

A G E N D A

CANBY PLANNING COMMISSION

REGULAR MEETING City Council Chambers

Monday, September 27, 1993

7:30 p.m.

I. ROLL CALL

II. MINUTES

September 13, 1993

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMUNICATIONS

V. FINDINGS

None

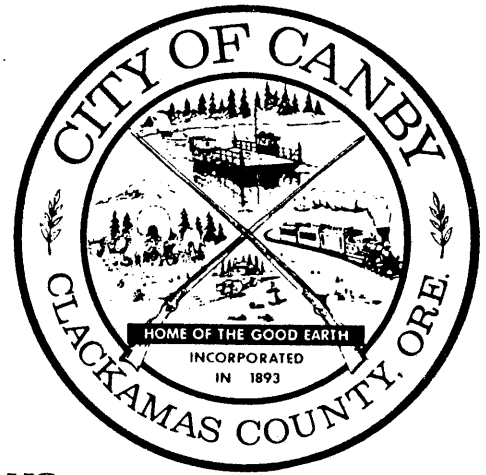
VI. NEW BUSINESS

ANN 93-02, an application by Paul Schultz (applicant) and Les and June Bradley (owners) for approval to annex a portion of Tax Lot 400, demolish the existing house, and replace it with a single family dwelling to be served by City water and sewer. The parcel is located on the west side of N. Maple, north of N.E. 22nd Avenue (The eastern 150' of Tax Lot 400 of Tax Map 3-1E-28A).

VII. PUBLIC HEARINGS

MLP 93-03, an application by Zarosinski-Tatone Engineers, Inc. (applicant) and Jeanette Stefani (owner) for approval to partition Tax Lot 1700 into two separate parcels, allowing alternate access to Parcel II from Township Road for future development in accordance with present zoning (R-2). The property is located on the north side of Township Road, east of S. Pine (Tax Lot 1700 of Tax Map 3-1E-34C).

- STAFF REPORT -



APPLICANT:

Paul Schultz
P.O. Box 667
Oregon City, OR 97045

FILE NO.:

ANN 93-02

OWNER:

Les E. and June Bradley
1806 Barnes Circle
West Linn, OR 97068

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lots 400
Tax Map 3-1E-28A

DATE OF REPORT:

September 17, 1993

LOCATION:

The west side of N. Maple Street
north of N.E. 22th Avenue

DATE OF HEARING:

October 20, 1993 (City Council)

COMP. PLAN DESIGNATION:

Low Density Residential

ZONING DESIGNATION:

County Zoning RRRFF-5 (*will come into City after Annexation as Low Density Residential R-1*)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to annex a .69 acre portion of a 1.5 acre lot located on N. Maple Street.

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. N. Maple Street is a collector street. The subject parcel is currently zoned RRFF-5 (Rural Residential, Farm, Forest: 5 acre minimum lot size). The properties to the south and east are in the City and are zoned R-1 (Low Density Residential). The remaining surrounding properties to the north and west are in the county and zoned RRFF-5.

Only the eastern 150' of the parcel is being proposed for annexation. The reason for this is that north of N.E. 22nd Avenue, the Urban Growth Boundary (UGB) is located 150' west of N. Maple Street.

The full 1.5 acre parcel (tax lot 400) is currently occupied by two residential units. One single family residence is on the eastern portion of the property that is under application. It is proposed by the applicant that the residence will be demolished or moved and a new residence will be built. The properties to the north, west, and south are developed with single family residences, while the property to the east, across N. Maple Street, is a golf course (Willamette Valley Country Club), a private recreational use.

B. Comprehensive Plan Consistency Analysis

i. **Citizen Involvement**

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

ANALYSIS

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

ii. *Urban Growth*

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

Policy #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

The property under application is entirely within the Urban Growth Boundary. A 'request for comments' form was sent to Clackamas County to include the county's concerns, if any. Policy #2 is not applicable as this application does not involve a change in the Urban Growth Boundary.

The subject parcel is in the Priority "A" area for annexation, which is, in general, the area to be annexed into the City first.

The City and other utility providers have sufficient capacity to service any development of these parcels.

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.

ANALYSIS

The zoning classification of the subject parcel, if annexed to the City, will be Low Density Residential (R-1) in conformance with the Land Use Map and text of the Land Use Element of the Comprehensive Plan. The zoning and uses of the surrounding properties was listed in the Background and Relationships section (page 3).

The applicant is proposing to develop the eastern 150' of tax lot 400 with one single family residential structure. The principal purpose for the annexation of the properties is to be serviced by urban level utility services, especially sewer and water. The eastern 150' of tax lot 400 could be developed at a higher density than proposed, with up to 3 single family residential units possible. Staff believes that the placement of the single family residential structure on this lot should allow for further development of the remaining portion of the parcel.

Policy #3 will be met by Canby's current service system. (See also discussion under "Public Services and Facilities.")

iv. **Environmental Concerns**

GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.

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

TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

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

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

Policy #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 #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

The subject parcel is currently used as a rural residence. The properties to the south and east are urban residential and recreational (golf course), the property to the north and the remaining portion of tax lot 400 to the west are used as rural residential. The subject parcel is in the Urban Growth Management area marked as the first priority for annexation.

The annexation of the subject parcel will not directly affect conversion of agricultural land to development.

The soils on the subject parcel are Canderly Sandy Loam, with a slope between 0% and 3%. The soil is well-drained providing only slight limitations to use of on-site septic systems. There are no natural hazards on the subject parcel. Canby's storm and sanitary sewer procedure will provide protection for ground water and surface water. The development ordinance will review land division or conditional use, and encourage preservation of some measure of open space, where appropriate. There are no significant fish or wildlife habitats identified to date. No steep slopes or flood prone land is present.

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 #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

Dedication of land for road widening purposes will be needed. The actual road widening and improvements will not be required until development of the .69 acre parcel occurs (beyond one single family residential structure). N. Maple Street is a collector street and has been improved as development has occurred on either side. Provision for access for the western portion of the property not being annexed will be needed. A sidewalk will be required as a part of a single-family residential construction.

vi. Public Facilities and Services

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

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

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

ANALYSIS

Sewer service is not in N. Maple Street in front of the properties. However, sewer is located nearby and readily accessible at the intersection of N. Maple Street and N. Maple Court. The sewer treatment plant has the capacity to handle the effluent from full development of these properties. Water, electricity and gas is readily available in N. Maple Street. Annexation of this property will allow for more efficient use of existing utility facilities in N. Maple Street.

Storm water drainage for any development will be handled on-site. The storm water drainage for the street system will need to be extended at the time that N. Maple Street is widened. The Parks System Development Charge and Sewer System Development Charge paid at time of building permits will aid in paying to acquire and develop these and other facilities.

vii. Economic

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

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

The subject parcel is currently being used for single family residences. The potential development of the subject parcel for residential uses was taken into consideration at the time the Urban Growth Boundary was developed. Long term development of this parcel for residential use will not adversely affect the economy of Canby.

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.

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 form mobile home developments in all residential zones, subject to appropriate design standards.

ANALYSIS

The annexation of the subject parcel under the zoning of Low Density Residential is appropriate and in conformance with this element in light of the overall goal stated in the Comprehensive Plan for the amount and type of housing to be developed in the City. The Comprehensive Plan Land Use Map shows the subject parcel proposed as Low Density Residential. The density of development proposed at this time is considerably less than the density of development that is considered average in the Comprehensive Plan. If the proposed replacement single family residential structure on the proposed to-be-annexed parcel is located so as to allow development of the remaining portion of the property, development will most likely occur, eventually, at a density more in conformance with the projections and goals of the Comprehensive Plan. As this is not a review of any development of the properties, but of the appropriateness of the properties for annexation, staff believes that the development proposed for tax lot 400 is irrelevant as long as the parcel has the potential to develop in conformance to the goals of the Comprehensive Plan.

ix. Energy Conservation

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

ANALYSIS

Recently constructed housing will have increased standards for energy efficiency. Any development will also be reviewed under the new Solar Ordinance.

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

Review of the above analysis shows that the annexation is consistent with the policies of the Comprehensive Plan. We are not aware, at this time, of any provisions which cannot be met by the development of this site. 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.

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

We have discussed this aspect under the Public Facilities and Services Element of the Comprehensive Plan. All public facilities are readily available with sufficient capacity for any development of the properties.

E. 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.

F. 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

The previous discussion of the Comprehensive Plan policies regarding Urban Growth, found that the site is located within an area which has been determined to be Priority "A", in an early or first stage for annexation and development. Public utilities already exist with sufficient capacity to properly service any development of these properties. Thus, it is appropriate to consider it for annexation at this time.

G. 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.

H. 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.

I. 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.

III. CONCLUSION

Staff hereby concludes that the proposed annexation meets 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 approval of ANN 93-02 to the PMALGBC (Boundary Commission) with the following understandings:

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. If only one single family residential structure is constructed for the .69 acre parcel, it must be situated so as not to inhibit further development of the parcel.
6. Dedication of ten (10) feet of land for road widening purposes, prior to connecting to the City sewer system will be needed.
7. 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.
8. Extension of the sewer and street storm water drainage system will be required prior to the occupancy of the parcel.

Exhibits:

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

ANNEXATION APPLICATION

Fee: \$1000.00

OWNER

APPLICANT

Name Les E. Bradley and June Bradley

Name Paul D. Schultz

Address 1806 Barnes Circle

Address P. O. Box 667

City West Linn State OR Zip 97068

City Oregon City State OR Zip 97045

SIGNATURE [Signature]

Phone: 656-5200

DESCRIPTION OF PROPERTY:

Tax Map 3 1E 28A Tax Lot(s) 400

Lot Size 1.96 acres = Total Tax Lot;
portion to be annexed is 1.15 acres.
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)
Plat Name See attached. Lot Block

PROPERTY OWNERSHIP LIST

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

USE

Existing Single family dwelling
Proposed Single family dwelling

Existing Structures One single family dwelling

PROJECT DESCRIPTION

Owner desires to demolish existing single family dwelling on property to be annexed and to replace it with a single family dwelling to be served by City water and sewer.

ZONING RREF5 COMPREHENSIVE PLAN DESIGNATION
PREVIOUS ACTION (if any) None

File No. ANN 93-02
Receipt No. 2427
Received by QSW
Date Received 8/16/93
Completeness Date 8/17/93
Pre-App Meeting
Hearing Date 10/6/93



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

AUTHORIZATION

We, Les E. Bradley and June Bradley, hereby authorize our attorney, Paul D. Schultz of the law firm of Hibbard, Caldwell & Schultz, to act as our agent in making application for annexation to the City of Canby for the following described property:

Tax Map 3 1E 28A, Tax Lot 400

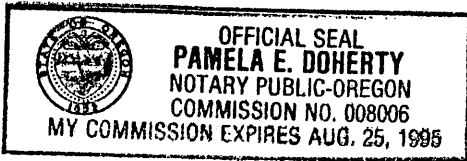
Les E. Bradley
Les E. Bradley

June Bradley
June Bradley

STATE OF OREGON)
) ss.
County of Clackamas)

The foregoing instrument was acknowledged before me this 13th day of August, 1993, by LES E. BRADLEY and JUNE BRADLEY.

Pamela E. Doherty
NOTARY PUBLIC FOR OREGON
My Commission Expires: 08-25-95



PMALGBC FORM #6
BOUNDARY CHANGE DATA SHEET

1. EXISTING CONDITIONS IN AREA TO BE ANNEXED OR WITHDRAWN

A. Land Area: Acres .69 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).

The area is essentially level and contains no significant topographic features.

It is developed with a single family dwelling, well and cesspool.

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

North: 3 1E 28A 500 1.15 acre parcel developed with single family dwelling.

East: 3 1E 28A 203 and 207 TL 203 is a 1.90 acre commercial parcel developed with a golf course. TL 207 is an 80' x 100' subdivided lot with a single family dwelling.

South: 3 1E 28A 300 and 306 TL 300 is a 1.97 acre parcel developed with a single family residence. TL 306 is a subdivided lot with a dwelling.

West: The westerly 176.7' of 3 1E 28A 400, containing .81 acres, is developed with two single family dwellings.

D. Existing Land Use:

Number of single-family units 1 Number of multi-family units 0

Number commercial structures 0 Number industrial structures 0

Public facilities or other uses 0

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

Single family dwelling

E. Total current year Assessed Valuation \$ The area to be annexed is a portion of 3 1E 28A 400. The entire Tax Lot is assessed at a value of \$96,510.00.

F. Total existing population Two (registered voters)

I. 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.)

The property is not currently served with public water or sewer. Both utilities are available in NE Maple Street which adjoins the property on the East. Property owner desires to construct a new residence on the property in place of existing residence and to be connected to the public water and sewer of the City of Canby.

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.

See II A above.

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 existing single family dwelling will be replaced with a single family dwelling.

- 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.

Yes, existing Clackamas County Comprehensive Plan designates property as Rural and it is zoned RREF5. Upon annexation, City of Canby Plan and Zoning designation: Zoning will be for 7,000 sq.ft. residential lots.

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

See III D above.

- 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.

No City-sanctioned citizens group. The County-sanctioned group is the

Canby CPO, however, it is inactive.

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.

City of Canby (Canby Utility Board has water, City has sewer) has 10"

water line and 8" sewer line in NE Maple Street which adjoins property on
its Eastern boundary. These facilities will provide water and sewer service
to the property.

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

Services are presently in place, No extensions are required.

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

Sewer and water services are not available from any other source.

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 _____ Rural Fire Dist. Canby FD 62
County Service Dist. _____ Sanitary District _____
Hwy. Lighting Dist. _____ Water District _____
Grade School Dist. Canby Elementary Drainage District _____
High School Dist. Canby Union High ^{No. 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.

Property is not connected to public sewer or water.

APPLICANT'S NAME Paul D. Schultz
MAILING ADDRESS P. O. Box 667
Oregon City, OR 97045 ..
TELEPHONE NUMBER 656-5200 (Work)

(Res.)
REPRESENTING Of attorneys for Les E. Bradley and
June Bradley

DATE: _____

PMALGBC FORM #15

PETITION FOR ANNEXATION TO THE CITY OF Canby, OREGON

TO: The Council of the City of Canby, Oregon

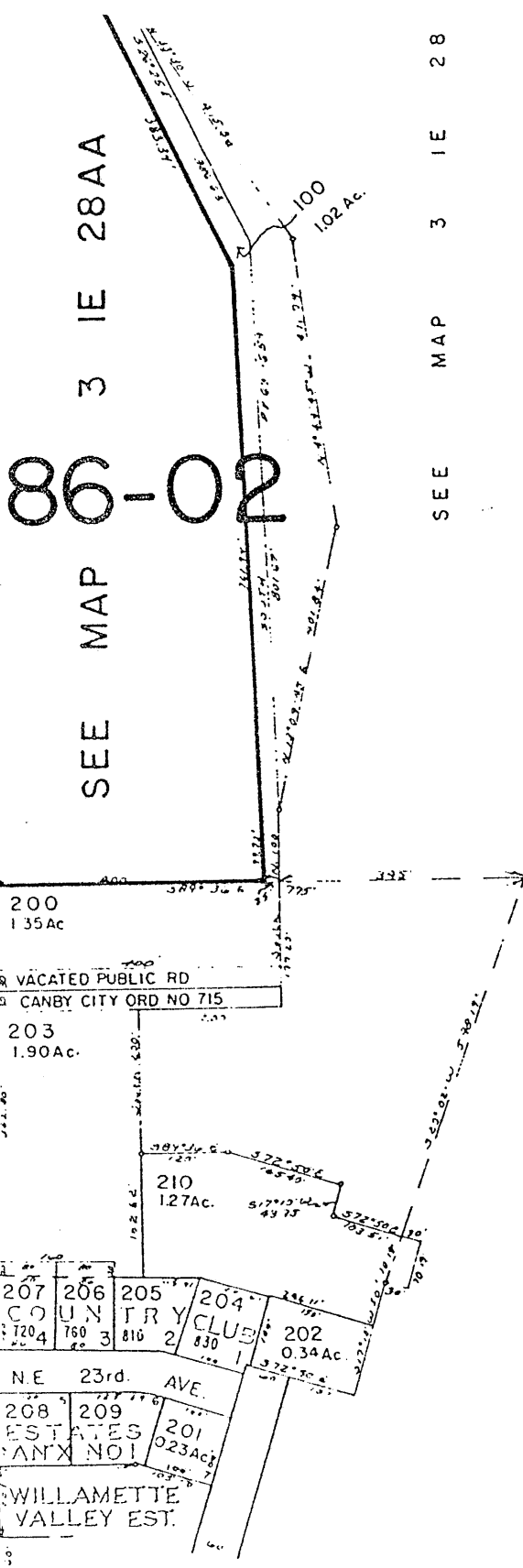
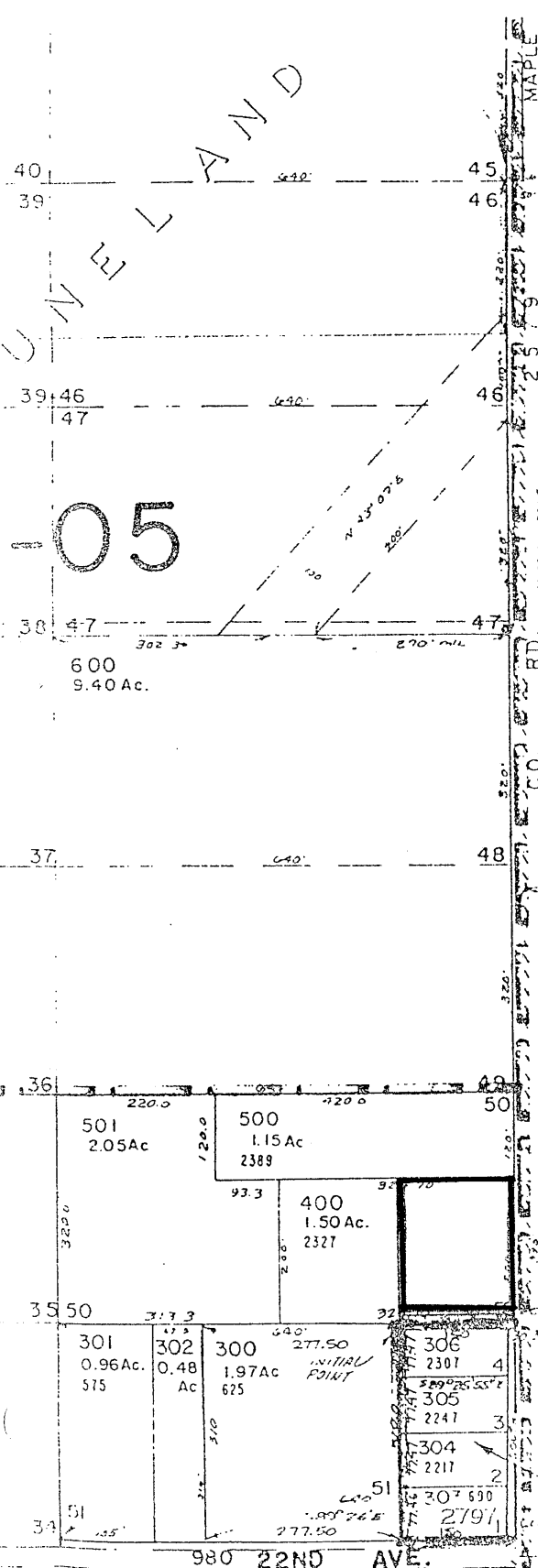
We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Canby. If approved by the city, we further request that this petition be forwarded to the Portland Metropolitan Area local Government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

A portion of Lot 50, PRUNELAND, in the County of Clackamas and State of Oregon, more particularly described as follows: Beginning at the Southeast corner of said Lot 50; thence North on the East line of Lot 50, 200 feet; thence West parallel to the South line of said Lot, 150 feet; thence South parallel with the East line of said lot to a point in the South line of said lot; thence East on said South line 150 feet to the place of beginning.

<u>NAME</u>	<u>DATE</u>	<u>SIGNATURE</u>
Les.E. Bradley	August <u>13</u> , 1993	<u>Les E Bradley</u>
June Bradley	August <u>13</u> , 1993	<u>June Bradley</u>
Christopher Granquist	August <u>13</u> , 1993	<u>Christopher J Granquist</u>
Jennifer Granquist	August <u>13</u> , 1993	<u>Jennifer M Granquist</u>



UNCLE LAND

105

86-02

SEE MAP 3 IE 28AA

SEE MAP 3 IE 28

CANBY
3 IE 28A

PMALGBC FORM #16

CERTIFICATION OF PROPERTY OWNERSHIP
(Double Majority Method)

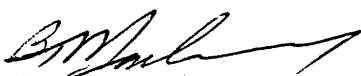
I hereby certify that the attached petition for annexation of the territory described therein to the City of Canby contains the names of the owners of a majority of the land area of the territory to be annexed.

NAME _____
TITLE _____
DEPARTMENT _____
COUNTY OF _____
DATE: _____

.....
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 
NAME BEN MARBERRY
TITLE ELECTIONS MANAGER
DEPARTMENT Elections
COUNTY OF CLACKAMAS
DATE 8-16-97

PMALGBC FORM #15

PETITION FOR ANNEXATION TO THE CITY OF Canby, OREGON

TO: The Council of the City of Canby, Oregon

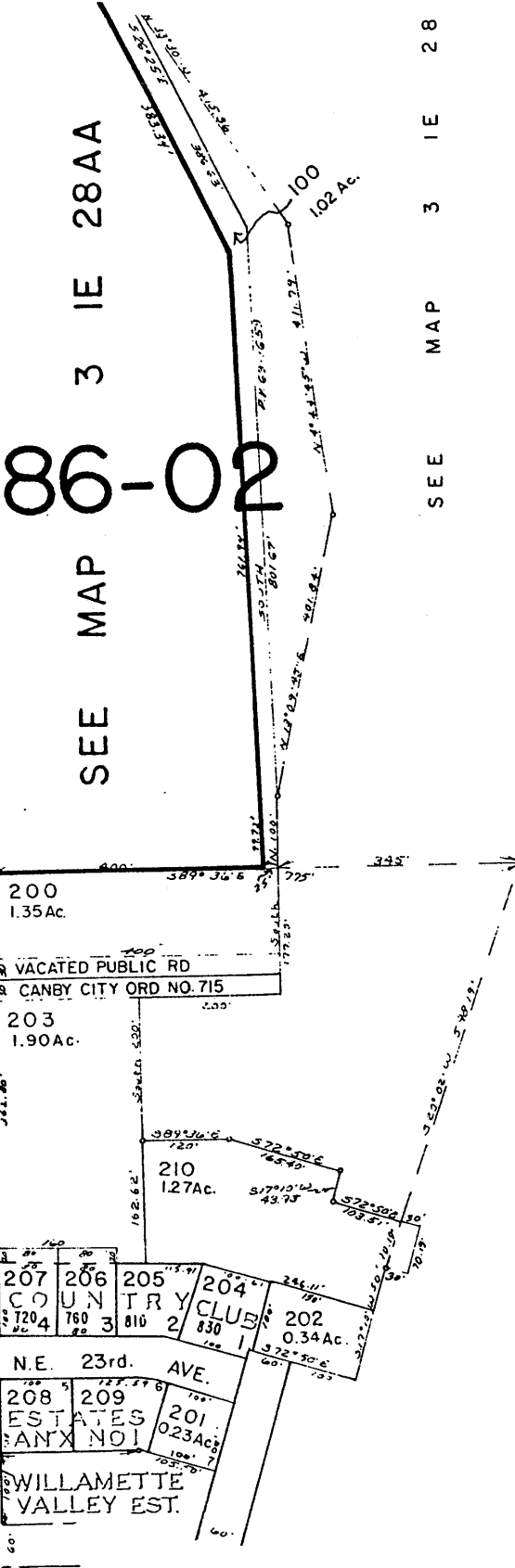
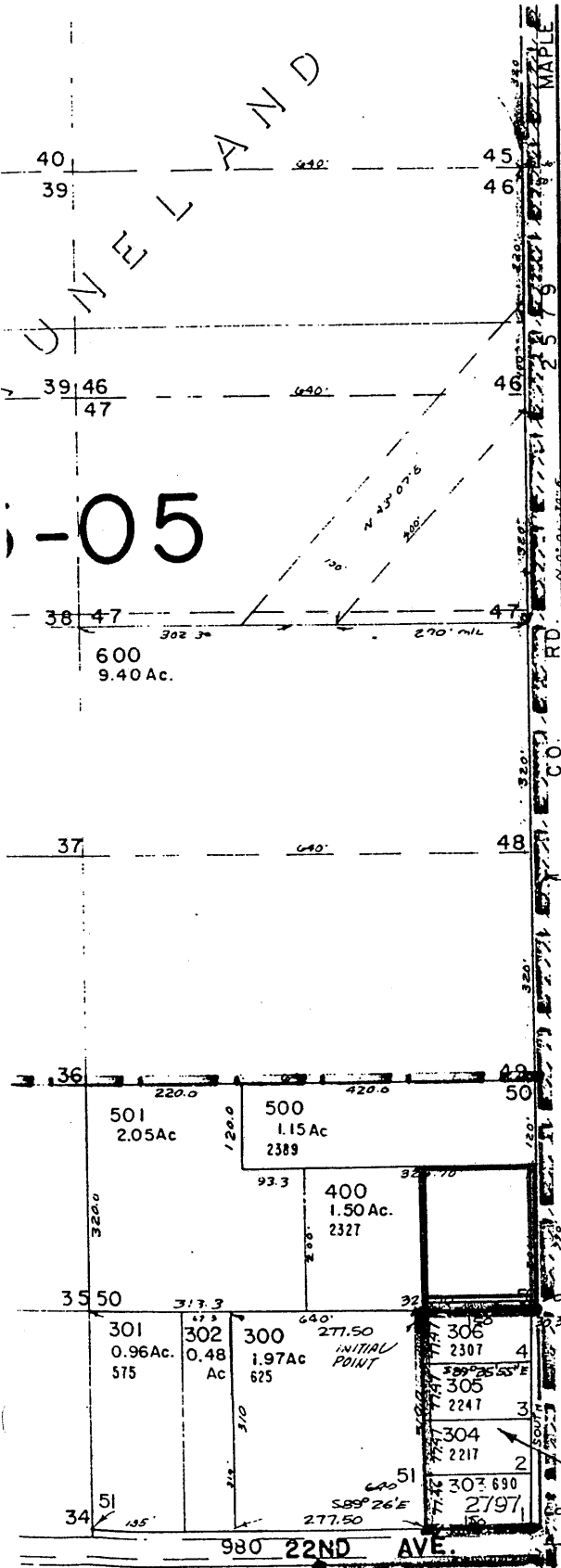
We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Canby. If approved by the city, we further request that this petition be forwarded to the Portland Metropolitan Area local Government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

A portion of Lot 50, PRUNELAND, in the County of Clackamas and State of Oregon, more particularly described as follows:
Beginning at the Southeast corner of said Lot 50; thence North on the East line of Lot 50, 200 feet; thence West parallel to the South line of said Lot, 150 feet; thence South parallel with the East line of said lot to a point in the South line of said lot; thence East on said South line 150 feet to the place of beginning.

	<u>NAME</u>	<u>DATE</u>	<u>SIGNATURE</u>
Not REG	Les.E. Bradley	August <u>15</u> , 1993	<u>[Signature]</u>
	June Bradley	August <u>13</u> , 1993	<u>[Signature]</u>
REG	Christopher Granquist	August <u>13</u> , 1993	<u>[Signature]</u>
	Jennifer Granquist	August <u>13</u> , 1993	<u>[Signature]</u>



UNELAND

-05

86-02

SEE MAP 3 IE 28AA

SEE MAP 3 IE 28

3 IE 28DB

SEE MAP 3 IE 28DA

CANBY
3 IE 28A

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 Elsie Zimmerman
TITLE Cartographer
DEPARTMENT Assessment & Tax
COUNTY OF Clackamas
DATE: Aug. 16, 1993

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 _____
TITLE _____
DEPARTMENT _____
COUNTY OF _____
DATE _____

PMALGBC FORM #15

PETITION FOR ANNEXATION TO THE CITY OF Canby, OREGON

TO: The Council of the City of Canby, Oregon

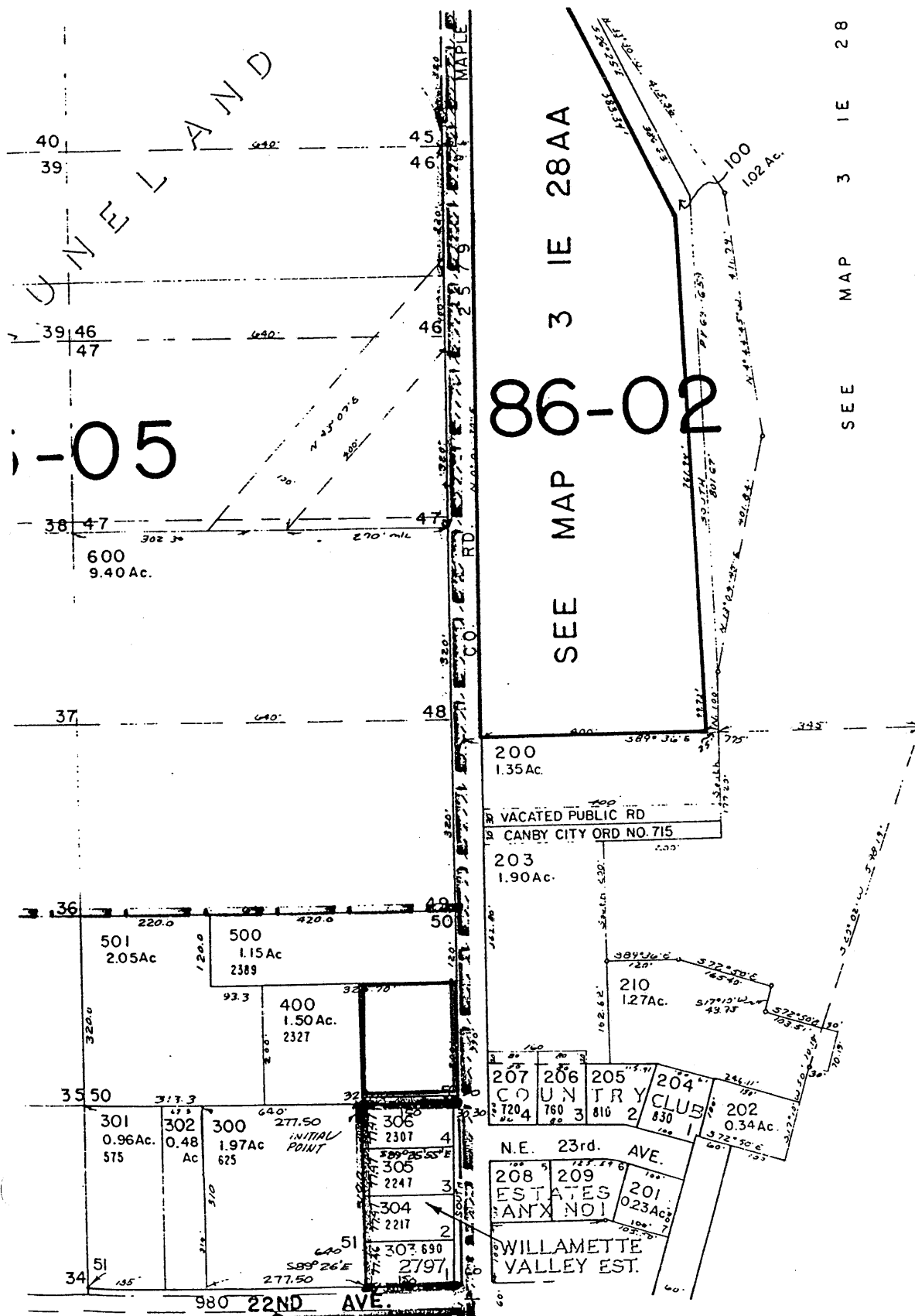
We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Canby. If approved by the city, we further request that this petition be forwarded to the Portland Metropolitan Area local Government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

A portion of Lot 50, PRUNELAND, in the County of Clackamas and State of Oregon, more particularly described as follows: Beginning at the Southeast corner of said Lot 50; thence North on the East line of Lot 50, 200 feet; thence West parallel to the South line of said Lot, 150 feet; thence South parallel with the East line of said lot to a point in the South line of said lot; thence East on said South line 150 feet to the place of beginning.

<u>NAME</u>	<u>DATE</u>	<u>SIGNATURE</u>
Les.E. Bradley	August <u>13</u> , 1993	<u>Les.E. Bradley</u>
June Bradley	August <u>13</u> , 1993	<u>June Bradley</u>
Christopher Granquist	August <u>13</u> , 1993	<u>Christopher Granquist</u>
Jennifer Granquist	August <u>13</u> , 1993	<u>Jennifer Granquist</u>



SEE MAP 3 IE 28

SEE MAP 3 IE 28AA

86-02

CANBY
3 IE 28A

3 IE 28DB

SEE MAP 3 IE 28DA

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 3 LE 28A) 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 Elsie Zimmerman
TITLE Cartographer
DEPARTMENT Assessment & Tax
COUNTY OF Clackamas
DATE: Aug. 16, 1993

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).

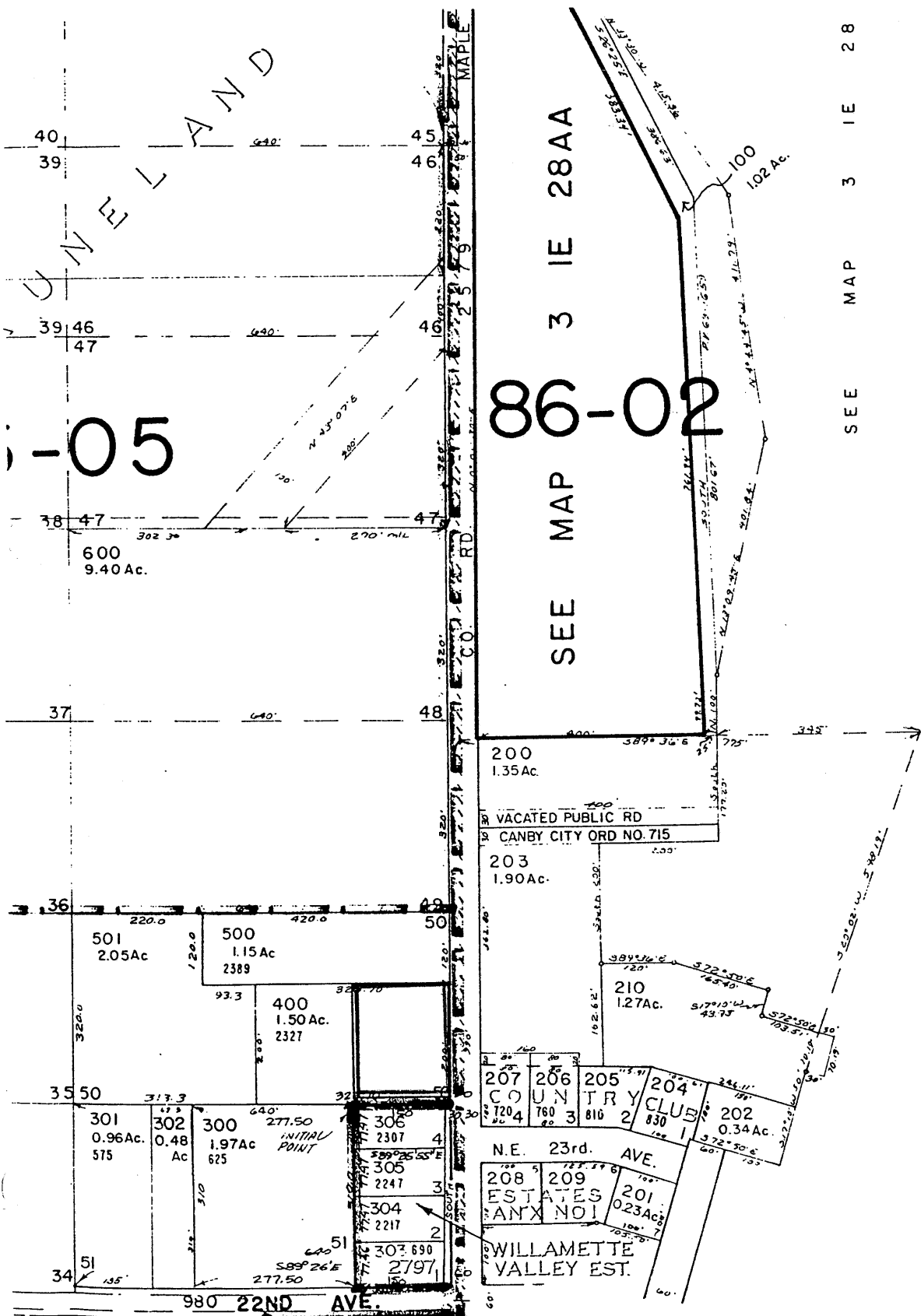
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(Insert Legal Description here OR attach it as Exhibit "A")

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Beginning at the Southeast corner of said Lot 50; thence North on the East line of Lot 50, 200 feet; thence West parallel to the South line of said Lot, 150 feet; thence South parallel with the East line of said lot to a point in the South line of said lot; thence East on said South line 150 feet to the place of beginning.

<u>NAME</u>	<u>DATE</u>	<u>SIGNATURE</u>
Les.E. Bradley	August <u>13</u> , 1993	<u>Les.E. Bradley</u>
June Bradley	August <u>13</u> , 1993	<u>June Bradley</u>
Christopher Granquist	August <u>13</u> , 1993	<u>Christopher J. Granquist</u>
Jennifer Granquist	August <u>13</u> , 1993	<u>Jennifer M. Granquist</u>

A portion of Lot 50, PRUNELAND, in the County of Clackamas and State of Oregon, more particularly described as follows:
Beginning at the Southeast corner of said Lot 50; thence North on the East line of Lot 50, 200 feet; thence West parallel to the South line of said Lot, 150 feet; thence South parallel with the East line of said lot to a point in the South line of said lot; thence East on said South line 150 feet to the place of beginning.



SEE MAP 3 IE 28AA

86-02

SEE MAP 3 IE 28

3 IE 28DB

SEE MAP 3 IE 28DA

CANBY
3 IE 28A

PMALGBC FORM #19

(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)
(1) <u>Les E. Bradley</u>	<u>1806 Barnes Circle</u> <u>West Linn, OR 97068</u>	<u>TL 400, Map 3 1E 28 A</u>
(2) <u>June Bradley</u>	<u>1806 Barnes Circle</u> <u>West Linn, OR 97068</u>	<u>TL 400, Map 3 1E 28A</u>
(3) <u>Christopher Granquist</u>	<u>2325 N.E. Maple Street</u> <u>Canby, OR 97013</u>	<u>TL 400, Map 3 1E 28A</u>
(4) <u>Jennifer Granquist</u>	<u>2325 N.E. Maple Street</u> <u>Canby, OR 97013</u>	<u>TL 400, Map 3 1E 28A</u>
(5)		
(6)		...
(7)		
(8)		

PMALGBC FORM #19 (continued)

(This form is NOT the petition)

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

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

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

PMALGBC FORM #20

DOUBLE MAJORITY WORK SHEET

Please list all properties/registered voters included in the proposal.
 (If needed, use separate sheet for additional listings).

PROPERTIES

Property Designation (Tax Lot #s)	Name of Owner	Acres	Assessed Value	Signed Petition	
				Yes	No
TL 400, Map 3 1E 28A	Les E. & June Bradley	1.15 ac.	—	X	
=====					
TOTALS	1			1	0

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 recommendations to the Commission, one of which states:

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

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 by de facto and would prefer it be a stated public fact, even though 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

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

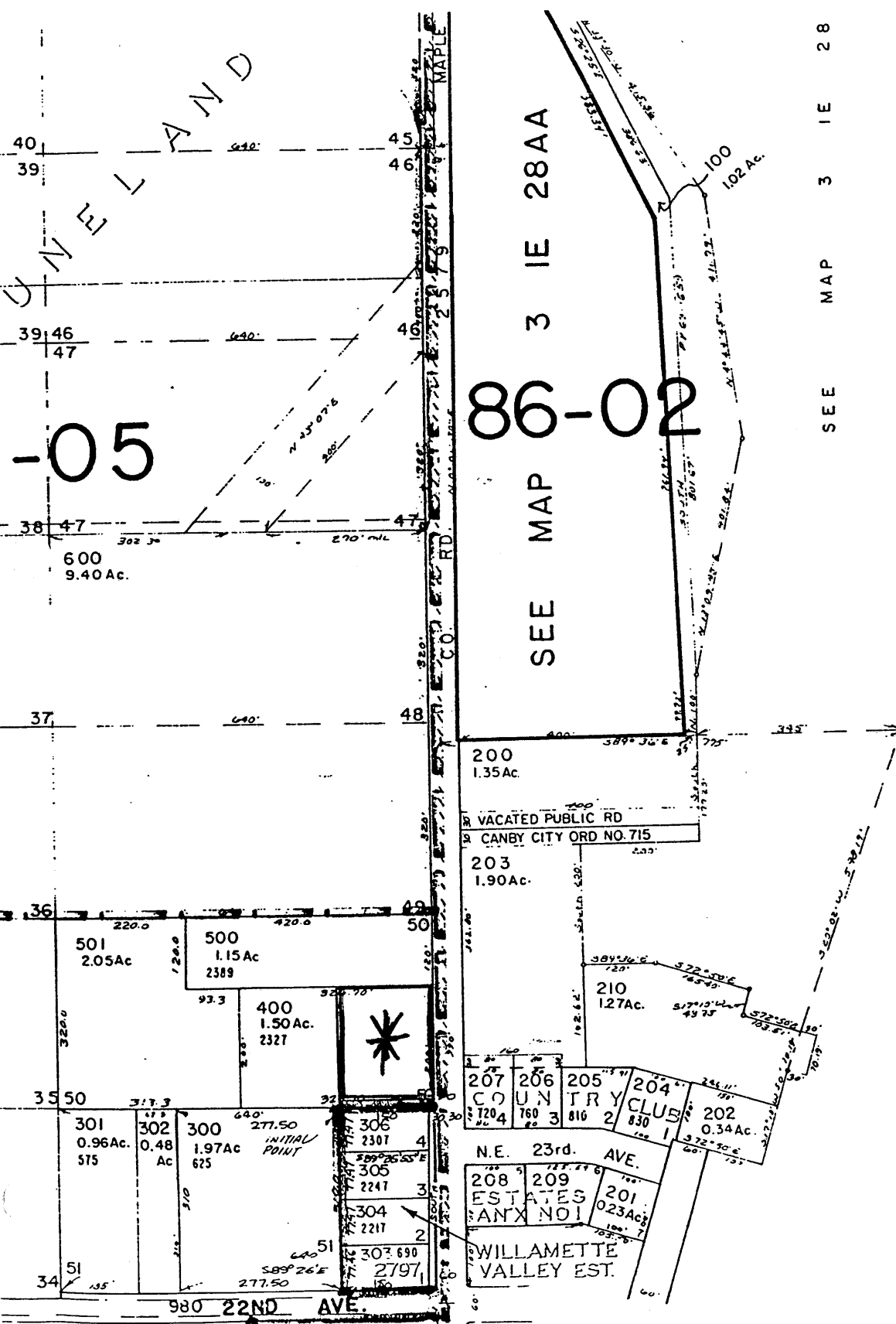
1994 Hearing Schedule

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

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

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

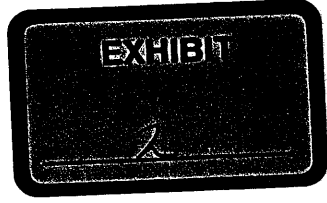


-05

86-02

SEE MAP 3 IE 28AA

SEE MAP 3 IE 28



3 IE 28DB

SEE MAP 3 IE 28DA

CANBY
3 IE 28A

156 110115

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: August 31, 1993

TO: FIRE, POLICE, HIGH SCHOOL, ELEM. SCHOOL, CUB, TOM PIERSON, TELECOM,
N.W. NATURAL GAS, CLACKAMAS COUNTY, MIKE JORDAN, JOHN KELLEY, ROY,
SEWER

The City has received ANN 93-02, an application by Paul Schultz (applicant) and Les and June Bradley (owners) for approval to annex a portion of Tax Lot 400, demolish the existing house, and replace it with a single family dwelling to be served by City water and sewer. The parcel is located on the west side of N. Maple, north of N.E. 22nd Avenue (The eastern 150' of Tax Lot 400 of Tax Map 3-1E-28A).

We would appreciate your reviewing the enclosed application and returning your comments by September 10, 1993 PLEASE. The Planning Commission plans to consider this application on September 27, 1993. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

- 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: _____

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: August 31, 1993

TO: FIRE, POLICE, HIGH SCHOOL, ELEM. SCHOOL, CUB, TOM PIERSON, TELECOM,
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- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: _____

Gary F. [unclear]

Date: _____

9/7/93

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: August 31, 1993

TO: FIRE, POLICE, HIGH SCHOOL, ELEM. SCHOOL, CUB, TOM PIERSON, TELECOM,
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Comments or Proposed Conditions:

Sewer MAIN Extension

STORM Sewer Extension

Street Improvements

The Annexation is OK as long as all
conditions of improvement are met AT
OWNERS Expense

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

Signature: Ray L. Hester

Date: 9-2-93

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: August 31, 1993

TO: FIRE, POLICE, HIGH SCHOOL, ELEM. SCHOOL, CUB, TOM PIERSON, TELECOM,
N.W. NATURAL GAS, CLACKAMAS COUNTY, MIKE JORDAN, JOHN KELLEY, ROY,
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Comments or Proposed Conditions:

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

Signature: Steph D. Jones

Date: 9/7/93

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

JSW
9/2/93

DATE: August 31, 1993

TO: FIRE, POLICE, HIGH SCHOOL, ELEM. SCHOOL, CUB, TOM PIERSON, TELECOM,
N.W. NATURAL GAS, CLACKAMAS COUNTY, MIKE JORDAN, JOHN KELLEY, ROY,
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Comments or Proposed Conditions:

Be sure ~~Steve~~ Roy comments
on sewer service. My understanding
is that this is a difficult parcel for
sewer.



Ad

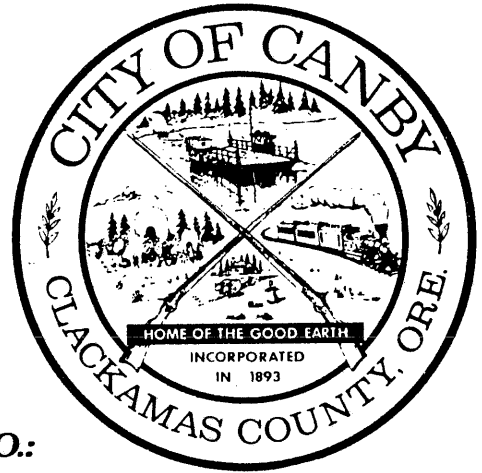
Adequate Public Services will become available through the development

Conditions are needed, as indicated

Adequate public services are not available and will not become available

Signature: _____ Date: _____

- STAFF REPORT -



APPLICANT:

Jeanette Stefani
Zarosinski-Tatone Engineers, Inc.

FILE NO.:

MLP 93-03

OWNER:

Jeanette Stefani
% Harold Oathes Estate
1815 Laurelwood Loop, Canby

STAFF:

Robert G. Hoffman, AICP
Planning Director

LEGAL DESCRIPTION:

Tax Lot 1700 of Tax Map 3-1E-34C

DATE OF REPORT:

September 17, 1993

LOCATION:

North side of Township Road,
east of S. Pine

DATE OF HEARING:

September 27, 1993

COMP. PLAN DESIGNATION:

High Density Residential

ZONING DESIGNATION:

R-2 - High Density Residential

I. APPLICANT'S REQUEST:

The applicant is requesting approval to partition a 2.35 acre parcel into two parcels, .45 acres and 1.90 acres, respectively. The intention is to retain the single family house on Parcel #1, and to leave Parcel #2 for future development. Future partitioning of Parcel #2 may occur.

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 partitioning shall be allowed 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. 16.30.030 Development Standards in R-2 Zones
- 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 and Background

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 1700 of Tax Map 3-1E-34C. It is located on the north side of Township Road, east of S. Pine Street. The property consists of approximately 2.35 acres. There is approximately 213 feet of frontage along Township Road. The entire parcel is zoned R-2, High Density Residential. The existing single family residence will remain on proposed Parcel #1.

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

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 property is zoned R-2, which is consistent with the land use map of the Comprehensive Plan. The property is currently used for a single family residence. The proposed Parcel 2 of the partition (1.92 acres) is intended to be developed with residential uses. The proposed use is consistent with uses permitted outright in the zone. The size of Parcel 1 proposed in the partition is intended to be large enough to accommodate the single family residence and to permit the proper setback distances for the existing single family residence. Parcel 2, excluding the "flag pole" driveway areas, is large enough to permit a maximum of 27 units.

There are residential uses adjacent to the subject parcel on three sides, with light industrial zoning to the east. To the south, across Township Road, is Township Village and Wights Nursery, that is zoned residential and expected to be eventually developed with residential uses. The uses appear to be compatible.

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 of any development. The predominant soil is Latourell loam, which is suitable for building sites. 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.

Except for a single family house or duplex, further development of the parcels will require Site and Design Review, which will cover architectural appearance, access, parking, and landscaping for the proposed development.

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 #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.

ANALYSIS

Access for proposed parcel 1 will be from Township Road. Access for proposed Parcel 2 will be from South Pine and from Township Road.

A sidewalk and street widening, including half street improvements, will be needed across the full frontage of the subject parcels. Actually, construction should be timed to match other construction in the area, and/or further development of the subject properties. Certain improvements in the area may be funded through State Loan and grant money.

vi. Public Facilities and Services

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

- Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.
- Policy #2: Canby shall utilize all feasible means of financing needed public improvements and shall do so in an equitable manner.

ANALYSIS

All public facilities are available for the proposal with adequate capacity in the general vicinity, but must be extended to the site. Utility easements will need to be provided around the partitioned lots to allow for utility services to be provided to surrounding lots. The water main, sewer line, water line, and fire hydrants will need to be extended to the subject parcel as a part of the development of proposed Parcel 2.

vii. Economic

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

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.

ANALYSIS

The partition of the land will facilitate the further commercial and industrial development in this area of Canby through additional housing opportunities.

viii. Housing

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

ANALYSIS

The partition of the subject property will provide housing 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 #5: Canby shall continue to promote energy efficiency and the use of renewable resources.

ANALYSIS

The Solar Access Ordinance will apply to the development of the new 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. Overall Design of Parcels

The configuration of the partition will allow for proper setback distances for residential construction on both parcels, and will provide sufficient setback distances for the existing building on Parcel 1. The applicant is proposing to provide access to S. Pine and two access points to Township Road. The two access areas on Township are to provide for flexibility of development opportunities for Parcel 2 and future partitioning of Parcel 2. (Staff is not convinced of the necessity for both accesses for Parcel 2 to Township Road. Further justification is needed. Of the two, the drive to the east is preferable because of spacing.)

V. **CONCLUSION**

1. Staff finds 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 become available through the development of the property, to adequately meet the needs of the proposed land division.

VI. **RECOMMENDATION**

Based upon the findings and conclusions in this report, and without benefit of public hearing, staff recommends approval of MLP 93-03, subject to the following conditions:

For the Final Partition Plat:

1. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 93-03.
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
3. All monumentation and recording fees shall be borne by the applicant.

4. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:

6 feet in width along interior lot lines; and,

12 feet in width along exterior lot lines, except where adjacent to another easement of at least 6 feet.

5. Additional right-of-way along Pine and Township Road, such that 60 feet of right-of-way is available to the satisfaction of the acting Public Works Director. At this time, it is likely that 20 feet additional is needed along Pine and 10 feet along Township.
6. Quit-Claim Deed for current Pine Street right-of-way. A waiver of remonstrance shall be provided for any LID on Pine or Township Road.

Prior to the issuance of a building permit for Parcel 1 or 2:

7. 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.
8. All utilities, including water and fire hydrants, must meet the standards and criteria of the providing utility authority.
9. Agreement to participate in any advance financing agreement that may be in place at time of development of either parcel.

Prior to the issuance of a certificate of occupancy for Parcel 2:

10. One-half street improvements along Pine and Township shall be constructed for the full frontage along Pine and Township. The sidewalk shall be constructed prior to the occupancy of any development on Parcel 2. (An agreement to participate in an advance financing agreement may be an alternative.)

11. The effective date for approval of this partition is delayed until the annexation involving the subject property is final.

Exhibits:

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

/mlp/9303.rpt

MINOR LAND PARTITION APPLICATION

Fee: \$600.00

OWNER

APPLICANT

Name Jeanette Stefani c/o Harold Oathes Estate
Address 1815 Laurelwood Loop
City Canby State OR Zip 97013
Signature: [Handwritten Signature]

Name Zarosinski-Tatone Engineers, Inc.
Address 3737 S. E. 8th Ave.
City Portland State OR Zip 97202
Phone: 235-8795

DESCRIPTION OF PROPERTY:

Tax Map 31E 34 C Tax Lot(s) 1700 Lot Size 2.35 (Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name Clackamas Co. Record of Deeds 380/461 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 Single Family Residence Proposed High Density Residential (R-2)

Existing Structures Single family dwelling unit

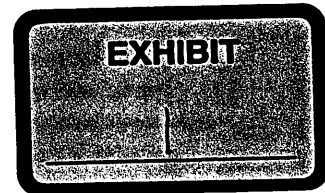
PROJECT DESCRIPTION

Minor partition tax lot 1700 into two separate parcels allowing alternate access to Parcel II from Township Road for future development in accordance with present zoning (R-2). Future partitioning of Parcel II will determine appropriate access to Township Road and conditions of restrictive use.

ZONING COMPREHENSIVE PLAN DESIGNATION

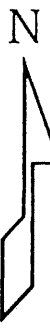
PREVIOUS ACTION (if any)

File No. M.C.P. 93-03
Receipt No. 2438
Received by [Handwritten Signature]
Date Received 8/17/93
Completeness Date 8/23/93
Pre-App Meeting
Hearing Date 9/27/93



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

- S.E. 7th Pl. L-1
- 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-5
- S.W. 2nd Ave. K-5
- S.W. 3rd Ave. L-5
- S.W. 4th Ave. L-4
- S.W. 5th Ave. L-5
- S.W. 5th Ct. L-6
- 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. LM-6
- S.W. 10th Ave. M-6
- S.W. 11th Ave. M-6
- S.W. 13th Ave. M-5



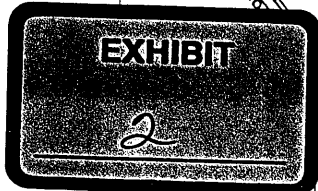
NE

NW

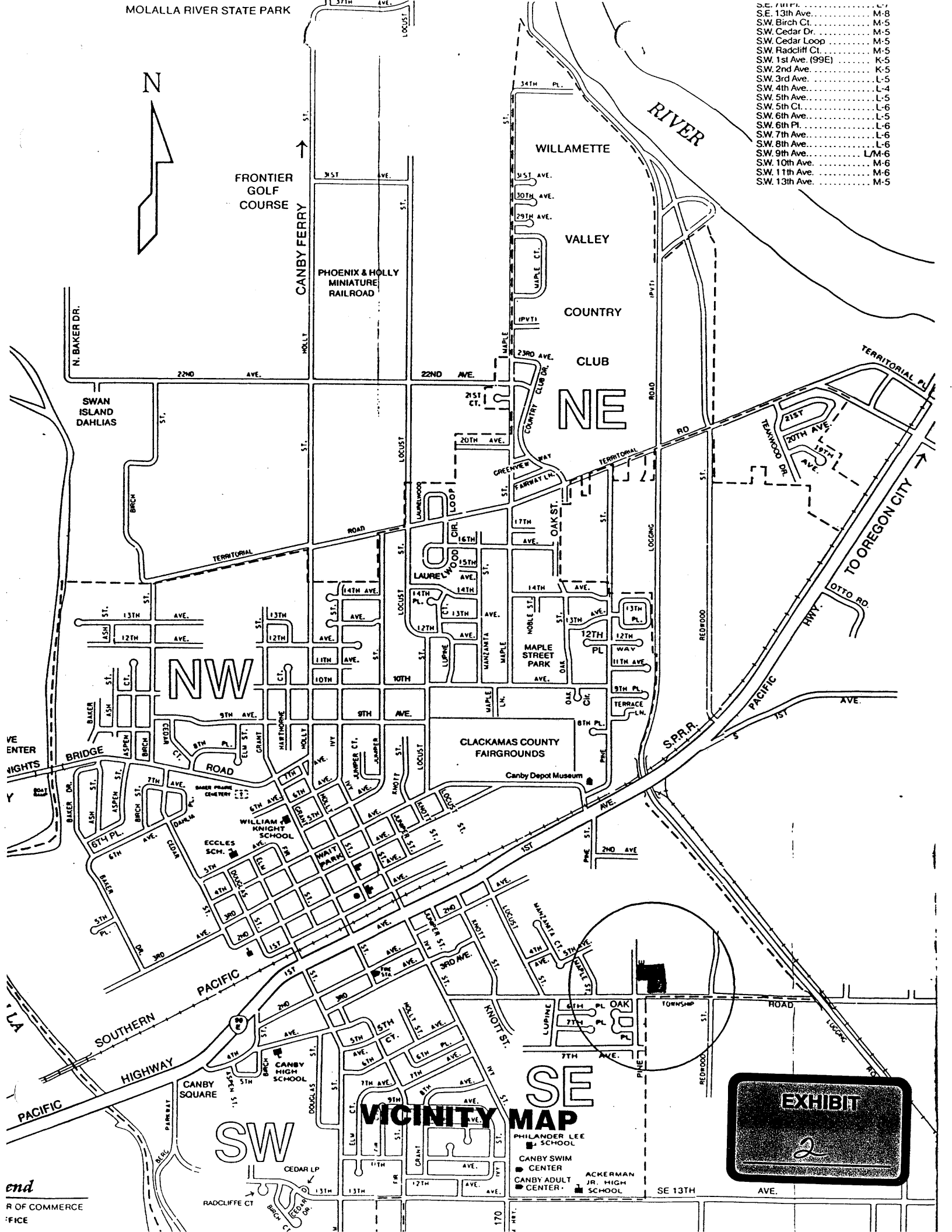
SE

SW

VICINITY MAP



end
R OF COMMERCE
FICE



713/93
2750

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: August 31, 1993

TO: FIRE, POLICE, HIGH SCHOOL, ELEM. SCHOOL, CUB, TOM PIERSON, TELECOM,
N.W. NATURAL GAS, CLACKAMAS COUNTY, MIKE JORDAN, JOHN KELLEY, ROY,
SEWER

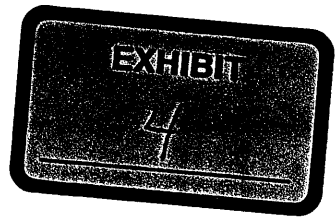
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We would appreciate your reviewing the enclosed application and returning your comments by September 10, 1993 PLEASE. The Planning Commission plans to consider this application on September 27, 1993. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

Dedication necessary along south Pine so that adequate R/W exists north of Township Rd. to match Pine St. south of Township Rd. Also, dedication along Township Rd to match the Light Ind. property to the east.

- 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: *Michael Jordan* Date: 8/31/93

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: August 31, 1993

TO: FIRE, POLICE, HIGH SCHOOL, ELEM. SCHOOL, CUB, TOM PIERSON, TELECOM,
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Comments or Proposed Conditions:

(A lift station would be need to use the sewer in Township Rd or a new sewer extended south on Pine from Watson's Mfg. Home Pl. RSTH 9-16-93)
Sewer NOT Available.
With Street Improvements, Storm Drainage would be required. The county will NOT allow Drywells in Road.
Curb would need to be built along property.

- 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: 9-2-93

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: August 31, 1993

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Comments or Proposed Conditions:

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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: S. Hansen Date: 9/7/93

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: August 31, 1993

TO: FIRE, POLICE, HIGH SCHOOL, ELEM. SCHOOL, CUB, TOM PIERSON, TELECOM,
N.W. NATURAL GAS, CLACKAMAS COUNTY, MIKE JORDAN, JOHN KELLEY, ROY,
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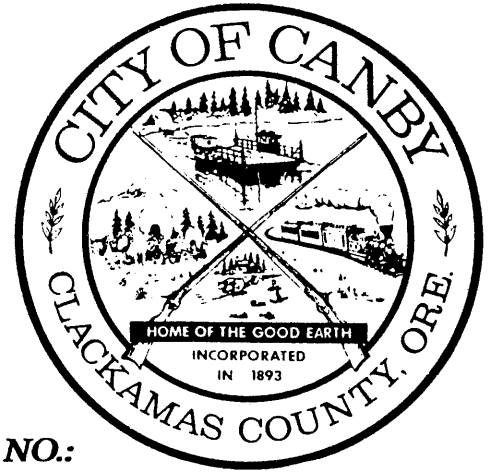
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Comments or Proposed Conditions:

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

Signature: _____ Date: _____

- STAFF REPORT -



APPLICANT:

Dave Morris, Endex Engineering, Inc.
223 NW 2nd Street
Corvallis, OR 97330

FILE NO.:

DR 93-04

OWNER:

Merritt Truax
205 Columbia St. NE
Salem, OR 97303

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lots 9000 and 9100
of Tax Map 3-1E-33CD

DATE OF REPORT:

September 17, 1993

LOCATION:

North side of Highway 99E, between
N. Elm Street and N. Grant Street

DATE OF HEARING:

September 27, 1993

COMP. PLAN DESIGNATION:

Commercial Manufacturing

ZONING DESIGNATION:

C-M (Heavy Commercial/Manufacturing)

I. APPLICANT'S REQUEST:

The applicant is requesting approval of a Site and Design Review Application to construct a new gas service station. The station covers a 230' x 75' area, including a 36' x 12' masonry office building and a 40' x 54' steel canopy over the pump islands. The total area of the parcel is 760' x 75', and the portion being developed is 230' x 75'.

II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

16.10	Off-Street Parking and Loading
16.30	C-M - Heavy Commercial/Manufacturing 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.

IV. FINDINGS:

A. Background and Relationships:

An application for a variance has been submitted for the extension of the canopy in the street yard setback. The property used to house the Canby Grain Elevators, which were demolished in 1987.

The applicant has expressed a desire and intent to offer dedication of the end portions of the property to the city. With access to the property restricted to the single entrance and exit points shown on the plan, and

the limited depth of the parcel, the remaining end portions of the property have little potential commercial development value.

B. Comprehensive Plan Consistency Analysis

i. CITIZEN INVOLVEMENT

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

ANALYSIS

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

ii. URBAN GROWTH

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

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

ANALYSIS

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

iii. LAND USE ELEMENT

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

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

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

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

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

ANALYSIS

The proposal is for a gas service station. The property is zoned as Heavy Commercial/Manufacturing, which is consistent with the Land Use Designation of the property in the Comprehensive Plan. The proposed use is permitted outright in the Heavy Commercial/Manufacturing zone, and is appropriate for the location. Because of the restricted access to the property and the limited depth of the property, it is difficult to assess whether or not a use that would utilize the whole property could be economically feasible. The State Department of Transportation may refuse a more intensive development that would utilize the whole parcel, but would also generate more traffic.

Commercial uses are located south, across the highway. A parking lot is located to the north, across the railroad right-of-way.

iv. **ENVIRONMENTAL CONCERNS**

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

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

TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

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

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

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

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

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

ANALYSIS

The site will require an on-site storm water drainage system. The design and construction of the system will need to be reviewed and approved by the Director of Public Works. State and Local Code regulations will require the development to meet standards to prevent air, water, and noise pollution. While the site is currently vacant, it is considered to be a developable lot and not a part of the city's inventory of needed open space. Thus, the proposal will have minimal affect on the open space.

v. **TRANSPORTATION CONCERNS**

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

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

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

Policy #3: Canby shall attempt to improve its problem intersections, in keeping with its policies for upgrading or new construction of roads.

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

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

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

ANALYSIS

The access to the proposed development will be from Highway 99E, and has been given preliminary approval from the State Department of Transportation. In a phone conversation on 9/16/93, ODOT indicated that the access points will be required to be "right turn only", essentially meaning no access to or from Highway 99E northbound.

If the end portions of the property are dedicated to the city as intended, access to and from the highway would be needed. The city would be looking and utilizing the dedicated portions of the

property for such things as an information kiosk (visitor's information) and/or a landscaped "rest stop". ODOT has already stated that only one ingress and one egress will be permitted for the whole block. At a meeting with the applicant, the owner's engineer, and ODOT, it was agreed that moving each access point out by 40' would be permissible. This would allow for access to the dedicated property without interfering with traffic accessing the gas station. For full utilization of the end properties with the access points, the city would need to obtain the railroad property immediately to the north (the railroad removed a siding track this past year on the portion closest to the subject parcel).

The owner has since indicated that it is not their desire to move the access points out. However, because of the limited development potential of the end portions of the property, it is appropriate to require that the access points be located closer to both Elm and Grant Streets.

As a part of the application, the highway frontage is proposed to be improved with an eight (8) foot sidewalk for the 230' section in front of the development, and curbs for the whole highway frontage.

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 school and recreation facilities.

ANALYSIS

All public facilities are available for the proposal with adequate capacity. Police, Fire, Water, Electric, and Natural Gas services have adequate capacity to service this project. A "Data Disclosure Form" will be needed to be filled out and submitted to the City prior to the issuance of a business license.

vii. ECONOMIC

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

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.

ANALYSIS

The applicant is proposing to develop a new gas service station that will service both Canby and traffic that passes through Canby. The site has been vacant since the Canby Grain Elevators were demolished. Commercial development of this portion of the property, coupled with dedication to the city of the, apparently undevelopable, end portions will improve the visual quality of this well-traveled corridor, and may be of further economic use if the city were to be able to eventually utilize the end portions to promote itself.

viii. HOUSING

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

ix. ENERGY CONSERVATION

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

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

ANALYSIS

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

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

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

D. Evaluation Regarding Site and Design Review Approval Criteria

1. Part IV - Section 2, No. 2

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

The landscaping requirement for a commercial/manufacturing property is 15% of the area being developed. The amount of landscaping required for the 17,250 square foot area being developed is 2,588 square feet. The applicant is proposing to landscape 2,269 square feet (13.2%) in two separate 17.5' x 67' areas. With the changes that staff is recommending, the amount of landscaping provided could be up to 3,145 square feet of an increased area of development of 19,875 square feet (15.8%).

2. **Parking.**

The only "building" being proposed is an office with two public bathrooms and a storage room. The total size of the building is 432 square feet, requiring a maximum of two parking spaces. Four parking spaces are proposed. The dimensions of the parking spaces meet the requirements.

No loading berths are required for an office building of this size.

3. **Access**

Access to the proposed development will be from Highway 99E. There will be one ingress and one egress point, each 35' wide. Moving the access points 40' toward both Elm and Grant Streets is desired by the city for the potential use of the end portions of the property. The moving of the access points is needed to provide adequate access to the end portions of the property without hindering the traffic pattern of the gas station.

4. **Architecture**

The office building, gas sale kiosk (located in the northern gas pumping island), and protection wall for the air and water pumps, next to the vending machine (west of the pump islands) will be of masonry construction, painted white. The canopy will be steel, painted blue. The buildings will have metal roofs, painted blue with red trim. There is proposed to be two soda vending machines on site.

The design of the buildings and canopy is appropriate for the function of the gas station.

The development has approximately 2800 square feet where "business" could be said to be conducted. Because of the rather limited potential for further commercial development of the end portions of the property, the allowed sign calculation is based on the property being considered a "corner parcel". Thus, the maximum amount of signage is 240 square feet. The applicant is proposing a price sign approximately 8.5' x 7.5', located near the entrance to the property. The sign will be visible from both sides, amounting to 125.5 square feet. The canopy will have "Chevron" located on at least one side, and more likely will be located on three sides. If it is on three sides, the total signage amounts to 51.3 feet (17.1 square feet each). Altogether, this

amounts to 177 square feet. The soda vending machines are counted for advertising and cannot have a sign area greater than 63 square feet.

The signs will be white letters with blue backgrounds. The directional signs will be white letters on a gray background.

The price sign will need to be moved with the relocation of the ingress point.

5. Other Aspects

a. Utilities

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

b. Landscaping

The applicant has proposed two 17.5' x 67' landscaped areas. Both areas are proposed to be landscaped with a groundcover. The recommendation by staff to move the access points directly affects the proposed landscaping areas. Maneuvering space for vehicles using the access points is needed. The landscaped areas could be widened to 35' and shortened to 37' long on the west side and a slanted 20' to 35' long on the east side. The sidewalk is recommended to be reduced to 6' in width, thus allowing room for a 4' planting strip. The planting strip would then be approximately 196' in length. There is not sufficient enough space to accommodate an 8' sidewalk, a 4' planting strip, and an appropriate amount of room for vehicles to use the southern most pumping island.

The planting strip should be landscaped with a minimum of three small, columnar (narrow) trees, and either a groundcover or something similar to a small boxwood hedge. The two landscape areas should be landscaped similarly: two or three medium to large trees planted in close proximity to each other, with a scattering of large to small shrubs and a groundcover.

c. **Parking Lot Landscaping**

There are insufficient parking spaces to require landscaping of the parking area.

d. **Density and yards and height**

C-M zoning permits a gas service station with no minimum lot size, or setbacks (except for the twenty feet from Highway 99E). The height of the building will be approximately 18-20 feet, well within the maximum height requirement of 45 feet.

V. CONCLUSION

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

Further, staff concludes that, with approval conditions:

1. the proposed use of the site is consistent with the applicable requirements and policies of the Comprehensive Plan and the development ordinance;
2. the characteristics of the site are suitable for the proposed use;
3. that all required public facilities and services exist (or can be made to exist at the time of development) to adequately meet the needs of the proposed office;
4. the proposed use will not alter the character of the surrounding areas in such a way as to substantially limit or preclude the uses allowed; and
5. the conditions listed are the minimum necessary to achieve the purposes of the Site and Design Review Ordinance, and do not unduly increase the cost of housing.

V. RECOMMENDATION:

Based upon the application, elevations, the site plan received by the City, the facts, findings and conclusions of this report, and without the benefit of a public hearing, staff recommends that the Planning Commission approve, with conditions, DR 93-04 for a gasoline service station. Furthermore, staff recommends approval of DR 93-04 with the following conditions:

1. Approval of the driveway access to State Highway 99-E shall be obtained from the Oregon Department of Transportation, prior to the issuance of the building permit.
2. If the variance for the canopy (VAR 93-01) is not approved, the canopy shall be reduced in size so as to be no closer than twenty (20) feet from the Highway 99E right-of-way.
3. The ingress shall be located forty (40) feet closer to N. Grant Street, and the egress shall be located forty (40) feet closer to N. Elm Street, than shown on the site plan.
4. The sidewalk shall be width shall be six (6) feet in width. A four (4) foot wide landscaped strip shall be adjacent to the sidewalk.
5. The total amount of landscaped area shall be at least 2,985 square feet.
 - a. The four (4) foot planting strip adjacent to the sidewalk shall be planted with at least three (3) small, columnar street trees, and either a vegetative groundcover or a small hedge similar to that of a boxwood hedge.
 - b. The landscaped areas to the east and west of the gas station shall each be planted with at least two (2) medium to large trees (planted in close proximity to each other), several (at least 10 total) large to small shrubs, and groundcover.
6. All landscape areas shall be irrigated utilizing a fully automatic underground irrigation system, or there shall be a readily available water supply within one hundred and fifty (150) feet of any landscaped area.
7. A landscape construction plan shall be submitted with the building permit application. The plan shall include irrigation system, planting schedule, where the plants are to be located within the landscaped areas, plant types and sizes, and the plant spacing.

8. During construction, erosion control shall follow the Erosion/Sedimentation Control Plans Technical Guidance Handbook for Clackamas County, August 1991 (as amended).
9. The combined size of all signs (including vending machines) shall not exceed a total of 240 square feet.
10. A "Data Disclosure Form" shall be filled out and submitted to the city prior to the issuance of a business license.
11. The price sign shall be relocated so as to not obstruct traffic and remain at least ten (10) feet from the Highway 99E right-of-way.

Exhibits:

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

SITE AND DESIGN REVIEW APPLICATION

Fee: \$500

OWNER

APPLICANT

Name Merritt Truax
Address 205 Columbia N.E.
City Salem State OR Zip 97303
SIGNATURE Merritt W. Truax

Name Dave Morris, Endex Engineering, Inc.
Address 223 NW 2nd Street
City Corvallis State OR Zip 97330
Phone: (503) 754-9517

DESCRIPTION OF PROPERTY:

Tax Map 31E 33CD Tax Lot(s) 9000, 9100 Lot Size 51,000 SF
(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 Vacant Lot
Proposed Gas Station

Existing Structures None

Bounded by Highway 99E to the south

Surrounding Uses Southern Pacific Railroad to the North

PROJECT DESCRIPTION North Grand Street to the East and North Elm Street to the West.

Gasoline service station including 200' x 67' concrete paved lot, 36' x 12' masonry office building and 40' x 54' steel canopy over the pump island

ZONING C-M COMPREHENSIVE PLAN DESIGNATION C-M

PREVIOUS ACTION (if any) Unknown

File No. DR 93-01
Receipt No. 2446
Received by JW
Date Received 8-27-93
Completeness Date 8-27-93
Pre-App Meeting
Hearing Date 9-27-93



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



ENDEX

ENGINEERING, INC.

223 NW Second Street
Corvallis, OR 97330
(503) 754-9517
Fax: (503) 754-8111

August 25, 1993

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

Re: Site Design Review Application
Chevron Gas Station for Merritt Truax

Dear Sirs,

Please find enclosed the Application for Site Design Review for a proposed Chevron Gas Station. The proposed station will be located on Highway 99E in the middle of the block between North Grant Street and North Elm Street. The sale of the property has been completed and Endex Engineering is working with the new Owner, Mr. Merritt Truax, to design the facility.

An important issue on this site is the highway access to Highway 99E. We have been in contact with the Oregon State Highway Division and have received tentative approval for driveway access subject to the following conditions:

- 1) The business must be centered in the lot between the adjacent streets
- 2) The State must receive a legally binding assurance that the two end properties will never be allowed driveway access to Highway 99E.

We are proceeding at this time to obtain OSHD driveway permits for this property and should have a decision in hand by the September 27 Planning Commission meeting.

))

This brings up the issue of what to do with these two corner properties. Mr. Truax has proposed that they be dedicated to the City at no cost to the City. This proposal has been discussed briefly with the City planning staff but has not yet been presented formally to the City. The city would still be bound to the OSHD requirement of no highway access to Highway 99E.

Please call if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dave Morris".

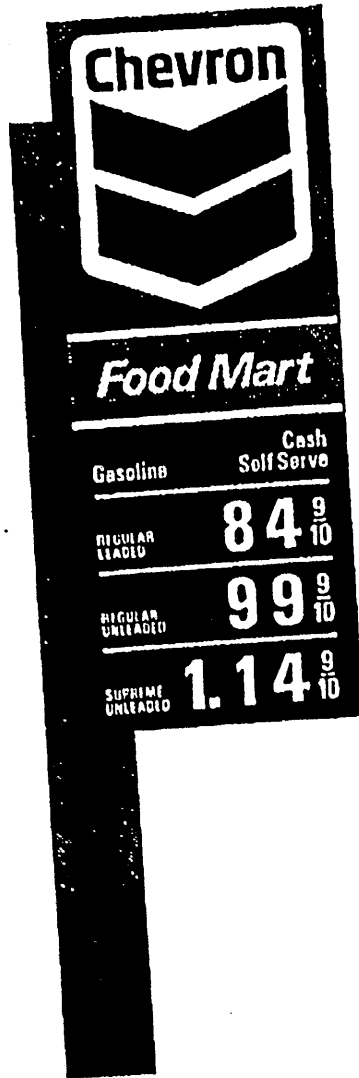
Dave Morris P.E.

Enclosure

cc Merritt Truax

PRICE SIGNS

Pole Mount Lighted Price Sign



Name: Pole Mount Lighted Price Sign

Type: See below

Order: From Region Engineering/
Purchasing Representative

Size/Area: See below

Material: Plastic panels — metal
frame, internally illuminated.

Colors: White copy and numerals
on a blue background.

Notes:

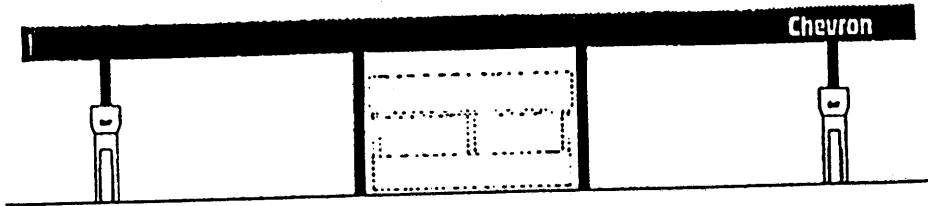
- Must be flag mounted directly below an ID hallmark or APC sign of the same size.
- Only three product price signs are available.
- Both numeral and product grade panels are changeable.
- Contact H.O. Engineering for additional installation information and drawings or if other than standard graphics are necessary.

TYPE	WIDTH	HEIGHT	AREA SQ. FT.
C-45LPS	4'-2"	4'-8"	19.4
C-60LPS	5'-7"	6'-4"	35.4
C-78LPS	7'-5"	8'-5"	62.7

CANOPY & DISPENSING AREA TREATMENT

Section 4.0

Chevron Canopy Fascia Signs



Chevron

Name: Canopy Fascia Signs

Code: See below***

Order: From Region Engineering/
Purchasing Representative

Size: See below **Area:** See below

Material: Plastic letter faces with sheet metal returns.

Colors: White letter faces with blue returns.

Notes:

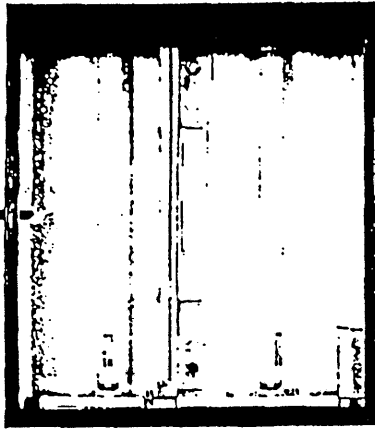
- To be used on all new or reconstructed stations where practical or unless local codes restrict their use.
- Letters may be non-illuminated or internally illuminated.
- When ordered, vertical or mansard mounting must be specified.
- Letters are illuminated with neon fixtures.

Type	Mounting	Letter Ht.	Sign Area	Fascia Selection Criteria
Chevron Letters – Illum.	Vertical	24"	17.1 sq. ft.	Fascia greater than 36"
Chevron Letters – Non-Illum.	Mansard	24"	17.1	Fascia greater than 36"
	Vertical	24"	17.1	Fascia greater than 36"
Chevron Letters – Illum.	Mansard	24"	17.1	Fascia greater than 36"
	Vertical	16"	7.9	Fascia 20" – 36"
Chevron Letters – Non-illum.	Mansard	16"	7.9	Fascia 20" – 36"
	Vertical	16"	7.9	Fascia 20" – 36"
Chevron Letters – Non-illum.	Mansard	16"	7.9	Fascia 20" – 36"
	Vertical	16"	7.9	Fascia 20" – 36"

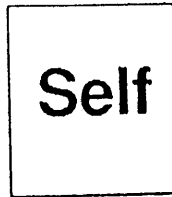
*** No canopy signage treatment (lettering or graphic eyebrow) if fascia is less than 24" tall.

CHEVRON ILLUMINATED MOD. SIGN

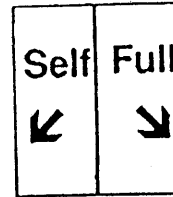
Faces for Type IIR



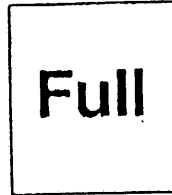
TYPE IIR 25"h x 22"w
6CS0600713 Single-Faced
Illuminated Sign Box Only



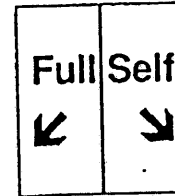
6CS0600714
Self



6CS0600717
Self/Full LH



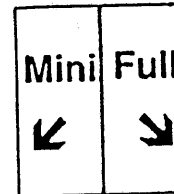
6CS0600715
Full



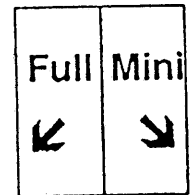
6CS0600718
Full/Self RH



6CS0600716*
Mini



6CS0600719*
Mini/Full



6CS0600720*
Full/Mini

*(Not in stock) Special order - Contact headquarters for authorization.

*GREY WITH WHITE
LETTERS.*

CHEVRON PERIMETER SIGNAGE



1CEMC702020
22" x 22" O.D.
Single-Faced
7' Clearance
Sign. Includes
vinyl arrow
and 42" Post.



1CAW2020
22" x 22" O.D.
Single-Faced
Air/Water Sign
with 42" Post.



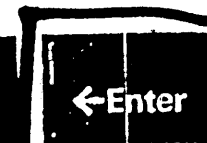
1C024HR2020
22" x 22" O.D.
Single-Faced
Open 24 Hours/
Enter sign with
42" Post.



1CEXIT1120
13" x 22" O.D.
Double-Faced
Exit Sign
with 42" Post.

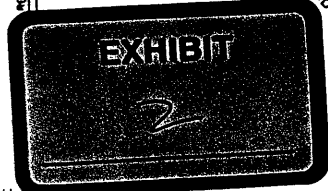
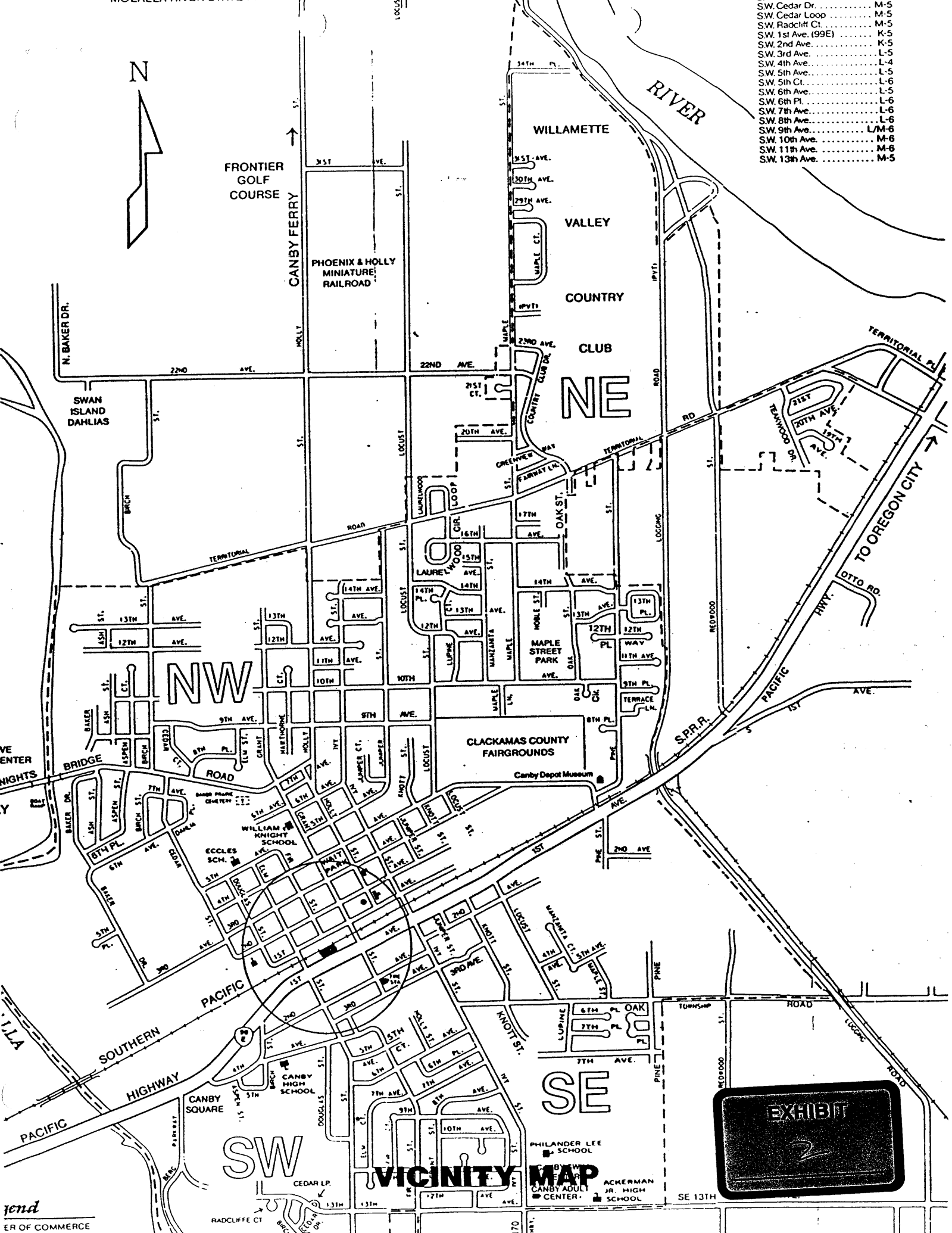


1CCWAR2236
24" x 38" O.D.
Double-Faced
Car Wash Sign
with 68" Post.



1CENT1120
13" x 22" O.D.
Double-Faced
Enter Sign
with 42" Post.

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



VICINITY MAP

end
ER OF COMMERCE
ICE

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

9/15/93
2/25/93

DATE: August 31, 1993

TO: FIRE, POLICE, CUB, TOM PIERSON, TELECOM, N.W. NATURAL GAS, CLACKAMAS COUNTY, MIKE JORDAN, JOHN KELLEY, ROY, SEWER, State Dept. of Trans.

The City has received DR 93-04, an application by Dave Morris [Endex Engineering, Inc.] (applicant) and Merritt Truax (owner) for approval to develop a gasoline service station, which includes 200' x 67' concrete paving, a 36' x 12' masonry office building, and 40' x 54' steel canopy over the pump island. The property is located on the north side of Highway 99-E, between N. Grant and N. Elm Streets (Tax Lots 9000 and 9100 of Tax Map 3-1E-33CD).

We would appreciate your reviewing the enclosed application and returning your comments by September 10, 1993 PLEASE. The Planning Commission plans to consider this application on September 27, 1993. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

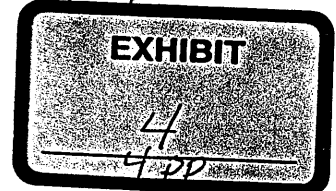
Must fill out "Data Disclosure Form" & Return prior to Business License issuance

no flow drains in equipment bays to be connected to city sewer system or storm water system

- 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 Norn

Date: 9/7/93



PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

71.5143
9x

DATE: August 31, 1993

TO: FIRE, POLICE, CUB, TOM PIERSON, TELECOM, N.W. NATURAL GAS, CLACKAMAS COUNTY, MIKE JORDAN, JOHN KELLEY, ROY, SEWER, State Dept. of Trans.

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Comments or Proposed Conditions:

IF the City TAKES ownership OF the West End AND EAST end of property, I would like to have MR. TRUAX install side walk FROM GRANT TO ELM. Then the city could design Areas as needed. The City HAS excess to both ends at N. Elm + N. GRANT. The City could beautify this property TO enhance the City. Even if the City doesn't except the property sidewalk should be installed FROM ELM TO GRANT

- 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. Kester Date: Sept 7, 1993

PLEASE RETURN ATTACHMENTS!!!

C/SW
9/13/93

**RECEIVED
DISTRICT 3**

SEP 01 1993

DM ADM OM PL OS OS

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

DATE: August 31, 1993

TO: FIRE, POLICE, CUB, TOM PIERSON, TELECOM, N.W. NATURAL GAS, CLACKAMAS COUNTY, MIKE JORDAN, JOHN KELLEY, ROY, SEWER, State Dept. of Trans.

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Comments or Proposed Conditions:

Merritt Truax has Applied for access permits from
O.D.O.T., The permits will be issued as (1) ingress
and (1) Egress, These permits should be finalized
by Sept 27th 1993

- 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: James L. Westwood Date: 9-2-93
District 3 Permit Specialist

Dsw
9/31/93

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: August 31, 1993

TO: FIRE, POLICE, CUB, TOM PIERSON, TELECOM, N.W. NATURAL GAS, CLACKAMAS COUNTY, MIKE JORDAN, JOHN KELLEY, ROY, SEWER, State Dept. of Trans.

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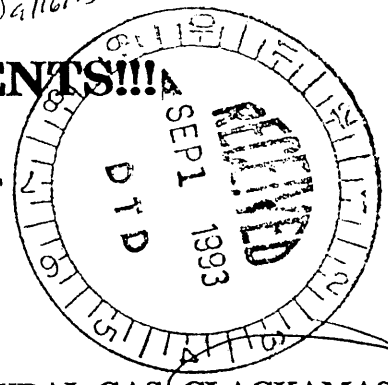
Comments or Proposed Conditions:

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

Signature: _____ Date: _____

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS



DATE: August 31, 1993

TO: FIRE, POLICE, CUB, TOM PIERSON, TELECOM, N.W. NATURAL GAS, CLACKAMAS COUNTY, MIKE JORDAN, JOHN KELLEY, ROY, SEWER, State Dept. of Trans.

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DESIGN REVIEW app

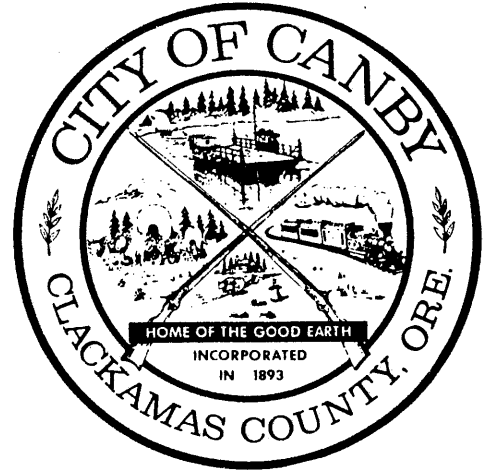
Comments or Proposed Conditions:

NO comment

- 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: For Stangel Public Service Mgr Date: 9/13/93

- STAFF REPORT -



APPLICANT:

Dave Morris, Endex Engineering, Inc.
223 NW 2nd Street
Corvallis, OR 97330

FILE NO.:

VAR 93-01

OWNER:

Merritt Truax
205 Columbia St. NE
Salem, OR 97303

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lots 9000 and 9100
of Tax Map 3-1E-33CD

DATE OF REPORT:

September 17, 1993

LOCATION:

North side of Highway 99E, between
N. Elm Street and N. Grant Street

DATE OF HEARING:

September 27, 1993

COMP. PLAN DESIGNATION:

Commercial Manufacturing

ZONING DESIGNATION:

C-M (Heavy Commercial/Manufacturing)

I. APPLICANT'S REQUEST:

The applicant is requesting that the street yard setback distance for the gas service station canopy be reduced from twenty feet to thirteen feet. This would allow for full covering for vehicles and employees for all gas pumping islands.

II. APPLICABLE CRITERIA:

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

16.88.150.D Standards and Criteria.

A variance may be granted only upon determination that **all** of the following conditions are present:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the City and within the same zone. These exceptional or extraordinary circumstances result from tract size or shape, topography or other circumstances over which the owners of the property have no control; and
2. The variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the city and within the same zone; and
3. Granting of this variance will not be materially detrimental to the intent or purposes of the City's Comprehensive Plan or the Land Development and Planning Ordinance; and
4. Granting of this variance will not be materially detrimental to other property within the same vicinity; and
5. The variance requested is the minimum variance which will alleviate the hardship; and
6. The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives, acting in deliberate violation of these or other City regulations.

III. OTHER APPLICABLE CRITERIA:

- A. 16.30.030 Development Standards in C-M Areas

IV. REVIEW FOR CONFORMANCE TO SECTION 16.88.150.D.:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the City and within the same zone. These exceptional or extraordinary circumstances result from tract size or shape, topography or other circumstances over which the owners of the property have no control.

The lack of depth of this property is not exceptional for commercial or industrial properties along Highway 99E or S. Ivy Street. It is along Highway 99E and S. Ivy Street where the street yard setback distance is greater than for other commercial properties. Approximately 20% of the commercial or manufacturing properties with frontage along either of these two roads have 80 feet or less depth. Staff finds that the subject property's lack of depth is not exceptional or extraordinary in that there are numerous properties with the similar development difficulty of a lack of substantial depth.

- B. The variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the city and within the same zone.

There are three gas service stations that have canopies closer to the front property line than the required 20'. All three of these stations, and their canopies are non-conforming structures, existing prior to the zoning requirement for a 20' setback. There is one gas service station, Lan's Country Mart, that does not have a canopy. The building was converted to a gas station use within the past 1-1/2 years.

The convenience of having a canopy over 100% of the pumping islands and vehicle lanes is not necessary for the functioning of the use, a gas service station. Staff finds that the property rights of the owner are substantially the same property rights as those possessed by other owners of other property similarly zoned and located, without the granting of the variance for the canopy.

- C. Granting of this variance will not be materially detrimental to the intent or purposes of the City's Comprehensive Plan or the Land Development and Planning Ordinance.

The reason for the 20' setback along Highway 99E and S. Ivy Street is general in nature. The general functionality of the restriction is to keep the traffic corridors more visually open by setting structures further back than what would normally be required in commercial zones. The structure proposed is a canopy, which is of nominal width located approximately 15' off of the ground. Staff finds that a granting of a variance would not be materially detrimental to the intent or purposes of the City's Comprehensive Plan or the Land Development and Planning Ordinance.

- D. Granting of this variance will not be materially detrimental to other property within the same vicinity.

The property is isolated by the Highway to the south, the railroad tracks to the north, and by city streets to the east and west. On the other side of the railroad tracks is a parking lot, and the properties immediately across the city streets are not developed. Staff finds that a granting of a variance will not be materially detrimental to other properties within the same vicinity.

- E. The variance requested is the minimum variance which will alleviate the hardship.

The applicant has stated that, in the designs submitted to the City, the canopy has been reduced to the minimum size that will be effective. The pumps and canopy cannot be moved further to the north, and are therefore as far removed from the highway as possible. Staff finds that the variance requested is the minimum variance which will alleviate the hardship.

- F. The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives, acting in deliberate violation of these or other City regulations.

The "exceptional or unique" conditions of the property which necessitate the issuance of a variance is the shape of the lot, which is not the result of any actions of the applicant or the applicant's employees.

V. CONCLUSION

Staff finds that the variance requested does not meet the first two criteria for the granting of a variance in that, the shape or dimensions of the property are not exceptional or extraordinary considering the zoning and location along the highway, and having a full canopy is not necessary for the owner to have substantially the same property rights as owners of other property similarly zoned and located. Staff finds that the remaining four criteria for the granting of a variance have been met.

VI. RECOMMENDATION:

Based upon the findings and conclusions in this report, the information submitted by the applicant, and without benefit of public hearing, staff recommends denial of VAR 93-01.

Exhibits:

1. Application and Vicinity Map
2. Applicant's Site Plan

VARIANCE APPLICATION

Fee: \$600.00

OWNER

APPLICANT

Name Merritt Truax
Address 205 Columbia St. NE
City Salem State OR Zip 97303
SIGNATURE Merritt W. Truax

Name Dave Morris, Endex Engineering, Inc.
Address 223 NW 2nd Street
City Corvallis State OR Zip 97330
Phone: (503) 754-9517

DESCRIPTION OF PROPERTY:

Tax Map 31E 33CD Tax Lot(s) 9000, 9100 Lot Size 51,000SE (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...

USE

Existing Vacant Lot
Proposed Gas Station

Existing Structures None

PROJECT DESCRIPTION

Bound by Highway 99E to the south, Southern Pacific

Railroad to the North, North Grand Street to the East and North Elm St. to the West.

Gasoline service station including 200' x 67' concrete paved lot, 36' x 12' masonry office building and 40' x 54' steel canopy over pump islands.

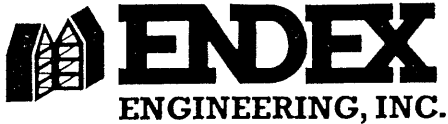
ZONING C-M COMPREHENSIVE PLAN DESIGNATION C-M

PREVIOUS ACTION (if any) Unknown

File No. VAR 93-01
Receipt No. 2454
Received by
Date Received 9/1/93
Completeness Date 9/1/93
Pre-App Meeting
Hearing Date 9/27/93



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



223 NW Second Street
Corvallis, OR 97330
(503) 754-9517
Fax: (503) 754-8111

August 31, 1993

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

Re: Variance Application
Chevron Gas Station for Merritt Truax

Dear Sirs,

We currently have a site plan in for review for a new Gas Station on Highway 99E in Canby. During the preparation of the Site Plan it was brought to our attention that the City of Canby has a setback requirement that would apply to the canopy over the gas sales area. This requirement, as it was explained to us, states that the canopy may not be closer than 20 feet from the face of curb on Highway 99E. The canopy as currently submitted would be 13 feet from the face of curb.

The Owner is requesting a variance from this requirement to allow the canopy to stay as designed thirteen feet from the face of curb.

The variance appeal criteria requires that we address the following six conditions in the variance proposal:

1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the City and within the same zone. These exceptional or extraordinary circumstances result from tract size or shape, topography or other circumstances over which the owner(s) of the property have no control.

This lot is only 75 feet wide. By city ordinance the first 8 feet along the highway is to be sidewalk. This leaves only 67 usable feet. This is less than optimum but still workable for a two island layout as designed. To provide ten feet of overhead cover for the outside of the outermost island the canopy will intrude on the 20' setback.

2) The variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the City and within the same zone.

Three other gas stations currently existing on Highway 99E have overhead canopies. The approximate distances from these canopies to the face of curb are as follows:

Texaco	SE corner of Grant and 99E	7'
BP	99E	11'
Union 76	SE corner of Locust and 99E	4'
Chevron	Proposed	13'

3) Granting of this variance will not be materially detrimental to the intent or purposes of the City's Comprehensive Plan or the land development and planning ordinance.

No structures will be within the 20 foot setback at ground level. It is certainly desirable to maintain a feeling of clear space behind the curb on a major highway such as this. Setbacks also help to maintain clear sight distances for adjacent side streets. Since this is not a solid structure but only a canopy it does not compromise either of these goals.

4) Granting of this variance will not be materially detrimental to other property within the same vicinity.

This lot extends from Grant to Elm streets. As a condition of the Oregon State Highway Division the two ends of the property are not permitted driveway access. This makes it unlikely that these lots will be developed commercially. So the immediately adjacent properties will not be affected by the length of the canopy. Since there are three existing stations which all have canopies closer to the highway than the proposed canopy it would certainly be consistent with existing development and should pose no problems for other property owners in the vicinity.

5) The variance requested is the minimum variance which will alleviate the hardship.

The canopy as shown has 10 feet of cover from the face of the pump island. This is smaller than any of the stations Endex has designed previously for this owner having already been reduced to fit this site. We consider this to be the minimum effective cover.

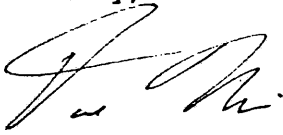
6) The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives, acting in deliberate violation of these or other City regulations.

This is totally new construction. Nothing has been built to date. The only work that has proceeded to date is the purchase of the land. The owner and all his agents and employees have no desire to build any facility which is not in compliance with all City regulations.

In summary the Owner bought this property thinking it was a good location for a gas station. The lot was narrow but still acceptable. Even with the requirement of an eight foot sidewalk along Highway 99E he still thinks that this is a good location for a new business. He is asking for a minor variance to allow him to provide weather protection for his employees and customers. This variance is consistent with other construction in the area and should provide a serviceable business without detriment to other property owners in the area.

All the required plan submittal information is the same as for the site plan review which has been submitted for consideration at the same meeting. If you need any additional information please call.

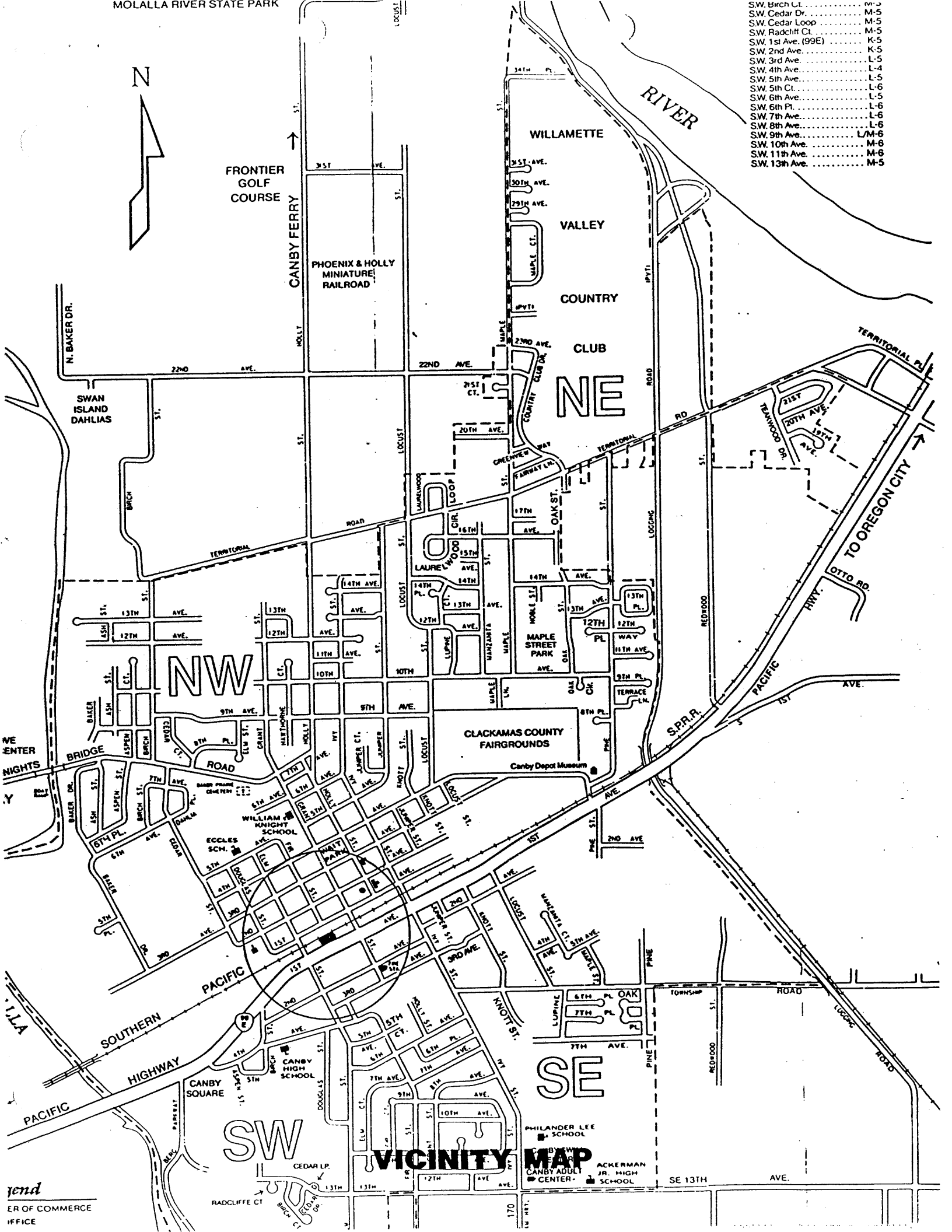
Sincerely,

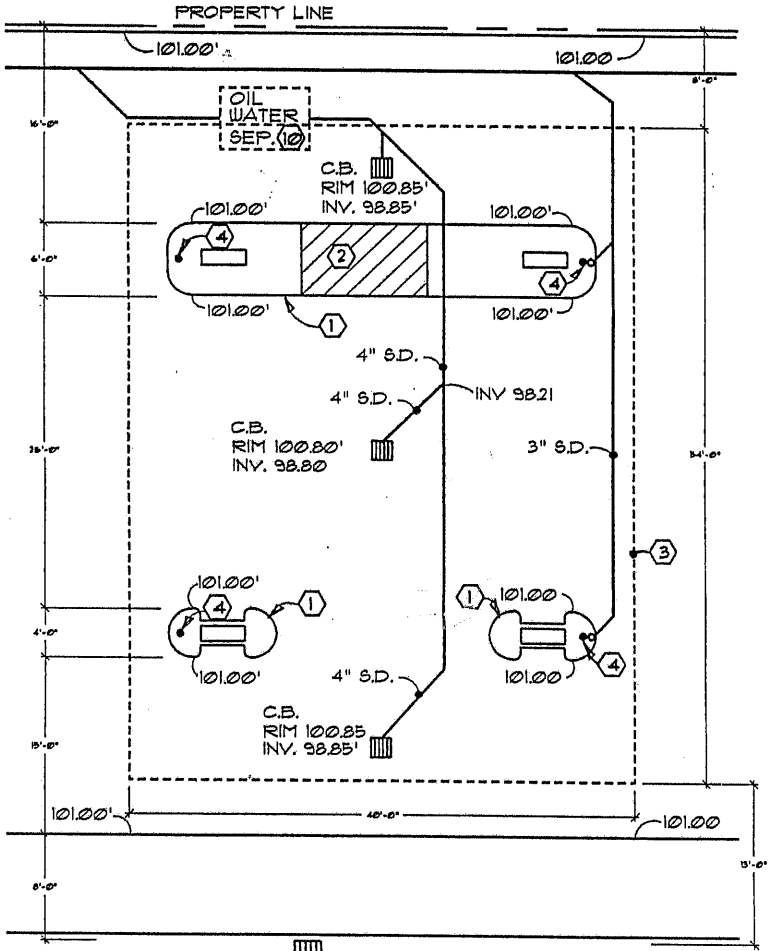
A handwritten signature in black ink, appearing to read "Dave Morris". The signature is fluid and cursive, with a large initial "D" and "M".

Dave Morris P.E.

cc Merritt Truax
Jim Trenary

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





EXISTING C.B.
RIM = 100.08



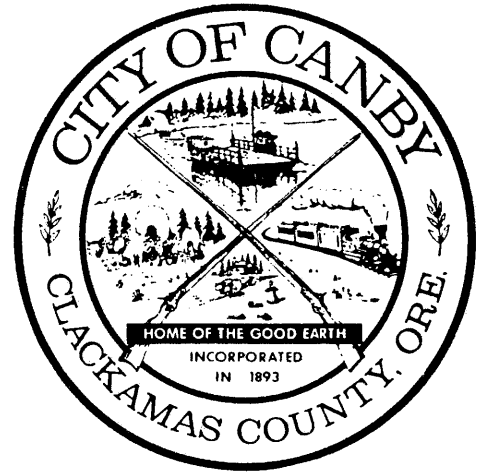
CANOPY AREA DETAIL
SITE PLAN
SCALE 1" = 10'

ENDEX
ENGINEERING, INC.
223 NW SECOND STREET
CORVALLIS, OR 97330
(503)754-9517 FAX:(503)754-8111

CHEVRON GAS STATION
CANBY, OREGON

8/31/93 | D. MORRIS

- STAFF REPORT -



APPLICANT:

Canby Elementary School District #86

FILE NO.:

DR 93-05/CUP 93-01

OWNER:

Same

STAFF:

Robert G. Hoffman, AICP
Planning Director

LEGAL DESCRIPTION:

Tax Lot 1400
Tax Map 3-1E-33CB

DATE OF REPORT:

September 17, 1993

LOCATION:

East side of N. Fir, between
N. W. 4th and N.W. 5th Avenues

DATE OF HEARING:

September 27, 1993

COMP. PLAN DESIGNATION:

Public

ZONING DESIGNATION:

R-2 - High Density Residential

I. APPLICANT'S REQUEST:

The applicant is requesting approval for a Design Review application and a Conditional Use application for a new prefabricated structure for storage, to serve Knight School. Landscaping is to be provided.

II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**
 - 16.10 Off-Street Parking and Loading
 - 16.16 R-2 High Density Residential Zone
 - 16.46 Access Limitations
 - 16.50 Conditional Uses
 - 16.88 General Standards

- Ord. #848 (as amended by Ord. No. 854, as amended - Site and Design Review)

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

III. MAJOR APPROVAL CRITERIA

16.50.010 Authorization to Grant or Deny Conditional Uses

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

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

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

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

IV. FINDINGS:

A. *Background and Relationships:*

The applicant is proposing to place a 28' x 34' storage building adjacent to other storage buildings near N. Fir and N.W. 4th, as indicated on the accompanying drawing dated August 31, 1993.

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement

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

ii. Urban Growth

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

iii. Land Use Element

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

Analysis

The subject parcel is located on the Knight School site, within the central area of Canby.

Policy #2 is provided for by the proposed R-2 (High Density Residential) zoning which will apply to the parcel, following the Land Use proposal of the Comprehensive Plan for the site. Policy #3 will be met by Canby's current service system for the site. Policy #4 does not apply, since there are no known natural hazards present. Policy #5 will be followed since the property is be zoned consistent with the Comprehensive Plan designation and any development will need to follow the Canby Land Development and Planning Ordinance requirements which are part of this process. A school is considered to be a part of residential area development in the Comprehensive Plan.

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

iv. **Environmental Concerns**

GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.
TO PREVENT AIR, WATER, LAND AND NOISE POLLUTION.
TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

Analysis

The storage unit will be located upon the current site of the Knight School.

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

Building, health and other Code regulations will protect against other types of pollution. Policies #1-R-A, 1-R-B, 5R, 6R and 7R do not apply since there are no known aggregate, historic, scenic, or aesthetic resources present. There are no significant fish or wildlife habitat identified, to date. No steep slopes or flood prone land is present. The site has a large amount of open space which will not be affected by this proposal.

v. **Transportation**

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

Analysis

Streets, curbs and sidewalks are all adequate, adjacent to the subject site.

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.

Analysis

All public utilities are already provided to the Knight School. We have asked for input regarding any concerns various service providers might have, and will report on any further input we receive. Storm water will need to be handled on-site.

The area of the storage unit is already hard surfaced, so no addition to run-off will be caused.

vii. Economic

GOAL: TO DIVERSITY AND IMPROVE THE ECONOMY OF THE CITY OF CANBY.

Analysis

Development of this site with a school storage unit, as proposed, will provide service to the school as a needed community facility.

viii. Housing

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

Analysis

This parcel will provide an improved opportunity for school service to housing.

ix. Energy Conservation

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

Analysis

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

C. *Evaluation Regarding Conditional Use Approval Criteria*

1. *Comprehensive Plan Consistency*

The previous discussion determined the proposal's relation to Comprehensive Plan consistency. With conditions, as recommended below, the storage use is found to be consistent with the policies of the Comprehensive Plan.

2. *Site Suitability*

The joint school site is over 15 acres in size and is regular in shape, and is adequate for school buildings of the proposed size and shape and for the related physical education and recreation areas. The proposal is a building of only 952 square feet and 300 square feet of landscaping is proposed. The design makes effective use of the site, retaining much of its current features. Final landscape design, by staff, is a part of the Design Review application process.

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

The site is well served.

4. *Compatibility with Surrounding Uses*

The school and site development has substantial setback in all directions, with landscape treatment at all edges. The height of the storage building is one story and 300 square feet of additional landscaping is proposed. There will be minimal different affect on adjacent property than the existing circumstances. No additional employment is expected. Residential units adjacent to Fir are set back.

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

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

"Minimum area for landscaping is 30% of the total area to be developed" (for residentially zoned areas)

The total site is over 15 acres. However, the storage building will be only 950 square feet. Thus the 300 square feet is enough for a 1,000 square foot additional use. This part of the site is already paved. The landscaped area is proposed to be located north and

northwest of the structure. It is the professional opinion of staff that the general landscape treatment of the site as proposed, is appropriate for the location and intended use.

2. Parking and Loading

The parking requirement is 2.0 spaces per employee. Since no additional employees are expected, no additional parking is required.

No loading spaces are required for a 950 square foot building, as proposed.

3. Access

Access is from the existing paved area on the north side.

4. Architecture

According to the application, the project is a "900 square foot, one story high storage building." T-111 siding will be used which will be painted grey. The roof will be light blue composition. Yellow trim with a red door will given accent.

Site plans and elevations are part of the application and staff is of the opinion that they are appropriate for the use and location.

5. Other Aspects

a. effect on needed housing

The proposal will provide a school service for children. In staff's opinion, the development of the site is compatible with adjacent housing. There will be no negative affect on needed housing.

b. Signs

Signs are not a part of this review and none are recommended for approval at this time.

IV. CONCLUSION

Considering the previous analysis, staff hereby determines that the proposed school storage building and related site development described in the application and accompanying materials 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 color and materials of the exterior of the structure will be compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.

Further, staff concludes that, with approval conditions

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

V. RECOMMENDATION:

Based upon the application, supporting information, and drawings submitted, facts, findings and conclusions of this report, staff recommends that the Planning Commission approve DR 93-05/CUP 93-01 for a storage building and related development, with the following condition:

1. The final landscape and site plan shall be reviewed and approved by the City Planner for consistency with this approval and conditions.

Exhibits:

1. Application for Conditional Use and Vicinity Map
2. Application for Design Review
3. Site Plan
4. Elevations
5. Responses from Utility and Service Providers

dr/sk1drep2.rpt

CONDITIONAL USE APPLICATION

Fee: \$600.00

OWNER

APPLICANT

Name CANBY SCHOOL DISTRICT NO. 86
Address 117 N.E. 3rd AVENUE
City CANBY State OR Zip 97013
SIGNATURE [Signature]

Name BOYD APPELGARTH, SUPERINTENDENT
Address 117 NE 3rd
City CANBY - OR - 97013
Phone: 503-266-5871

DESCRIPTION OF PROPERTY:

Tax Map 31E 33CB Tax Lot(s) 1400 Lot Size (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...

USE

Existing ELEMENTARY SCHOOL, SCHOOL DISTRICT STORAGE
Proposed SAME

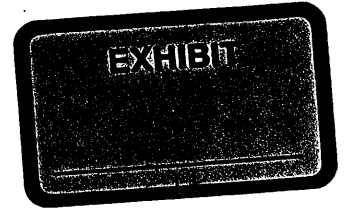
Existing Structures ELEMENTARY SCHOOL, DETACHED MUSIC ROOM, STORAGE BUILDINGS, PARKING LOT

PROJECT DESCRIPTION

PLACEMENT OF A PRE-FABRICATED STRUCTURE, APPROX 900 SQ FT AND ONE STORY HIGH, NORTHWEST OF EXISTING STORAGE BUILDINGS...

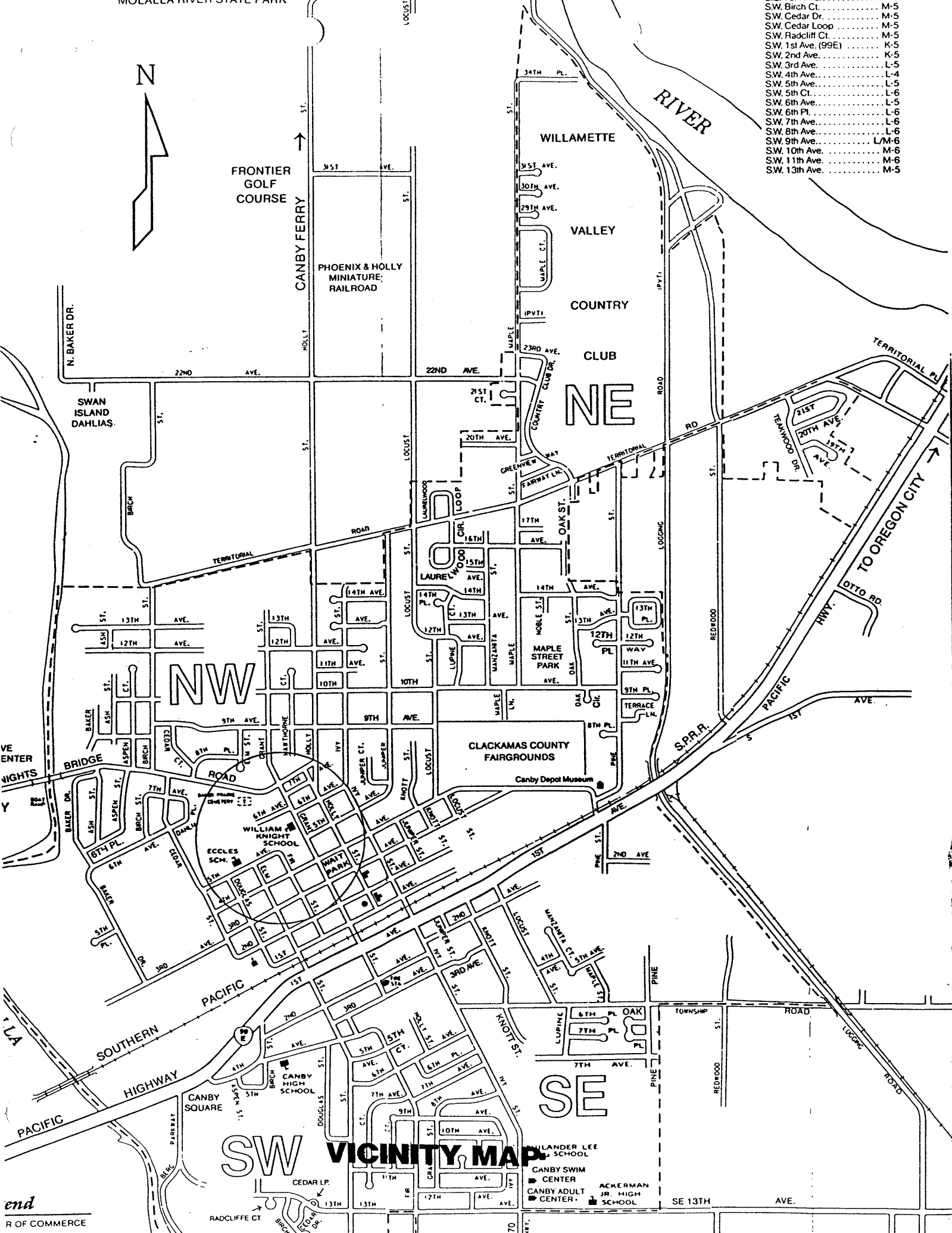
ZONING COMPREHENSIVE PLAN DESIGNATION
PREVIOUS ACTION (if any)

File No. CUP 93-01
Receipt No. 2453
Received by JAF
Date Received 9/1/93
Completeness Date
Pre-Ap Meeting
Hearing Date 9/27/93



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

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



VICINITY MAP

end
R OF COMMERCE
OFFICE

SITING AND DESIGN REVIEW APPLICATION

Fee: \$500

OWNER

APPLICANT

Name CANBY SCHOOL DISTRICT No. 86 Name BOYD APPELGARTH, SUPERINTENDENT
Address 117 NE 3rd AVENUE Address 117 NE 3rd AVENUE
City CANBY State OR Zip 97013 City CANBY State OR Zip 97013
Phone: 503-266-5871
SIGNATURE [Signature]

DESCRIPTION OF PROPERTY:

Tax Map 31E 33CB Tax Lot(s) 1400 Lot Size (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 ELEMENTARY SCHOOL, SCHOOL DISTRICT STORAGE
Proposed SAME

Existing Structures ELEMENTARY SCHOOL, DETACHED MUSIC ROOM, STORAGE BUILDINGS, PARKING LOT

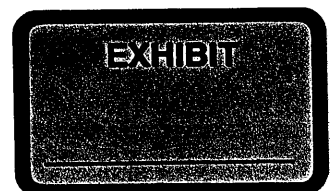
Surrounding Uses RESIDENTIAL, PLAY FIELDS

PROJECT DESCRIPTION PLACEMENT OF A PRE-FABRICATED STRUCTURE, APPROX 900 SQ FT AND ONE STORY HIGH, NORTHWEST OF EXISTING STORAGE BUILDINGS. STRUCTURE WILL BE USED FOR STORAGE. ABOUT 300 SQ FT OF PLANTING BEDS WILL BE PROVIDED, NORTH & NORTHWEST OF STRUCTURE. LANDSCAPING WILL CONSIST OF EVERGREEN AND DECIDUOUS SHRUBS AND GROUNDCOVERS TO INTEGRATE WITH ADJACENT SCHOOL LANDSCAPING.

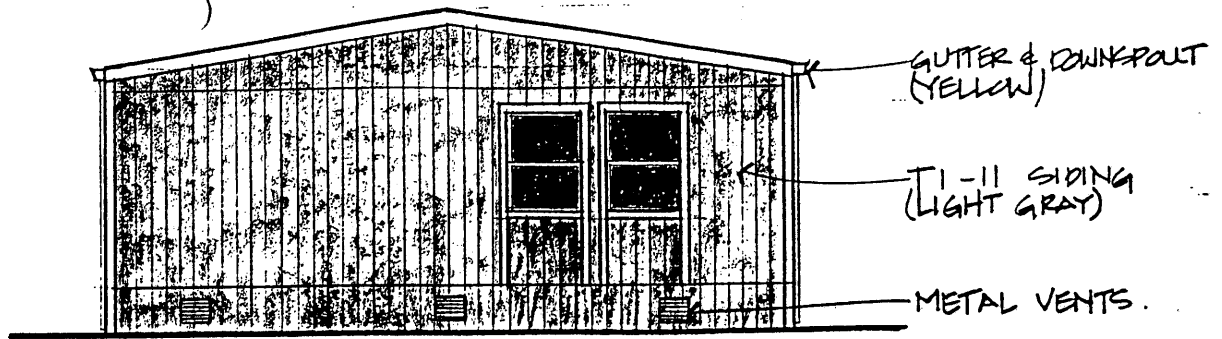
ZONING COMPREHENSIVE PLAN DESIGNATION

PREVIOUS ACTION (if any)

File No. DR 93-05
Receipt No. 2453
Received by Jay
Date Received
Completeness Date
Pre-App Meeting
Hearing Date 9/27/93

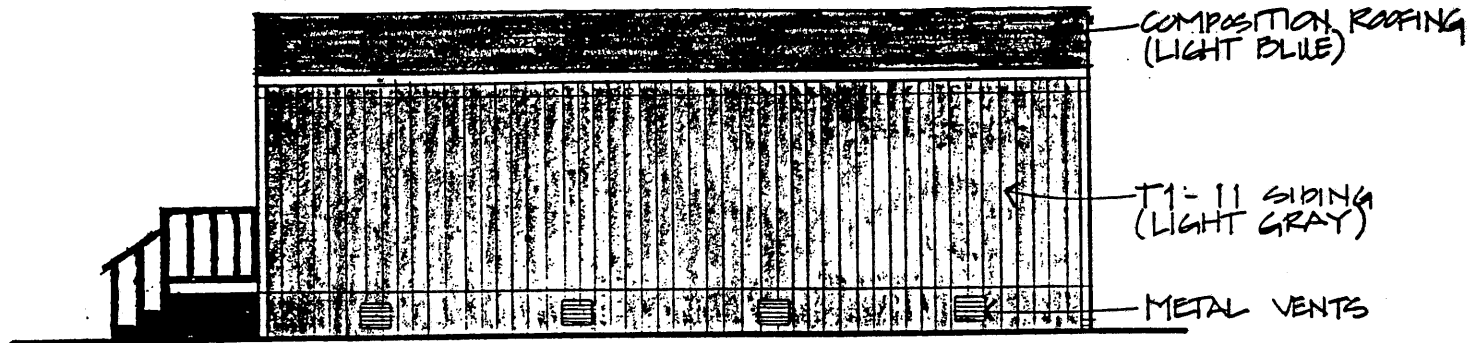


* If the applicant is not the property owner, he must attach documentary evidence of his authority to act as agent in making application.



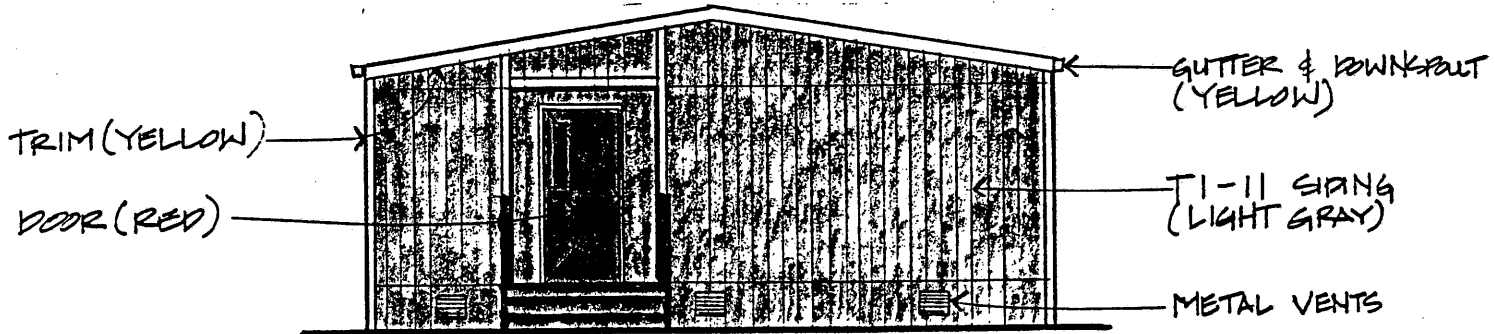
SOUTH ELEVATION

1/8" = 1'-0"



WEST ELEVATION (EAST SIMILAR)

1/8" = 1'-0"



NORTH ELEVATION

1/8" = 1'-0"

**KNIGHT ELEMENTARY SCHOOL
CANBY SCHOOL DISTRICT NO. 86
CANBY, OREGON**

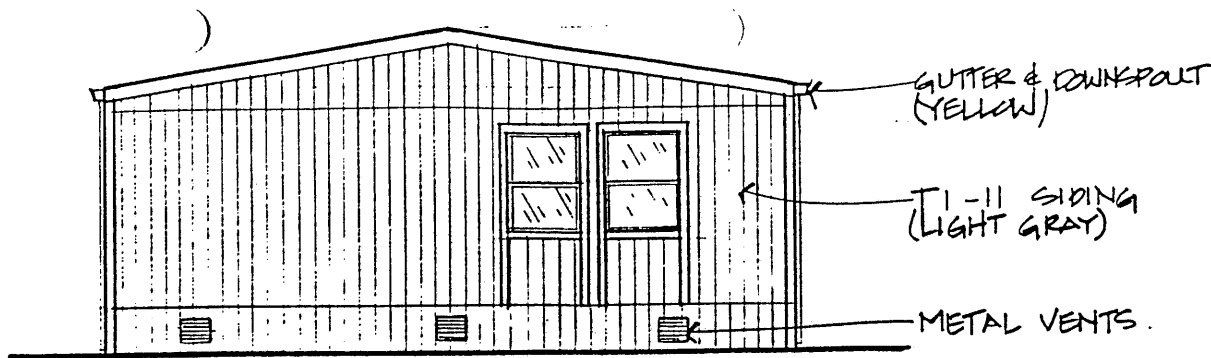
DATE
AUG. 31, 1993

SHEET NO.

1

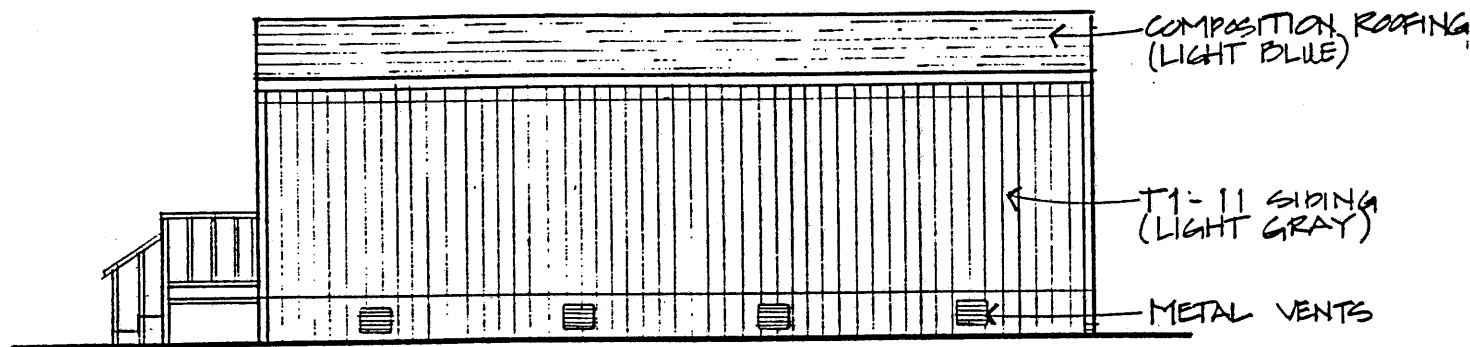
NEW MODULAR STORAGE UNIT

EXHIBIT



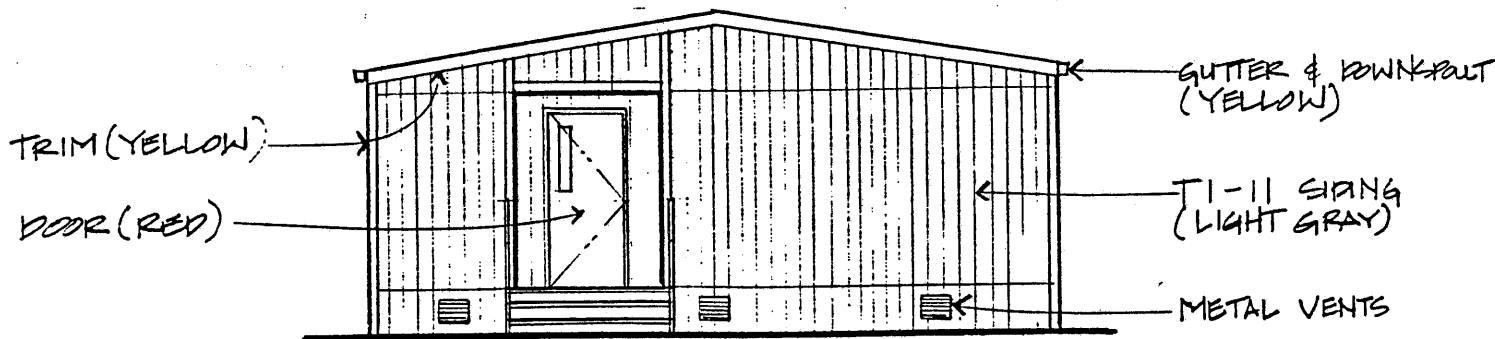
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**KNIGHT ELEMENTARY SCHOOL
CANBY SCHOOL DISTRICT NO. 86
CANBY, OREGON**

DATE
AUG. 31, 1993

SHEET NO.

1

NEW MODULAR STORAGE UNIT

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: September 1, 1993

TO: FIRE, POLICE, CUB, MIKE JORDAN, ROY

The City has received CUP 93-01/DR 93-05, an application by the Canby Elementary School District #86 for approval of a conditional use and design review application to install a modular storage building at the Knight Elementary School property (to be relocated from the Eccles School). The school is located on N. Grant Street, between N.W. 4th and N.W. 6th Avenues (Tax Lot 1400 of Tax Map 3-1E-33).

We would appreciate your reviewing the enclosed application and returning your comments by September 10, 1993 PLEASE. The Planning Commission plans to consider this application on September 27, 1993. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

No Comment

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 Wester*

Date: *9-7-93*

EXHIBIT

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: September 1, 1993

TO: FIRE, POLICE, CUB, MIKE JORDAN, ROY

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Comments or Proposed Conditions:

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

Signature: _____ Date: _____

orientation.

- e. The maintenance building included in Phase 1 and the lack of buffering.

9-17-92
RBT

ORDER

HOPE

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that CUP 91-05/PUD 91-01 is APPROVED, subject to compliance with the following conditions of approval:

Only Phase I has been prepared at this time. Not one has been approved

- 1. Each phase is to be applied for under the then current Site and Design Review Ordinance and procedures.

- 2. This approval is for the entire 32 acre site as a general Master Plan for guiding development. It should not be interpreted in each of its details, but as a framework for future detailing under Design Review.

- 3. With the proposed Design Review for each Phase, or at the end of each 5-year period, whichever comes first, the Commission shall review progress and evaluate the need to make any changes to this approval. Desirable rezoning will be considered by the Commission at this time. This action should not be interpreted as an approval for an unlimited time period. The City Planner shall remind the Commission of the need to review the project at the end of each five year period.

Approval IS NOT Much Good

- 4. Utility easements shall be provided to the satisfaction of the utility and service-

perimeter of the site. ~~... on the entire~~

5. Road right-of-way dedications, as proposed on Fir Street and 13th Avenue, shall be accomplished prior to approval of Phase 1.
6. Phase 1 shall be adjusted to include the full width main entrance off S. Ivy Street. Phase 2 shall be adjusted to include an area sufficient as parking areas for the Congregate Living and Community Center. The H.O.P.E. Campus Master Plan map shall be amended to include this change.
7. A waiver of remonstrance shall be required for any needed traffic improvements related to the project development on 13th or Ivy and, in particular, but not limited to, the proposed traffic light at the intersection of 13th Avenue and Ivy Street.
8. Fire service facilities shall be installed and be operational, as required by the Fire Marshal. Road service to the complex shall be maintained throughout all construction periods to ensure adequate fire equipment access. Detailed locations of hydrants shall be reviewed and approved by the Fire Marshal and finalized as a part of the Design and Site Review process.
9. Occupancy of the site under this Conditional Use/PUD approval is limited to the elderly, handicapped, or such caretakers as may be necessary, and as defined in the National Fair Housing Act. The definition of "handicapped" as referenced above, is

*Very
Low
Number
of
Persons
per unit*

not intended to include persons with other than physical disabilities. That is, it does not include drug or alcohol rehabilitation programs, half-way houses or ex-convicts.

10. Half-street improvements, including sidewalks, curbs, bike paths, and street pavement shall be a part of each phase and provided prior to, or at the time of construction of that phase.

11.
 - a. Each subsequent phase shall incorporate at least one additional element of the proposed public park system.

 - b. The applicant shall present, to the Planning Commission, a plan for long-term maintenance of common areas, especially those dedicated for public use, after consultation with the Director of Public Works prior to any development.

 - c. Prior to the development of Phase 2, or upon payment of the underlying contract, or September 1, 1996, whichever shall occur first, applicant shall provide deed restrictions or other appropriate legal documents, to be reviewed and approved by the City Attorney, assuring park and open space for public use, as shown on the H.O.P.E. Master Plan dated July 8, 1991. *Has not been done.*

 - d. In the event H.O.P.E. sells the property, then approximately 2 acres of land shall be dedicated to the City (less any parkland already "dedicated"), as shown on the H.O.P.E. Master Plan dated July 8, 1991.

12. Emergency access off of 13th Avenue shall be included as part of Phase 1.

PLANNING COMMISSION

SIGN-IN SHEET

Date: September 27, 1993

NAME
(Please Print)

ADDRESS
(Please Print)

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Ronald G. Tatone

P.O. Box

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Jim Treuany

4180 MARKHAM ST SE SALEM 97301

Dev Woolhiser
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1222 SE Township, Canby