosed application and returning your comments by June 16, 1994 PLEASE. The Planning Commission plans to consider this application on June 27, 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:

None

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	
TABLES.	4
	7 pages

Signature: Stua Hanson Date: 6/8/94

PLEASE RETURN ATTACHMENTS!!!

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Comments or Proposed Conditions:

See enclosed Regulation

Please check one of the following boxes:

- 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: 6-9-94

CANBY FIRE DISTRICT NO. 62

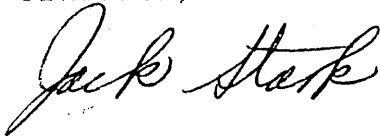
P.O. BOX 909 CANBY, OREGON 97013
(503) 266-5851 FAX 266-1320

CANBY FIRE DISTRICT FLAG LOT REGULATIONS

1. Driveways longer than 150 feet shall be provided with approved provisions for the turning around of emergency equipment.
2. If a dwelling or dwellings to be built on a flag lot and the building is more than 250 feet from a fire hydrant, a hydrant shall be installed at the entrance of the driveway from the main street. Hydrant shall be supplied by no less than a 8" water main, installed as per CUB specifications. Cost of installation of hydrant shall be the developers responsibility.
3. Address for proposed dwellings shall be displayed at driveway entrance from street. Numbers for address shall be at least 3" in height.
4. There shall be no parking on either side of the driveway leading to the proposed dwelling/dwellings.

Please contact this office if there are any questions concerning the above items.

Sincerely



Jack Stark
Canby Fire Marshal

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 1, 1994

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Comments or Proposed Conditions:

make sure residence numbers consistent
with those existing AND THAT emergency
access is NOT obstructed.

Please check one of the following boxes:

- Adequate Public Services (of your agency) are available
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Signature: Jerry Nigler

Date: 6/7/94

PLEASE RETURN ATTACHMENTS!!!

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[503] 266-4021

DATE: June 1, 1994

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Signature: Stephen Miller Date: 6-

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

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Comments or Proposed Conditions:

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

RECEIVED
JUN 13 1994
CITY OF CANBY

Signature: _____

Gary Hyatt

Date: _____

6/10/94

(FAITH) NE 15TH AVE.

HARVEST OAK ESTATES #2

5' P.U.E. ALONG FRONT LOT LINES, 5' P.U.E. ALONG SIDE & REAR LOT LINES

(ANETA AVE.)



N. LOCUST ST

LUPINE CT.

(GRETA) N.E. 13TH AVE.

MANZINITA ST.

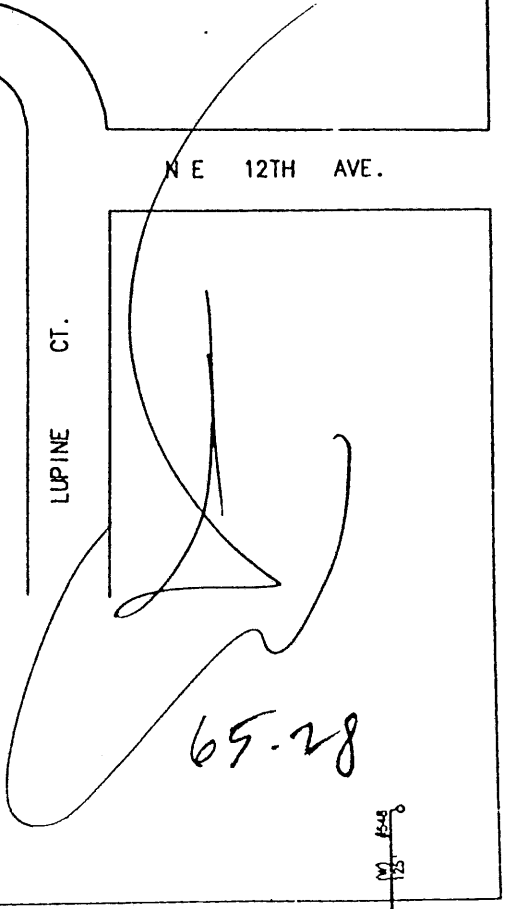
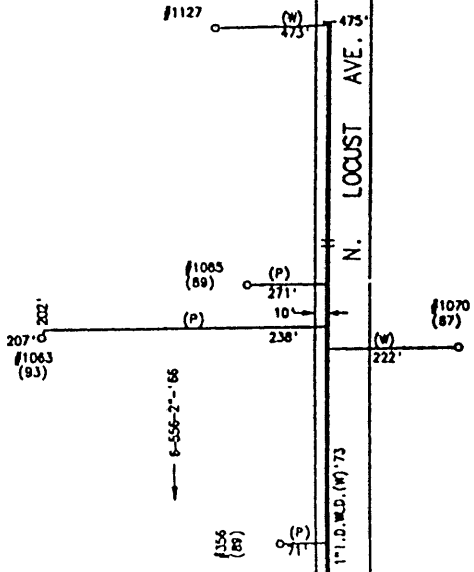
N.E. 12TH AVE.

N E 12TH AVE.

LUPINE CT.

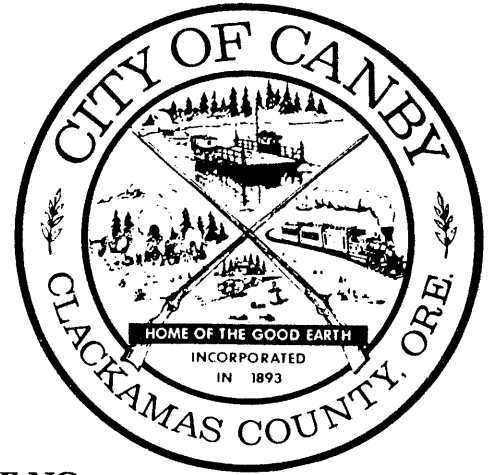
ANETA AVE.

(WAIT) N.E. 10TH AVE.



65-28

- STAFF REPORT -



APPLICANT:

Roger H. Hudson
Canby Congregation of Jehovah's Witnesses
740 N.E. 17th Ave.
Canby, OR 97013

FILE NO.:

DR 94-06

OWNER:

Hilda M. Wiederhold Trust
P.O. Box 30802
Portland, OR 97230

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 1100 of Tax Map 4-1E-4AB

DATE OF REPORT:

June 17, 1994

LOCATION:

748 S. Ivy, east side of S. Ivy Street,
across from S.W. 7th Ave.

DATE OF HEARING:

June 27, 1994

COMP. PLAN DESIGNATION:

Residential-Commercial

ZONING DESIGNATION:

R-1 (Low Density Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting site and design approval to construct a Kingdom Hall. The Kingdom Hall is a single-story building, accommodating 189 persons in the main auditorium. A small apartment for an on-site caretaker is also being considered. Sixty-two parking spaces (4 handicapped) has been designed into the site plan.

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

II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**
 - 16.10 Off-Street Parking and Loading
 - 16.16 R-1 - Low Density Residential Zone
 - 16.49 Site and Design Review
 - 16.88 General Standards

III. MAJOR APPROVAL CRITERIA

Site and Design Review

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

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

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

IV. FINDINGS:

A. Background and Relationships:

The property was approved for partitioning in January of 1994 (MaLP 94-01). The use of parcel #1 for a Kingdom Hall was also approved in January of 1994 (CUP 94-01).

B. Evaluation Regarding Site and Design Review Approval Criteria

1. Part IV - Section 2, No. 2

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

The landscaping requirement for institutional property is 15% of the area being developed. The amount of landscaping required for the 61,823 square foot parcel is 9,273 square feet. The applicant is proposing approximately 17,756 square feet of landscaping (28.7%).

2. Parking.

The parking requirement for a place of public assembly, such as a church, is 1 parking space per 4 seats. Additionally, two parking spaces are required for the caretaker's unit. The requirement for this development (189 seats and the caretaker's unit) is 50 spaces. On the site plan, 62 parking spaces are proposed.

A minimum of two (2) handicap parking spaces are required. Four (4) handicapped parking spaces have been proposed. All handicapped parking spaces and access aisles will need to be striped so as to meet the requirements of the State of Oregon Structural Specialty Code.

No loading facilities are required.

3. Access

Access to the proposed development will be from S. Ivy Street. Sidewalks and curbs will not be required as a part of construction. S. Ivy Street is a County road. The County has not provided elevations for curb and sidewalk construction. Due to this lack of information, the City Public Works Supervisor requested that in lieu of curb and sidewalk improvements on the property, payment to the City for the improvements be required. The responsibility of the improvements then becomes the City's. This requirement was placed on the Major Land Partition of the subject property (MaLP 94-01). Because this Site and Design Review is independent of the Major Land Partition, the same condition should apply to this application, as well as the Major Land Partition.

Section 16.10.070.B.5. states that sidewalks are required to extend from the ground floor entrances to the public right-of-way. No such walkway is proposed on the plans. It would be possible for such a walkway to

be provided within the northwestern perimeter landscape area. A striped walkway could then connect the walkway to the entrance across the driveway. Provision of such a walkway will require elimination of some landscaping. There is sufficient amount of landscaped area proposed to allow the elimination of a small portion for the provision of a connecting walkway. Because there will not be sidewalks along the street frontage, the walkway will need to go to the edge of the existing pavement. Appropriate adjustments will be made by the City at the time that curbs and sidewalks are placed.

The State Transportation Planning Rule calls for provision for pedestrian and bicycle traffic. Provision of a bike rack near the entrance of the building and the walkway connecting the entrance with the public right-of-way will meet the requirements of the State Transportation Planning Rule.

4. Architecture

The building will have beveled siding with brick corners. The body color will be Silverpointe, with Greek Isle (grayish-green) trim, and plum accent. A painted board will be available at the public hearing.

A sign is proposed to be located immediately south of the entrance to S. Ivy Street. The sign will be perpendicular to the street. The sign will be 84" high, by 32.25" wide, and 8.75" thick. The total area of the sign, including both sides, is approximately 38 square feet. The maximum signage area permitted for the 4500 square foot building in the R-1 zone is 60 square feet.

5. Other Aspects

a. Utilities

The Fire Marshall desires that the hydrant to be located on the property, be located further from the building than is proposed. The Fire Marshall has requested that the hydrant be located across the main drive from the Kingdom Hall. A suitable location for the Fire Marshall and the applicant is the eastern end of the northwestern perimeter landscape area. Other service providers have not indicated that there would be any problem in servicing this proposal. Specific construction designs for the storm water drainage system will be necessary for review and approval by the Department of Public Works.

b. Landscaping

There are four landscape areas, the perimeter landscaping, the picnic area landscaping, two parking lot island landscaping, and the building perimeter landscaping.

Along S. Ivy Street, three red-leaf maples are proposed. There are overhead power lines along this side of S. Ivy Street. As the trees mature, significant or severe pruning will be required. Portland General Electric has a booklet of recommended street trees for planting under power lines. Trees from that booklet would be more appropriate for this location. Of the trees located along S. Ivy Street, only the dogwood will remain. The three trees proposed in the landscape plan will be added to the existing dogwood. Provision of room for a sidewalk will be necessary along S. Ivy Street. The trees will need to be planted approximately 2 feet from the inside curb, along the driveway. The one-way drives are 15 feet wide. The minimum width permitted is 12 feet. If both one-way drives are reduced to 14 feet, there would be an additional two feet of planting area for the trees. As shown, with a sidewalk, there could be as little as two feet for the planting of the trees. A four foot wide planting area will help ensure the survival of the trees. The applicant, in discussions subsequent to the submittal of the application, is agreeable to this change.

There are a line of fir trees immediately adjacent to the property line with the home to the north. Additionally, in this northwest perimeter landscape area there is a Madrone tree located approximately 12 feet off of the property line. The landscape plan does not show retention of these trees, however the applicant has indicated the intention of retaining these trees. The landscape area is shown to be approximately 12 feet wide. This is the area that will most likely have the walkway connecting the entrance of the building with the public right-of-way. Retention of the Madrone is desired, as it is a unique and mature tree. Because of the location of the tree, some adjustments in the driveway and parking area will be needed to retain the tree. No compact spaces are proposed, therefore allowing the parking spaces nearest the tree (the northern row of parking spaces located to the west of the building) to be compact spaces (only 16 feet deep instead of the standard 18 feet). The reduction of these parking spaces to a compact depth, and correspondingly adding the two feet to the northwestern perimeter landscape area

will help to retain the Madrone, permit room for the connecting sidewalk, allow for the retention of the fir trees, permit additional landscaping, and not unduly restrict the access or internal flow of the property. The applicant, in discussions subsequent to the submittal of the application, is agreeable to this change.

The consulting arborist for the City recommends that he be present when the grading and paving work is done next to the tree. The same goes for the construction of the connecting walkway. Some additional adjustments in the curb location, on the parking lot side of the tree may be necessary. Any more incursion to the south will result in a reduction of the clear aisle width for the parking space. If the spaces are compact, less clear aisle width will be needed, however there are no specific standards. Staff believes that a maximum reduction of the clear aisle width between the compact spaces and the Madrone tree by two feet (from 24 feet to 22 feet). The reason for the reduction is to facilitate the retention of the Madrone tree.

The applicant has indicated (verbally) that the row of existing fir trees, approximately 30 feet to the north of the fir trees along the property line of the neighboring home, will be retained. Trimming, and possible removal of a couple of the trees, will be likely. The picnic landscape area will be enlarged slightly to the south to include the fir trees. The remaining picnic area will be landscaped with a Clump Birch, a couple of flowering dogwoods, a variety of shrubs, and a lawn area.

The remaining perimeter landscaping will consist primarily of Douglas Fir trees and rhododendron shrubs. A Deodara Cedar will be planted in the northeastern corner.

The parking lot islands will be landscaped with flowering pears and grass.

The perimeter of the building will be landscaped with a flowering dogwood, a couple of vine maples, and a variety of shrubs, and some lawn area on the northwestern corner of the building. A seven foot wide area behind the building is proposed to have no landscaping. Some type of surface will be required for weed control.

The planting of the landscaped areas will need to be dense enough, within a three year time period, to cover 95% of the landscaped area. One alternative to the dense planting is to provide a vegetative groundcover. The overall effect is to have 95% of all the landscaped area to be vegetative in nature (no bark dust, etc.).

The Douglas Firs and the Deodara Cedar are not solar friendly trees. The Planning Commission has the authority to permit non-solar friendly trees to be planted as a part of a development review.

c. Parking Lot Landscaping

The amount of paved area for parking and vehicle maneuvering area is approximately 36,300 square feet. The amount of landscaping required for that amount of area is 5,450 square feet, and is to be within ten feet of the parking/maneuvering area. The amount of landscaping provided within ten feet of the parking/maneuvering area is approximately 14,500 square feet. At the formula of one tree per 2800 square feet of paved vehicular maneuvering and parking area, a total of 13 trees are needed. Including 4 street trees, and not including the fir trees, there are 14 trees within or adjacent to the paved vehicle parking/maneuvering area.

Section 16.49.120.8.A states that screening of parking and loading areas is required. Such screening shall be of such height and density as to shield vehicle headlights from head-on visibility within a three-year time period. Rhododendrons, and Douglas Firs, are the plants that will provide the majority of the screening from the parking spaces. Rhododendrons are not particularly dense shrubs, however, they are evergreens, and if planted densely enough, should provide an appropriate screen for headlights. A cyclone fence is currently proposed. In verbal discussions with the applicant, subsequent to the submittal of the application, a wood fence may be constructed, which would provide sufficient screening of headlights.

In order to protect the landscaped areas, especially planter islands, curbs are needed between the parking/vehicle maneuvering areas and the landscape areas.

d. Density and yards and height

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

V. CONCLUSION

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

Further, staff concludes that, with approval conditions:

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

V. RECOMMENDATION:

Based upon the application, elevations, the site plan received by the City, the facts, findings and conclusions of this report, and without the benefit of a public hearing, staff recommends that should the Planning Commission approve DR 94-06, the following conditions apply:

1. Storm water design and construction of the paved area of the property shall be approved by the Canby Public Works Department.

2. The cost of curb and sidewalk improvements for S. Ivy Street, in the amount of \$1,991, shall be paid to the City, to be put in a special fund to be used by the City at time of construction of said improvements. This payment shall be made prior to the final inspection for the building.
3. Curbs stops shall be placed between the parking/vehicle maneuvering areas and the landscaped areas.
4. The handicapped parking spaces shall be striped and constructed to meet the State of Oregon Structural Specialty Code. At least one handicapped parking space shall be "van accessible".
5. The fire hydrant shall be located at the eastern end of the northwestern perimeter landscaping area, as per the Fire Marshall.
6. The location and placement of the sign shall allow for the construction of an unobstructed sidewalk along S. Ivy Street.
7. A bike rack shall be placed near the entrance of the building.
8. A detailed landscape plan shall be submitted with the building permit. The detailed landscape plan shall show: the number of plants, plant spacing/location of planting, the type of plants, the schedule of planting, and irrigation plans.
9. The planting of the rhododendrons shall be planted dense enough to screen headlights of the parking cars within a 3-year time period. If a wood, sight-blocking fence is constructed along the perimeter of the property, the rhododendrons only need to be planted dense enough to meet the requirements of condition #10.
10. The landscaping shall be planted at such a density so as to provide a minimum of 95% coverage of the landscape areas with vegetation, within a 3-year time period. Bark mulch and similar material shall consist of not more than 5% of the total landscape area after the 3-year period.
11. The northern row of parking spaces, located to the west of the building shall be 16 feet deep and shall be designated as compact spaces. The designation shall be in the form of the words "For compact cars only" painted on the asphalt.

12. The one-way drives, located to the west of the building, shall be reduced to 14 feet in width. The landscaped area along S. Ivy Street shall be enlarged two feet to the east. The trees to be planted in this area are to be planted two feet from the eastern curb. The trees to be planted shall be selected from the Portland General Electric's "Trees: A Guide To Selecting Street Trees".
13. The northwestern perimeter landscape area shall be enlarged by two feet to the south. The existing Madrone tree and the existing, non-topped fir trees shall be retained. The City Arborist shall be on site during grading and construction work of the curbs, pavement, and sidewalk, within 10 feet of the Madrone tree.
14. A walkway connecting S. Ivy Street with the entrance of the building shall be constructed through the northwestern perimeter landscape area. The walkway shall be located so as to minimize, as much as possible, the impact on the trees to be retained. The walkway shall be constructed of concrete and shall be five feet wide. The walkway shall end at the end of the pavement along S. Ivy Street, even with the pavement in elevation. A ramp shall be provided at the eastern end of the walkway. A striped "crosswalk" shall be provided from the eastern end of the walkway, across the drive, to the entrance of the building.
15. The strip of land to the south of the building shall be surfaced such that unwanted vegetative growth is controlled.

Exhibits:

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

TYPE AND DESIGN REVIEW APPLICATION

Fee: \$500

OWNER

Name Hilda M. wiederhold Trust
Address P.O. Box 30802
City Portland State Or. Zip 97230
SIGNATURE See attached letter

APPLICANT

Canby Congregation of Jehovah's Witnesses
Name c/o Roger H. Hudson
Address 740 N.E. 17th Ave.
City Canby State Oregon Zip 97013
Phone: 503-263-1934

DESCRIPTION OF PROPERTY:

Tax Map 41E 04AB Tax Lot(s) 1100 Lot Size 2.12 Acres
(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 House and vacant land
Proposed Kingdom Hall

Existing Structures House and outbuildings

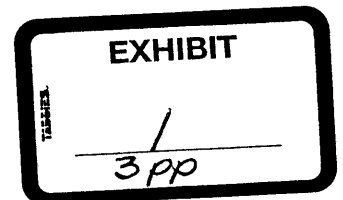
Surrounding Uses

PROJECT DESCRIPTION Our application is requesting approval to construct a Kingdom Hall on Parcel #1 and to leave Parcel #2 for future development. The Kingdom Hall is a single-story building, accomodating 189 persons in the main auditorium. A small apartment for an on-site caretaker is also being considered. 62 parking spaces (4 handicapped) has been designed into the plot plan.

ZONING R-1 COMPREHENSIVE PLAN DESIGNATION

PREVIOUS ACTION (if any)

File No. DR94-06
Receipt No. 2963
Received by ASW
Date Received 5/18/94
Completeness Date 5/18/94
Pre-App Meeting
Hearing Date 6/13/94



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

PROJECT DESCRIPTION

Currently, the 2.12 acres at 748 S. Ivy has a 50-year old home, along with several outbuildings and undeveloped land. It is our desire to construct a Kingdom Hall of Jehovah's Witnesses for the Canby Congregation to use for it's weekly meetings.

The Kingdom Hall will be a single-story structure designed to accommodate several classrooms, an office, and an auditorium with seating for 189 persons. In cooperation with city codes, regarding off-street parking, 62 spaces have been designed into the Kingdom Hall project.

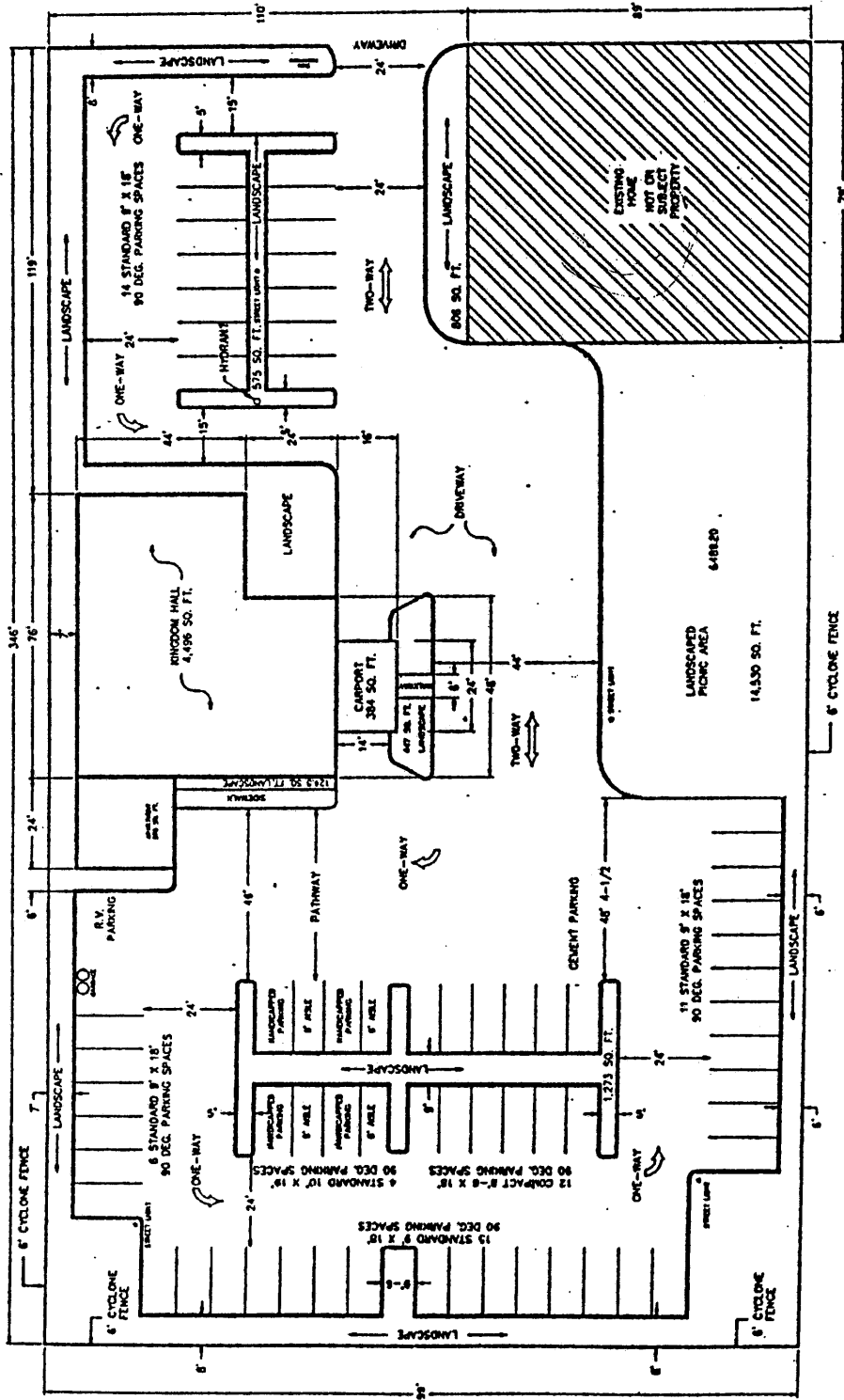
The initial endeavor of the Canby Congregation is to secure approval for a minor land partition, with applications for a Conditional Use Permit as well as a Site and Design Review being presented immediately. The property at 748 S. Ivy will be partitioned into two parcels. Parcel #1 will be 1.42 acres, 61,823 square feet; Parcel #2 will be .70 acres, 30,524 square feet. Parcel #1 will involve application for construction of a single-story Kingdom Hall, as well as a small attached apartment to be used by an on-site caretaker. Parcel #2 will be reserved for future development.

Landscaping designs will be addressed in accordance with city ordinances. Any existing trees will be considered for saving and including into the overall design.

A proposed sign (lighted) will be positioned near the S. Ivy entrance into parcel #1. The sign will follow city guidelines and laws, as well as being unobtrusive in appearance and design.

Compatibility with adjacent property owners will be a consistent concern for the Canby Congregation. Our purpose of providing a meeting place is intended for Bible education for congregation members as well as interested persons. Neighbors of the Kingdom Hall will not be disturbed as we provide a community service for our neighbors. Our desire to support an on-site caretaker residence is initially to provide crime-prevention measures for the Kingdom Hall, but secondly this will also add to the visible presence to assist residential and commercial neighbors in stopping vandalism. Our concern for the local homes and businesses includes being allowed a comfortable adjustment as the Kingdom Hall is inserted into their neighborhood.

Typically, the Kingdom Hall will be in use on two evenings during the week, as well as on Sunday mornings. Increased traffic entering S. Ivy and exiting S. Ivy will be minimal, and should not be a valid objection for a major concern of traffic congestion.



SIGN ILLUMINATED VIA GROUND LIGHTING
 60 PARKING SPACES (& HANDICAPPED)
 LANDSCAPE: 17,756 SQ. FT. (APPROX.)
 KINGDOM HALL: 4,496 SQ. FT.
 APARTMENT: 576 SQ. FT.
 GARPORT: 384 SQ. FT.
 PARKING & DRIVEWAY: 38,611 SQ. FT. (APPROX.)
 TOTAL SQ. FOOTAGE: 61,823 SQ. FT. (APPROX.)



52-100 KINGDOM HALL OF JEHOVAH'S WITNESSES
 1-1-18-0
 CHART - BY TERRY

KINGDOM HALL OF JEHOVAH'S WITNESSES	
NO DATE	BY
NO. 1	NO. 2
NO. 3	NO. 4
NO. 5	NO. 6
NO. 7	NO. 8
NO. 9	NO. 10
NO. 11	NO. 12
NO. 13	NO. 14
NO. 15	NO. 16
NO. 17	NO. 18
NO. 19	NO. 20
NO. 21	NO. 22
NO. 23	NO. 24
NO. 25	NO. 26
NO. 27	NO. 28
NO. 29	NO. 30
NO. 31	NO. 32
NO. 33	NO. 34
NO. 35	NO. 36
NO. 37	NO. 38
NO. 39	NO. 40
NO. 41	NO. 42
NO. 43	NO. 44
NO. 45	NO. 46
NO. 47	NO. 48
NO. 49	NO. 50
NO. 51	NO. 52
NO. 53	NO. 54
NO. 55	NO. 56
NO. 57	NO. 58
NO. 59	NO. 60
NO. 61	NO. 62
NO. 63	NO. 64
NO. 65	NO. 66
NO. 67	NO. 68
NO. 69	NO. 70
NO. 71	NO. 72
NO. 73	NO. 74
NO. 75	NO. 76
NO. 77	NO. 78
NO. 79	NO. 80
NO. 81	NO. 82
NO. 83	NO. 84
NO. 85	NO. 86
NO. 87	NO. 88
NO. 89	NO. 90
NO. 91	NO. 92
NO. 93	NO. 94
NO. 95	NO. 96
NO. 97	NO. 98
NO. 99	NO. 100

December 10, 1993

Roger H. Hudson
740 N.E. 17th Ave.
Canby, Oregon 97013

1/4 NE 1/4 SEC. 4 T4S. R1E. W.M. CLACKAMAS COUNTY

4 1E 4AE CANBY

1" = 100'

SEE MAP 3 1E 33DC TOWNSHIP RD.

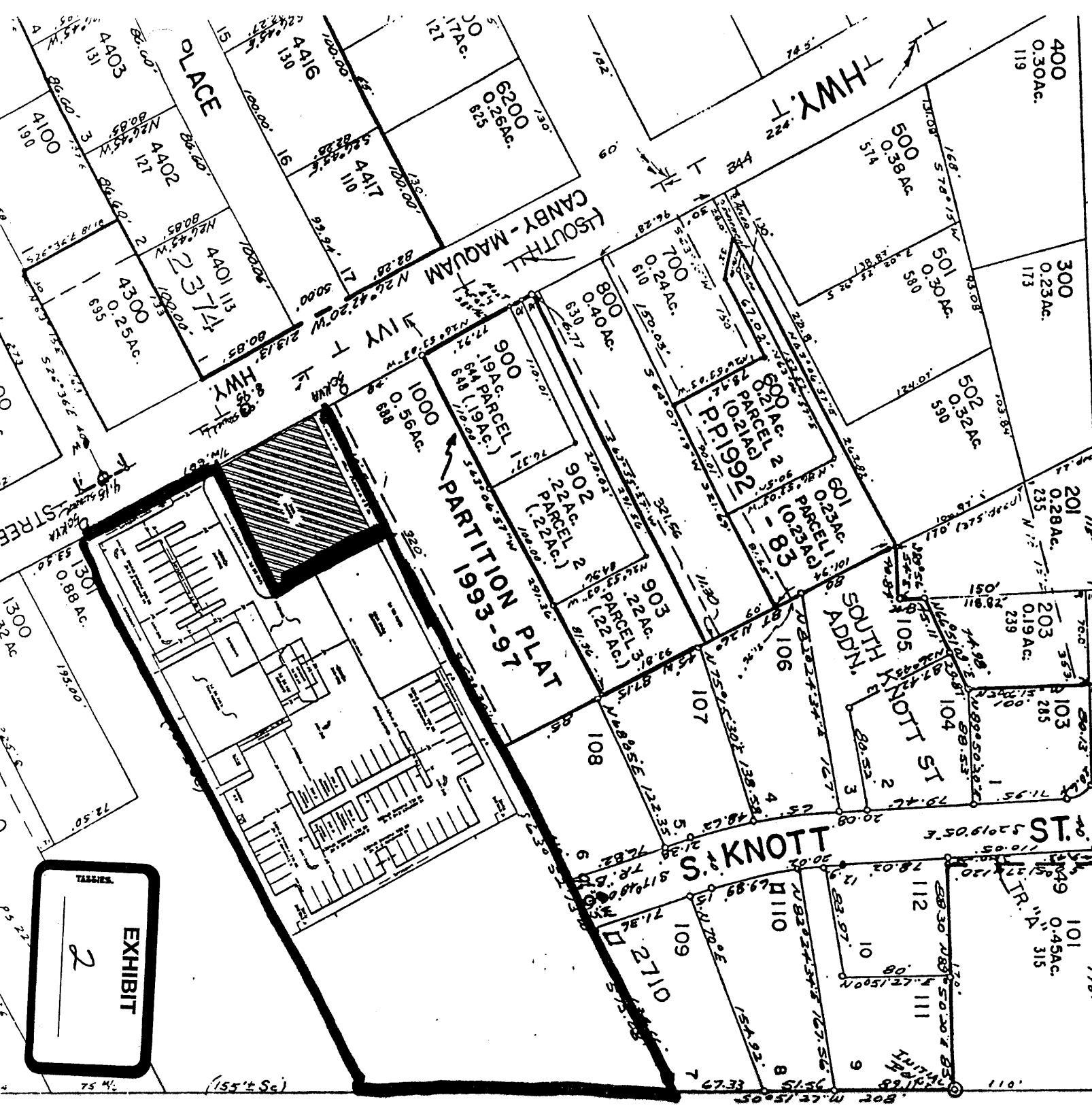
CANCELLED	
102	8400
202	8500
1700	8202
3200	100
4200	200
4400	1001
4500	1001
8600	8300

SSE COR.
DLC NO. 53

CLACKAMAS COUNTY ROAD

NO. 130 47

MOST ELY COR.
DLC NO. 49



TABULAR
EXHIBIT
2

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 1, 1994

*ASW
6/2/94*

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

The City has received DR 94-06, a Design Review application by Canby Congregation of Jehovah's Witnesses [Roger H. Hudson] for Site and Design Review approval of a one-story Kingdom Hall designed to accommodate several classrooms, an office, a main auditorium with seating for 189 persons, and a small caretaker's apartment. The site is located at 748 S. Ivy Street (Tax Lot 1100 of Tax Map 4-1E-4AB).

We would appreciate your reviewing the enclosed application and returning your comments by **June 10, 1994 PLEASE**. The Planning Commission plans to consider this application on **June 27, 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:

nme

Please check one box:

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

EXHIBIT
4
6 pp

Signature: *Steve Hanson* Date: *6/2/94*

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

95w
6/6/94

P.O. Box 930, Canby, OR 97013

[503] 266-4021

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Comments or Proposed Conditions:

OK

Please check one box:

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

Signature: Roy L. Hester Date: June 3, 1994

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

95W
6/6/94

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 1, 1994

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Comments or Proposed Conditions:

Location of Fire hydrant is too close to building and is located in a area that could be blocked. This department requests that hydrant location be changed as follows. Place hydrant inside curb in landscaped picnic area close to street light location.

Please check one box:

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

Signature: Jack Stark

Date: June, 3 1994

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 1, 1994

JSW
6/2/94

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Comments or Proposed Conditions:

Only comment is on TRAFFIC IN AND OUT;
OFF OF IVY STREET - Vision Clearance AND
LEFT TURN FOR SOUTH BOUND TRAFFIC.

Please check one box:

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

Signature: Jerry Hester

Date: 6/2/94

PLEASE RETURN ATTACHMENTS!!!

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 1, 1994

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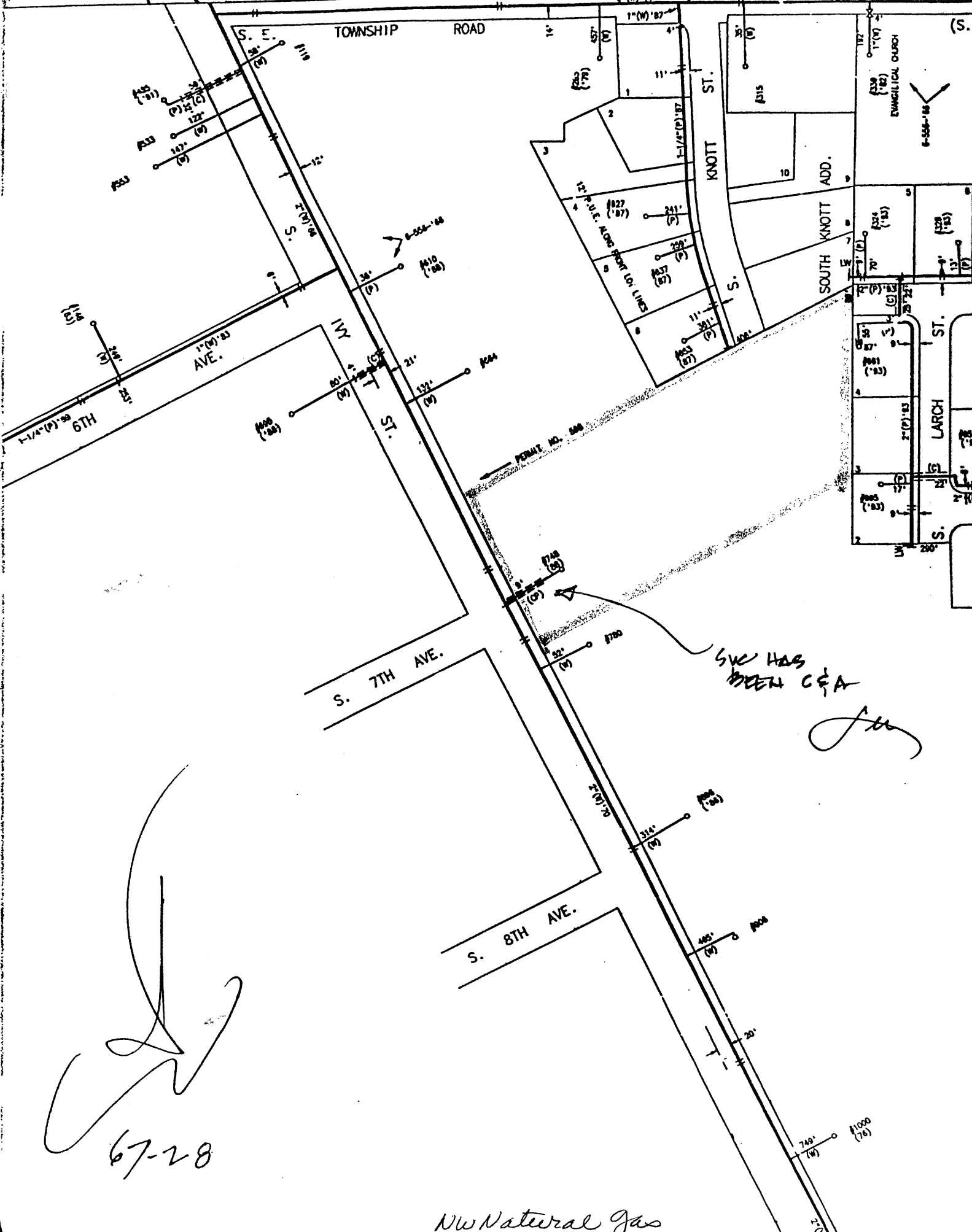
Please check one box:

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

Signature:  Date: 6/7/94

(SE 4TH AVE.)

SE TOWNSHIP RD.



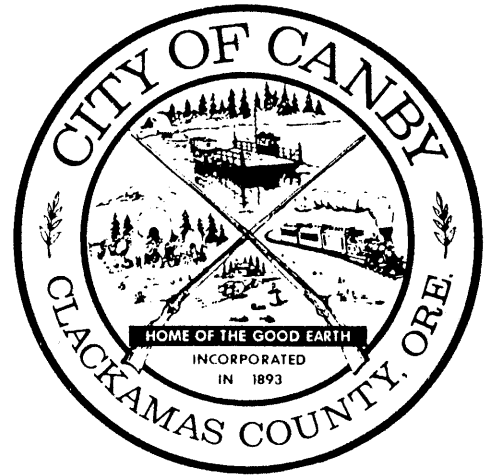
EVANGELICAL CHURCH
 4-554-166

LINE HAS BEEN C&A
[Signature]

[Large handwritten scribble]
 67-28

NW Natural Gas

- STAFF REPORT -



APPLICANT:

Allen Manuel
Tom O'Halloran

FILE NO.:

~~MLP 92-05~~
MLP 94-03 REVISED

OWNER:

Same

STAFF:

Robert G. Hoffman
Planning Director

LEGAL DESCRIPTION:

Tax Lot 5900 of
Tax Map 3-1E-33CD

DATE OF REPORT:

~~July 10, 1992~~
JUNE 15, 1994 REVISED

LOCATION:

421 S. Ivy Street,
near Township

DATE OF HEARING:

~~July 27, 1992~~
JULY 27, 1994

COMP. PLAN DESIGNATION:

Residential/Commercial

ZONING DESIGNATION:

C-R (Commercial/Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval of a minor land partition to partition a 19,500 square foot parcel into two parcels, approximately 7,000 square feet and 12,500 square feet, respectively. **THIS NEW APPLICATION IS DUE TO THE FACT THAT THE PREVIOUS APPROVED APPLICATION LAPSED BECAUSE IT WAS NOT RECORDED WITH THE COUNTY WITHIN ONE YEAR, AS REQUIRED BY CODE SECTION 16.60.060(B).**

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. No minor partitions shall be approved where the sole means of access is by private road, 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;
- E. 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.

III. OTHER APPLICABLE CRITERIA

- A. 16.24.030 Development Standards in C-R Areas
- B. 16.56 General Provisions (for land divisions)
- C. 16.60 Major or Minor Partitions
- D. 16.62 Subdivisions - Applications
- E. 16.64 Subdivisions - Design Standards

IV. FINDINGS:

A. Location:

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 5900 of Tax Map 3-1E-33CD. The property consists of approximately 0.45 acres, with 65 lineal feet of frontage along S. Ivy Street. The area is zoned C-R, Commercial-Residential, with R-1 and R-2 adjacent.

The lot is currently occupied by a single-family house addressed as 421 S. Ivy Street, ~~used as a day-care center~~ across from S.E. Township Road. There is room for adequate yards if the minor partition is granted, provided that required easements, access drives, and partition line adjustment can be provided. The subject property is adjacent to single family homes built on lots to the south and multiples to the north. There is a paved access drive immediately to the south, which provides access to Tax Lot 7601 and Tax Lot 7700. The owner of the subject parcel indicates he has rights to allow access from this drive, if needed. **THE OWNER OF TAX LOT 7600, WHO HAS RIGHTS OF ACCESS ACROSS TAX LOT 7600, HAS GIVEN US A LETTER, DATED MAY 20, 1994, AUTHORIZING MR. ALLEN MANUEL TO SPEAK FOR HIM REGARDING THE ACCESS ROAD.**

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement

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

ANALYSIS

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

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.

ANALYSIS

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

iii. Land Use Element

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

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

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

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

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

ANALYSIS

The land partition as proposed, and the development of the lot with a single family home ~~used as a day care center~~, or other permitted C-R uses, would be consistent with the comprehensive plan designation of the subject property, Residential-Commercial land use. The proposal will allow an increase in the housing density to occur. The surrounding land use and density would suggest that this is a compatible and proper development of the subject property.

As a result of the discussions and statements made by the staff and engineers of the City's Sewer Treatment Plant during the City Council/Planning Commission Workshop Meeting of January 22, 1992, and further discussions with the Public Works Director, the sewer treatment plant, at this time, is determined to have the capacity to handle the existing residential unit or day-care center on the front parcel, and the maximum four residential units allowed for the rear parcel.

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

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

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

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

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

ANALYSIS

On-site disposal of storm water will be required. The proposal will have minimal effect on the groundwater quality. State and Local Code requirements regarding air, water, and noise pollution will be required of the development and construction. State laws and local regulations will require development to meet standards to prevent air, water, land and noise pollution. The proposal will have minimal affect on the open space since the site is less than 20,000 square feet.

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

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

ANALYSIS

Ivy Street is designated in the Comprehensive Plan as an arterial road and has 60 feet of right-of-way. No widening is proposed. Curbs and sidewalks will need to be installed on the subject property. The policy of the City, in conformance with Section 16.64.070.B., has been to require the applicant of a subdivision (or partition) to provide the necessary street and sidewalk improvements at the time of subdivision (or partition) and, in some cases, at time of construction. This requirement is consistent with the comprehensive plans policy of assuring improvement to and adequate capacity of existing transportation facilities.

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

ANALYSIS

All public facilities are available for the proposal with adequate capacity. A new elementary school and additions have been proposed to be built on Township Road and the Middle and High School have recently received approval of a project that will provide expanded capacity. The capacity of the City's sewer system has been discussed under the Land Use Element. Police, Fire, Water, Electric, and Natural Gas services have adequate capacity to service this project. The City requires a park system development fee for all new residential units. Such fee is utilized in expanding and maintaining the City's park system. At the time the rear parcel would be developed, fees for recreation facility development would be required. **ALL SERVICE PROVIDERS HAVE RECENTLY RECONFIRMED THAT THEY CAN PROVIDE ADEQUATE SERVICES TO THIS PROPERTY. PUBLIC WORKS ADVISED THAT A SMALL LIFT STATION MAY BE REQUIRED DUE TO THE SHALLOW NATURE OF THE SEWER, BUT THIS IS OKAY.**

vii. ECONOMIC

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

viii. HOUSING

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

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.

ANALYSIS

The partition of the subject property will allow a higher density of housing and will allow a maximum of four units of multiple-family housing to be built on the subject parcel.

ix. **ENERGY CONSERVATION**

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

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

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

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

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

ANALYSIS

The City has adopted an ordinance that requires the review of solar access for both properties to the north of the project and for the subject property at the time of building. This would be done at the time of development of the parcels. The State has rules which encourage energy conservation through design and construction methods.

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. Compliance with All Other Applicable City Ordinances:

1. Section 16.60.030 of the Canby Municipal Code requires all public facilities and services be available, or made available through the development of the property.

a. **Sewer**

The City has a sewer line in Holly and in Ivy. Connection to sewer for the rear parcel will be required from a main line and easements will be necessary to service each parcel. The sewer treatment plant capacity was discussed under the Comprehensive Plan Land Use Element and was found to be adequate.

b. **Water**

The water system is operated by Canby Utility Board. The Utility Board has reported adequate facilities to service this proposal. The Fire Marshal has requested that hydrants be within 250 feet from any flag lot. This will be required at the time of development.

c. **Electricity**

The electrical system is owned and operated by the Canby Utility Board. The Utility Board has reported adequate facilities to service this proposal.

d. **Easements**

Easements will be needed for utilities surrounding both lots. Widths are dependent on whether easements exist on adjacent lots.

e. **Storm Drainage**

All on-site storm water will be dealt with on-site and not discharged to the City system.

2. **Streets/Traffic**

- a. Canby's ordinance (16.64.040.C) requires that any newly created parcels have access to a public street. The new parcel is proposed to have access to Ivy Street. The rear parcel is proposed to have access over an easement over the front lot. ~~However, this area is used for parking for the day-care center and is not of sufficient width~~ **ON TAX LOT 7600**. The applicant states that he has rights of access over the

THIS adjacent 20 foot driveway to the south. This driveway can be used, if reciprocal access agreements can be applied to all four parcels as part of the partition document (see revised illustration).

- b. Canby's ordinance (16.64.070.B) requires that street (including drainage) and sidewalk improvements be installed by the applicant.

Sidewalks are not present on Ivy Street. Curbing is not provided.

D. Overall Design of Parcels

The partition as proposed will result in the creation of two lots consisting of approximately 7,000 square feet and 12,500 square feet, respectively. Access to both parcels will be from Ivy Street (see revised drawing, ~~7-9-92~~, attached).

The subject property is generally flat, with room for building and required setbacks and yards. The parcel is zoned ~~R-2, Medium Density~~ **C-R, COMMERCIAL Residential**, and each parcel is large enough to provide the required development space and yards and also include a emergency turnaround on the new parcel.

V. CONCLUSION

1. **WITHOUT BENEFIT OF A RECENT PUBLIC HEARING**, Staff finds that the partition request, with appropriate modification and conditions, is 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 new lot.
3. Staff concludes that the partition will have adequate frontage on a public street to insure safe and efficient access for single family and/or multi-family structures, provided that reciprocal access agreements can be reached regarding use of the driveway known as Tax Lot 7600 for access to the rear parcel.
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, provided that conditions deal with sewer connection, easements and sidewalk needs.

VI. RECOMMENDATION

Based upon the findings and conclusions in this report, the information submitted by the applicant, and the additional information contained in the file (and without benefit of public hearing), staff recommends approval of **MLP 94-03** ~~MLP 92-05~~, subject to the following conditions:

1. The applicant shall prepare a final partition map. The final partition map 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. The partition shall include reciprocal access agreements for use of the existing 20 foot driveway for access to the parcels and shall not include the parking area for 421 S. Ivy Street.
2. A new deed and legal description for the new parcel shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
3. A sidewalk and curb shall be provided along Ivy Street prior to or at time of development of the rear parcel.
4. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as required by the Director of Public Works.
5. A final partition modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition shall reference this land use application -- City of Canby, Planning Department, File No. **MLP 94-03** ~~92-05~~.
6. Plans to extend the sewer to the rear lot shall be approved for construction by the Director of Public Works, prior to the issuance of any building permits on the site.
7. All monumentation and recording fees shall be borne by the applicant.

8. All utilities must meet the standards and criteria of the providing utility authority.
9. The location of buildings and parking layout and access drives on the rear parcel shall be designed to provide for turnaround on the lot for both autos and fire trucks and shall be approved by the Fire Marshal.
10. If the location of any building exceeds a distance of 250 feet from a fire hydrant, a new hydrant shall be provided at or near the entrance on Ivy Street.
11. The front lot shall have be minimum of 7,000 square feet, excluding the access drive, and be at least 60 feet wide.
12. **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.**

Exhibits:

1. Application
2. Vicinity Map
3. Site Plan
4. Requests for Comments

MINOR AND PARTITION APPLICATION

Fee: \$600.00

OWNER

APPLICANT

Name Allen Manuel / Tom O'Halloran
Address 717 SE First Ave
City Canby State OR Zip 97013
Signature: [Handwritten Signature]

Name same
Address _____
City _____ State _____ Zip _____
Phone: 266-7333

DESCRIPTION OF PROPERTY

Tax Map 3-1E-33CD Sec 4AB Tax Lot(s) 5900 Lot Size 19,500
(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 Residential Rental Proposed Residential development as permitted.

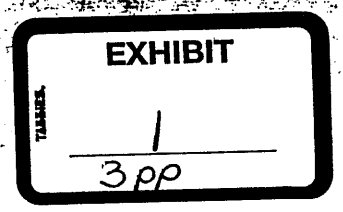
Existing Structures One house, 1100 SF

PROJECT DESCRIPTION

See Attached

ZONING C - R COMPREHENSIVE PLAN DESIGNATION Residential/Commercial
PREVIOUS ACTION (if any) Proposal approved MLP 92-05 Lapsed before recording.

File No. MLP 94-03
Receipt No. 2971
Received by K. Bellmore
Date Received 5-20-94
Completeness Date _____
Pre-App Meeting _____
Hearing Date 6-27-94



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

Project Description and Standards and Criteria

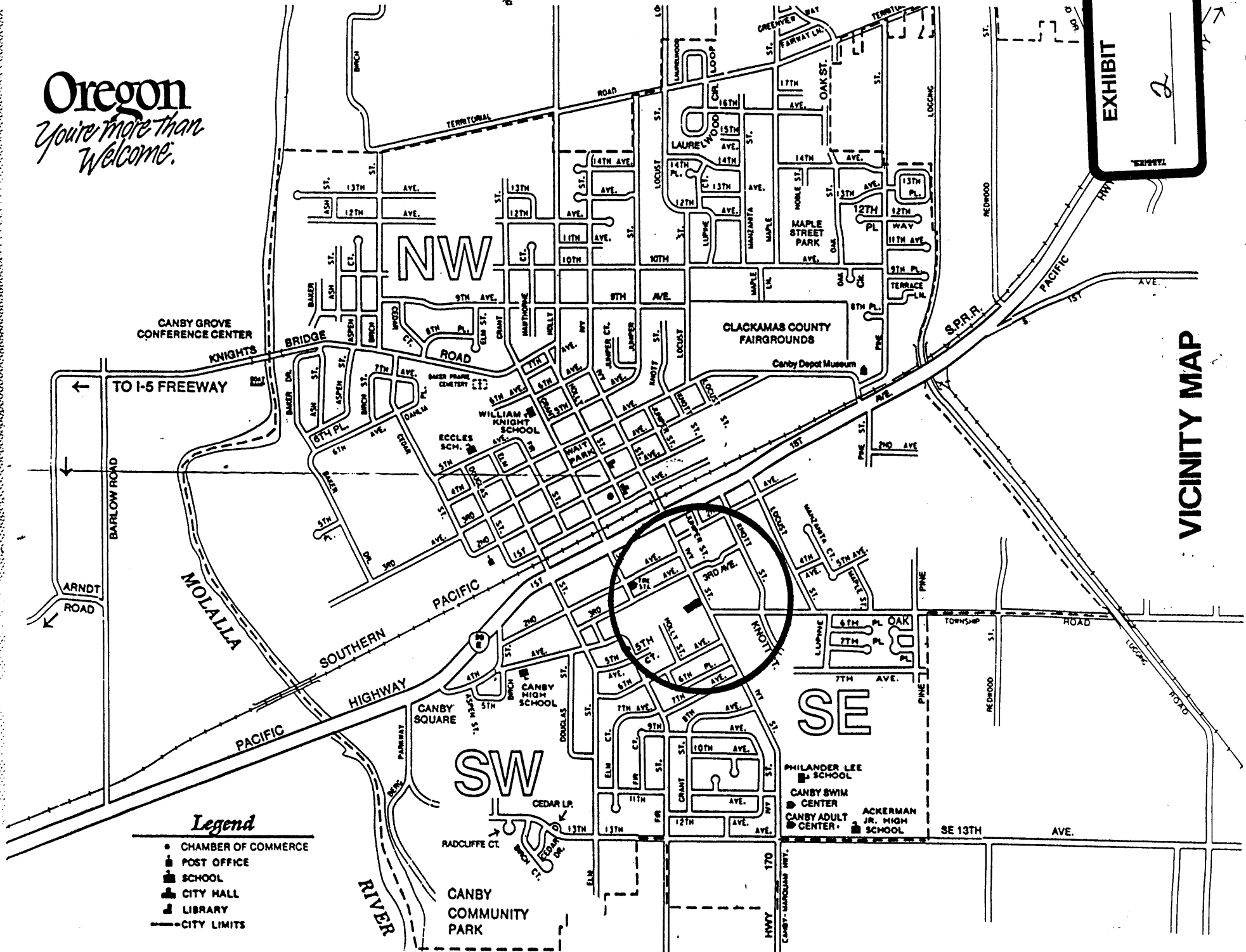
The owners are proposing to partition tax lot 4S1E4AB05900, commonly known as 421 S. Ivy Street, Canby. This proposal was previously approved by the City but expired before recording while the planning commission was reconsidering development standards in the R/C zone. The lot currently consists of 19,500 SF of land with one house. This partition request is for a 7000 SF lot with the house fronting on S. Ivy and a 12,500 SF lot behind it with access provided over tax lot 7600. This proposal will allow the land to be more fully developed, making better use of the existing infrastructure.

The immediate purpose of this partition application is to allow the owners to sell the house located at 421 S. Ivy with a 7000 SF lot, as is required by the current R/C zone, retaining the remaining 12,500 SF of land for future development. The existing house, which is currently a rental, could then be sold for use as a residence or for commercial use. Either use would be consistent with both the zone and the comprehensive plan designations for the area. Either use would also be consistent with and compatible with existing land use patterns in the area.

Adjacent to the subject house on the west is an eight-plex apartment owned by the applicants. On the east the subject house adjoins two single family residences. The trend on S. Ivy is towards commercial uses of existing housing stock so a commercial use would not be different from what is happening in the area.

The owners do not have set plans on how to use the remaining land, but have held informal discussions with several neighbors about placing a four-plex on the property. The property immediately to the south-east of the proposed partition is vacant and zoned partially single family, partially R/C. The property adjacent on the south-west side is undeveloped R-2. Development would be designed to make an effective and pleasing buffer between the older two story apartments on the east and future single family or duplex development on the east.

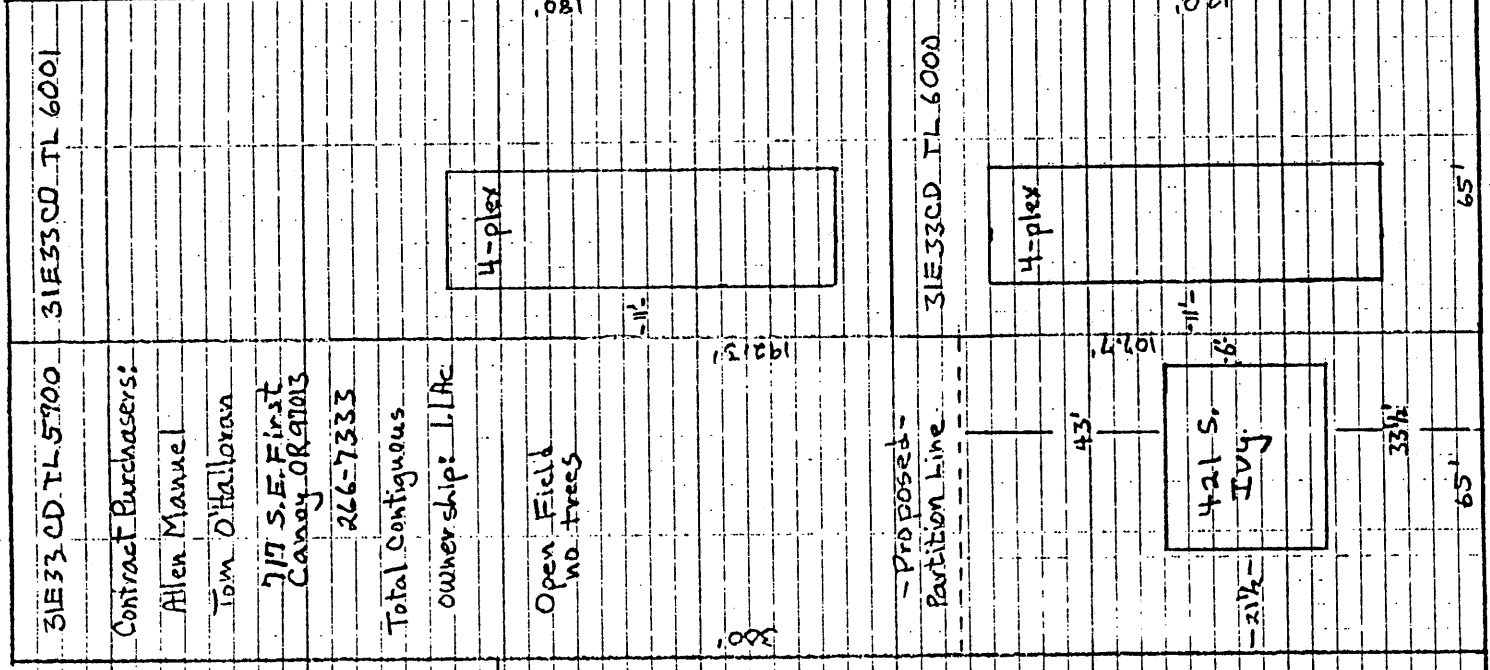
Oregon
You're more than
Welcome.



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

EXHIBIT
2

VICINITY MAP



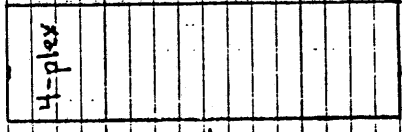
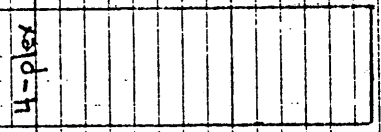
31E33 CD TL 5700 31E33 CD TL 6000

Contract Purchasers:
Allen Manuel
Tom O'Halloran

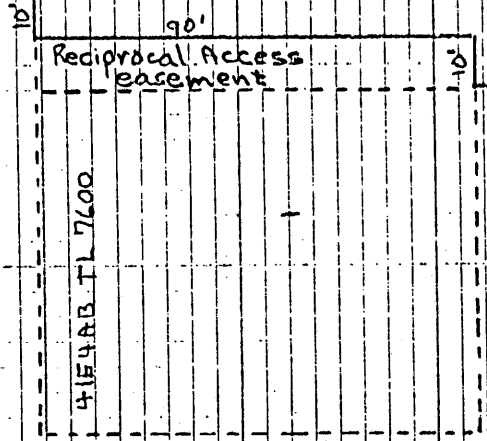
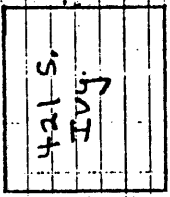
717 S.E. First
Canby, OR 97103
266-7333

Total Contiguous
ownership: L.P.C.

Open Field
no trees

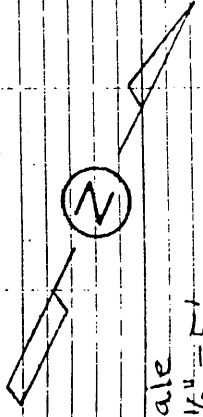


- Proposed -
Partition Line



TL 7600 Access

S-20-94



Scale

1/8" = 5'

Sewer: 10.1 feet deep

S. Ivy St.

EXHIBIT
3

Prepared by: Allen Manuel - 266-7333

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 8, 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 94-03,, an application by Allen Manuel and Tom O'Halloran for approval to partition a 19,500 square foot parcel into two parcels, approximately 7,000 square feet and 12,500 square feet, respectively. The property is located on the west side of S. Ivy Street, south of S.W. 3rd Avenue and north of S. Township Road [Tax Lot 5900 of Tax Map 3-1E-33CD]. The property is zoned C-R [Commercial-Residential] and a variety of residential and commercial uses are permitted, as defined in Chapter 16.24 of the Code.

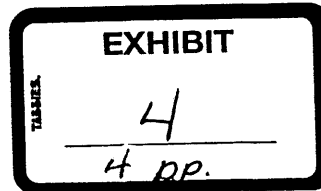
We would appreciate your reviewing the enclosed application and returning your comments by June 10, 1994 PLEASE. The Planning Commission plans to consider this application on June 27, 1994. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

None

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 Hanson

Date: 5/27/94

PLEASE RETURN ATTACHMENTS!!!

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[503] 266-4021

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Signature: Stephen Miller

Date: 6-10-94

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 8, 1994

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Signature: *Steward D. Kiger* Date: 5/31/94

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 8, 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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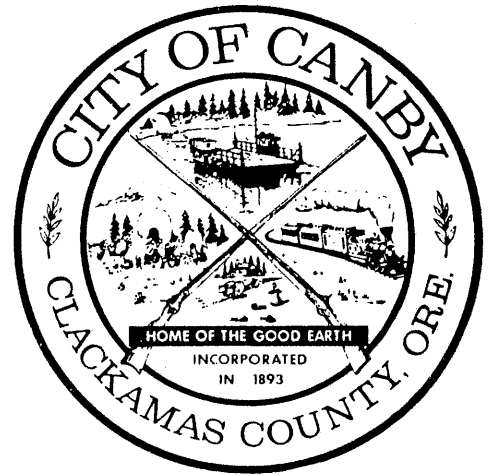
A Sewer Lateral needs to be installed. Without knowing OF elevation of complex - IF Sewer won't gravity Flow a small pump station AT OWNERS expense will need to be installed.

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. Welter Date: May 31, 1994

- STAFF REPORT -



APPLICANT:

Don Hardy
Planning Design Group
122 SE 27th
Portland, OR 97214

FILE NO.:

DR 94-08

OWNER:

William and Irva Graham
549 NE 10th
Canby, OR 97013

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 6500 and 6501
of Tax Map 3-1E-33CC

DATE OF REPORT:

June 17, 1994

LOCATION:

The north side of S.W. 2nd Avenue,
west of S. Elm Street
Between the U.S. Bank parking lot and
the Pacific Pride card lock gas station

DATE OF HEARING:

June 27, 1994

COMP. PLAN DESIGNATION:

Highway Commercial

ZONING DESIGNATION:

C-2 (Highway Commercial)

I. APPLICANT'S REQUEST:

The applicant is requesting site and design approval to expand a card lock gas station to the subject parcel. The expansion includes three pump islands, canopy, parking and landscaping.

II. APPLICABLE REGULATIONS

• **City of Canby General Ordinances:**

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

III. MAJOR APPROVAL CRITERIA

Site and Design Review

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

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

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

IV. FINDINGS:

A. Background and Relationships:

The property has had a confusing history regarding partition and ownership. A lot line adjustment was approved to help clarify and correct the land ownership pattern (LLA 93-02). The northern 50 feet of the expanded area is land that is to be incorporated with the Dairy Queen property immediately to the north (tax lot 6501 of tax map 3-1E-33CC). The combining of those two pieces of land has been accomplished as of the date of this report.

The 50 feet that is to be incorporated with the Dairy Queen property is proposed to be leased by Ernie Graham Oil for landscaping. The southern portion of that land will be paved for parking spaces to be used by Dairy Queen employees. Essentially, the 50 feet will be owned by Dairy Queen and used by both Dairy Queen and Ernie Graham Oil.

B. Evaluation Regarding Site and Design Review Approval Criteria

1. Part IV - Section 2, No. 2

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

The landscaping requirement for a highway commercial property is 15% of the area being developed. The amount of landscaping required for the 13,118 square foot parcel (not including the landscaping and parking area in the north) is 1,968 square feet. The applicant is proposing approximately 2,364 square feet of landscaping (18.0%).

The calculation of the parcel size does not include the parking and landscaping area. This area is a part of the development of the site and should therefore be included in the calculations. With this area included, the area of development is 16,441 square feet, requiring 2,466 square feet of landscaping. The application is 102 square feet short of this amount. Approximately 50 square feet of landscaping will be removed from the proposed landscaping due to parking lot access requirements (see discussion under Parking). If the easement area is expanded two feet to the north (there is an additional 32 feet of area to the north possible to be expanded into), the total development site would then be 16,687 square feet, requiring 2,503 square feet of landscaping. The amount of landscaping provided with the expansion of the landscape easement would be 2,555 square feet. A landscape easement eleven feet in width to the north of the parking spaces is needed to provide the proper amount of landscaping for the development.

2. Parking.

There are no offices, cash booths, on-site employees, or restrooms which would require parking spaces. Eleven parking spaces are proposed, to be used by the employees of Dairy Queen. While these parking spaces are not required as a part of the development of the subject property, the parking lot is required to meet the parking lot standards of the City.

One (1) handicap parking space is required. The handicapped space will need to be "van accessible", 9 foot wide parking space with an 8 foot wide access aisle. The parking spaces are to be used by the Dairy Queen employees, thus a walkway to the Dairy Queen property is necessary. The handicapped parking space and access aisles will need to be striped so as to meet the requirements of the State of Oregon Structural Specialty Code. Access to the handicapped parking space will need to be provided from the existing Dairy Queen parking lot to the north. The access will need to be five feet wide and also comply with the Structural Specialty Code.

No loading facilities are required.

3. Access

Access to the proposed development will be from S.W. 2nd Avenue. Sidewalks and curbs along S.W. 2nd Avenue are proposed as a part of construction.

The use of the pump islands will require that vehicles travel on the adjoining parcel, the existing station. The existing station is owned by Ernie Graham Oil, Inc. The subject property is owned by Ernie Graham. It is the intention of Ernie Graham to sell the property to Ernie Graham Oil. Until the two properties are combined, an easement for mutual access from one to the other is needed to make the development functional.

4. Architecture

The canopy and pump islands will be designed the same as the existing pump islands and canopy. The colors will also be the same as the existing pump islands and canopy.

No new signs, other than lettering on the canopy, are proposed.

5. Other Aspects

a. Utilities

Service providers have not indicated that there would be any problem in servicing this proposal. Specific construction designs for the storm water drainage system will be necessary for review and approval by the Department of Public Works.

b. Landscaping

There are four landscape areas; the north landscape easement area, the parking landscape area, the perimeter landscape area, and the street landscape area.

A photinia hedge is proposed to be planted along the eastern and western edges of the north landscape easement area. The main part of the landscaping for this area will be lawn. The lawn is currently present. Immediately to the north of what is shown on the landscape plan is a row of eight Pin oaks. A walkway between the handicapped space and the existing Dairy Queen parking lot will be needed, and will be through this landscaped area. The landscape plan shows more area than what is actually part of the easement.

The parking lot landscaping is described in the next section.

The perimeter landscaping on the west side includes photinia, a variety of low-growing shrubs, and a Norway maple. The east side perimeter landscaping includes mostly photinia and laurel, with three Norway maples, and a few low-growing shrubs.

The street landscape area includes two Norway maples, a variety of low-growing shrubs, and kinnickinick groundcover.

c. Parking Lot Landscaping

The amount of paved area for parking and vehicle maneuvering area is approximately 13,800 square feet. The amount of landscaping required for that amount of area is 2,070 square feet, and is to be within ten feet of the parking/maneuvering area. The amount of landscaping provided within ten feet of the parking/maneuvering area is approximately 2,440 square feet. At the formula of one tree per 2800 square feet of paved vehicular

maneuvering and parking area, a total of 5 trees are needed. There are 9 trees within or adjacent to the paved vehicle parking/maneuvering area. Three of the trees are immediately adjacent to the parking spaces.

The landscaping for the east and west sides of the parking area and the island, includes three Norway maples, photinia hedge on the east and west, and kinnickinick groundcover.

Section 16.49.120.8.A states that screening of parking and loading areas is required. Such screening shall be of such height and density as to shield vehicle headlights from head-on visibility within a three-year time period. A simple hedge kept at a minimum height of 3 feet, planted along the immediate landscape perimeter of the parking areas will provide adequate screening of headlights.

In order to protect the landscaped areas, especially planter islands, curbs are needed between the parking/vehicle maneuvering areas and the landscape areas.

d. Density and yards and height

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

V. CONCLUSION

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

Further, staff concludes that, with approval conditions:

1. the proposed use of the site is consistent with the applicable standards and requirements of the Canby Municipal Code and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and

2. the proposed design for the development is compatible with the design of other developments in the same general vicinity; and
3. the location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity; and
4. the conditions listed are the minimum necessary to achieve the purposes of the Site and Design Review Ordinance, and do not unduly increase the cost of housing.

V. RECOMMENDATION:

Based upon the application, elevations, the site plan received by the City, the facts, findings and conclusions of this report, and without the benefit of a public hearing, staff recommends that should the Planning Commission approve DR 94-08, the following conditions apply:

1. Tax lots 6501 and 6600 of tax map 3-1E-33CC shall be combined prior to the issuance of a building permit for the development.
2. Storm water design and construction of the paved area of the property shall be approved by the Canby Public Works Department.
3. The design and construction of the curb and sidewalk improvements for S.W. 2nd Avenue shall be approved by the Public Works Supervisor.
4. Curbs stops shall be placed between the parking/vehicle maneuvering areas and the landscaped areas.
5. At least one parking space shall be handicapped parking space, and it shall be "van accessible". The handicapped parking spaces shall be striped and constructed to meet the State of Oregon Structural Specialty Code.
6. A concrete walkway shall connect the handicapped parking space access aisle with the existing Dairy Queen parking lot to the north. The walkway shall be five feet wide and shall comply with the State of Oregon Structural Specialty Code.
7. The northern landscape easement shall be expanded by two feet to the north.

8. A hedge, similar to boxwood, shall be planted along the northern perimeter of the parking area. The hedge shall be maintained at a minimum height of 3 feet after a 3-year period.
9. A detailed landscape plan shall be submitted with the building permit. The detailed landscape plan shall show: the number of plants, plant spacing/location of planting, the type of plants, the schedule of planting, and irrigation plans.
10. The landscaping shall be planted at such a density so as to provide a minimum of 95% coverage of the landscape areas with vegetation, within a 3-year time period. Bark mulch and similar material shall consist of not more than 5% of the total landscape area after the 3-year period.
11. A mutual access easement shall be recorded with the County. The easement shall be between tax lots 6500 and 6400 of tax map 3-1E-33CC. The easement shall be recorded prior to the final inspection for the development.

Exhibits:

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

SITE () ID DESIGN REVIEW APPLI() TION

Fee: \$500

OWNER

APPLICANT

Name William and Erva Graham

Name Don Hardy / Planning Design Group

Address 549 NE 10th

Address 122 SE 27th

City Canby State OR Zip 97013

City Portland State OR Zip 97214

SIGNATURE

Phone: (503) 236-6000

see attached letter of authorization.

DESCRIPTION OF PROPERTY:

Tax Map 351 E 33CC Tax Lot(s) 6501, ~~6500~~ Lot Size 13,118 sq. ft.
(Acres/Sq. Ft.) 1

or

Legal Description, Metes and Bounds (Attach Copy) #56

Plat Name Part of the Philander D.L.C. 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 Gravelled Parking Lot

Proposed New card lock facility

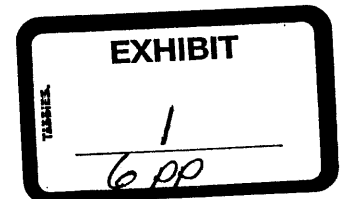
Existing Structures N/A

Surrounding Uses Dairy Queen, Graham Oil bulk plant-north, US Bank-east, Graham Card Lock-west
PROJECT DESCRIPTION see attached narrative. *Modcom plastics-south,*

ZONING C2 COMPREHENSIVE PLAN DESIGNATION COMMERCIAL

PREVIOUS ACTION (if any) None to our knowledge.

File No. DR94-08
Receipt No. 0006
Received by ASW
Date Received 6/1/94
Completeness Date _____
Pre-App Meeting _____
Hearing Date 6/27/94



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



Planning/Design Group

122 S.E. 27th
Portland, Oregon 97214

Phone: (503) 236-6000
Fax: (503) 232-2357

Site and Design Review Application for Graham Oil Inc., located 640 SW Second Street, Canby, Oregon

PDG on behalf of Ernie Graham Oil, Inc. is proposing to add new card lock fuel islands, parking, paving and landscaping improvements to the site. The new facility is an expansion of the adjacent existing Pacific Pride card lock also operated by Graham Oil. This addition will serve diesel vehicles and free up the existing facility for gasoline vehicles. The completed card lock will improve on-site circulation and reduce congestion which occurs when diesel and gasoline vehicles use the same dispenser islands.

Although card locks fuel facilities are not identified as a permissible land use within the Highway Commercial (C2) Zone, service stations are a permissible use. Service stations and card lock fuel facilities are both retail uses according to the Standard Industrial Classifications Code 5541 (SIC), enclosed. The SIC code does not distinguish between gasoline service stations, filling stations, and truck stops, all are considered retail. Although card lock facilities do cater to commercial business accounts, the actual sales are retail in nature because the sales are to end users. This is not a wholesale bulk plant where fuel delivery trucks are filled for resale to other users. Therefore card locks are permissible uses within the C2 Zone.

The new card lock fuel islands, 11 parking spaces, and landscaping is proposed on tax lot 6500 and ~~6600~~⁶⁵⁰¹. A new 15,000 gallon underground diesel storage tank is proposed on tax lot 6400 which will provide fuel for the new diesel card lock on tax lots 6500 and ~~6600~~⁶⁵⁰¹.

The proposed development will contain 15% landscaping for tax lots 6500 and ~~6600~~⁶⁵⁰¹. A 9 foot easement across the Dairy Queen property will be provided as landscaping area. This will allow the Graham site to meet the City's minimum landscaping requirement while adding landscaping and preserving the existing trees on the Dairy Queen site. Graham Oil is providing Dairy

Queen an access easement to their new parking area through the site, making the landscaping preservation possible. The 11 proposed parking spaces are designed for use by Dairy Queen employees and the remaining paving is necessary for truck turning and circulation on the site. If the new Dairy Queen parking were not provided, all landscaping requirements could still be met on the site. Graham Oil Company and Dairy Queen have cooperated together to develop this joint use which minimizes the total paved area, provides additional parking and increases the total landscaping area by over 3,000 square feet.

Landscaping is proposed along both the perimeter and interior of the tax lot 6500 and ~~6600~~⁶⁵⁰¹, and street trees will be installed to further beautify the site. Tax lot 6500 and 6600 are currently vacant, have a gravel surface, and are being used as a parking lot.

The site is bounded to the north by Dairy Queen, and the Graham Oil bulk plant, to the south by Modcom plastic manufacturers, to the east by the US Bank parking lot, and to the west by the existing Graham card lock.

Our proposed design meets the development, landscaping, and parking standards of the Canby Land Development and Planning Ordinance. The proposed development will be compatible with the surrounding properties by the incorporation of landscaping buffers along the perimeter and interior of the property, by allowing adequate vehicle queuing areas on the site, and by integrating the existing card lock site with the proposed site by a common shared driveway and circulation. The colors of the existing fuel dispensers and canopy of tax lot 6400 will also be the same as those proposed on tax lots 6500 and ~~6600~~⁶⁵⁰¹. Enclosed is a photograph of the existing fuel dispensers and canopy. The proposed design will fit in well with the other surrounding commercial and industrial businesses.

The following statewide planning goals apply to our proposal.

Goal 1 Citizen Involvement

This goal will be met through the public hearing process, and involvement of the neighborhood association.

Goal 2 Land Use Planning

The project is being submitted pursuant to the City of Canby guidelines and will be reviewed for consistency with the Canby Land Development and Planning Ordinance.

Goal 3 Agricultural Lands

Not applicable

Goal 4 Forest Lands

Not applicable

Goal 5 Historic and Natural Resources

Not applicable

Goal 6 Air, Water And Land Resource Quality

The proposed use is intended to serve the existing businesses of the surrounding area, and will cater to the existing traffic already on the road.

The card lock will be designed with the latest protective equipment.

The development of the site will meet all City water quality standards by the installation of an oil/water separator.

Goal 7 Natural Hazards

Not applicable

Goal 8 Recreation

Not applicable

Goal 9 Economy of the State

The approval of the site and design review application will improve the economic base of the City by creating construction jobs and service jobs after the project has been completed. The business will also contribute to the City's tax base, ensuring that government services will continue to be provided.

Goal 10 Housing

Not applicable

Goal 11 Public Facilities and Services

Adequate public facilities and services are available at the site to accommodate the development, and no additional services are needed.

Goal 12 Transportation

Adequate streets are existing to accommodate the proposed development, and no additional road improvements are necessary. The site fronts on 2nd Street which can accommodate the anticipated traffic to the site.

Goal 13 Energy Conservation

The proposed use is intended to serve the existing businesses of the surrounding area, and will cater to the existing traffic already on the road.

The site will utilize existing electrical services currently on the site.

Goal 14 Urbanization

The project will make use of the property within the urban area with adequate public facilities and services consistent in character with the surrounding area.

Goal 15 Greenway

Not applicable

The site development will have minimal environmental impacts, and our proposal conserves land by allowing commercial in-fill on a site with adequate public services and facilities, thus avoiding additional City costs associated with service extensions.


The project development should have no impact to schools or parks, police and fire protection services. Adequate public services are available to serve the site, including roads, public water, and sewer.

Our proposal will provide employment opportunities, expand the tax base of the City, and enhance appearance of the site. The proposed development will be consistent with surrounding land uses, the transportation network, the location of public facilities and utilities, and the needs of the public.

Summary:

We have made every effort to comply with the City of Canby regulations and to design the site for compatibility with surrounding land uses. Therefore, we request site and design approval for our development.

Sincerely,



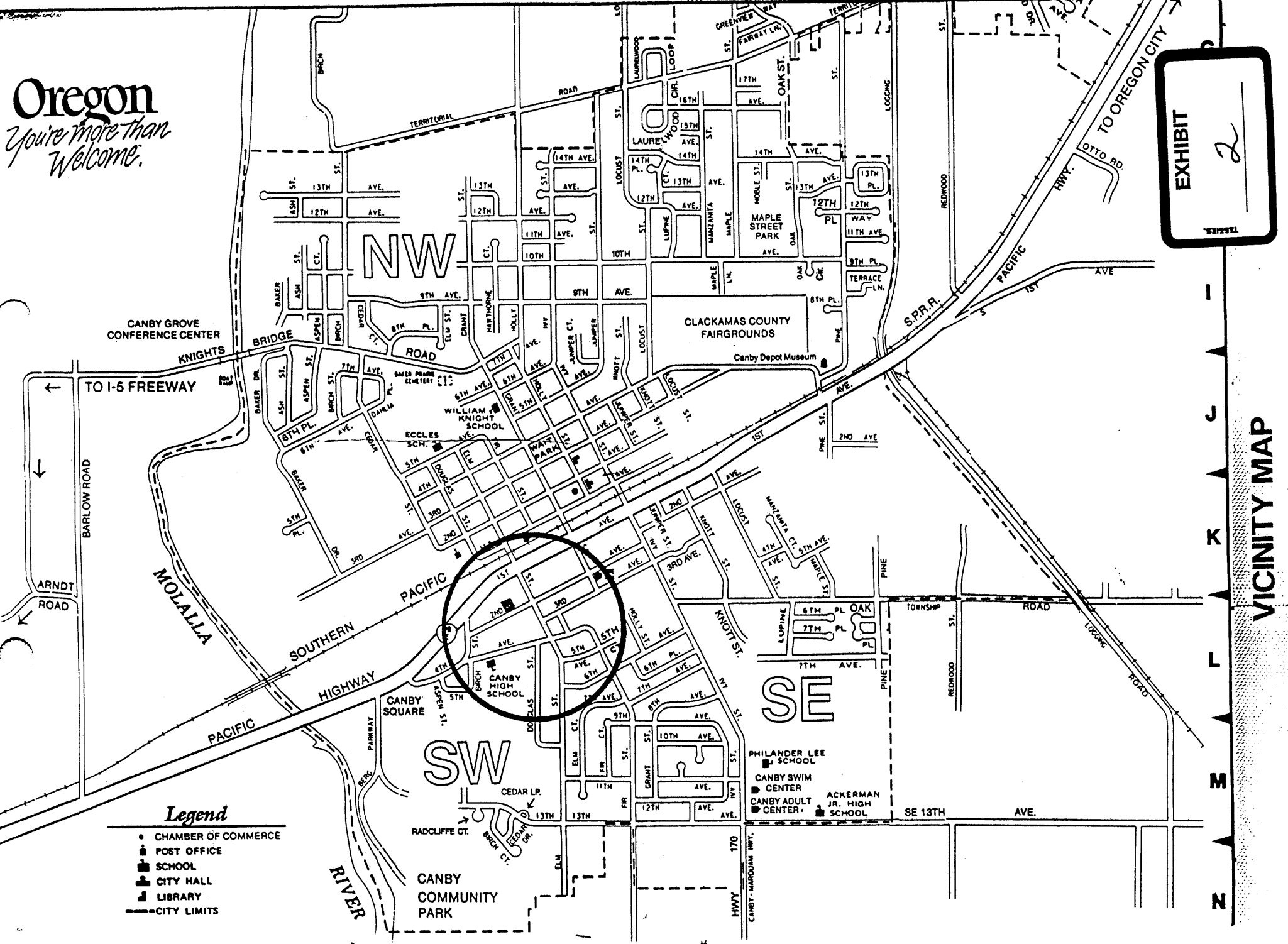
Don Hardy
Planning Consultant

Encl.

File #6878

Oregon
You're more than
Welcome.

EXHIBIT
2



VICINITY MAP

Legend

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

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

JSW
6/6/94

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 2, 1994

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

The City has received DR 94-08, a Design Review application by Don Hardy, Planning Design Group [applicant] and William and Irva Graham [owners] for Site and Design Review approval of a Card Lock Facility added on to the existing Pacific Pride card lock facility, operated by Graham Oil. The site is located at 640 SW Second Avenue, west of S. Elm Street (Tax Lot s 6500 and 6501 of Tax Map 3-1E-33CC).

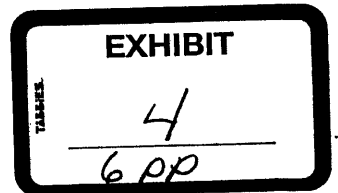
We would appreciate your reviewing the enclosed application and returning your comments by June 13, 1994 PLEASE. The Planning Commission plans to consider this application on June 27, 1994. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

No comments or conditions

Please check one box:

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



Signature: *Jack Stark*

Date: *June 3, 1994*

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

95W
6/6/94

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 2, 1994

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Signature: Steve Hanson Date: 6/6/94

PLEASE RETURN ATTACHMENTS!!!

9sw
6/6/94

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[503] 266-4021

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OK

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Signature: Roy L. Hester

Date: June 3, 1994

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P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 2, 1994

*95W
6/2/94*

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Please check one box:

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Signature: *Jerry Stiger*

Date: *6/2/94*

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

P.O. Box 930, Canby, OR 97013

[503] 266-4021

DATE: June 2, 1994

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Comments or Proposed Conditions:

Please check one box:

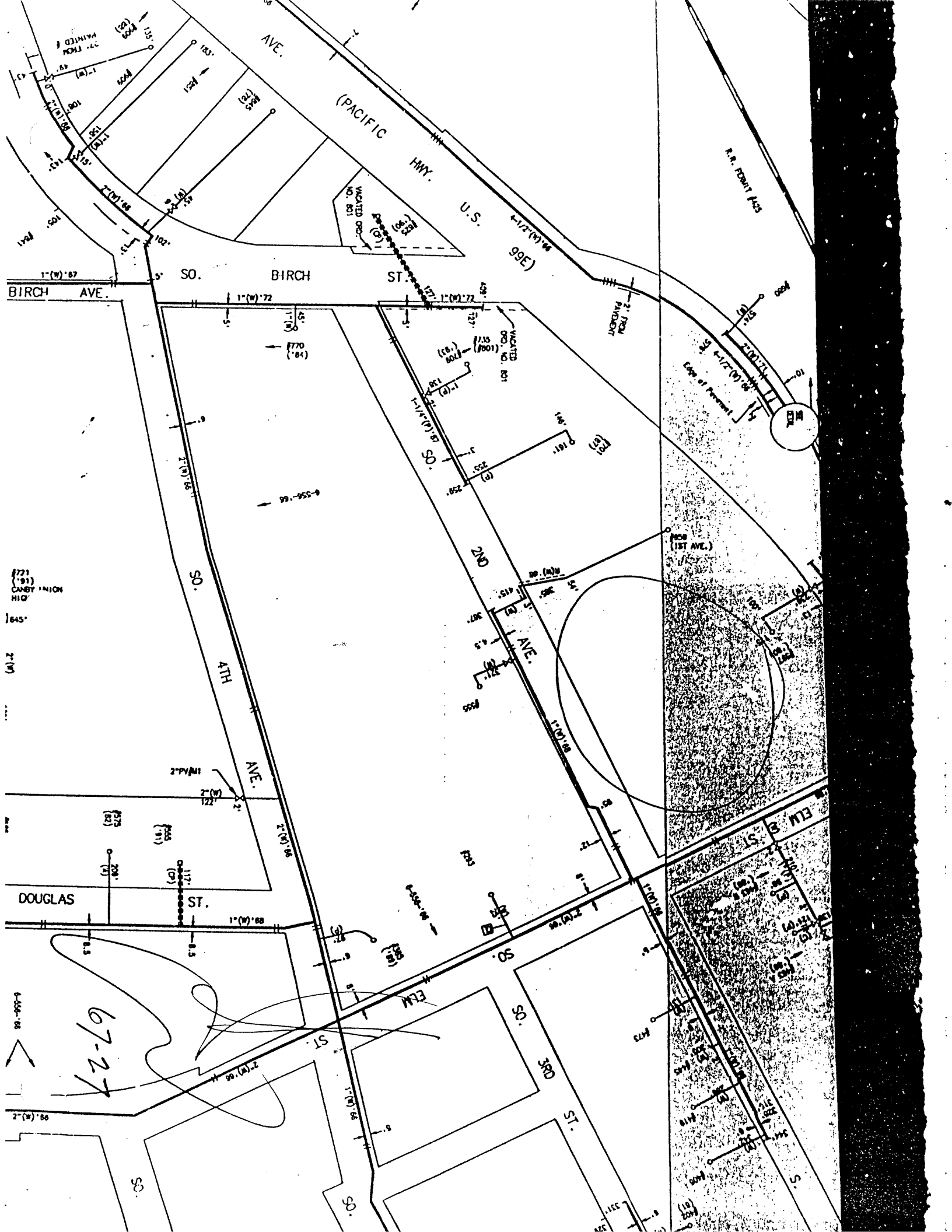
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- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: _____

Gary F. Hyatt

Date: _____

6/7/94



27' FROM PAINTED F
131'
132'
133'
134'
135'
136'
137'
138'
139'
140'
141'
142'
143'
144'
145'
146'
147'
148'
149'
150'

BIRCH AVE.
1" (W) '87

67-27
2721
(91)
CITY UNION
HID
1845'
2'(W)

DOUGLAS ST.
1" (W) '88

2" (W) '86

AVE.

(PACIFIC HWY.
U.S. 99E)

SO. BIRCH ST.

SO. BIRCH ST.

SO. BIRCH ST.

DOUGLAS ST.

SO.

SO. BIRCH ST.

SO. BIRCH ST.

SO. BIRCH ST.

DOUGLAS ST.

SO.

SO. BIRCH ST.

SO. BIRCH ST.

SO. BIRCH ST.

DOUGLAS ST.

SO.

2ND AVE.

2ND AVE.

2ND AVE.

SO.

ELM ST.

ELM ST.

SO.

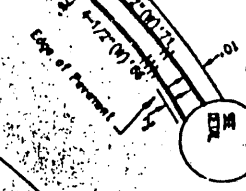
R.R. FRONT PASS

FACE (1ST AVE.)

ELM ST.

ELM ST.

SO.



PLANNING COMMISSION

SIGN-IN SHEET

Date: May 23, 1994

NAME (Please Print)	ADDRESS (Please Print)
Pattie Flagg	8860 S. Lone Elder Canby
Larry Craft	580 S. Ivy - Canby
Judy Pajante	23985 S. Rondevic Dr. Canby
Arnelm Flynn mt	23985 S. RONDEVIC
Leonard Thompson	930 Rosowood Rd west 6144
Alonzo Jean McManaman	525 SE 7 th Pl. Canby
Paul G. Montecinos	3600N 8 th Canby.
Et Sullivan	111 SW 5 th A4, #3200, PDX 97204
Tom R. Woodroff ^{Woodruff}	80 th NE 34 th Place
Pat Sherman	495 NW 22nd Canby
JOHN GUNTER	930 N.E. 34 th CANBY
AL & Linda Geddes ^{Geddes}	740 N.E. 34 th PL Canby
Ronald G Tatone	1127 N.W. 12 th AVE
SOSRPH REGAN	31233 FRENCH PROIRE RD Wilson
Joan Jones	2554 N.W. Overton, PDX
Pam Barrow ^{Barrow}	1579 N. Juniper Canby.
Jane Pizotti	2121 N. Juniper

5/23 Continued

David Rousseau	4120 N. Locust	CANBY OR
Andy R. Tommaso	775 N.E. 31st	PL. CANBY OR.
Andy HALL	845 NE 34th Place	CANBY, OR
David Tyler	680 N/E 20th	Canby, OR.
Janet La Scola	1025 S. Grant	Canby, OR

