

A G E N D A

CANBY PLANNING COMMISSION

REGULAR MEETING City Council Chambers

Monday, October 11, 1993

7:30 p.m.

I. ROLL CALL

II. MINUTES

September 13, 1993
September 27, 1993

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMUNICATIONS

V. FINDINGS

MLP 93-03 - Tatone/Stefani
DR 93-04/VAR 93-01 - Chevron

VI. NEW BUSINESS

VII. COMMISSION DISCUSSION OF PLANNING ISSUES

VIII. PUBLIC HEARINGS

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).
(Continued from September 27, 1993.)

CUP 93-02, an application by Miriam Larson for approval to add two apartments to an existing 1,436 square foot, 1 story, single family residence, each apartment to be used as an adult foster care residence. The property is located at 408 N.W. 4th Avenue (Tax Lot 5700 of Tax Map 3-1E-33CB).

SUB 93-03, an application by Zarosinski-Tatone Engineers (applicant) and Daniel B. and Janet P. Hostetler (owners) for approval to subdivide 2.4 acres into a 7 lot, single-family subdivision, which will include the existing home on the parcel. The site is located on the west side of S. Redwood Street, south of S. Township Road and west of S. Redwood Street (Tax Lot 500 of Tax Map 4-1E-3BB).

MLP 93-04/CUP 93-03/DR 93-06, an application by the Church of Christ for approval to partition 21,875 square feet of Tax Lot 101 of Tax Map 3-1E-33CC in order to build a single-story meeting facility to accommodate assemblies and classes for various age groups. Parking and landscaping requirements would be met. The site is located at the northeast corner of N.W. 4th Avenue and N. Elm Street (Tax Lot 100 of Tax Map 3-1E-33CC).

IX. DIRECTOR'S REPORT

X. ADJOURNMENT

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

*Kurt Schrader, Chair
Linda Mihata, Vice-Chair
Tamara Maher
Bob Gustafson*

*Henry Fenske
Wade Wiegand
Stan Elliot*



MEETING TIMELINES AND PROCEDURES

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

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

Proponents - not more than 5 minutes

Opponents - not more than 5 minutes

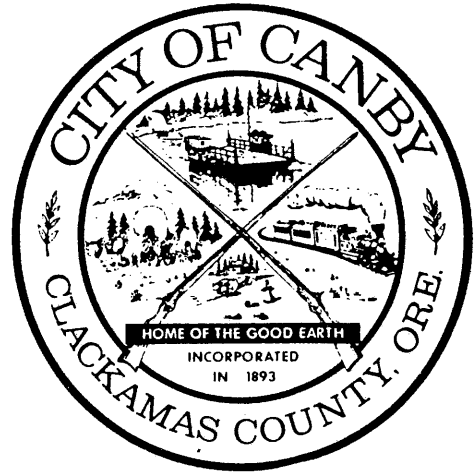
Rebuttal - not more than 10 minutes

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

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



- STAFF REPORT -



APPLICANT

Miriam Larson
408 N.W. 4th
Canby, OR 97013

FILE NO.:

CUP 93-02

OWNER:

Miriam Larson

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 5700 of
Tax Map 3-1E-33CB

DATE OF REPORT:

October 1, 1993

LOCATION:

408 N.W. 4th
Northwest corner of N.W. 4th and N. Fir Street

DATE OF HEARING:

October 11, 1993

COMP. PLAN DESIGNATION:

High Density Residential

ZONING DESIGNATION:

R-2 (High Density Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval of a Conditional Use application for two foster apartments to be added to a single family residence.

II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

- 16.10 Off-Street Parking and Loading
- 16.20 R-2 Medium Density Residential Zone
- 16.50 Conditional Uses
- 16.88 General Standards

- **City of Canby Comprehensive Plan:**

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

III. MAJOR APPROVAL CRITERIA

16.50.010 Authorization to Grant or Deny Conditional Uses

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

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.

- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

IV. FINDINGS:

A. Background and Relationships:

The applicant proposes adding a two story, two-unit apartment structure to the existing single family residential structure. The two new residential units are proposed to be used for adult foster care, under the supervision of the owner/resident. The new building, 3494 square feet (including second floor), will be located to the west of the existing house. The ground floor area of the addition will 2389 square feet, in addition to the existing 1436 square foot home. The total lot coverage will be 3825 square feet, 33% of the lot. The maximum lot coverage permitted is 40%. The 11,500 square foot site is surrounded by public land to the east (Knight Elementary School) and south (Canby Utility Board water tower), single family homes to the east and west..

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement

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

ANALYSIS

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

ii. Urban Growth

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

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

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. With the addition of two staff, the project will not significantly increase demand for public services.

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 #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 an adult foster care facility. The Comprehensive Plan designates the site as "High Density Residential" land use. Three dwelling units are permitted on a lot of this size (10,000 square feet needed for 3 units - the lot size is 11,500 square feet) in the High Density Residential zone (R-2). The property is located across the street from the downtown commercial zone. There is a commercial use in the nearby vicinity (half-way down the block on 4th Avenue between Fir and Grant Streets). A Canby Utility Board water tower is located directly across 4th Avenue from the subject parcel. Single-family residential structures predominate the block that the subject parcel is located in. The whole block is zoned R-2. A duplex is located across 4th Avenue, in the middle of the block between Fir and Elm Streets.

An adult foster care apartment is a special type of dwelling unit, but the overall function and compatibility, at this scale of development, is similar to that of a regular dwelling unit. A tri-plex would not be considered to be incompatible in this area, nor would it be reviewed for compatibility.

The use will require state permit for an adult foster care facility. The additional structure will also need Site and Design Review.

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. State and Local Code requirements regarding air, water, and noise pollution will be required of the development and construction. State laws and local regulations will require development to meet standards to prevent air, water, land and noise pollution. The proposal will have minimal affect on the open space.

v. *TRANSPORTATION*

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

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

The requirements for sidewalks, parking, and driveways will be addressed in the Site and Design Review. The two adult foster care units will not result in a significant increase in use or demand for transportation facilities.

vi. PUBLIC FACILITIES AND SERVICES

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

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

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

ANALYSIS

The sewer line is located in the alley. With the access for the additional parking being proposed to be from the alley, the alley will need to be paved. These requirements will be addressed as a part of the Site and Design Review.

vii. ECONOMIC

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

viii. HOUSING

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

ix. ENERGY CONSERVATION

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

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

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

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

ANALYSIS

The City has adopted an ordinance that requires the review of solar access for both properties to the north of the project and for the subject property. The project will not impede the solar access of the properties to the north and will continue to have full solar access. 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. Evaluation Regarding Conditional Use Approval Criteria

1. Comprehensive Plan Consistency

The previous discussion determined the proposal's relation to Comprehensive Plan consistency. The additional two adult foster care units is found to be consistent with the policies of the Comprehensive Plan.

2. Site Suitability

The site is generally flat, and is large enough to accommodate the proposed use and building with the appropriate setbacks. The existing house is nonconforming in regards to both the front yard and the street side yard. An "Expansion of a Non-Conforming Structure" application will need to be approved.

3. Availability of Public Services and Facilities for the Site

Utility and public safety facilities and services are available and currently serve the existing house. Extensions of service and facilities will not be needed. No additional demands for services will result from the proposal.

4. Compatibility with Surrounding Uses

The proposed use is similar to that of a standard tri-plex (see discussion under Land Use Element). A tri-plex would not have been reviewed for the compatibility of the use, as it is considered to be compatible with residential uses in the R-2 zone.

IV. CONCLUSION

Based on the above analysis, and without benefit of a public hearing, staff concludes that, with appropriate conditions:

1. The proposed use of the site is consistent with the applicable requirements and policies of the Comprehensive Plan and the development ordinance;
2. The characteristics of the site are suitable for the proposed use;
3. That all required public facilities and services exist to adequately meet the needs of the existing school, and that no significant increase in demand for public facilities and service will result; and,
4. The proposed use will not alter the character of the surrounding areas in such a way as to substantially limit or preclude the uses allowed.

V. RECOMMENDATION:

Based upon the application and drawings submitted, facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that the Planning Commission approve CUP 93-02 with the following conditions:

1. Approval of an "Expansion of a Non-Conforming Structure" application.
2. Evidence of licensing for this site for an adult foster care facility from the state, in accordance with Oregon Revised Statutes 443.735, shall be submitted to the City prior to the issuance of a Certificate of Occupancy.
3. A Site and Design Review Application shall be submitted and approved prior to the issuance of a building permit. The review shall include requirements for sidewalks and paving of the alley.

Exhibits:

1. Application for Conditional Use
2. Request for Responses

CONDITIONAL USE APPLICATION

Fee: \$600.00

OWNER

APPLICANT

Name Miriam J. Larson

Name Miriam Larson

Address 408 N. W. 4th

Address 408 NW 4th

City Canby State OR. Zip 97013

City Canby State _____ Zip _____

SIGNATURE _____

Phone: 266 4487

DESCRIPTION OF PROPERTY:

Tax Map 3/E33CB Tax Lot(s) 05700 Lot Size 11,500 S. F.
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Lot 1/2 Block 21

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 residence

Proposed Construction of two additional living units to be used for adult foster care.

Existing Structures above

PROJECT DESCRIPTION

See attached description

ZONING _____

COMPREHENSIVE PLAN DESIGNATION _____

PREVIOUS ACTION (if any) _____

File No. _____

Receipt No. _____

Received by _____

Date Received _____

Completeness Date _____

Pre-App Meeting _____

Hearing Date _____



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

Miriam J. Larson

CONDITIONAL USE APPLICATION for property located at 408 NW 4th, Canby.

APPLICANT'S NAME: Miriam Larson

PROJECT DESCRIPTION:

An addition to an existing single family residence on a zoned Canby lot. Two additional apartments to be used as adult foster care residences. A conditional use permit is required for adult foster care. The present home is 1436 square feet, 1 story. The new addition would be 2389 s. f. on the first floor and 1105 s. f. on the second floor, 3494 s.f. total. A triplex is an allowable use without conditional use on this lot. The lot size is 11,500 s. f. Total first floor square footage, including existing building, is 3825 s.f., 775 s.f. under the 40% allowed.

LOCATION: Neighborhood is transitional, combining commercial, school, single family homes and several nearby duplexes. This lot is a buffer lot between commercial and residential, with half of its exposure non-residential. On the north and west there are single family homes. On the east side is Knight school garages. The south side is zoned office commercial. Across the street is the CUB water storage tank. Duplexes, dentists' offices, and some small rentals are in the immediate neighborhood within view of this property.

PARKING: Currently there is 600 s.f. of paved parking for 2 cars serving the present house. Additional space for 4 cars will be on the north side entering from the alley. This is a corner lot, with access from 3 sides.

EXTERIOR: Improvement of the exterior appearance at the front or Fir St. side by removal of present flat-roofed attached single garage. The style of the new addition is compatible with existing home and with surrounding homes.

Siding: 8" lap on existing house. New construction will be 8" lap siding in front, T-1-11 on west and north, 8" lap and T-1-11 on east side.

Exterior colors: Existing house: white. New: white with green trim.

The location is ideal for adult foster care, because it is convenient to downtown shops and offices, parks, a nursing home, schools and playgrounds which should provide interest and enjoyment to the elderly residents. There is a need for adult foster care within the city limits of Canby. This is my residence, and I will continue to live there and operate the foster care home. I am an RN and have been owner-Administrator of Canby Care Center for 20 years.

Grantor, removed and warranted to:

MIRIAM J. LARSON

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

31E33CB 05700
Lots 1 and 2, Block 21, CANBY, in Clackamas County, Oregon.

(Map and Tax Lot No.: 31E33CB 05700)

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses.

ENCUMBRANCES:

The true consideration for this conveyance is \$72,000.00 WD

Dated this NOVEMBER 25, 1992; if a corporate grantor, it has caused its name to be signed by one of its Board of Directors.

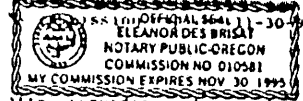
Nancy S. Scacco
NANCY S. SCACCO

STATE OF OREGON,
County of CLACKAMAS
NOVEMBER 25, 1992.

Personally appeared the above named NANCY S. SCACCO and acknowledged the foregoing instrument to be his/her/their voluntary act and deed.

Before me:

Eleanor Des Brisal



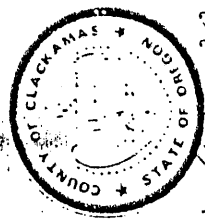
After recording return and send tax statements to:

MIRIAM J. LARSON
408 NW 4th Avenue
Canby, Oregon 97013

Escrow No. 41000652-PA-101-72

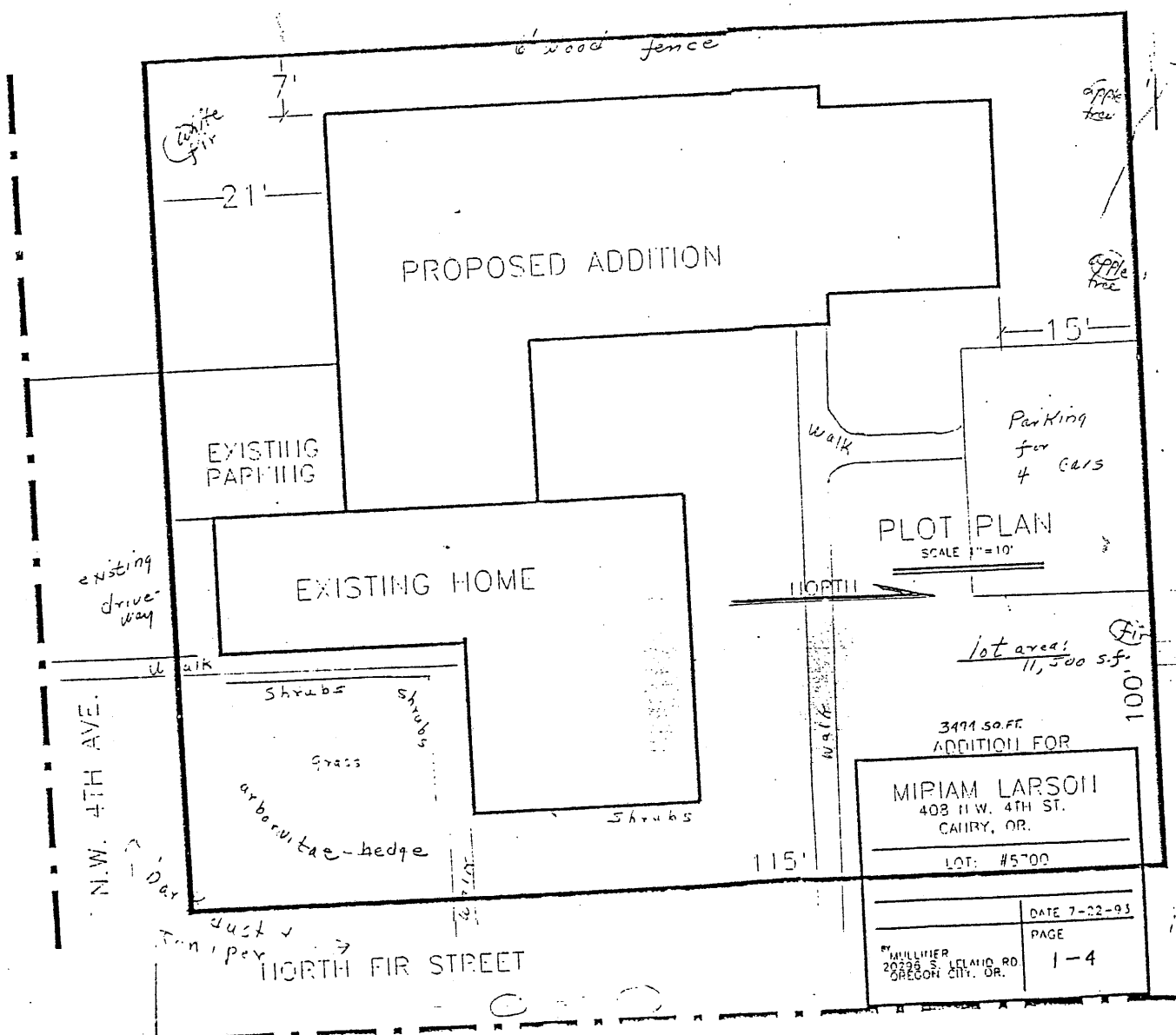
STATE OF OREGON
County of Clackamas
I, John Kaufman, County Clerk, for the County of Clackamas, do hereby certify that the instruments of writing hereon are correct for recording in the public records of said County at

92 NOV 30 PM 1:58



Witness my hand and official seal this 30th day of November, 1992.
John Kaufman
County Clerk

92 76049



PROPOSED ADDITION

EXISTING PARKING

EXISTING HOME

Parking for 4 CARS

PLOT PLAN
SCALE 1"=10'

lot area: 11,500 s.f.

3474 sq. ft.
ADDITION FOR

MIRIAM LARSON
403 N.W. 4TH ST.
CARRY, OR.

LOT: #5700

DATE 7-22-93

PAGE

1-4

BY MULLINER
20298 S. LELAND RD
OREGON CITY, OR.

N.W. 4TH AVE.

NORTH FIR STREET

wood fence

apple tree

apple tree

tree

existing driveway

walk

walk

walk

Shrubs

Shrubs

grass

arborvitae-hedge

Shrubs

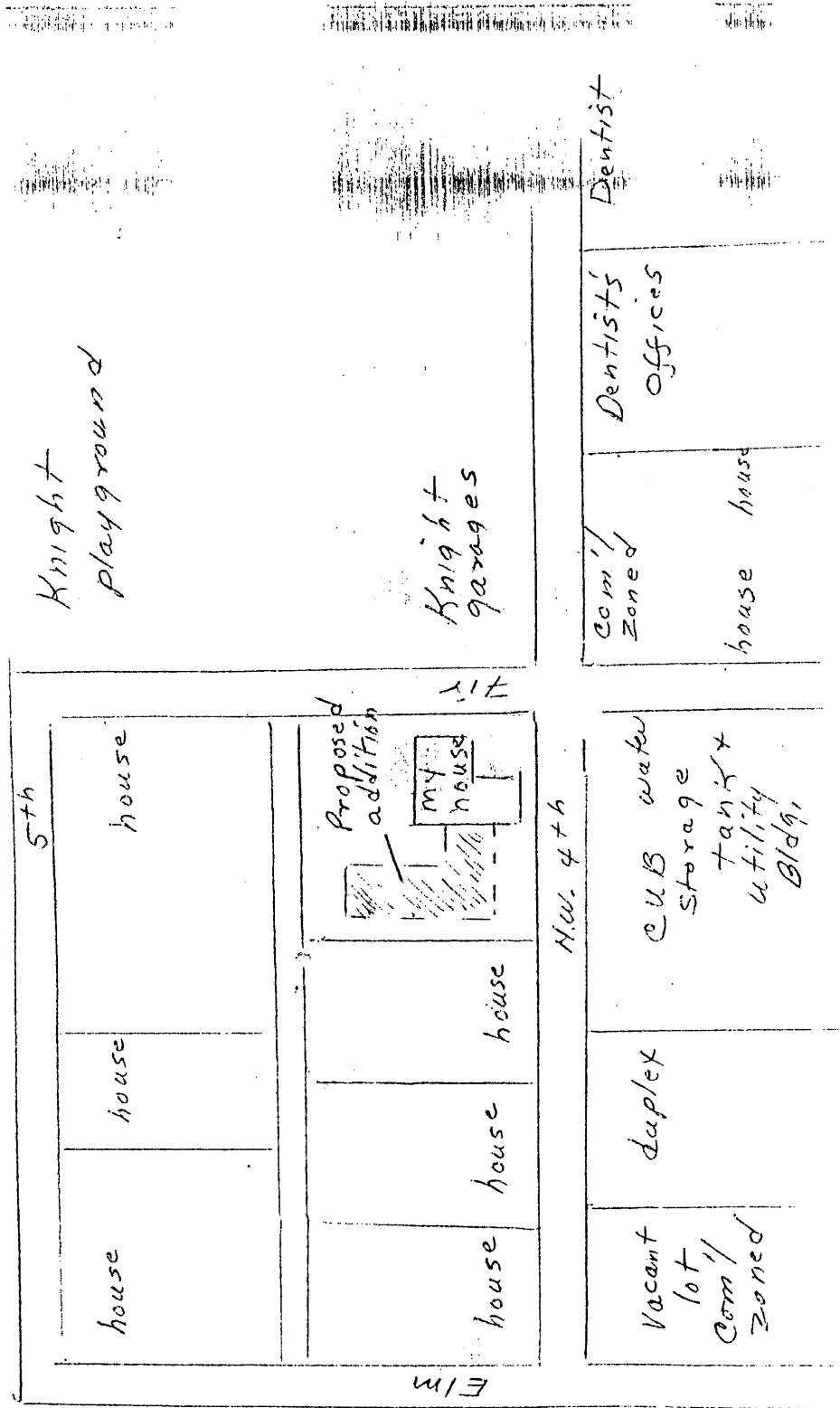
dust
pan
per

11

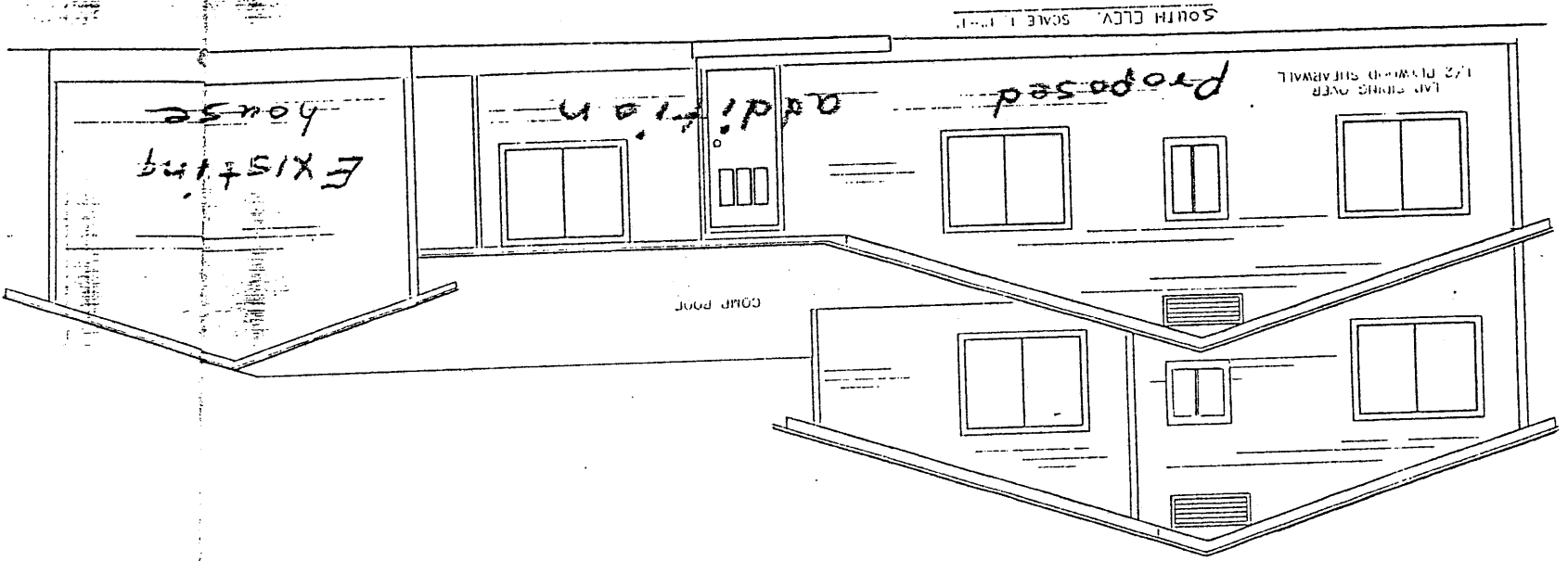
Miriam Larson
 408 New 4th
 adult foster care
 Cond. Use Applic.

Adjacent Properties

Eccles playground



ST 4720



SOUTH CLCV. SCALE 1/8" = 1'-0"

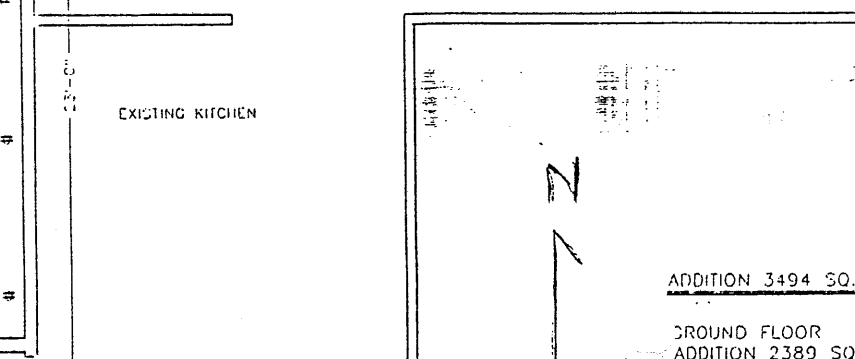
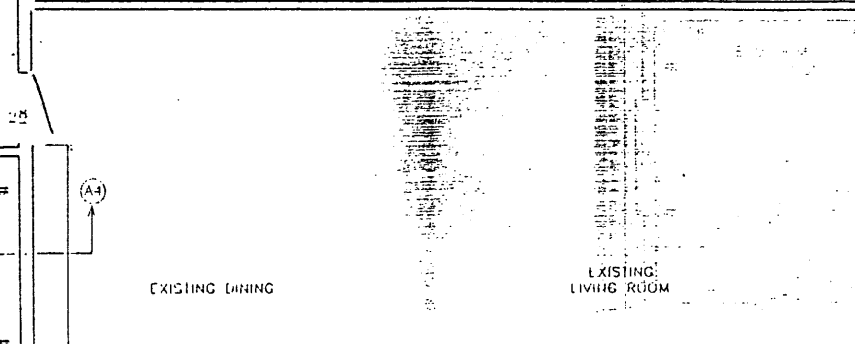
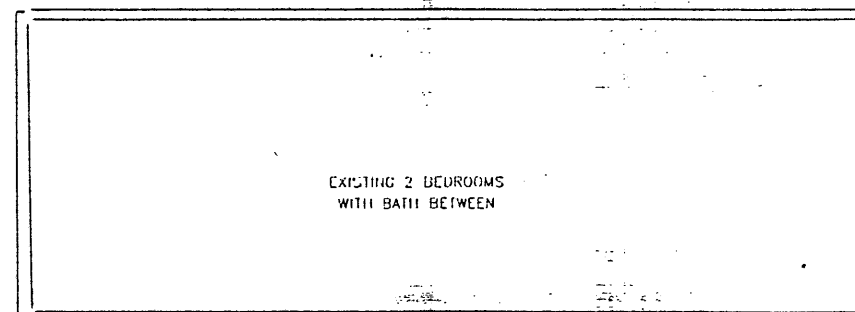
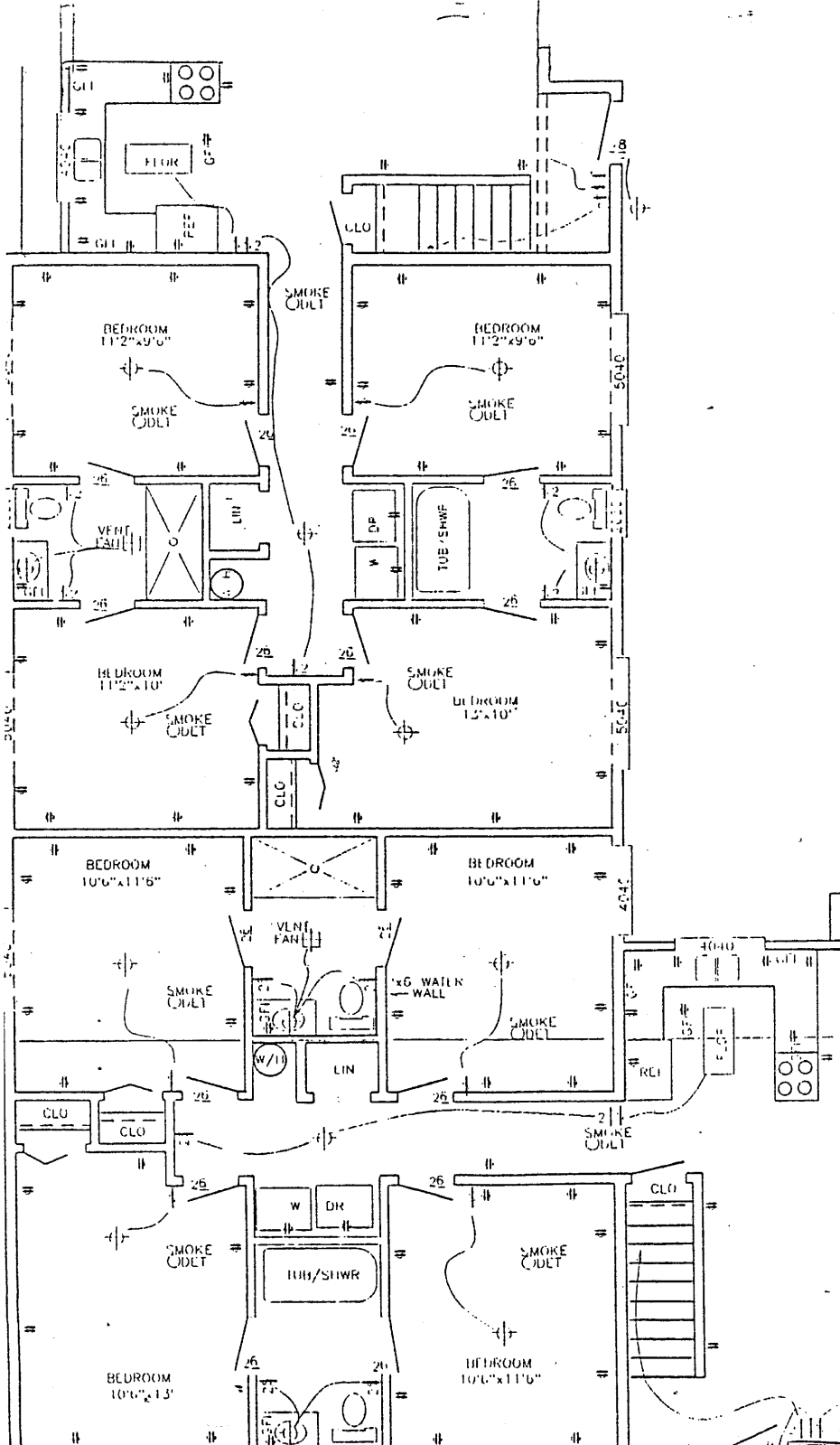
Existing house

Additional

Proposed

1 1/2 ROOMS OVER

COMP. POOL



din. Rm

living Rm

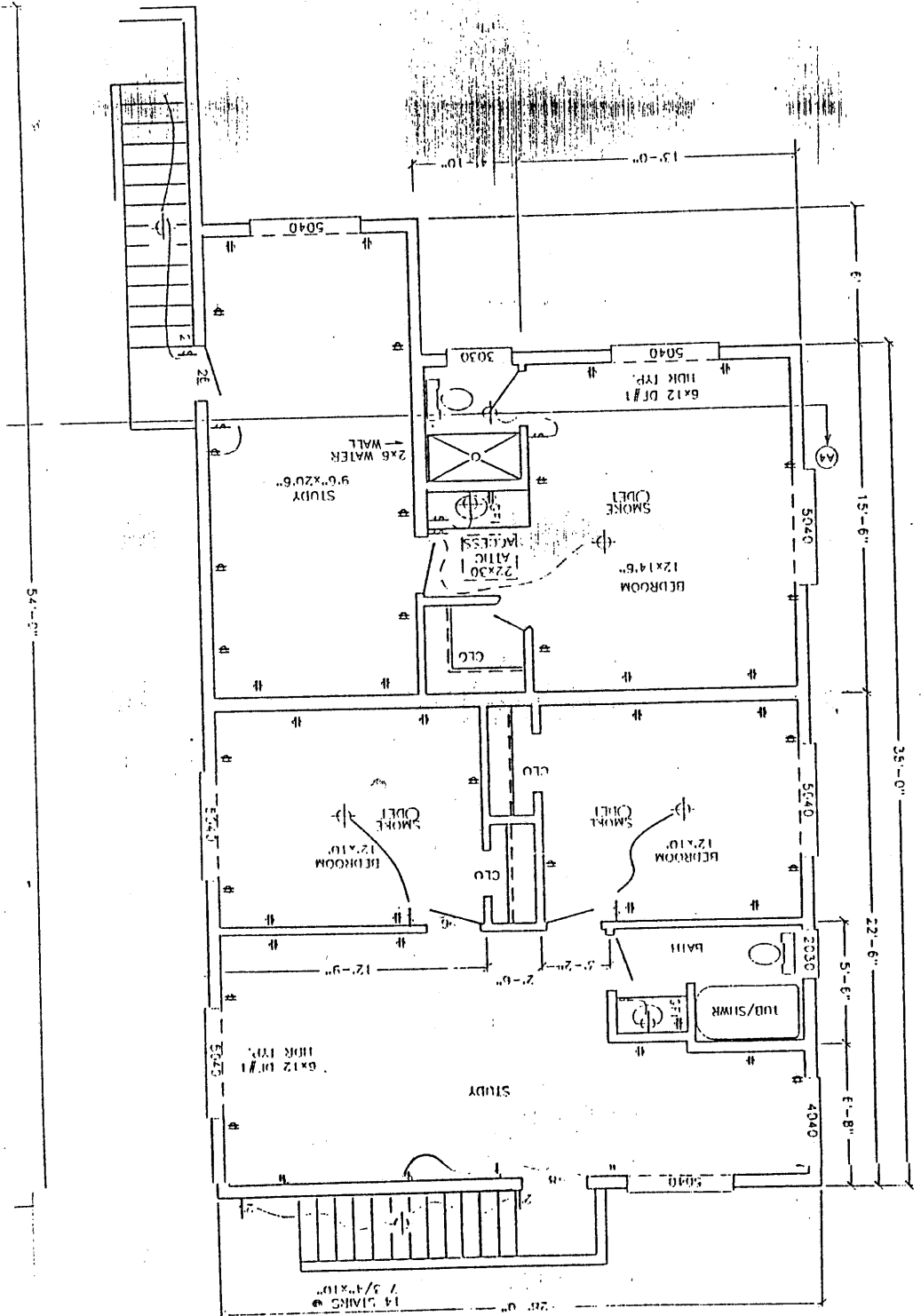
ADDITION 3494 SQ.F.

GROUND FLOOR
ADDITION 2389 SQ.F.

FLOOR PLAN

UPPER

14 STAIRS @ 7'3/4"X10"



PLEASE RETURN ATTACHMENTS!!!

9/14/93
10/1/93

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: September 7, 1993

TO: FIRE, POLICE, CUB, CTA, NW NATURAL GAS, MIKE JORDAN, JOHN KELLY, PUBLIC WORKS, SEWER

The City has received CUP 93-02, an application by Miriam Larson for approval to add two apartments to an existing 1,436 square foot, 1 story, single family residence, each apartment to be used as an adult foster care residence. The property is located at 408 N.W. 4th Avenue (Tax Lot 5700 of Tax Map 3-1E-33CB).

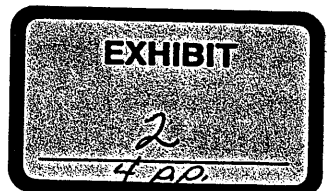
We would appreciate your reviewing the enclosed application and returning your comments by September 21, 1993 PLEASE. The Planning Commission plans to consider this application on October 11, 1993. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

Sewer In Alley. The 2 Locust Trees on N. Fin need
To be Removed, Sidewalk should be built along South
& East Property of Lot. With Panking Lot off Alley,
The 20 Foot ALLEY should be Asphalt Along North
Property Line

- 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 J. Kester Date: Sept 14, 1993



PLEASE RETURN ATTACHMENTS!!!

9/29/93

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: September 7, 1993

TO: FIRE, POLICE, CUB, CTA, NW NATURAL GAS, MIKE JORDAN, JOHN KELLY, PUBLIC WORKS, SEWER

The City has received CUP 93-02, an application by Miriam Larson for approval to add two apartments to an existing 1,436 square foot, 1 story, single family residence, each apartment to be used as an adult foster care residence. The property is located at 408 N.W. 4th Avenue (Tax Lot 5700 of Tax Map 3-1E-33CB).

We would appreciate your reviewing the enclosed application and returning your comments by September 21, 1993 PLEASE. The Planning Commission plans to consider this application on October 11, 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:

The police dept. has no concerns with this application

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

Signature: Jerry Tiger Date: 9/8/93

75W
9/29/93

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: September 7, 1993

TO: FIRE, POLICE, CUB, CTA, NW NATURAL GAS, MIKE JORDAN, JOHN KELLY, PUBLIC WORKS, SEWER

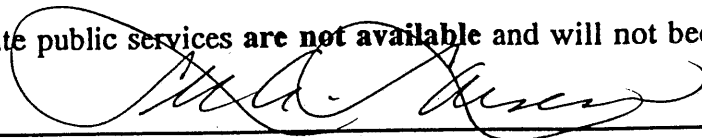
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We would appreciate your reviewing the enclosed application and returning your comments by September 21, 1993 PLEASE. The Planning Commission plans to consider this application on October 11, 1993. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

THERE ARE NO NORTHWEST NATURAL GAS FACILITIES
ON THIS PROPERTY. HOWEVER, OWNERS, PLANNERS AND
CONTRACTORS NEED TO BE AWARE THAT WE HAVE
A 2" GAS MAIN ON THE NORTH SIDE OF NW 4TH ST.
THEY ARE REMINDED TO CALL FOR LOCATES BEFORE
DIGGING IN THE AREA. 1-800-332-2344

- 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: 9-17-93
LEE A. LARSEN
FOR GARY HYATT

PLEASE RETURN ATTACHMENTS!!!

930
9/22/93

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: September 7, 1993

TO: FIRE, POLICE, CUB, CTA, NW NATURAL GAS, MIKE JORDAN, JOHN KELLY, PUBLIC WORKS, SEWER

The City has received CUP 93-02, an application by Miriam Larson for approval to add two apartments to an existing 1,436 square foot, 1 story, single family residence, each apartment to be used as an adult foster care residence. The property is located at 408 N.W. 4th Avenue (Tax Lot 5700 of Tax Map 3-1E-33CB).

We would appreciate your reviewing the enclosed application and returning your comments by September 21, 1993 PLEASE. The Planning Commission plans to consider this application on October 11, 1993. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

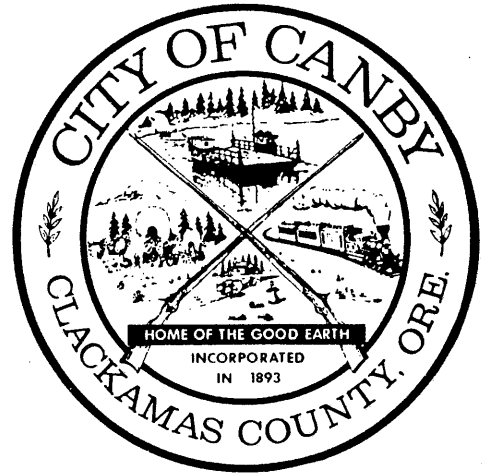
Comments or Proposed Conditions:

AME

- 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: *Stan Hance* Date: *9/22/93*

- STAFF REPORT -



APPLICANT:

Zarosinski - Tatone Engineers
3737 S.E. 8th Ave.
Portland, OR 97202

FILE NO.:

SUB 93-03
(Hostetler)

OWNER:

Daniel B. & Janet P. Hostetler
P.O. Box 656
Canby, OR 97013

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 500 of
Tax Map 4-1E-3BB

DATE OF REPORT:

October 1, 1993

LOCATION:

West side of S. Redwood Street
south of Township Road

DATE OF HEARING:

October 11, 1993

COMP. PLAN DESIGNATION:

Low Density Residential

ZONING DESIGNATION:

R-1 (Low Density Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval for a seven (7) lot subdivision.

II. APPLICABLE CRITERIA:

A. City of Canby Code Section 16.62.020

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

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

B. Other Applicable Policies and Regulations:

■ City of Canby General Ordinances:

- 16.16 R-1 Low Density Residential Zone
- 16.60 Major and Minor Partitions (Subdivisions)
(especially 16.64, Subdivision Design)
- 16.86 Street Alignment
- 16.88 General Standards

III. FINDINGS:

A. Background and Relationships

The subject parcel is located on the west side of S. Redwood Street, across from Trost Elementary School. The proposal is for the 2.4 acre property to be subdivided into seven lots, including the existing home, with a 40' wide, 320' long public road.

The property was recently annexed (ANN 93-0I, annexation effective 9/12/93). The majority of fir trees on the property were removed around the time of annexation. The, approximately, 10 remaining trees are expected to be retained.

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 the adopted policies and process pertaining to 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.**

ANALYSIS

The property is entirely within the Urban Growth Boundary. It fully meets the intent of Canby's 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 #4 Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.
- Policy #5 Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.

ANALYSIS

The parcel is zoned R-1, Low Density Residential and is proposed to be developed with single family residential structures. The Comprehensive Plan land use designation of the subject parcel is Low Density Residential, which is consistent with the zoning and the proposed development. The development pattern of the proposed subdivision is similar to that of surrounding urban residential developments.

The uses that immediately surround the proposed development include silviculture to the west (with plans for future residential development), rural residential to the north, an elementary school to the east, and urban residential to the south (yet to be constructed). The proposed development is slightly lower in density to that of nearby urban residential development (2.9 lots per acre versus approximately 4.5 lots per acre in the Valley Farms subdivisions).

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.
- Policy #9-R Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.

ANALYSIS

The site has Latourell loam soil. 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.

v. *Transportation*

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

- Policy #1: Canby shall provide the necessary improvement to City streets, and will encourage the County to make the same commitment to local County roads, in an effort to keep pace with growth.
- Policy #2: Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the City's growth needs.
- Policy #3: Canby shall attempt to improve its problem intersections in keeping with its policies for upgrading or new construction of roads.

- Policy #4: Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents.
- Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.
- Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.
- Policy #12: Canby shall actively promote improvements to State highways and connecting County roads which affect access to the City.

ANALYSIS

The applicant is proposing an interior fifty (50) foot road right-of-way. As there is no need for the additional need for the extra ten (10) feet, the right-of-way width for local roads should only be forty (40) feet. The road is proposed to intersect with S. Redwood Street approximately forty (40) feet south of the intersection of S. Redwood Street with one of the Trost Elementary School parking lot driveways. The school parking lot driveways will also be used by the bus traffic for the school, and this particular driveway will have the buses exiting onto S. Redwood in the morning and entering in the afternoon. As Redwood is a collector street and will be, in the very near future, connecting S.E. 13th Avenue and Township Road, aligning the school driveway with the proposed S.E. 9th Avenue would be prudent. The proposed right-of-way can only be moved north by 23 feet. This would bring centerline of the proposed road within ten (10) feet of the centerline of the school driveway and bring the right-of-way to a point 15 feet from the existing house. The minimum setback for a side street yard is 15 feet.

A "fair share" contribution to a street fund to help alleviate anticipated traffic impacts on the intersections of S. Ivy and S.E. 13th Avenue and S. Ivy and Township Road will be required. While this subdivision is relatively small (7 lots) and the impact on the intersections will also be relatively small, the City has required of previous subdivision developments to contribute to the future improvements of intersections identified as needing improvements and being impacted by the proposed development. The formula that has been used in the past amounts to approximately \$50 a lot. For this subdivision development proposal, that would amount to \$350.

vi. Public Facilities and Services

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

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

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

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

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

ANALYSIS

Electric, water, gas and phone service providers have indicated that servicing this subdivision is possible.

A fire hydrant will be needed at the intersection of S.E. 9th Avenue and S. Redwood Street. An 8" sewer line will be needed for S.E. 9th Avenue. S. Redwood Street was just recently constructed and cannot be disturbed for a 1-year period. A standard connection to the sewer line in S. Redwood Street cannot be made until, at the earliest, September 3, 1994. Construction of the subdivision will have to be postponed until then, unless an alternate connection, approved by the Department of Public Works, is provided. Connections to all other utilities cannot similarly disturb S. Redwood Street during this 1-year period.

The Parks Plan has designated an area to the east of this property for a future park. The new Trost (elementary) School site located to the east of this site will be on a twenty (20) acre site which is sufficient to provide for recreational activity. This site is easily accessible for the proposed subdivision. The Township Village project to the west has dedicated six acres of land for park purposes to be used in conjunction with the recreational facilities existing with the public schools on adjoining land. Parks Systems Development Fees will be required of all homes built within this subdivision project, and will therefore contribute their "fair share" to the City's development of parks and open space.

vii. Economic

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

ANALYSIS

This application will not directly affect the economic base of the City. The land has not been planned for economic development, or any other development that would directly affect the economic base of the City. Development of this site, with homes, will provide residences for Canby business owners and employees, and also will provide a few employment opportunities and expand the market for Canby businesses.

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

ANALYSIS

This subdivision will provide an opportunity for 6 additional single family units of housing, since it is zoned R-1. The residential lots will range in size from approximately 9,900 square feet to approximately 16,000 square feet.

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

Recently constructed housing will have increased standards for energy efficiency. Of the 7 lots proposed, 6 of the lots will meet the Solar Access Ordinance basic requirements (85%). The subdivision meets the requirements of the Solar Access 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 will show that the proposed subdivision is consistent with the policies of the Comprehensive Plan. Development of each of the lots will need to comply with all applicable provisions of the City of Canby Land Development and Planning Ordinance, Building Codes, and other County and State Codes and Regulations.

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

16.64.010 Streets.

The width of the local street right-of-ways should be forty (40) feet, thus the right-of-way for S.E. 9th Avenue will need to be reduced to forty (40) feet. The applicant is proposing to dedicate an additional five (5) feet of right-of-way for S. Redwood Street. With the school project, the right-of-way is currently 65 feet wide. The right-of-way for S. Redwood Street in the Valley Farms subdivision to the south and in the industrial area to the north of Township Road is only fifty (50) feet wide. There is at least ten (10) feet from the property line and the existing curb for S. Redwood Street. S. Redwood Street has recently be improved and there is no foreseeable reason to acquire an additional five (5) feet of right-of-way. The proposed street names are in accordance with the street naming ordinance.

A turn-around is provided in the proposed design for the western end of S.E. 9th Avenue. Parking should be prohibited within the turn-around in order for the function of the turn-around to be available at all times. Future extension of S.E. 9th Avenue to the west is possible with the current proposed design. The lot layout is such that the addressing scheme will not be difficult.

16.64.030 Easements.

Six foot utility easements will need to be located along all interior lot lines. The non-street exterior property lines of the lots along the west and north exterior lines of this phase will need to have a six foot permanent utility easement with an additional six feet of temporary utility easement. The additional six foot utility easement will automatically drop upon development of land adjacent to that interior lot line. Twelve foot utility easements will be needed along all street lot lines.

No specific proposal has been made for the location of sidewalks within the subdivision. The northern side of S.E. 9th Avenue, west of proposed lot 2, should be exempt from construction of sidewalks until the property abutting the road is developed. If the sidewalks are constructed away from the curb, a restriction against covering the strip of land between the sidewalk and curb with non-vegetative matter will be necessary.

16.64.040 Lots.

The lots will range in size from approximately 9,900 square feet to approximately 16,000 square feet. All lots will meet the minimum required area of 7,000 square feet, and will be of such dimensions as not to preclude development with single-family homes for reasons of insufficient room for required setbacks. All lots are at least 60 feet in width for interior lots and at least 65 feet for corner lots. There are four lots (3,4,5, and 6) that are narrow relative to their depth. These dimensions are resultant from the shape of the original lot. Wider lots are possible with flag lots in the back, but it would be unlikely that such an arrangement would meet the basic solar access requirements for new developments. While the four lots may be relatively narrow, they meet the minimum requirements and will be functional.

16.64.050 Public Open Spaces.

The Parks Plan has designated an area to the east of this property for a future park. The Township Village project immediately to the west has dedicated six acres of land for park purposes to be used in conjunction with the recreational facilities existing with the public schools on adjoining land. Parks Systems Development Fees will be required of all homes built within this subdivision project, and will therefore contribute their "fair share" to the City's development of parks and open space. The Trost Elementary School immediately to the east is on a twenty (20) acre site and will have space for some recreational activity.

16.64.070 Improvements.

A bond will be required for any improvements in the subdivision that are not completed prior to the signing of the final plat. Such agreement of assurance shall be in conformance with Paragraph (O) of Section 16.64.070 of the Land Development and Planning Ordinance.

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

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

IV. CONCLUSION

In general, the proposed subdivision is consistent with the Comprehensive Plan, all applicable requirements of the Land Development and Planning Ordinance, and the overall design and arrangement of lots is functional and will not unduly hinder use or development of adjacent properties. Conditions are proposed herein to provide the necessary changes and details required to meet the City's standards for subdivisions.

V. RECOMMENDATION

Based on the application, site plan, the facts, findings and conclusions presented in this report, and without benefit of public testimony, staff recommends that the Planning Commission approve, with conditions, SUB 93-03. The following conditions shall apply:

For the Final Plat:

1. Utility easements shall be provided. The southern exterior lines of the subdivision adjacent to the Valley Farms Phase III subdivision and all interior lot lines, are to be six (6) feet wide. The northern and western exterior lines of the subdivision are to be six (6) feet wide with an additional temporary six (6) feet, for a total of twelve (12) feet. The additional six feet shall be in effect until the adjoining land is developed with utility easements, and shall be recorded separately from the plat.
2. The final plat shall reference this land use application - City of Canby, File No. SUB 93-03, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits requested subsequent to the date of this approval.
3. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor, or his authorized Deputy, including, but not necessarily limited to, various matters related to land surveying, land title, plat security, and plat recordation.
4. A restriction against covering the strip of land between the sidewalk and curb, if the sidewalk is not constructed next to the curb, with non-vegetative matter shall be placed on the final plat.

5. The right-of-way for S.E. 9th Avenue shall be a width of forty (40) feet. The intersection of S.E. 9th Avenue with S. Redwood Street shall be located as far north as possible while maintaining fifteen (15) feet distance from the southern edge of the existing house. S.E. 9th Avenue shall be perpendicular to S. Redwood Street for a minimum distance of fifty (50) feet from the intersection.
6. No further dedication of right-of-way for S. Redwood Street is required, or desired, except the southeastern most portion of the property. The portion of the property that aligns with the existing S. Redwood Street right-of-way, and would be included in the right-of-way if it were extended directly to the south, shall be dedicated to the City.

As a part of construction:

7. The recently constructed pavement for South Redwood Street shall not be disturbed prior to September 3, 1994.
8. Any necessary utilities shall be constructed to the specifications of the utility provider.
9. Street name and traffic control signs shall be provided at the developer's expense. This shall include "Stop" street signs where required by the Director of Public Works.
10. Erosion-control during construction shall be provided by following the recommendations of the "Erosion Control Plans Technical Guidance Handbook," by Lori Faku and Rick Raety, dated November 1989, as revised (currently January, 1991).
11. Storm water drainage and design for the subdivision shall be approved by the Director of Public Works.
12. The design and construction of the sewer system for the subdivision shall be approved by the Director of Public Works.
13. The north side of S.E. 9th Avenue, east of lot 2, shall be exempt from sidewalk requirements until the abutting property to the north is developed.

14. The turn-around in S.E. 9th Avenue shall not be used for parking, and signs shall be posted to indicate this restriction.

Prior to the signing of the Final Plat:

15. The land divider shall follow the provisions of Section 16.64.070 Improvements, in particular, but not limited to, subparagraph (O) Bonds, which requires a surety bond, personal bond, or cash bond for subdivision improvements for any improvement not completed prior to the signing of the final plat. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.

After construction:

16. "As-built" drawings shall be submitted to the City within sixty (60) days of completion.

Exhibits:

1. Application
2. Vicinity Map
3. Tentative Plat (*too large to reproduce*)
4. Responses to Request for Comments

SUBDIVISION APPLICATION

Fee: \$600 + \$20/lot

OWNER

APPLICANT

Name DANIEL B. & JANET P. HOSTETLER Name ZAROSINSKI-TATONE ENGRS.
Address P.O. BOX 656 Address c/o Ronald G. Tatone
3737 SE 83 AVE
City CANBY State OR Zip 97013 City PORTLAND State OR Zip 97202
SIGNATURE Daniel B. Hostetler Phone: 235-8795
Janet P. Hostetler

DESCRIPTION OF PROPERTY:

Tax Map 41E3BB Tax Lot(s) 500 Lot Size 2.4 AC
(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 Single Family Residence
Proposed 7 Lot Sub-Division

Existing Structures Single family dwelling unit

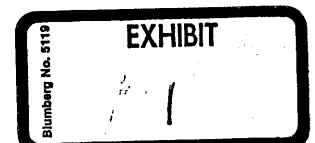
PROJECT DESCRIPTION

Sub-divide existing tax lot supporting a
single family dwelling into 7 lots including existing
residence. Sub division requires creation of right of way
for

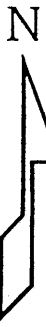
ZONING _____ COMPREHENSIVE PLAN DESIGNATION R-1

PREVIOUS ACTION (if any) _____

File No. Sub 93-03
Receipt No. 2474
Received by lr
Date Received 9-15-93
Completeness Date 9-15-93
Pre-App Meeting _____
Hearing Date 10-11-93



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



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

FRONTIER GOLF COURSE

CANBY FERRY

PHOENIX & HOLLY MINIATURE RAILROAD

WILLAMETTE

VALLEY

COUNTRY

CLUB

NE

NW

CLACKAMAS COUNTY FAIRGROUNDS

Canby Depot Museum

EXHIBIT

2

VICINITY MAP

PHILANDER LEE JR. HIGH SCHOOL

CANBY SWIM CENTER

CANBY ADULT CENTER

ACKERMAN JR. HIGH SCHOOL

SE 13TH AVE.

PLEASE RETURN ATTACHMENTS!!!

95W
6/29/93

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: September 15, 1993

TO: FIRE, POLICE, HIGH SCHOOL, ELEM. SCHOOL, CUB, TOM PIERSON, TODD SCHMIT,
GARY HYAT, CLACKAMAS COUNTY, MIKE JORDAN, ROY, SEWER

The City has received SUB 93-03, an application by Zarosinski-Tatone Engineers (applicant) and Daniel B. and Janet P. Hostetler (owners) for approval to subdivide 2.4 acres into a 7 lot, single-family subdivision, which will include the existing home on the parcel. The site is located on the west side of S. Redwood Street, south of Township Road (Tax Lot 500 of Tax Map 4-1E-3BB).

We would appreciate your reviewing the enclosed application and returning your comments by September 24, 1993 PLEASE. The Planning Commission plans to consider this application on October 11, 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:

Police dept has no concerns except for street
names & house numbers

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

Signature: Jerry Stiger

Date: 9/24/93



PLEASE RETURN ATTACHMENTS!!! *9/21/93*

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

DATE: September 15, 1993

TO: FIRE, POLICE, (HIGH SCHOOL), ELEM. SCHOOL, CUB, TOM PIERSON, TODD SCHMIT, GARY HYAT, CLACKAMAS COUNTY, MIKE JORDAN, ROY, SEWER

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

Signature: *Stephen Miller* Date: 9-21-93

PLEASE RETURN ATTACHMENTS!!!

75W
9/23/93

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: September 15, 1993

TO: FIRE, POLICE, HIGH SCHOOL, ELEM. SCHOOL, CUB, TOM PIERSON, TODD SCHMIT,
GARY HYAT, CLACKAMAS COUNTY, MIKE JORDAN, ROY, SEWER

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Comments or Proposed Conditions:

~~The school district would request that when reviewing the design details of this sub division consideration be given to traffic patterns as they relate to the entry of the proposed S.E. 9th Avenue into Redwood Street. Of particular concern is the relationship between this entry point and the entry points of the driveway into Trost Elementary School.~~

- 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: Wesley [Signature], Principal, Trost Date: 9/23/93

PLEASE RETURN ATTACHMENTS!!!

9sw
9/21/93

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: September 15, 1993

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

None

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

Signature: Steve Hansen Date: 9/22/93

PLEASE RETURN ATTACHMENTS!!!

9/24/93

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: September 15, 1993

TO: FIRE, POLICE, HIGH SCHOOL, ELEM. SCHOOL, CUB, TOM PIERSON, TODD SCHMIT, GARY HYAT, CLACKAMAS COUNTY, MIKE JORDAN, ROY, SEWER

The City has received SUB 93-03, an application by Zarosinski-Tatone Engineers (applicant) and Daniel B. and Janet P. Hostetler (owners) for approval to subdivide 2.4 acres into a 7 lot, single-family subdivision, which will include the existing home on the parcel. The site is located on the west side of S. Redwood Street, south of Township Road (Tax Lot 500 of Tax Map 4-1E-3BB).

We would appreciate your reviewing the enclosed application and returning your comments by September 24, 1993 PLEASE. The Planning Commission plans to consider this application on October 11, 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:

When the Sewer MAIN was built in S. Redwood, Adjacent Property owners Requested Sewer Laterals to Property Line. AT that Time a 6 inch Lateral was Supplied, TO Sub-divide This Parcel - The City Requires a 8 inch main To serve Sub-division. The City will not ALLOW S. Redwood TO be excavated For Sewer ENLARGEMENT. This Application is denied, unless other ARRANGEMENTS CAN be made.

- 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: 9-21-93

PLEASE RETURN ATTACHMENTS!!!

7sw
9/24/93

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: September 15, 1993

TO: FIRE, POLICE, HIGH SCHOOL, ELEM. SCHOOL, CUB, TOM PIERSON, TODD SCHMIT,
GARY HYAT, CLACKAMAS COUNTY, MIKE JORDAN, ROY, SEWER

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Comments or Proposed Conditions:

*Fire hydrant be placed at entrance to development
on South Redwood, hydrant can be placed on East side
of Redwood so new road does not have to be disturbed.*

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

Signature: _____

Jack Stark

Date: *Sept 20, 1993*

9sw
9/21/93

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: September 15, 1993

TO: FIRE, POLICE, HIGH SCHOOL, ELEM. SCHOOL, CUB, TOM PIERSON, TODD SCHMIT,
GARY HYAT, CLACKAMAS COUNTY, MIKE JORDAN, ROY, SEWER

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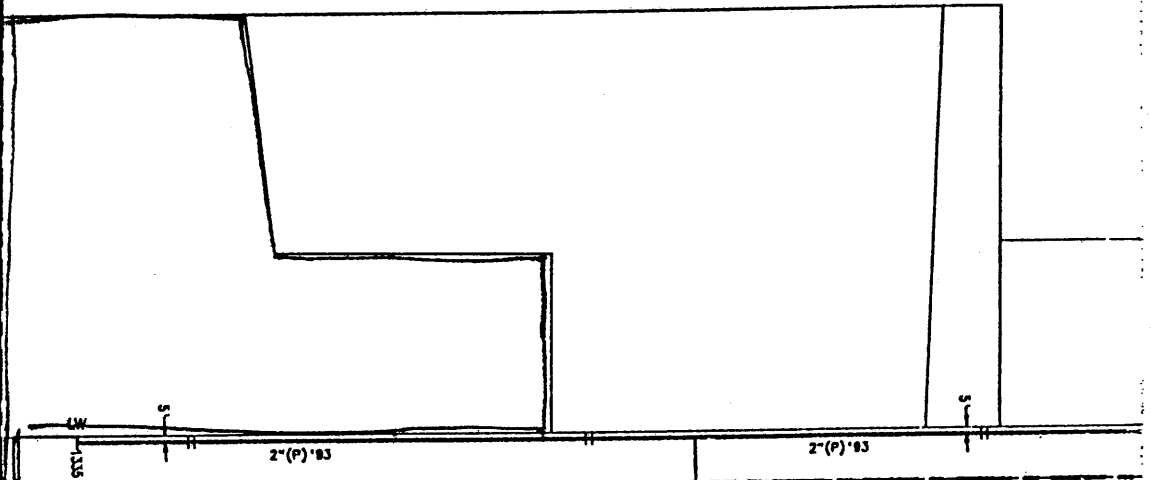
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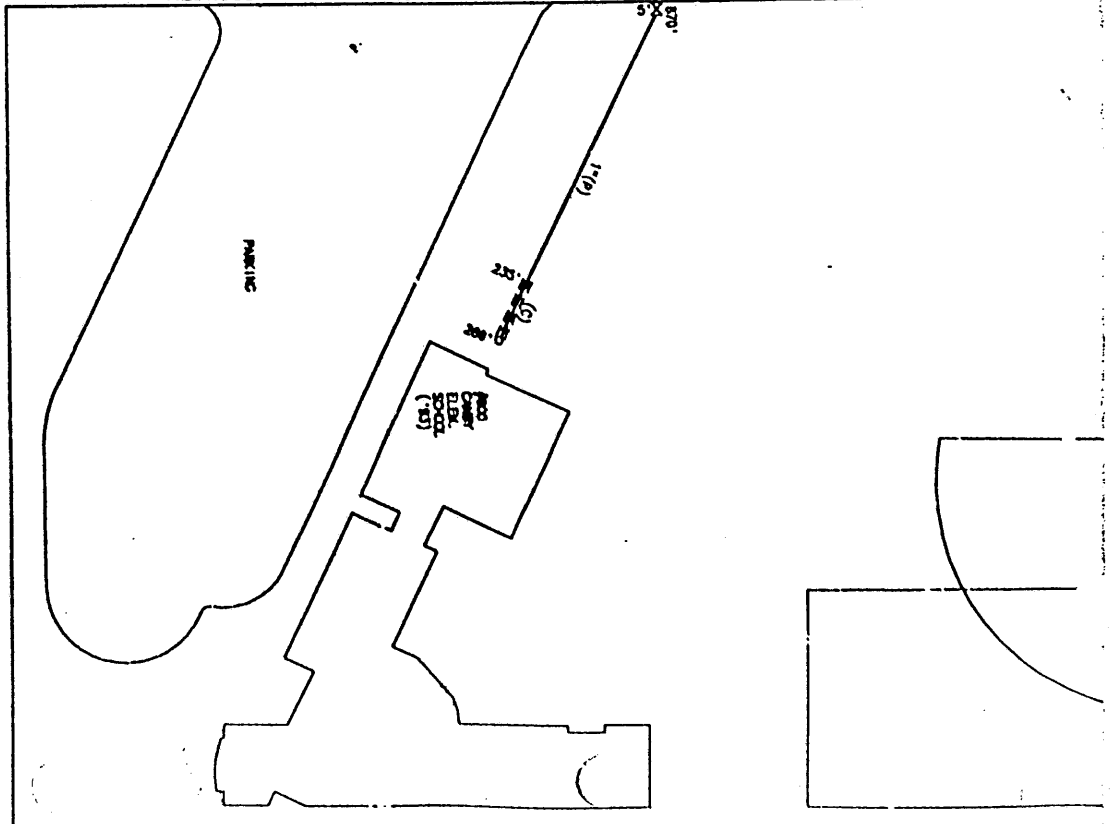
Signature: Gary Hyatt Date: 9/20/93

CANBY CITY LIMITS



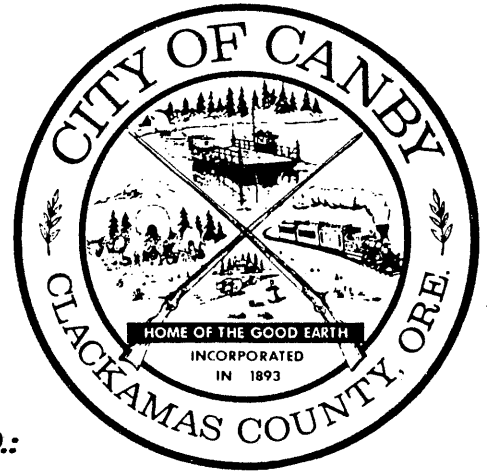
REDWOOD ROAD

10TH ST. (FUTURE)



67-29

- STAFF REPORT -



APPLICANT:

Church of Christ
27224 S. Dave Road
Canby, OR 97013

FILE NO.:

MLP 93-04

OWNER:

Anselmo Pizzuti
181 N. Grant Street
Canby, OR 97013

STAFF:

Robert G. Hoffman, AICP
Planning Director

LEGAL DESCRIPTION:

Tax Lot 101 of Tax Map 3-1E-33CC

DATE OF REPORT:

October 1, 1993

LOCATION:

Southwest corner of
N.W. 4th Avenue and N. Elm

DATE OF HEARING:

October 11, 1993

COMP. PLAN DESIGNATION:

Downtown Commercial

ZONING DESIGNATION:

C-1 (Downtown Commercial)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to partition a 34,500 square foot parcel into two parcels, 20,125 and 14,375 square feet, respectively. The intention is to develop the proposed Parcel 1 immediately with a single story church building, and to leave Parcel 2 for future development.

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. 16.22.030 Development Standards in C-1 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 101 of Tax Map 3-1E-33CC. It is located on the south side of N.W. 4th Avenue at N. Elm. The property is approximately 34,500 square feet. There is approximately 300 feet of frontage along N.W. 4th Ave. The entire parcel is zoned C-1, Downtown Commercial. The property is vacant.

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement

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

ANALYSIS

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

ii. Urban Growth

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

ANALYSIS

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

iii. Land Use Element

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

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

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

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

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

ANALYSIS

The property is zoned C-1, which is consistent with the land use map of the Comprehensive Plan. The property is currently vacant. The proposed Parcel 1 of the partition (20,125 square feet) is intended to be developed as a one-story church building. The proposed use is consistent with uses permitted as a Conditional Use in the zone. The size of Parcel 1 proposed in the partition is intended to be large enough to accommodate the church building and to permit the proper setback distances for parking and landscaping.

There are residential uses and a meeting hall adjacent to the subject parcel. The general area is proposed to be developed for downtown related uses. The adjacent Canby Pioneer Chapel is a designated historical structure. The Site and Design Review process will give an opportunity to ensure compatibility of adjacent structures and uses.

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 or connection to the downtown storm drain will be required of any development. The predominant soil is Canderly 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.

Development of the parcels will require Conditional Use and Site and Design Review, which will cover architectural appearance, access, parking, and landscaping for the proposed development and compatibility with adjacent uses.

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 Elm Street and N.W. 4th Avenue. Access to Parcel 2 will be from N. Douglas and N.W. 4th Avenue. An alley is available to the rear of both parcels.

A sidewalk will be needed across the full frontage and side of both parcels. The sidewalk can be constructed as a part of the development of the parcels. By allowing this requirement to be fulfilled through an approved Site and Design Review plan, the actual construction of the sidewalk can occur after the major development construction, as is the normal process. The alley currently is unpaved and will need to be paved at time of development of each parcel. Right-of-way widths are adequate.

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. Utility easements will need to be provided around the partitioned lots to allow for utility services to be provided. Street lights and curb repairs may be needed.

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 related development in this area of Canby.

viii. Housing

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

ANALYSIS

The partition of the subject property will not directly affect housing negatively or positively. Additional commercial and related development will help support the services provided to residential 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 does not apply to commercial buildings in commercial zones. 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 construction on Parcel 2.

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, 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.
3. Staff concludes that all necessary public services, including access, 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 93-04, subject to the following conditions:

For the Final 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 93-04.
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
3. 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 (with 6 feet being temporary until a 6 foot easement is dedicated on adjacent property)

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

5. 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.
6. All utilities, including water and fire hydrants, must meet the standards and criteria of the providing utility authority.

Prior to the issuance of a certificate of occupancy for Parcel 1 or 2:

7. A sidewalk shall be constructed along N.W. 4th and the adjacent street. The sidewalk shall be constructed prior to the occupancy of any development on Parcel 1 or Parcel 2. Street lights and curbs shall be constructed as required, to the satisfaction of the Public Works Director.
8. The approval of this minor land partition does not constitute an approval of the development of the land for a church building or any other use. Any development of the subject parcel must be accompanied by a Site and Design Review approval, and possibly a Conditional Use approval, depending on the specific use proposed.

Exhibits:

1. Application
2. Vicinity Map
3. Partition Plat
4. Request for Comments (see CUP/DR staff report)

MINOR LAND PARTITION APPLICATION

Fee: \$600.00

OWNER

APPLICANT

Name Anselmo Pizzuti and Tony Pizzuti
Address Attorneys Office, 181 N. Grant St.
City Canby State Oreg Zip 97013
Signature: Anselmo Pizzuti

Name Church of Christ, Canby
Address 27224 S. Dave Road (Temporary)
City Canby State Oreg Zip 97013
Phone: 266-3367 266-2550

DESCRIPTION OF PROPERTY:

Tax Map # 31E33CC Tax Lot(s) # 101 Lot Size 175' by 125' (21875 sq. ft.)
2 SW Corner of N. 4th & Elm Streets
(Acres/Sq. Ft.)

Legal Description, Metes and Bounds (Attach Copy)
Plat Name Pt. 1 & 9, Lt Lot 10 + 11 + 12 Block 17

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 Vacant lot Proposed Church building + Parking Area
Existing Structures None

PROJECT DESCRIPTION

To build a single story church building with seating capacity for 120 persons. Parking is to be constructed as required for 32 vehicles. At least 1/2 percent of the building site shall be landscaped according to a desirable approved landscape plan that is generally depicted in the attached site and Design application.

ZONING COMPREHENSIVE PLAN DESIGNATION
PREVIOUS ACTION (if any)

File No.
Receipt No.
Received by
Date Received
Completeness Date
Pre-Ap Meeting
Hearing Date

Exhibit 1
5 pp.

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

STATE OF OREGON
CORPORATION DIVISION
158 12TH ST. NE
SALEM, OREGON 97310-0210

1993 ANNUAL REPORT

FEE: \$10.00
(831.115)

MUST BE RECEIVED BY: 09/12/1993

Registry Number: 129203-85
Date of Incorporation: 09/12/1988
Entity Type: DOMESTIC NON-PROFIT
Duration: PERPETUAL
State or Country of Organization: OREGON

Non-Profit Type: RELIGIOUS

CHURCH OF CHRIST, CANBY
210 N JUNIPER
CANBY OR 97013

1. Please indicate here mailing address where you wish the annual report to be mailed in the future:
- _____
- _____
- _____

PLEASE COMPLETE, CORRECT IF NECESSARY, AND SIGN THIS FORM. IT MUST BE RECEIVED BY SEPTEMBER 12, 1993 WITH THE FEE OF \$10.00.

2. Registered Agent LEO B HENRY
Registered Office 11412 ARNDT RD NE
(Oregon Street Address) AURORA OR 97002

If the Registered Agent has changed, the new Agent has consented to the appointment.

3. OFFICERS

PRESIDENT
LEO B HENRY

SECRETARY
JIM GIBSON

Address
11412 ARNDT RD NE
AURORA OR 97002

Address
27224 S DAVE RD
CANBY OR 97013

4. Does This Corporation Have Members? Yes
5. Principal Place of Business 210 N JUNIPER
(Street Address) CANBY OR 97013-0000

6. SIC Code (See instructions) 8660

7. Federal Tax ID Number

93-1115165

8. SIGNATURE

Officer

Leo Henry

Date

8/25/92

Daytime Telephone Number

Home 78-5333

Off. 945-9792

NARRATIVE SUBMITTED WITH MINOR LAND PARTITION APPLICATION

The proposed facilities conform with the text and applicable maps of the Comprehensive Plan. According to the maps and the city Planning Director, Robert G. Hoffman, the property in question is zoned "C-1 Downtown Commercial." According to the Land Development and Planning Ordinance, Chapter 16.22.020, conditional uses in the C-1 zone include any "use listed as conditional in the R-1 zone" (item "A"). Among the conditional uses listed as permissible in the R-1 Low Density Residential zone (Chapter 16.16.020), "church" is specifically mentioned as item "B."

We intend to comply with all applicable requirements of the land development and planning ordinance.

We are concerned that our project not unduly hinder the use or development of adjoining properties. Consequently, the design for the proposed facilities has been prepared by experts to insure that all regulations have been met.

Access to the property after partitioning will not necessitate the use of a private road. Access to the entire property after partitioning will be provided along Northwest 4th Avenue.

It is our understanding that all services are present and available.

PROJECT DESCRIPTION

Presently, the parcel of land on the southwest corner of North Elm Street and Northwest 4th Avenue is undeveloped. On that site the church of Christ, Canby, proposes to build meeting facilities to accommodate assemblies and classes for various age groups.

The proposed facilities would consist in a single-story structure designed to house several classrooms and an auditorium capable of seating 120 persons. In conformity with the seating capacity of the auditorium, off-street parking facilities would be constructed for 30 vehicles. The present membership of the church represents 20 households. Approximately 60 persons are normally in attendance.

The architectural design of the building might be best described as tailored simplicity, pleasing - perhaps elegant in its own way - but not elaborate nor gaudy. It should complement and enhance rather than disturb the environment. Light grey shiplap siding is to be mounted horizontally on the east and west sides. For refreshing variety, the same type of siding is to be mounted at the north and south ends on an angle parallel with the pitch of the roof. The trim is to be in a blue grey that will contrast with the light grey siding.

A 4'X 8' wooden sign attached to two 7'tall, treated posts would be erected and placed at the side of the building facing North Elm Street. Black, raised letters on a light grey background would be illuminated at night by a centered ground light.

City landscaping specifications would also be met. All large trees on the city right-of-way are to be left standing. The sidewalks are to be set back far enough from the curbing that the root systems of these trees suffer no negative effects. A few small trees will need to be removed in order to make room for the building and the adjoining parking lot, but their removal should be more than offset by landscaping plans which foresee the planting of small trees, arborvitae, etc., to be watered by a sprinkler system.

The proposed facilities would be compatible with the surrounding land use patterns. Adjacent to the rear of the property is a wedding chapel, otherwise the proposed building site is surrounded either by residences or undeveloped lots in an area which presently has a distinctly residential flavor. The campuses of both Eccles and Knight Elementary Schools are just one block removed.

These building plans should not lead to significant traffic congestion. The point of access to, and exit from, the property parking lot would be on spacious Northwest 4th Avenue approximately 25 yards from its intersection with North Elm Street. An "exit only" would also be provided on North Elm Street. The major traffic flow to and from the property would be along North Elm Street, a wide thoroughfare leading directly from Highway 99E.

As a matter of principle, the church would only use the proposed facilities for Bible teaching and mutual, spiritual edification. The facilities would therefore not be used for "Day Care," kindergarten, recreation, banquets, and the like. Accordingly, the building plans call, e.g., for no kitchen or rec-room.

Typically, the building would be in use Sunday mornings and evenings, as well as Wednesday evenings, for classes and assemblies. Seasonally, the building would provide accommodations for special lecture series lasting five to seven days. Almost on a daily basis, the office facilities would be used by one or two persons.

We intend to be good neighbors. We have set our goals and made our plans accordingly. We thank you for your review of these plans and hope that they meet with your approval.

The church of Christ, Canby



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

FRONTIER GOLF COURSE

CANBY FERRY

PHOENIX & HOLLY MINIATURE RAILROAD

WILLAMETTE VALLEY COUNTRY CLUB

NE

22ND AVE.

22ND AVE.

21ST AVE.

20TH AVE.

19TH AVE.

18TH AVE.

17TH AVE.

16TH AVE.

15TH AVE.

14TH AVE.

13TH AVE.

12TH AVE.

11TH AVE.

10TH AVE.

9TH AVE.

8TH AVE.

7TH AVE.

6TH AVE.

5TH AVE.

4TH AVE.

3RD AVE.

2ND AVE.

1ST AVE.

1ST PL.

2ND PL.

3RD PL.

4TH PL.

5TH PL.

6TH PL.

7TH PL.

8TH PL.

9TH PL.

10TH PL.

11TH PL.

12TH PL.

13TH PL.

NW

CLACKAMAS COUNTY FAIRGROUNDS

Canby Depot Museum

BRIDGE ROAD

WILLIAM KNIGHT SCHOOL

ECCLES SCH.

CANBY HIGH SCHOOL

CANBY SQUARE

SOUTHERN HIGHWAY

PACIFIC

SW

SE 13TH AVE.

ROAD

TO OREGON CITY

OTTO RD.

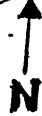
TO OREGON CITY

VICINITY MAP



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

D.L.C.'S
UNDER LEE NO. 568 49
SEELY NO. 57



AVENUE

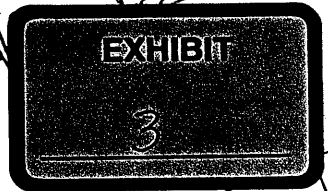
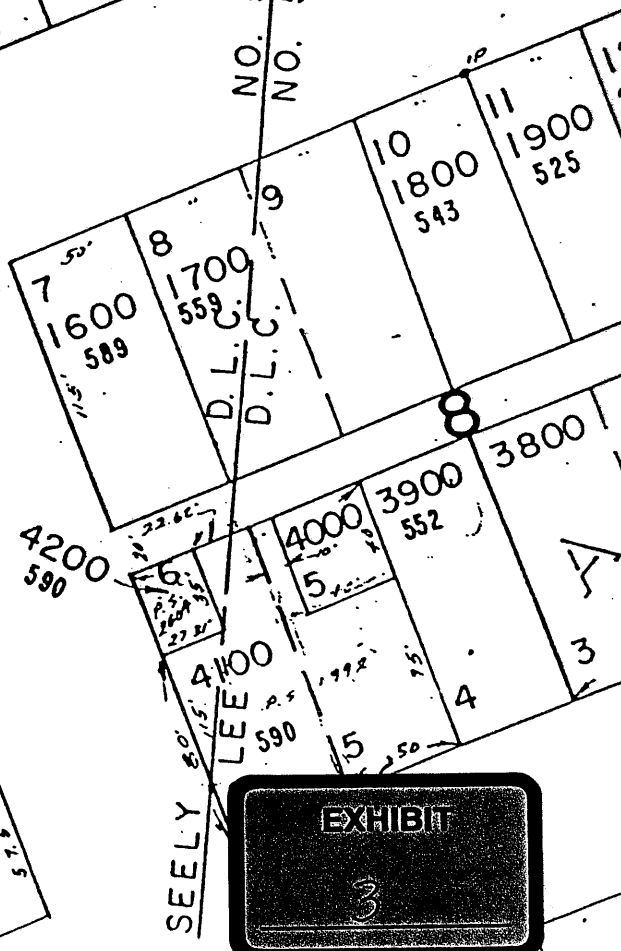
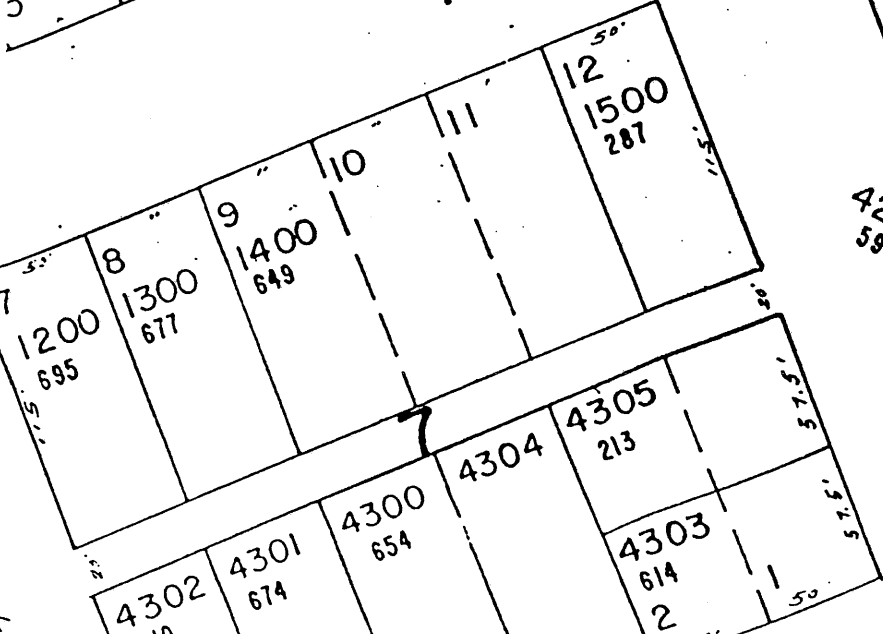
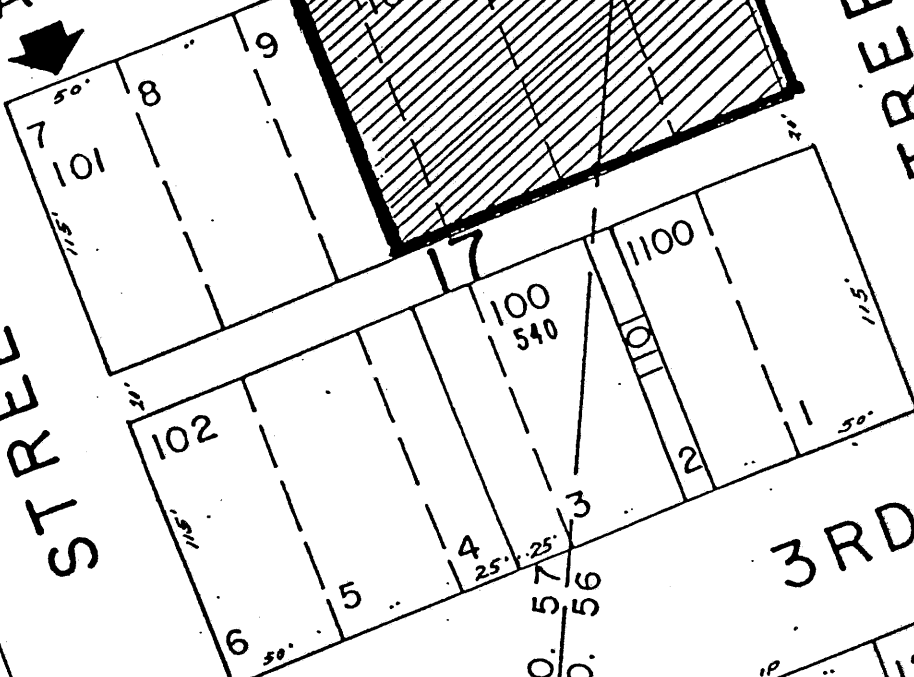
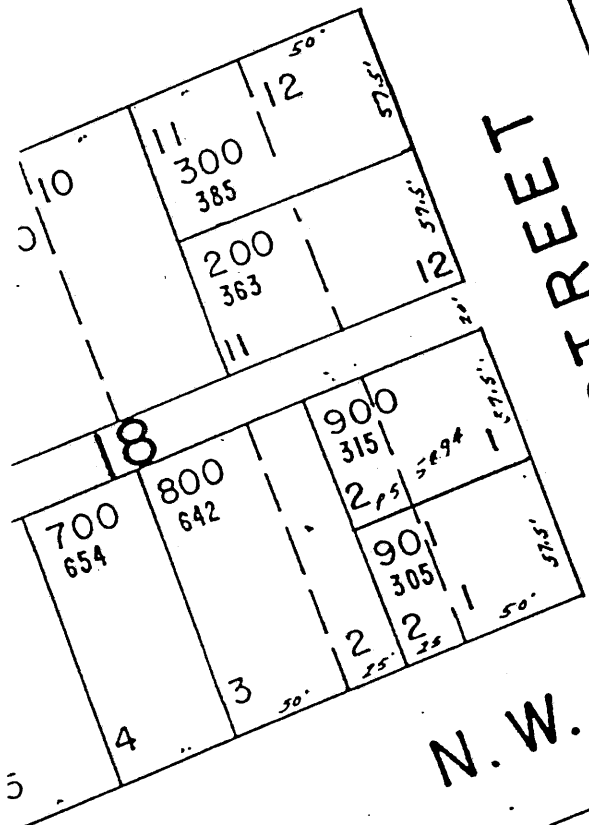
4TH

STREET

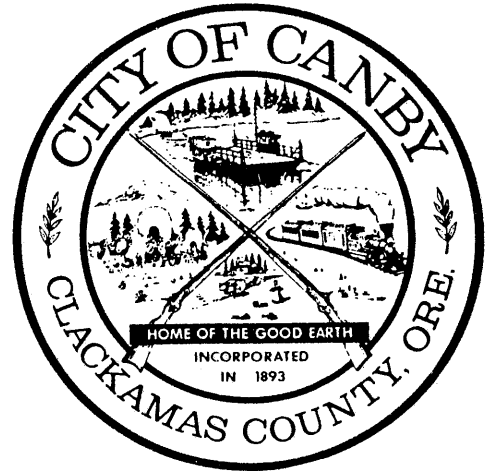
STREET

3RD

N.W.



- STAFF REPORT -



APPLICANT:

Church of Christ
27224 S. Dave Road
Canby, OR 97013

OWNER:

Anselmo Pizzuti
181 N. Grant
Canby, OR 97013

FILE NO.:

DR 93-06/CUP 93-03

STAFF:

Robert G. Hoffman, AICP
Planning Director

LEGAL DESCRIPTION:

Tax Lot 101
Tax Map 3-1E-33CC

DATE OF REPORT:

October 1, 1993

LOCATION:

Southwest corner of
N. W. 4th and N. Elm Street

DATE OF HEARING:

October 11, 1993

COMP. PLAN DESIGNATION:

Downtown Commercial

ZONING DESIGNATION:

C-1 - Downtown Commercial

I. APPLICANT'S REQUEST:

The applicant is requesting approval for a Design Review application and a Conditional Use application for a new church structure. Landscaping and parking is to be provided. Seating capacity is 120 persons.

II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

- 16.10 Off-Street Parking and Loading
- 16.22 C-1 Downtown Commercial
- 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 74' x 62' church building on a newly created parcel at N. Elm and N.W. Fourth Avenue, as indicated on the accompanying drawing, which was attached to the application received by the City of Canby on September 15, 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 a 175' x 115' site, within the central area of Canby.

Policy #2 is provided for by the proposed C-1 (Downtown Commercial) 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 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 church is considered to be a part of residential or commercial area development as a supporting facility.

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 church will be located upon the S.W. corner of N.W. 4th Avenue and N. Elm Street, within the central Canby area.

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 and 7R do not apply since there are no known aggregate, 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 landscaped open space included as part of the proposal, as required. The site is adjacent to the Canby Pioneer Chapel, a designated historic site. On-site building setbacks, parking, and landscaping are proposed as required. (See landscape plan and site plan.)

v. **Transportation**

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

Analysis

Streets and curbs are all adequate, adjacent to the subject site, but curb repair and sidewalks will be needed, and alley paving is needed.

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 in the general area. 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.

vii. Economic

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

Analysis

Development of this site with a church building, as proposed, will provide service 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 church 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 is interpreted by staff as indicating the proposal's relation to Comprehensive Plan consistency. With conditions, as recommended below, the church use is found to be consistent with the policies of the Comprehensive Plan.

2. Site Suitability

The proposed church site is 175' x 115' in size and is regular in shape, and is adequate for church buildings of the proposed size and shape and for the related parking and landscaping areas. The proposal is a building of 74 x 62 feet and at least 7-1/2% of the site is proposed to be landscaped. The design makes effective use of the site. Final landscape design, by staff, is a part of the Design Review application process. The site is minimal for the use proposed.

3. Availability of Public Services and Facilities for the Site

The site is well served.

4. Compatibility with Surrounding Uses

The church site development has minimum required setbacks in all directions, with landscape treatment along Elm and 4th Avenue. The height of the building is one story and at least 7-1/2%, or 2,260 square feet of additional landscaping is proposed. The traffic will utilize Elm Street, N.W. 4th Avenue, and the alley, to access the site. Adequate parking is provided, with 32 spaces.

D. Evaluation Regarding Site and Design Review Approval Criteria

1. Park IV - Section 2, No. 2

"Minimum area for landscaping is 75% of the total area to be developed" (for Downtown Commercial zoned areas).

The total site is over 30,125 square feet. The church building will be only 4,488 square feet. Thus, 2,260 square feet of landscaped area is required. This part of the site is already paved. The landscaped area is proposed to be located north 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 1.0 spaces per 4 seats. One hundred twenty seats are proposed. Thirty-two spaces are proposed, which is in excess of the standard.

No separate loading spaces are required for a 4,585 square foot building, as proposed.

3. Access

Access is from the existing paved streets on the north and east sides of the site, and from the alley, which will need to be paved.

4. Architecture

The project is designed in "tailored simplicity." (See text and drawings submitted with the application.)

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 service for community. 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

A 4' x 8' sign is part of this review and is proposed to be grey with black raised lettering, facing Elm Street.

c. Street trees

The public works staff have recommended removal of the existing trees and replacement with appropriate street trees from the approved street tree list.

IV. CONCLUSION

Considering the previous analysis, staff hereby determines that the proposed church 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 church; 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 93-06/CUP 93-03 for a church building and related development, with the following conditions:

1. The final landscape and site plan shall be reviewed and approved by the City Planner for consistency with this approval and conditions and ordinance requirements.
2. Sidewalks and alley paving and curb repair shall be provided by the applicant.

3. Street trees shall be replaced and replanted to meet the requirements of the street tree ordinance.
4. Light poles shall be relocated and two more street lights provided, one at the entrance and one at the alley.

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/churchdr.rpt

CONDITIONAL USE APPLICATION

Fee: \$600.00

OWNER

APPLICANT

Name Anselmo Pizzuti and Tony Pizzuti
Address Attorney's Office, 181 N. Grant St.
City Canby State Oreg Zip 97013

Name Church of Christ, Canby
Address 27224 S. Dave Road (Temporary)
City Canby State Oreg Zip 97013
Phone: 266-2550

✓ SIGNATURE Anselmo Pizzuti

DESCRIPTION OF PROPERTY:

Tax Map # 31E33CC Tax Lot(s) # 101 Lot Size 175' by 125' (21875 Sq. Ft)
at SW Corner of Ninth + Elm streets.
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)
Plat Name _____ P.L. 9, Lt Lot 10+11+12 Block 17

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 Church building + Parking Area.
Existing Structures None

PROJECT DESCRIPTION

To build a single story church building with seating capacity for 120 persons. Parking is to be constructed, as required, for 32 vehicles. At least 7 1/2 percent of the building site shall be landscaped according to a desirable approved landscape plan that is generally depicted in the attached Site and Design application.

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

File No. _____
Receipt No. _____
Received by _____
Date Received _____
Completeness Date _____
Pre-Ap Meeting _____
Hearing Date _____



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

D.L.C.'S
UNDER LEE NO. 568 49
SEELY NO. 57



AVENUE

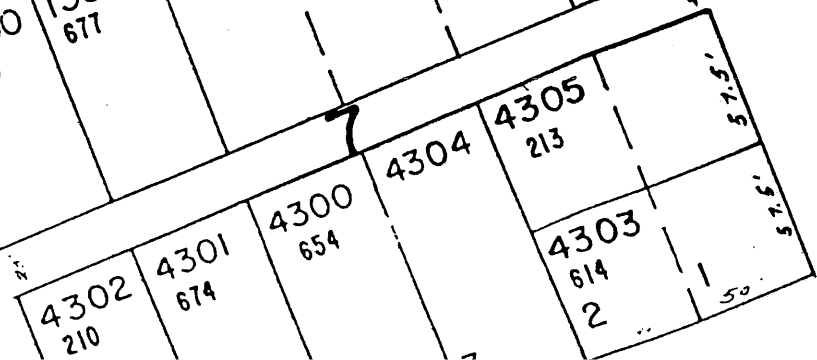
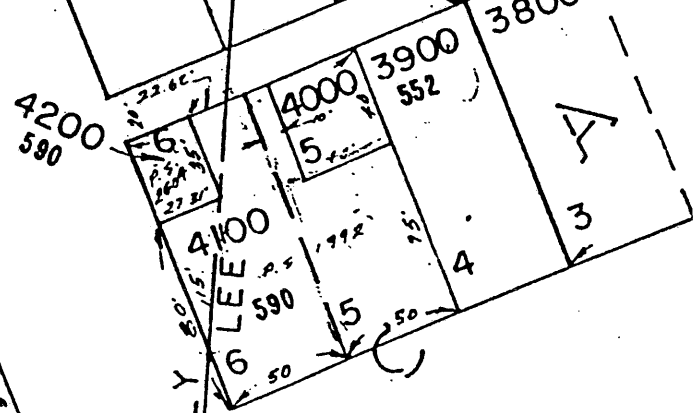
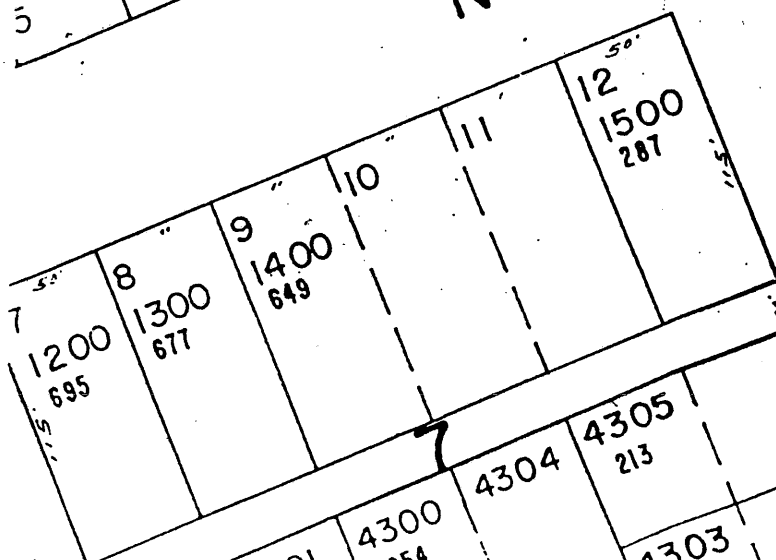
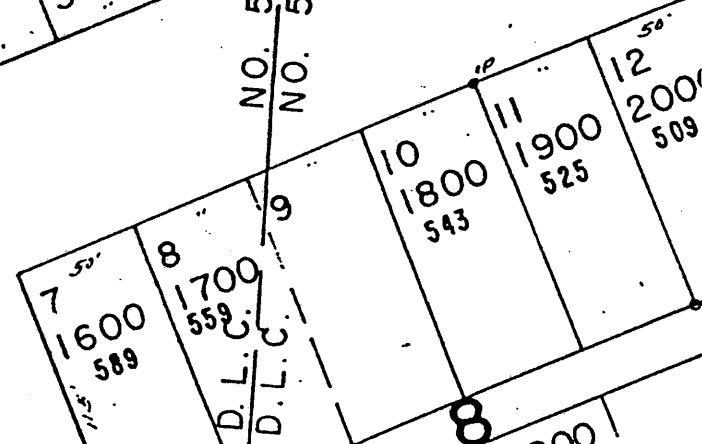
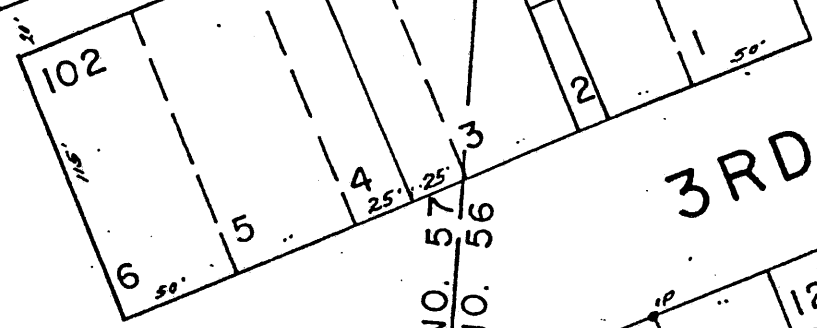
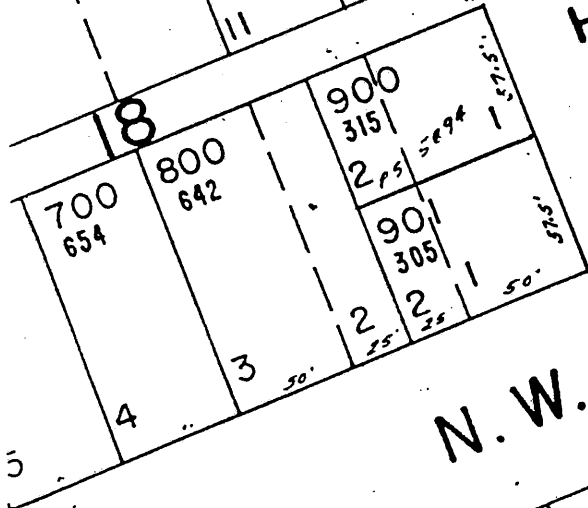
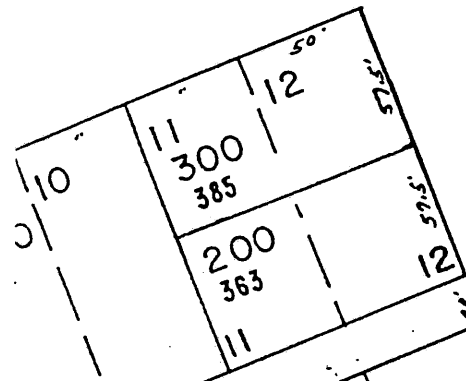
4TH

STREET SV

STREET

3RD

N.W.



SEELY
LEE
D.L.C.
D.L.C.

SITE AND DESIGN REVIEW APPLICATION

Fee: \$500

OWNER

APPLICANT

Name Anselmo Pizzuti and Tony Pizzuti

Name Church of Christ, Canby

Address Attorneys Office, 181 N. Grant St.

Address 2722 1/2 S. Davis Rd.

City Canby State Oreg Zip 97013

City Canby State Oreg Zip 97013

Phone: 266-2550

✓ SIGNATURE Anselmo Pizzuti

DESCRIPTION OF PROPERTY:

Tax Map # 31E33CC Tax Lot(s) # 101

Lot Size 175' by 125' (21875 sq. ft)
at SW corner of N. 4th + Elm Streets
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Pt. Lt. & Blk Lot 10+11+12 Block 17

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USE

Existing Vacant lot
Proposed Church building and Parking Area

Existing Structures None

Surrounding Uses Residential and business

PROJECT DESCRIPTION To build a single story church building with seating capacity for 120 persons. Parking is to be constructed, as required, for 32 vehicles. At least 7 1/2 percent of the building site shall be landscaped according to a desirable approved landscape plan that is generally depicted in this site and Design Application.

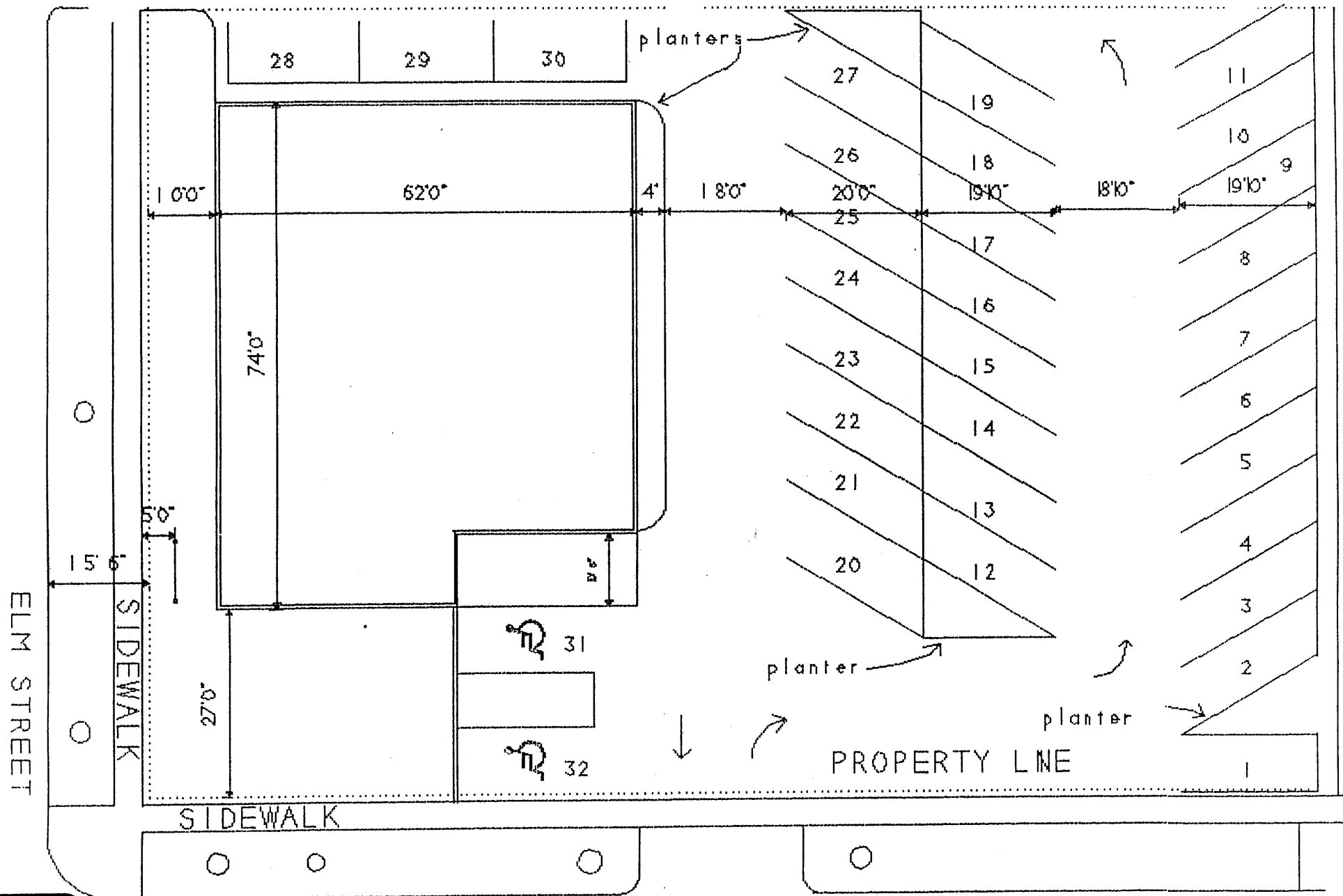
ZONING _____ COMPREHENSIVE PLAN DESIGNATION _____

PREVIOUS ACTION (if any) _____

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

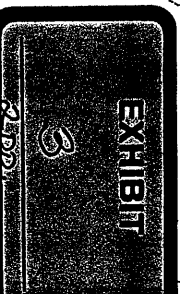


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4TH STREET

scale 1" = 20'



3 Quercus coccinea 3" cal.

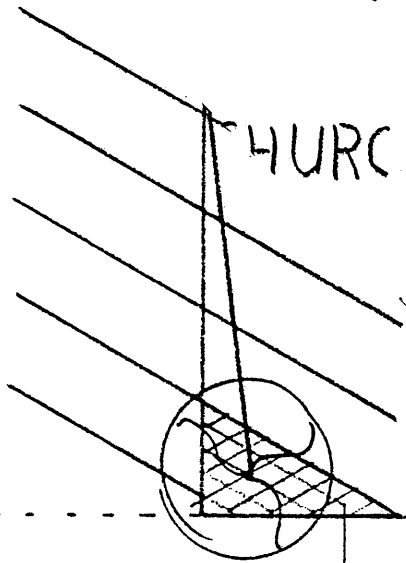
Hypericum 18" oc

S.S. Hypericum 18" oc

LANDSCAPE PLANTING PLAN

CHURCH OF CHRIST

BY OREGON

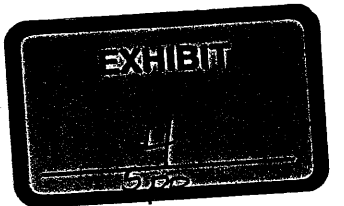
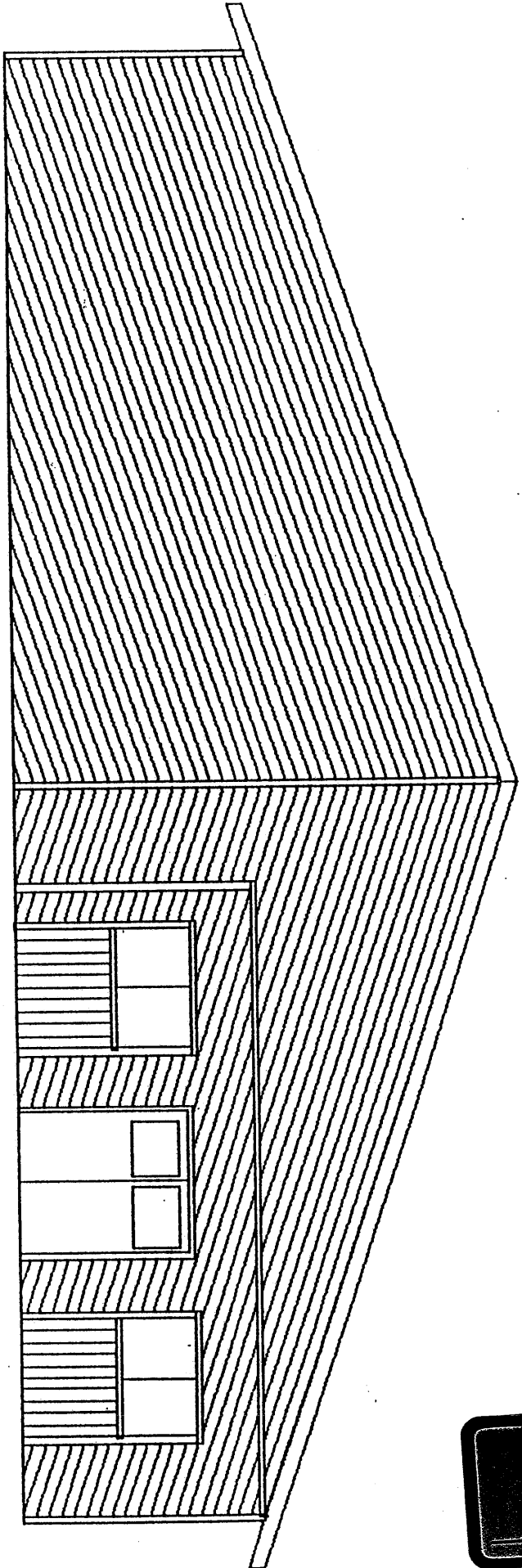


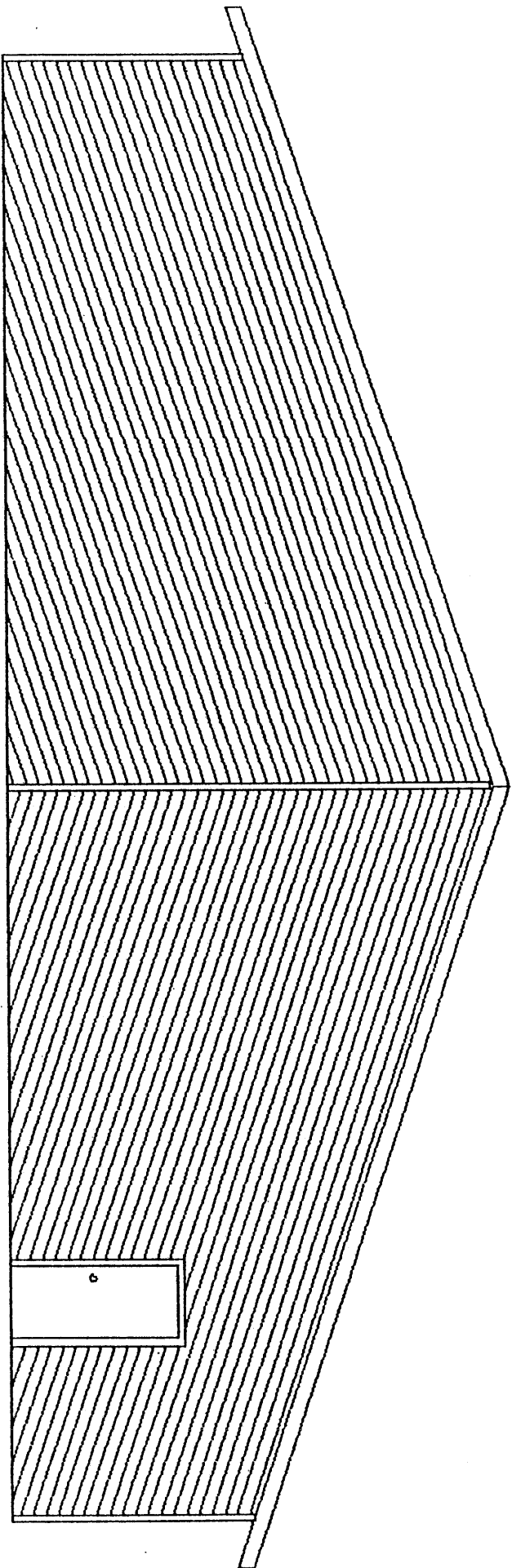
Hypericum 18" oc

By L. Burden

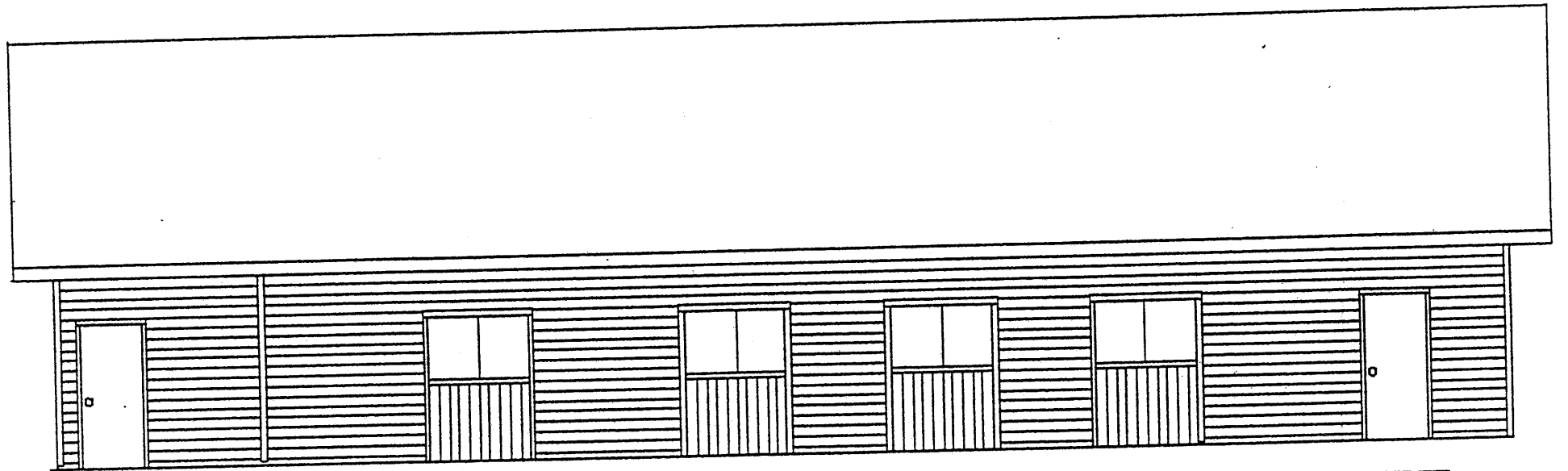
4RD EINS

NORTH ELEVATION FROM 4TH STREET

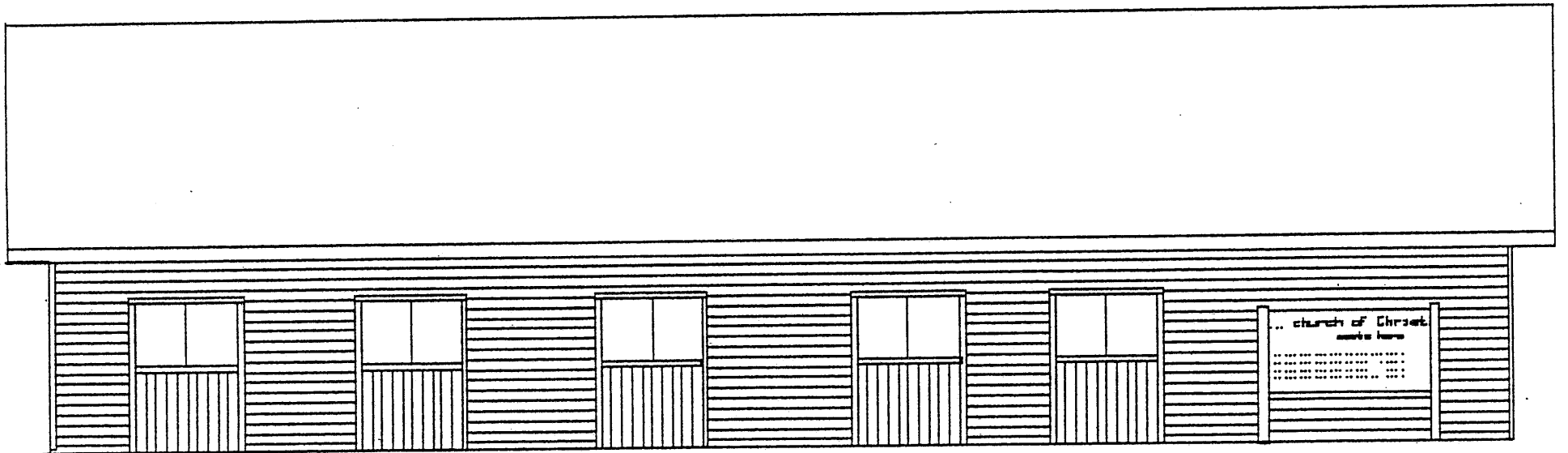




SOUTH ELEVATION



WEST ELEVATION FROM DOUGLAS STREET



EAST ELEVATION FROM ELM STREET

the church of Christ
meets here

Sunday	classes	9:30 AM
Sunday	assembly	10:30 AM
Sunday	assembly	6:00 PM
Wednesday	classes	7:00 PM

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: September 21, 1993

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, ROY

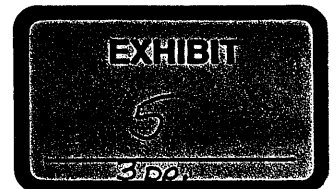
The City has received MLP 93-04/CUP 93-03/DR 93-06, applications by the Church of Christ for approval to partition 21,875 square feet of Tax Lot 101 of Tax Map 3-1E-33CC and to build a single-story meeting facility to accommodate assemblies and classes for various age groups. Parking and landscaping requirements would be met. The site is located at the southwest corner of N.W. 4th Avenue and N. Elm Street *Tax Lot 101 of Tax Map 3-1E-33CC).

We would appreciate your reviewing the enclosed application and returning your comments by September 28, 1993 PLEASE. The Planning Commission plans to consider this application on October 11, 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:

The 2 Locust Trees on N. Elm - HAZARD Remove
The 4 Maple Trees on N.W. 4th Remove - Damage occurring
to Street & Curb. The City will PLANT a recommended
Street Trees in PLANTING Strip upon completion of Project.
The ALLEY needs Asphalt Improvement, Street Light
POLE needs to be RELOCATED. The Sewer Main is in
Alley. 2 more Street Light's would be needed at - 1 AT
Entrance AND 1 at ALLEY.

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



Signature: Mary L. Hester

Date: Sept 24, 1993

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: September 21, 1993

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, ROY

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Comments or Proposed Conditions:

Police Dept has no comments or concerns
at this time.

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

Signature: Jerry Nigier Date: 9/24/93

PLEASE RETURN ATTACHMENTS!!!

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DATE: September 21, 1993

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, ROY

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

Signature: Gary Hyatt Date: 9/27/93

PLANNING COMMISSION

SIGN-IN SHEET

Date: October 11, 1993

NAME
(Please Print)

ADDRESS
(Please Print)

<u>JERRY R. EARNHART</u>	<u>1410 N. OAK ST., CANBY, OR 97013</u>
<u>Miriam Larson</u>	<u>408 NW 4th Canby</u>
<u>Jim D. Gibson</u>	<u>27224 S. Dave Rd Canby 97013</u>
<u>Ellene Christiansen</u>	<u>442 N.W. 4th Ave Canby</u>
<u>CAROL Strode</u>	<u>493 N. Fir Canby 97013</u>
<u>Dennis Cone</u>	<u>280 Forest Cove Rd WL 97068</u>
<u>Darlene Key</u>	<u>509 3rd</u>
<u>FRITZ (DAN) & Janet Hostetler</u>	<u>2542 S.E. 13th, CANBY, OR 97013</u>
<u>Ronald G. Tate</u>	<u>1177 NW 2nd Ave Canby, OR 97013</u>
<u>Guy Gibson</u>	<u>17969 S. New Era Rd. OC 97045</u>
<u>Kevin SMAY</u>	<u>110 NW 10th AVE CANBY</u>
<u>JEFF BRAINARD</u>	<u>198 SW 10th AVE CANBY</u>
<u>TERRY PRINCK</u>	<u>1103 NE 12th Way Canby</u>