

A G E N D A
CANBY PLANNING COMMISSION
REGULAR MEETING
City Council Chambers

Monday, December 13, 1993
7:30 p.m.

I. ROLL CALL

II. MINUTES

November 8, 1993
November 22, 1993

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMISSION DISCUSSION OF PLANNING ISSUES

V. COMMUNICATIONS

VI. FINDINGS

DR 93-08 - Broetje

VII. NEW BUSINESS

VIII. PUBLIC HEARINGS

MLP 93-06 - Brad and Karen Roberts, an application by Brad and Karen Roberts to partition a .59 acre parcel into three lots. The existing house will remain on Parcel #1. Parcel #2 and Parcel #3 are planned for future development. A 20 foot dedication is proposed on the easterly portion of each lot for future expansion of N. Knott to N.E. 9th. The parcel is located on the south side of N.E. 9th Avenue, east of N. Juniper, known as 279 N.E. 9th Avenue (Tax Lots 9100 and 9500 of Tax Map 3-1E-33BD). *(Carried over from November 22, 1993)*

MLP 93-07, an application by Duane A. Zacher to partition an approximate 2.42 acre parcel into two lots, approximately 1.59 acres and .91 acres, respectively. The applicant is proposing to build a home on the front 240 feet of this property, fronting on N. Redwood. The parcel is located on the west side of N. Redwood, 1150 feet north of Highway 99-E (Tax Lot 1001 of Tax Map 3-1E-34B).

DR 93-09, an application by Austen's Body Shop [Wayne Austen] for approval to construct an approximate 5,500 square foot steel building to do body and frame work. The applicant is proposing five hard-surfaced parking spaces. Approximately 800 square feet of landscaping will be installed. The site is located at 801 N.E. 4th Avenue (Tax lots 300 and 400 of Tax Map 3-1E-33DA).

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

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
Wade Wiegand

Linda Mihata, Vice-Chair
Tamara Maher
Bob Gustafson

Henry Fenske
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.



M E M O

TO: *Planning Commission*

FROM: *Bob Hoffman, Planning Director* 

RE: *MLP 93-06 [with Knott Street extended to 9th]*

DATE: *December 1, 1993*

The alternate lot configurations as shown on the attached drawing dated December 1, 1993, if approved, should be conditioned as follows:

For the Final Partition Plat:

1. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 93-06.
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
3. All monumentation and recording fees shall be borne by the applicant.
4. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:

6 feet in width along interior lot lines; and,

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

5. The right-of-way for Knott Street shall be extended to the north from the current Knott Street, to 9th Avenue, by dedication of a 20 foot wide strip for public road and other public purposes.
6. A 20 foot wide half-street improvement including curbs and paving shall be built on Knott, to City standards as determined by the Public Works Director. Actual construction may be phased to provide an 8 foot walkway/bike path and a 12 foot accessway from 9th Avenue to Parcel #2.

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

Prior to the issuance of a building permit for Parcel 1 or 2 or 3:

7. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
8. All utilities, including water and fire hydrants, must meet the standards and criteria of the providing utility authority.

Prior to the Issuance of a Final Inspection of the Building Permit or a Certificate of Occupancy on Each Lot:

9. Sidewalks across the full street frontage at each lot shall be provided, including 9th Avenue and Knott Street.
10. The street panel between the curb and current pavement on 9th Avenue shall be paved.

9th AVE

$$137.75 - 20' = 117.75'$$

20'

66'

25'

26'

EXISTING HOME

15'
MIN.

7771.5[#]
PARCEL #1

20' DEDICATION

(ALT.)

(ALT.)

5'

AVENUE

(VIRGINIA)

137.75

9400

9500⁶⁹
279

9600
339

9700
323

9800
385

9300

20

9200
710

10201
715
CRITES

10202
720

9900
775

10000
735

9000
680

10508

10204
696

10205
676

10206
643

ADD'N

2572

21

900
602
620

10509
651

10506
666

10507
641

10510 ✓

623

10505 ✓
636

10400 ✓
585

880 ✓
600

10511 ✓

595

10504 ✓
602

10600 ✓
575

8700 ✓
588

10503 ✓
680

10700 ✓
551

23

10512
566

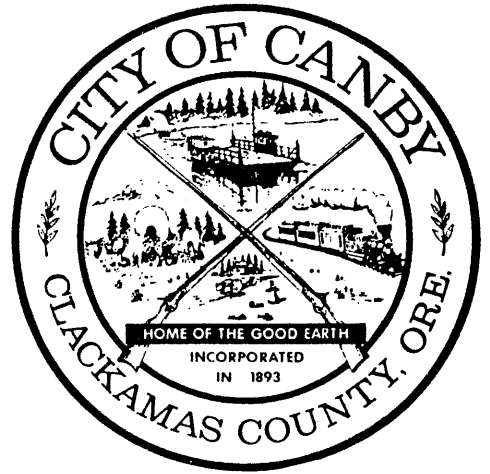
SORENSEN

10502
566, 568
ADD'N

10800
545

N. KNOTT No. 1200 ET AL

MORTI



- STAFF REPORT -

APPLICANT:

Duane A. Zacher
130 S.W. 6th Place
Canby, OR 97013

FILE NO.:

MLP 93-07

OWNER:

Duane A. Zacher

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 1001 of Tax Map 3-1E-34B

DATE OF REPORT:

December 3, 1993

LOCATION:

West side of N. Redwood Street,
1150 north of Highway 99-E

DATE OF HEARING:

December 13, 1993

COMP. PLAN DESIGNATION:

Low Density Residential

ZONING DESIGNATION:

R-1 (*Low Density Residential*)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to partition a 2.5 acre parcel into two parcels, .91 acres and 1.59 acres, respectively.

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. 16.16.030 Development Standards in R-1 Areas
- B. 16.56 General Provisions (for land divisions)
- C. 16.60 Major or Minor Partitions
- D. 16.62 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 1001 of Tax Map 3-1E-34B. It is located on the west side of N.

Redwood Street, approximately 1150 feet north of Highway 99-EE. The property consists of approximately 2.5 acres. There is approximately 165 feet of frontage along N. Redwood Street. The entire parcel is zoned R-1, Low Density Residential. There is an existing storage building near the southern property line and N. Redwood Street. The purpose of the partition request is to be able to build a house while avoiding "tying up" the whole property with a mortgage.

The property was annexed into the City on August 16, 1993 (ANN 92-05). The City recommended approval of the annexation with the following understandings:

1. All development and recording costs are to be borne by the developer when the property is developed.
2. Development of the property will be postponed until a storm water management plan is effected for the area.
3. All City and service provider regulations are to be adhered to at the time of development.
4. Any development of the property, other than one single-family residential structure, must be preceded by a Subdivision or Partition Review.
5. Dedication of land for the widening of N. Redwood Street will be required at the time of development.
6. A waiver of the rights to remonstrance against the establishment of an L.I.D. for roadway or other improvements in N. Redwood Street will be required at time of development.

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 R-1, which is consistent with the land use map of the Comprehensive Plan. The property currently has a storage building on it. The current proposal is to build a single family home on the front parcel, and possibly build another home on the back parcel, with the eventuality of partitioning at least one more lot in the back. The public facilities and services necessary to provide urban level services have the capacity to handle the maximum potential number of homes that could be built on this property (8).

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

No storm water management plan has been submitted to the City. The City has contracted out to have an overall storm water management plan. The plan should be completed by March of 1994.

Because of the difficulty of on-site management of storm water in nearby areas (N. Pine Addition 2, North Woods Addition, and O-Me-Co), a special plan will be needed for the development of this property. 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.

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 both parcels will be from N. Redwood Street. Access for proposed parcel two will be from a twenty (20) foot access drive on the north side of the subject parcel. Proposed parcel one will have an easement over the access drive to utilize the drive as a driveway. As such, there will be one driveway for the current potential of two units. Access for proposed parcel one could be provided independent of the access drive if necessary.

Development of the property to near its maximum potential would require either a private or public road. Any more than a total of three lots (two flag lots) would require a sidewalk going back to the back properties, which would require at least 25 feet (20 feet of paved surface for two-way traffic, 1 foot for curbs, and 4 feet for a sidewalk) for access. A pattern that would best utilize this property and neighboring properties would involve shared roads - half a road built on this property and half a road built on a neighboring property. The applicant has stated that the neighbor to the north has no intention of developing their property, and would not be interested in sharing a road way for development. The applicant has also stated that the desired development for this property is a total of three lots. As such, twenty (20) feet of access would be sufficient. With the current concern for utilizing the infrastructure and the land within the City limits, allowing for a higher potential number of lots to be developed would be appropriate. Thus, a twenty-five (25) foot wide access to the back parcel is needed.

N. Redwood Street is a collector street in the Comprehensive Plan. The City is looking for a total of sixty (60) feet of right-of-way. There is currently forty (40) feet of right-of-way. The City has received an additional ten (10) feet of right-of-way on the east side, further north, from Redwood Meadows Subdivision and Redwood Terrace Apartments. Ten (10) additional feet of right-of-way and road improvements will be needed along the road frontage of this property. Street widening, curbs and sidewalks are all part of the road improvements needed. Currently, there are no sidewalks along N. Redwood (except near Territorial Road, with the subdivision and apartments), however there is high potential for development of properties along N. Redwood. Therefore, it would be most appropriate to require sidewalks at this time.

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. Storm water disposal was discussed under the Environmental Concerns Element of the Comprehensive Plan. A sewer line is located in N. Redwood Street. With the current proposal, an 8" sewer main would not be required. If only two additional flag lots were later developed, each could be serviced by the standard 6" laterals. If more than two additional lots were later developed, an 8" main sewer line with a manhole in N. Redwood Street would be needed. The decision on which sewer facility to construct can be made at the time that further development is proposed.

Urban level service for water and fire fighting is not readily available for the property. According to the Canby Utility Board Master Plan for the City's water system, this property will be serviced by a main line in N. Redwood Street. The main line will extend south from Territorial Road, to a point approximately due east of N.E. 9th Avenue (just east of N. Pine Street). Therefore, the nearest water main that can be extended to service this property is approximately 1400 feet away, in the cul-de-sac at the eastern end of N.E. 9th Avenue, east of N. Pine Street. An easement would be needed to extend the water main out to N. Redwood Street. The water main is also located approximately 1700 feet to the north in N. Redwood Street, at the southern end of the Redwood Meadows Subdivision.

vii. Economic

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

viii. Housing

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

ANALYSIS

The partition of the subject property will allow additional housing units to be built in a residential area.

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 partitioned lots do not meet the basic requirements of the Solar Access Ordinance. The lots do not meet the requirements specifically in regard to the orientation of the front lot line. The parent parcel also does not meet the standard requirement because the lot frontage is not oriented within 30 degrees of true east-west. The proposed lots are oriented toward N. Redwood Street, a north-south street, and no new streets are proposed which would allow the lots to be oriented within 30 degrees of true east-west. Section 16.95.050.A.1(c,d) provide for adjustment of the standard requirement in the event of existing road patterns and/or easements/right-of-ways that prevent the lots from being properly oriented. If development of the back parcel includes more than two lots, the lots would be able to meet the basic requirements as a private road (which would be an east-west road) would be needed to access the lots. The current proposal meets the goals and policies of this element if an adjustment is granted for the existing roadway alignment that prevents the proposed lots from being oriented within 30 degrees of true east-west. The State has rules which encourage energy conservation through design and construction methods.

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

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

C. Overall Design of Parcels

The configuration of the partition will allow for proper setback distances for residential construction. Parcel one will be an 'oversized' lot (32,200 square feet including right-of-way dedication). "Urban-sized" lots in Canby tend to be in the range of 7,000 square feet to 13,000 square feet. The back parcel will be 69,300 square feet, sufficient area for another eight (8) lots. With a twenty-five (25) foot wide access drive for the back parcel, the design of the partition will permit the maximum potential of development of the parcel.

V. CONCLUSION

1. Staff finds that the partition request, with appropriate conditions, is in conformance with the Comprehensive Plan and the Municipal Code.
2. Staff concludes that the overall design of the proposed partition will be compatible with the area and will provide adequate building area for the provision of public facilities and services for the lots.
3. Staff concludes that, with appropriate conditions, the overall design and arrangement of the proposed parcels are functional and will adequately provide building sites, utility easements, and access facilities which are necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
4. Staff concludes that all necessary public services will become available through the development of the property, to adequately meet the needs of the proposed land division.
5. Staff finds that due to the orientation of the only street for the partition, N. Redwood Street, and due to the north-south dimension of the parcels (in excess of 100 feet), the standard requirement for solar access for new development is adjusted such that the partition is acceptable in regards to this provision.

VI. RECOMMENDATION

Based upon the findings and conclusions in this report, and without benefit of public hearing, staff recommends approval of MLP 93-07, subject to the following conditions:

1. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 93-07.
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
3. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
4. All monumentation and recording fees shall be borne by the applicant.
5. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:
 - 6 feet in width along interior lot lines; and,
 - 12 feet in width along exterior lot lines.
6. All utilities must meet the standards and criteria of the providing utility authority.
7. The access way for the back parcel shall be at least twenty-five (25) feet wide.
8. The land divider shall follow the provisions of Section 16.64.070 Improvements, in particular, but not limited to, subparagraph (O) Bonds, which requires a surety bond, personal bond, or cash bond for improvements, for any improvement not completed prior to the signing of the final plat. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.

9. Ten (10) feet of right-of-way along N. Redwood Street shall be dedicated to the City.
10. N. Redwood Street shall be improved along the frontage of both parcels. The improvements shall include street widening, curbs, and sidewalk. The improvements shall be approved by both the Public Works Department and the County.
11. A water main shall be constructed to the property in accordance with the Canby Utility Board Distribution Master Plan (January 1993).
12. A storm water plan shall be submitted to the City and approved by the Public Works Department prior to the signing of the plat. Improvements according to the plan shall be constructed or bonded (condition #8) prior to the signing of the plat.

Exhibits:

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

MINOR LAND PARTITION APPLICATION

Fee: \$600.00

OWNER

Name Duane A. Zacher
Address 130 S. W. 6th. Place
City Canby State OR Zip 97013
Signature *Duane A. Zacher*

APPLICANT

Name Duane A. Zacher
Address 130 S. W. 6th. Place
City Canby State OR Zip 97013
Phone: 503-266-7811

DESCRIPTION OF PROPERTY:

Tax Map 3-1E-34B Tax Lot(s) 1001 Lot Size 2.42 Acres
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name South 1/2 of Lot 87 Block _____ Canby Gardens
NW 1/4 NW 1/4 Sec. 34 T3S, R1E, W. M.

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 Land/Storage Shed Proposed Residential

Existing Structures Storage Pole Building

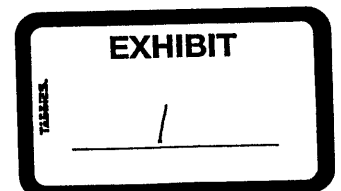
PROJECT DESCRIPTION

Build one home on front 240 feet of this property.
Want to divide into ~~three~~ ^{two} building lots as shown on attached plat map.
BZ

ZONING _____ COMPREHENSIVE PLAN DESIGNATION _____

PREVIOUS ACTION (if any) _____

File No. MLP 93-07
Receipt No. 2571
Received by JSW
Date Received 10/29/93
Completeness Date 11/1/93
Pre-App Meeting _____
Hearing Date 12/2/93



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

- SW 1st Ave. (89E) K-5
- SW 2nd Ave. K-5
- SW 3rd Ave. L-5
- SW 4th Ave. L-4
- SW 5th Ave. L-5
- SW 5th Ct. L-5
- SW 6th Ave. L-5
- SW 6th Pl. L-6
- SW 7th Ave. L-6
- SW 8th Ave. L-6
- SW 9th Ave. L-6
- SW 10th Ave. L-6
- SW 11th Ave. M-6
- SW 13th Ave. M-5

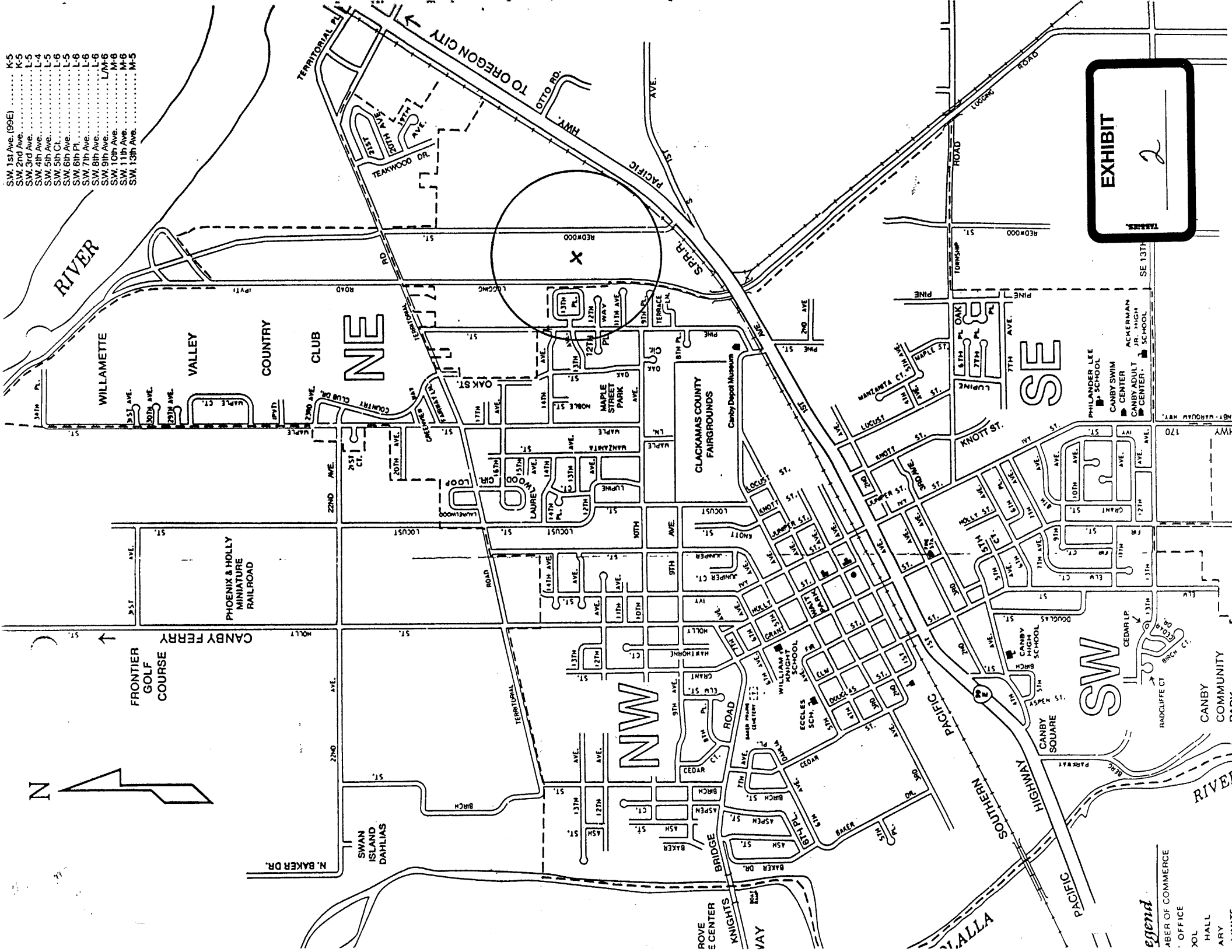
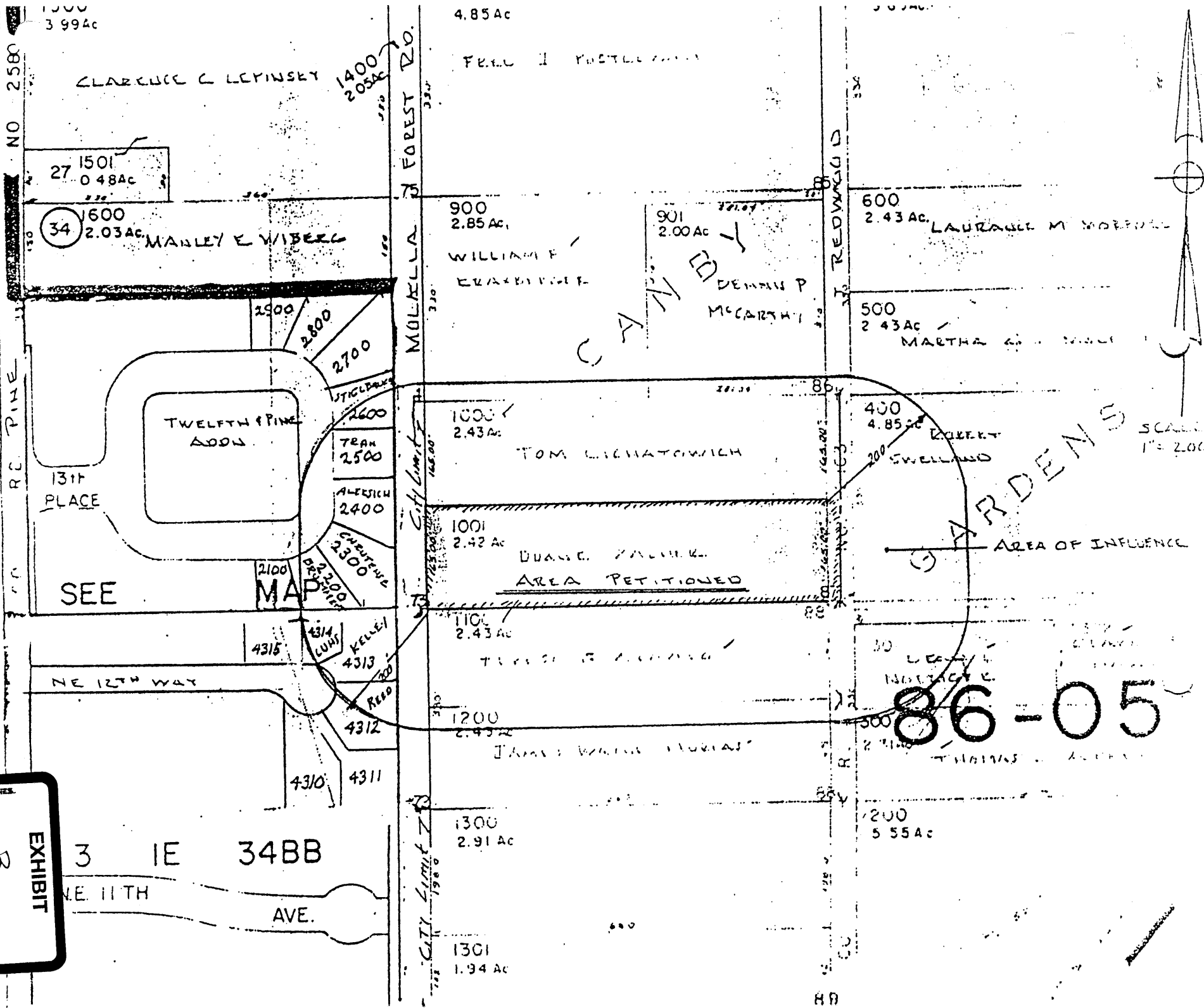


EXHIBIT
2

Legend
 ABER OF COMMERCE
 OFFICE
 XOL
 HALL
 ARY
 AN

SEE MAP 3 IE 28

2



TABULAR

2 p.p.

3

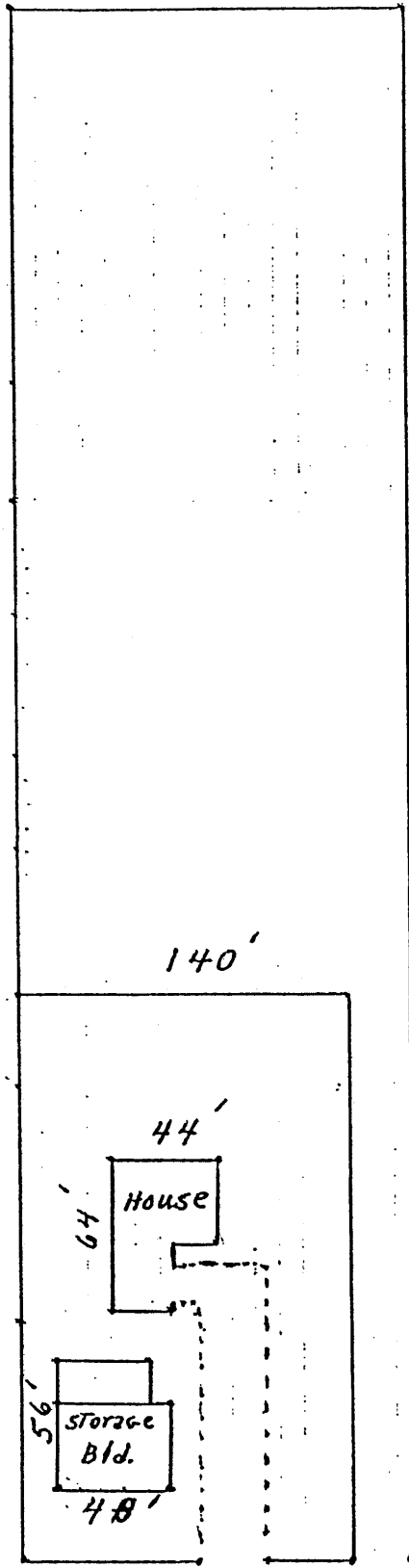
EXHIBIT

3 IE 34BB

86-05

SCALE 1" = 200'

Duane & Bonnie Zacher WK 266-7811
1275 N. Redwood RES. 266-2614



165'

Logging Road

200'

220'

660'

140'

240'

44'

House

64'

56'

Storage Bld.

48'

140'

20'

Redwood

10' per 59'

PLEASE RETURN ATTACHMENTS!!!

Row
11/22/93

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: November 15, 1993

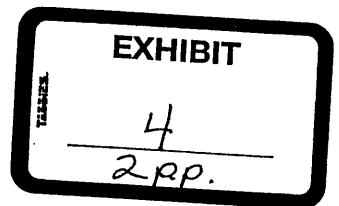
TO: FIRE, POLICE, CUB, CANBY ELEMENTARY AND CANBY HIGH SCHOOL DISTRICTS,
TOM PIERSON, TODD SCHMIT, GARY HYATT, CLACKAMAS COUNTY, MIKE
JORDAN, JOHN KELLY, ROY, SEWER

The City has received MLP 93-07, an application by Duane A. Zacher to partition a 2.42 acre parcel into two lots. The applicant is proposing to build a home on the front 240 feet of this property, fronting on N. Redwood. The parcel is located on the west side of N. Redwood, 1150 feet north of Highway 99-E (Tax Lot 1001 of Tax Map 3-1E-34B).

We would appreciate your reviewing the enclosed application and returning your comments by November 29, 1993 PLEASE. The Planning Commission plans to consider this application on December 13, 1993. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

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



Signature: Gary F. Hyatt Date: 11/18/93

PLEASE RETURN ATTACHMENTS!!!

11/29/93
RLW

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: November 15, 1993

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

The City has received MLP 93-07, an application by Duane A. Zacher to partition a 2.42 acre parcel into two lots. The applicant is proposing to build a home on the front 240 feet of this property, fronting on N. Redwood. The parcel is located on the west side of N. Redwood, 1150 feet north of Highway 99-E (Tax Lot 1001 of Tax Map 3-1E-34B).

We would appreciate your reviewing the enclosed application and returning your comments by November 29, 1993 PLEASE. The Planning Commission plans to consider this application on December 13, 1993. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

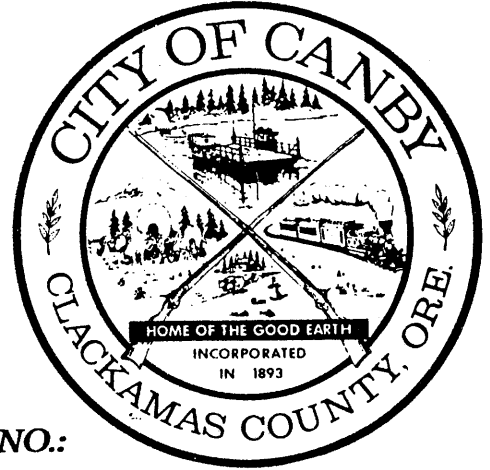
Comments or Proposed Conditions:

For Future Install Manhole on Sewer Main and Install
a 8" Sewer MAIN down driveway TO serve
all lots as they develop. Curb and Sidewalk
should be Installed

- 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. Wexter Date: Nov. 29, 1993

- STAFF REPORT -



APPLICANT:

Austen's Body Shop
801 N.E. 4th Avenue
Canby, OR 97013

FILE NO.:

DR 93-09

OWNER:

Wayne Robert Austen
27135 S. Gribble Road
Canby, OR 97013

STAFF:

Robert G. Hoffman, AICP
Planning Director

RGH

LEGAL DESCRIPTION:

Tax Lots 300, 400
of Tax Map 3-1E-33DA

DATE OF REPORT:

December 3, 1993

LOCATION:

South side of N.E. 4th Avenue,
west of N. Pine Street

DATE OF HEARING:

December 13, 1993

COMP. PLAN DESIGNATION:

Light Industrial

ZONING DESIGNATION:

M-1 Light Industrial

I. APPLICANT'S REQUEST:

The applicant is requesting approval of a Design Review Application to construct a new body shop (30' x 95') for body and frame work. The total site, including the existing body shop, is 0.7 acres.

II. APPLICABLE REGULATIONS

- City of Canby General Ordinances:
 - 16.10 Off-Street Parking and Loading
 - 16.32 M-1 - Light Industrial Zone
 - 16.49 Site and Design Review
 - 16.88 General Standards

III. MAJOR APPROVAL CRITERIA

Site and Design Review

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

- A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
- B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
- C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.
- D. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this section. If the site and design review plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.
- E. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.

IV. FINDINGS:

A. Background and Relationships:

The existing body shop is approximately 5,500 square feet and has serviced vehicles for some time. It is accessed by way of an easement to N.E. 4th Avenue. It was built in 1979, with an addition of an office in 1984. A single family residence on Tax Lot 400 was demolished in 1978.

B. Comprehensive Plan Consistency Analysis

i. CITIZEN INVOLVEMENT

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

ANALYSIS

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

ii. URBAN GROWTH

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

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

ANALYSIS

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

iii. LAND USE ELEMENT

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

ANALYSIS

The proposal is for a new building which will be occupied by an auto body shop. The property is zoned Light Industrial, which is consistent with the Land Use Designation of the property in the Comprehensive Plan. The proposed use is permitted outright in the Light Industrial zone, and is appropriate for the location.

The Fairgrounds is on the north side of N.E. 4th Avenue and its main parking lot exists immediately to the east of the subject site. Industries are located to the west. The railroad is located to the south. No houses are nearby.

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 site will require an on-site storm water drainage system. The design and construction of the system will need to be reviewed and approved by the Director of Public Works. State and Local Code regulations will require the development to meet standards to prevent air, water, and noise pollution. The site is in use for auto service and is not a part of the City's inventory of needed open space. Thus, the proposal will have minimal effect on the open space. The "subsurface sewage disposal" system was reviewed in 1976. The location is more than 100 feet from a sewer and, therefore, is exempt from required connection. There is no change proposed to the current system.

v. TRANSPORTATION CONCERNS

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

ANALYSIS

The access to the proposed development will be from N.E. 4th Avenue. The existing access drive is on a 300 foot long, 20 foot wide easement which enters N.E. 4th Avenue directly across from the Fairgrounds. This building project is an additional building on an existing site. The paving and sidewalk requirements apply only to the expansion area. The applicant proposes to pave all parking and maneuvering areas that result from the construction of the new building .

vi. PUBLIC FACILITIES AND SERVICES

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

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

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

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

ANALYSIS

All public facilities are available for the proposal with adequate capacity. Police, Fire and Water services have adequate capacity to service this project. We will report on any input from service providers which may be received after the date of this report.

No sidewalks are proposed. The new building will be located about 450 feet from N.E. 4th Avenue. The entrance to the building, located on the north side facing the parking lot, will be accessible from the paved apron and parking area, which is proposed near the existing office entrance. Access will be by way of the existing access easement.

vii. ECONOMIC

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

Policy #2: Canby shall encourage further commercial development and redevelopment at appropriate locations.

Policy #3: Canby shall encourage economic programs and projects which will lead to an increase in local employment opportunities.

ANALYSIS

The applicant is proposing to build a new structure that will increase the amount of service space available in Canby. The increase in available service is appropriate, with proper provisions, to meet the requirements of the Site and Design Review section of the Zoning Ordinance. It will provide additional income, taxes and services to the City.

viii. HOUSING

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

ANALYSIS

The jobs, services and income will benefit Canby residents and no negative impacts on needed housing is anticipated.

ix. ENERGY CONSERVATION

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

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

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

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

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

ANALYSIS

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

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

Based upon the above described analysis, the proposal is hereby found to be consistent with the policies of the Comprehensive Plan.

D. Evaluation Regarding Site and Design Review Approval Criteria

1. Part IV - Section 2, No. 2

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

The applicant is proposing to landscape approximately 1,100 square feet on the parcel in a number of separate landscaped areas along the rear property line and near the office and main parking area. The new shop plus apron total about 5,700 square feet $\times 15\% = 855$ square feet. Thus, the proposal exceeds the required 15%.

2. Parking and Maneuvering Space

The main tenant of the building will be a body shop for vehicle repair. The 2,750 square foot building would require five parking spaces. They are proposed to be near the office entrance and will be hard-surfaced and striped. All maneuvering space for the new building would be hard-surfaced with macadam or concrete. An apron of at least 2,850 square feet in front of the new shop will be paved.

3. Access

Access to the proposed development will be from N.E. 4th Avenue. The existing access driveway is on a 20 foot wide easement.

4. Architecture

The steel building will have steel painted yellow siding, white doors, and brown trim. The applicant has submitted a color chart for the siding. The chart and colors are available for review in the Planning Department, and will be present at the public hearing.

The applicant is proposing no additional signs. The building elevations appear appropriate for the function and location. It is an industrial building in a Light Industrial area.

5. Other Aspects

a. Utilities

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

b. Landscaping

The parcel will be landscaped with approximately 1,100 square feet of vegetation. Most will be adjacent to the main parking area and office [650 square feet]. The rear property line will have a row of trees and shrubs [420 square feet]. There will be six trees and at least 12 shrubs.

c. Parking Lot Landscaping

At least 5 parking spaces are required and are exempt from any special landscaping requirements, but most of the proposed landscaping is adjacent to the parking lot.

d. Density and yards and height

M-1 zoning permits a commercial/retail building with minimum lot size of 5,000 square feet. Tax Lot 400 exceeds 8,000 square feet. The height of the building will be approximately 15 feet, well within the maximum height requirement of 45 feet. There are zero setback requirements, except where adjacent to Highway 99-E, where the "street yard is 20 feet." Street yard means a yard lying between the nearest point of a building and the street, and measured horizontally to the street lot line. A 100 foot railroad right-of-way separates the rear portion of Tax Lot 400 from Highway 99-E. This does not appear to be a "street Yard." A setback on this side would not accomplish much unless the Commission would prefer a continuous row of trees along the rear property line. According to our resident tree expert, this row would require 15 feet of space for mature trees. This space would be difficult to maintain and would attract trash and rubbish. Staff does not recommend a building setback.

V. CONCLUSION

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

Further, staff concludes that, with the proposed approval conditions:

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

V. RECOMMENDATION:

Based upon the application, elevations, the site plan received by the City on November 17, 1993 and supplemented on December 1, 1993, the facts, findings and conclusions of this report, and without the benefit of a public hearing, staff recommends that the Planning Commission approve, with conditions, DR 93-09 for a body shop building. Furthermore, staff recommends approval of DR 93-09 with the following conditions:

1. Storm drainage design and construction shall meet the requirements of the Director of Public Works.

2. The applicant shall provide a waiver of remonstrance for any traffic improvements needed for N.E. 4th Avenue.
3. The applicant shall provide one (1) handicapped parking space.
4. The preliminary landscape plan is accepted for this project.
5. The ground cover shall cover all proposed landscaped areas and shall be planted so as to completely cover the landscaped areas within three (3) years. The calipers of the trees shall be at least 2", as measured 6' above the ground. All landscaping shall be bonded or shall be planted prior to the issuance of a certificate of occupancy for the building. A maximum of 5% of the landscaped area may be in bark dust at mature planting (within 3 years).
6. All landscape areas shall be irrigated utilizing a fully automatic underground irrigation system, or there shall be a readily available water supply within one hundred and fifty (150) feet of any landscaped area.
7. A landscape construction plan shall be submitted with the building permit application. The plan shall include an irrigation system, planting type and schedule, plant sizes, and plant spacing.
8. During construction, erosion control shall follow the Erosion/Sedimentation Control Plans Technical Guidance Handbook for Clackamas County, August 1991 (as amended).
9. No sign is approved as a part of this approval.

Exhibits:

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

SUBMITTAL AND DESIGN REVIEW APPLICATION

Fee: \$500

OWNER Name WAYNE ROBERT AUSTEN APPLICANT Name AUSTEN'S Body Shop
 Address 27135 S. GIBBIE RD Address 801 NE 4th
 City CANBY State ORE Zip 97013 City CANBY State ORE Zip 97017
 SIGNATURE Wayne R. Austen Phone: 503-266-2354 Shop

DESCRIPTION OF PROPERTY:

Tax Map 3-1E-33DA Tax Lot(s) 300 & 400 Lot Size 1/4 ACRES - 1/2 ACRES
 or 735 - R1E SEC. 33 DA (Acres/Sq. Ft.) TOTAL 3/4 ACRES

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

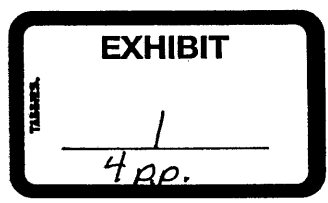
Existing Body Shop
 Proposed SAME (BODY WORK ONLY - CLEAN UP STALL)
 Existing Structures ONE BUILDING 5500 SQ FEET METAL TYPE

Surrounding Uses Fair Grounds + Industrial + RR

PROJECT DESCRIPTION ONE 30 X 95 BUILDING FOR BODY
FRAME WORK - ONE STALL FOR DETAIL + CLEAN UP, STEEL
TYPE BUILDING - STEEL PAINTED - YELLOW SIDES - WHITE
DOORS - BROWN TRIM - (BLACK TOP 5 STALLS AND LANDSCAPE
ABOUT 800 SQ. FEET) BLACK TOP & LANDSCAPE WILL BE DONE IN
FRONT OF EX. OFFICE IN FRONT SHOP - IF NEEDED MORE LANDSCAPE
ALONG BACK FENCE BY NEW BUILDING - UAT

ZONING M-1 COMPREHENSIVE PLAN DESIGNATION _____
 PREVIOUS ACTION (if any) NONE

File No. DR 93-09
 Receipt No. 2604
 Received by lr
 Date Received 11-17-93
 Completeness Date _____
 Pre-Ap Meeting _____
 Hearing Date 12-13-93



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

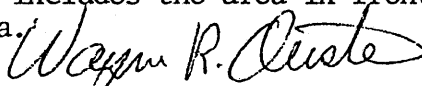
))

Access and Circulation

Access to the property is off of Fourth Street in front of the Clackamas County Fairgrounds. We have a 20 foot easement, that is approximately 385 feet long. The easement runs beside Canby Plumbing, in which we are located directly behind on the North side. We are bordered by Southern Pacific Railroad (main line), which is located on the South side of our building. Located to our West side is Package Containers. Clackamas County Fairgrounds is on the East side. We feel we have plenty of circulation around both the existing and new proposed buildings, we have ample room between shops.

Our property is totally fenced for protection.

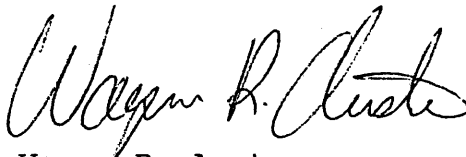
Areas used for standing or maneuvering of vehicles will be macadam, asphalt, or concrete surfaces. This includes the area in front of the new shop and the drive to reach that area.



Wayne R. Austen
November 16, 1993

Black Top Parking

Regarding the conversation with Bob Hoffman and James Wheeler, planners for the City of Canby, it was recommended that we would need five hard surfaced parking spots. It was recommended that they be placed in front of main office where customers enter the building. The area is outlined on page one.

A handwritten signature in cursive script, reading "Wayne R. Austen".

Wayne R. Austen
November 16, 1993

Landscaping

In regards to the conversation with Bob Hoffman and James Wheeler, planners for the City of Canby, it was recommended that we landscape approximately 800 square feet of area. It was recommended that the area to be landscaped be around the front shop by the office. In front of the area in which customers come in for car repair estimates. It was also recommended to landscape along south side of property in back of the proposed building along fence area. We would be happy to landscape wherever needed, we will be putting in proper ground cover and/or trees as per your recommendation.



Wayne R. Austen
November 16, 1993

- S.E. 7th Pl. L-7
- S.E. 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

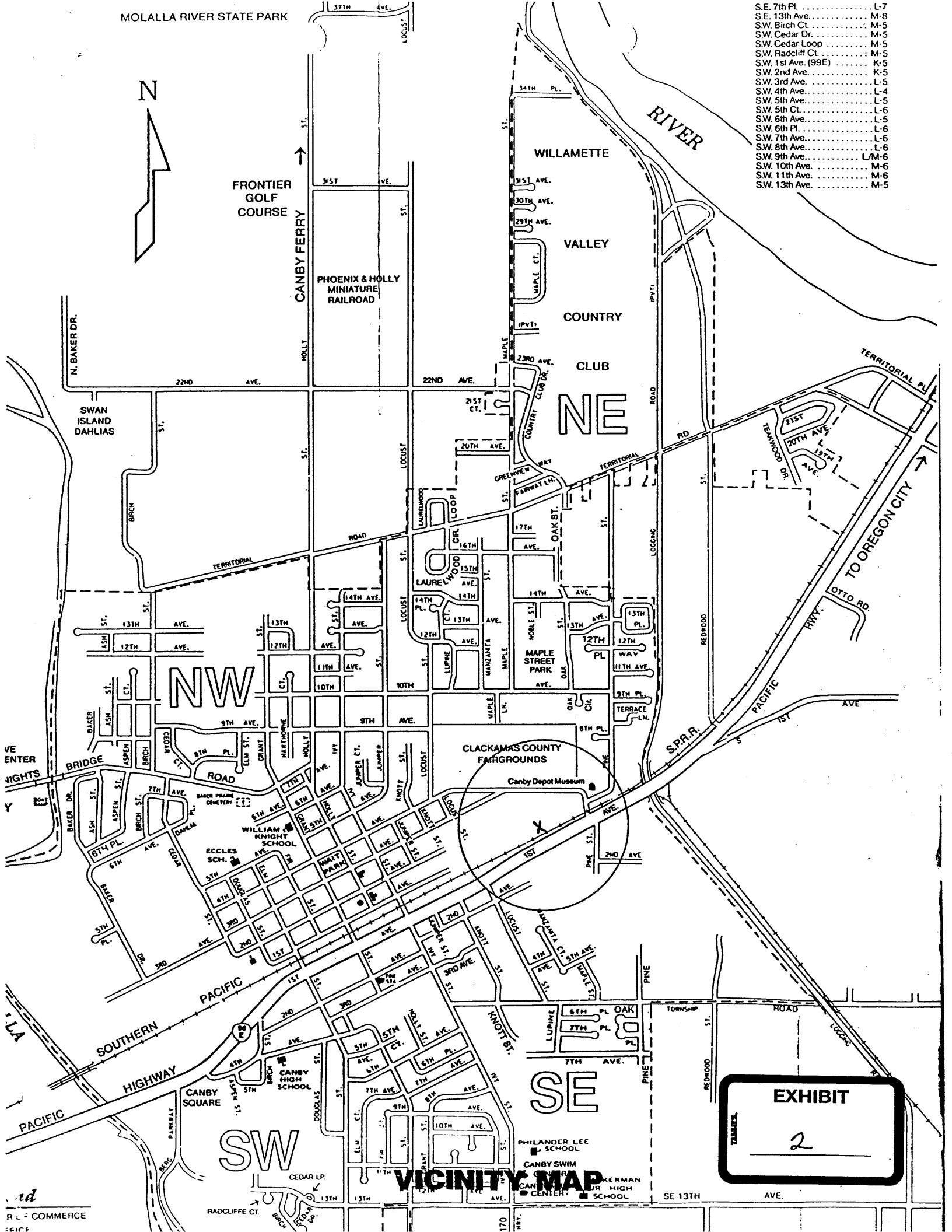


EXHIBIT
2

VICINITY MAP

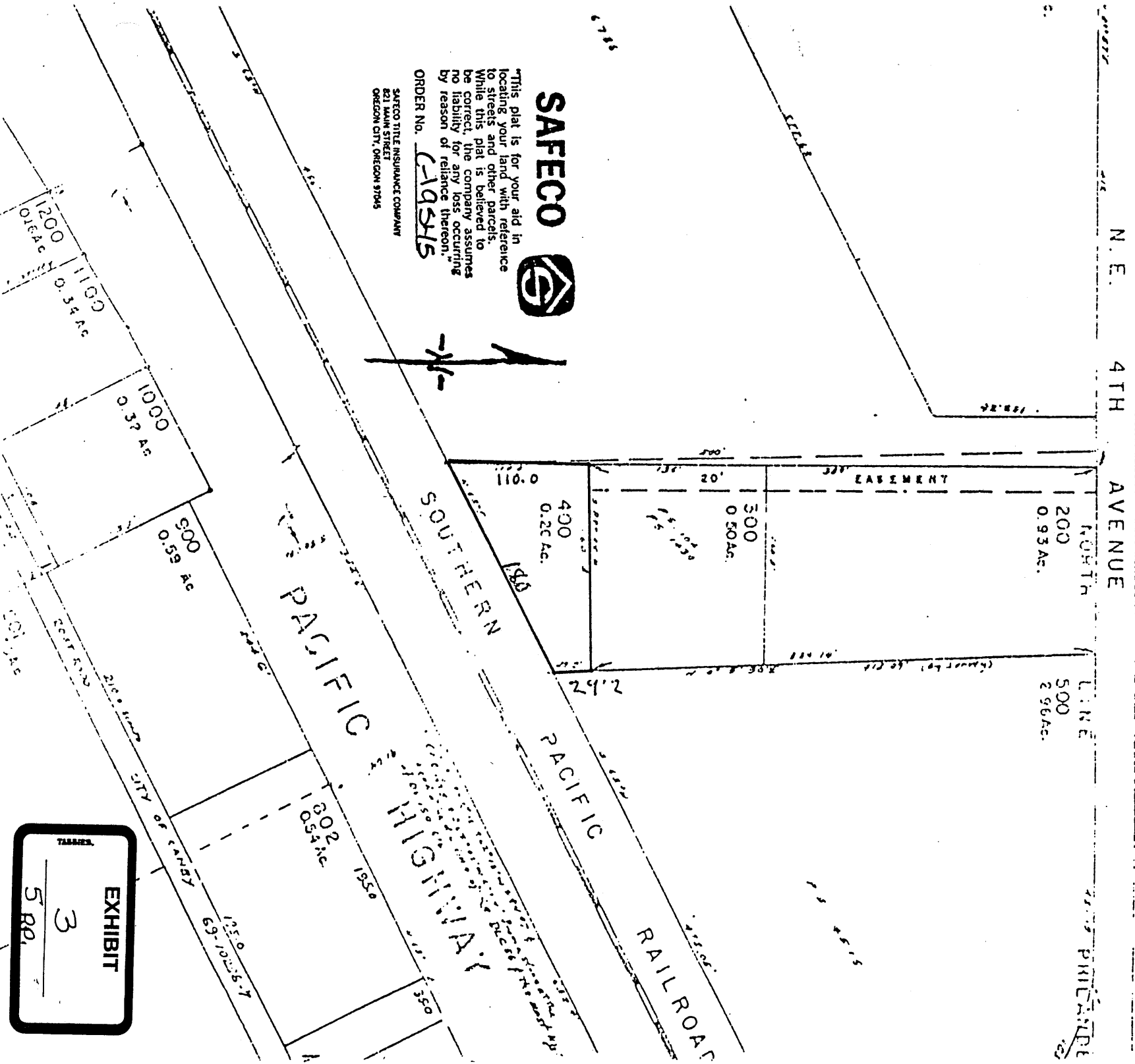
ed
R. COMMERCE
CE

NE 1/4 SLIM SEC. 33 T.33S. R.1E. W.M.

CLACKAMAS COUNTY

1"=100'

SEE MAP 3 1E 33



SAFECO



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

ORDER No.

C-195415

SAFECO TITLE INSURANCE COMPANY
821 MAIN STREET
OREGON CITY, OREGON 97045

EXHIBIT
3
5 RD.

BLACK TOP PARKING
(Existing shop)

NEED "5"
5-7 PARKING
SPOTS
80' x 42'

62' →

CONCRETE
SLAB

20'

Main office

24'

↑

80' ↓

BLACK TOP PARKING

42'

Main shop

20'

20'

10'

Paint area

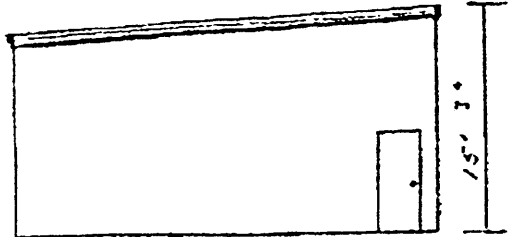
30'

32'

PACKAGE CONTAINERS

16

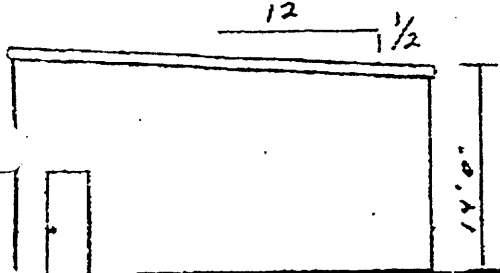
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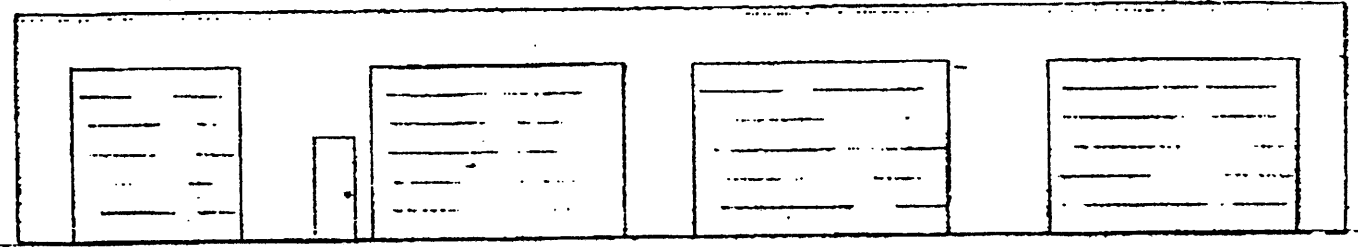
SIDE



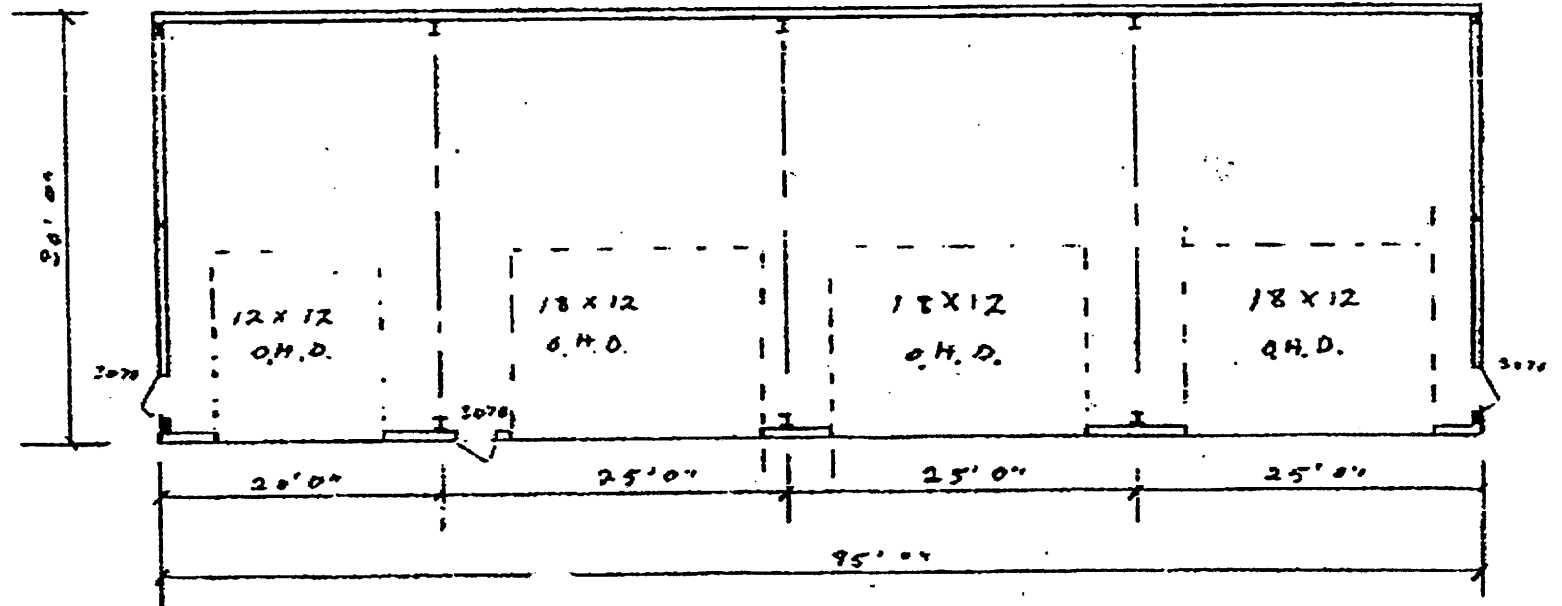
REAR



SIDE



FRONT



5- Blacktop Parking Spaces
800 sq' of Landscaping
AS PER- PLANNER'S
BOB HOFFMAN
JAMES WHEELER

CANBY PLUMBING

385'
TO
4th
↑

← 20' →

1" = 20'

160.3

10.5'

80

20.5±

CONCRETE
SLAB

20'

OLD
Shop

50

20

20'

← 42' →

42'

10'

CONCRETE
SLAB

30

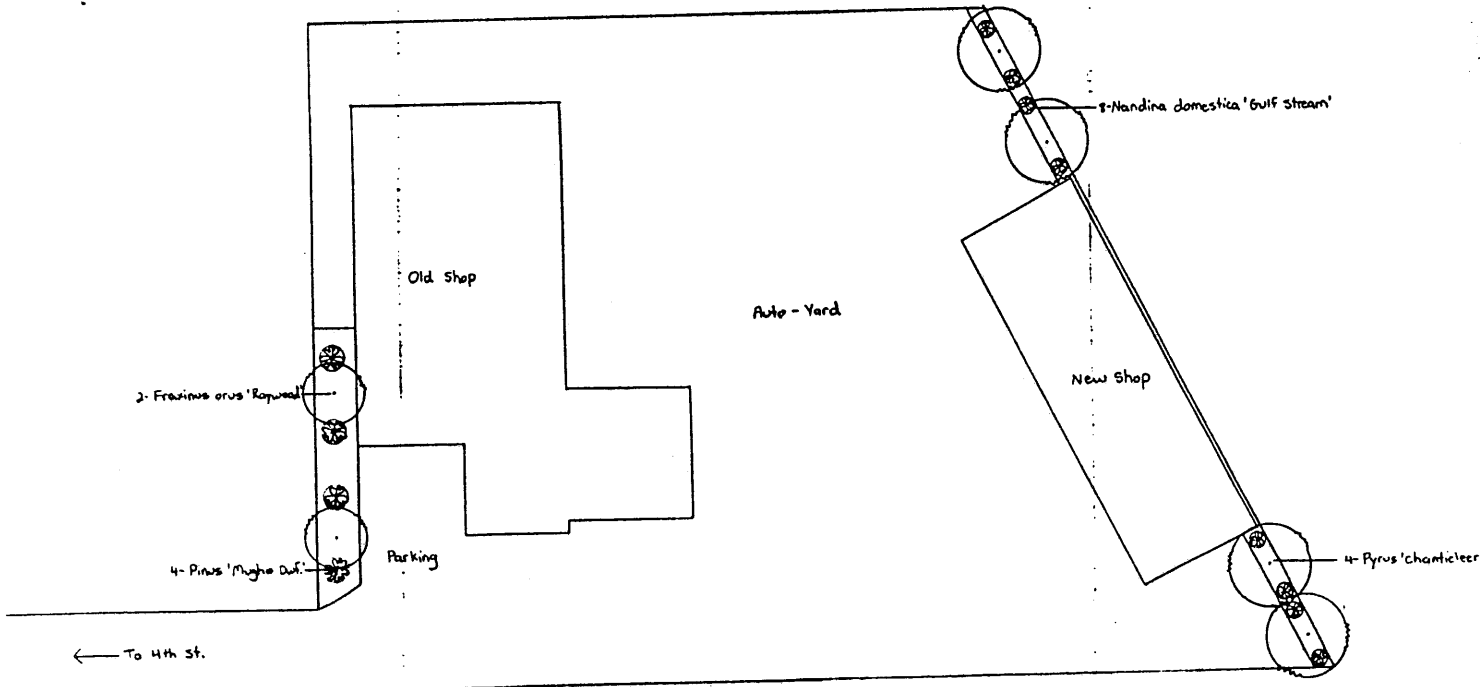
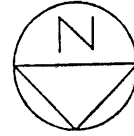
136'

C.C.C. FAIA PARKING LOT

32'

160.3

PACKAGE CONTAINERS



← To 4th St.

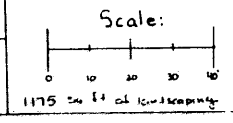
AUSTEN'S

BODY

SHOP

801 NE. 4TH.

CANB ORE. 97013



PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: November 17, 1993

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, CLACKAMAS COUNTY, MIKE JORDAN, JOHN KELLY, ROY, SEWER

The City has received DR 93-09, an application by Austen's Body Shop [Wayne Austen] for approval to construct an approximate 2,850 square foot steel building to do body and frame work. The applicant is proposing five hard-surfaced parking spaces. Approximately 800 square feet of landscaping will be installed. The site is located at 801 N.E. 4th Avenue (Tax Lots 300 and 400 of Tax Map 3-1E-33DA).

We would appreciate your reviewing the enclosed application and returning your comments by November 29, 1993 PLEASE. The Planning Commission plans to consider this application on December 13, 1993. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

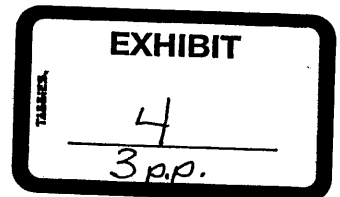
No Comment
Unless Restrooms are In New Building

Adequate Public Services (of your agency) are available

Adequate Public Services will become available through the development

Conditions are needed, as indicated

Adequate public services are not available and will not become available



Signature: *Roy Wester* Date: *Nov. 29, 1993*

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: November 17, 1993

TO: FIRE, POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, CLACKAMAS COUNTY, MIKE JORDAN, JOHN KELLY, ROY, SEWER

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Comments or Proposed Conditions:

Police Dept has no 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 Stiger*

Date: *11/29/93*

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: November 17, 1993

TO: FIRE POLICE, CUB, TOM PIERSON, TODD SCHMIT, GARY HYATT, CLACKAMAS COUNTY, MIKE JORDAN, JOHN KELLY, ROY, SEWER

The City has received DR 93-09, an application by Austen's Body Shop [Wayne Austen] for approval to construct an approximate 2,850 square foot steel building to do body and frame work. The applicant is proposing five hard-surfaced parking spaces. Approximately 800 square feet of landscaping will be installed. The site is located at 801 N.E. 4th Avenue (Tax Lots 300 and 400 of Tax Map 3-1E-33DA).

We would appreciate your reviewing the enclosed application and returning your comments by November 29, 1993 PLEASE. The Planning Commission plans to consider this application on December 13, 1993. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

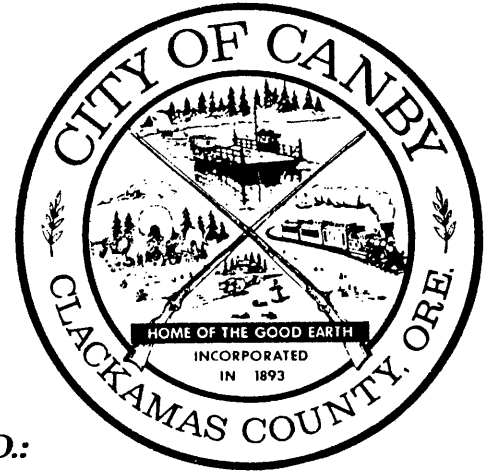
No comments or conditions at this time

- 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: Jack Stark

Date: 11-23-93

- STAFF REPORT -



APPLICANT:

Canby Fire Protection District #62
P.O. Box 909
Canby, OR 97013

FILE NO.:

MLP 93-08

OWNER:

Raymon Hellhake
21115 99-E
Aurora, OR 97002

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 800 of Tax Map 3-1E-33DA

DATE OF REPORT:

December 3, 1993

LOCATION:

West side of S. Pine Street,
Southwest corner of Highway 99-E
and S. Pine Street

DATE OF HEARING:

December 13, 1993

COMP. PLAN DESIGNATION:

Highway Commercial

ZONING DESIGNINATION:

C-2 (*Highway Commercial*)
for the first 120 feet south of Highway 99E
R-1 (*Low Density Residential*)
for the remaining portion of the property

I. APPLICANT'S REQUEST:

The applicant is requesting approval to partition a 4.11 acre parcel into two parcels, approximately 2.11 acres and 2 acres, respectively.

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. 16.16.030 Development Standards in R-1 Areas
- B. 16.28.030 Development Standards in C-2 Areas
- C. 16.56 General Provisions (for land divisions)
- D. 16.60 Major or Minor Partitions
- E. 16.62 Subdivisions - Applications
- F. 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 800 of Tax Map 3-1E-33DA. It is located on the west side of S. Pine Street, the southwest corner of Highway 99-E and S. Pine Street. The property consists of approximately 4.11 acres. There is approximately 390

feet of frontage along Highway 99E and approximately 865 feet of frontage along S. Pine Street. S. Pine Street is not paved along the entire frontage of the property. The City is currently working on a project that will pave S. Pine Street.

The first 120 feet south of the highway is zoned C-2, Highway Commercial; the remaining portion of the property is zoned R-1 Low Density Residential. There is a gas service station with a convenience store, a single family house, and storage structures on the property. There is also a number of abandoned or junk vehicles and a couple of "junk" piles on the property.

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 both C-2 and R-1. The designation on the Comprehensive Plan land use map is Highway Commercial (C-2 zone) for the whole property. The partition will create a parcel that is entirely in the R-1 zoned portion of the property and a parcel that will be zoned C-2 for a part of the parcel and R-1 for the remaining portion of the parcel. The intended use of the second parcel, a fire station, is a use that is permitted outright in either the R-1 or C-2 zones.

The first parcel, which has the existing structures, will have split zoning. The portion that is currently zoned R-1 will probably be rezoned, in the future, to C-2 to permit commercial uses. With the expected upgrade of S. Pine Street and the intersection of Pine Street and Highway 99-E, the public and commercial uses of the property would be appropriate.

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

Storm water will be handled on-site. There are a number of abandoned or "junk" vehicles and "junk" piles on the property. The City's Code Enforcement Officer has begun proceedings to have the vehicles removed. Clean up of these vehicles and piles should be a condition of approval for the partition. The vehicles and piles represent an "eyesore" at the very least, and could be a source of pollution and be considered an "attractive nuisance". The last possibility would minimally require a fence around the "nuisances". 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.

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 parcel 1 will be from both Highway 99E and from S. Pine Street. Access for future development of the remaining southern portion of parcel 1 would be from S. Pine Street. Access for parcel 2 will be from S. Pine Street. ODOT (Oregon Department of Transportation) has stated that access for parcel 2 would not be permitted from Highway 99E. With the proposed alignment and upgrade of S. Pine Street and the intersection of Highway 99E and Pine Street, access will be both adequate and desirable from S. Pine Street for any commercial and/or public use.

The City, in order to provide a proper alignment of S. Pine Street for the improvement in the intersection of Pine Street and Highway 99E and in order to provide an "industrial grade" roadway for S. Pine Street, right-of-way dedication is needed from this property. Forty feet of right-of-way dedication is needed along the east property line. Additional right-of-way dedication is needed as S. Pine Street approaches Highway 99-E. The right-of-way for S. Pine Street will need to line up with the intersection of N. Pine Street and Highway 99E. This means that approximately 100 feet of land from the eastern property line is needed along Highway 99-E. This tapers down to forty feet, approximately 160 feet south of Highway 99-E. The exact alignment and legal description will be finalized by the City Administrator and the Consulting Engineer for the City.

Road improvements for S. Pine Street will be completed by the City, including curbs, and sidewalks. Sidewalks are needed for the property's frontage along Highway 99-E. Because of the location of the existing gas pumps, a full eight (8) foot sidewalk is not feasible. However, a four (4) foot sidewalk is feasible, located against the curb.

Both parcels will be required to participate in reimbursing the City for the construction of S. Pine Street and the intersection improvements, according to an approved Advanced Financing Agreement. Such an agreement is expected to be approved by February of 1994.

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 be provided along the parcel boundary lines.

vii. Economic

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

Policy #1: Canby shall promote increased industrial development at appropriate locations.

Policy #2: Canby shall encourage further commercial development and redevelopment at appropriate locations.

Policy #3: Canby shall encourage economic programs and projects which will lead to an increase in local employment opportunities.

ANALYSIS

The partition, through dedication of right-of-way for Pine Street/Highway 99-E intersection improvement and S. Pine Street road widening and improvement, will help in the development of land for industrial uses. S. Pine Street is the entryway for the "Logging Road Industrial Park". Improvement of the intersection of Highway 99-E and Pine Street, including signalization, will provide adequate and safe access to Highway 99-E for not only the industrial area, but also the County Fairgrounds (N. Pine Street). The road improvements will also allow further development of the subject property, especially if rezoned according to the Comprehensive Plan land use designation.

viii. Housing

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

ANALYSIS

The partition of the subject property could allow additional housing units to be built. However, use of the property would be more appropriate if the property were rezoned to commercial. At this time, no further residential units are proposed or intended for the subject property.

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 partitioned lots do not meet the basic requirements of the Solar Access Ordinance. The northern parcel (Parcel 1) does meet the basic requirements. Lot 2 does not meet the basic requirements, specifically in regard to the orientation of the front lot line. Parcel 2 is oriented toward S. Pine Street, a north-south street, and no new streets are proposed which would allow the lots to be oriented within 30 degrees of true east-west. Section 16.95.050.A.1(c,d) provide for adjustment of the standard requirement in the event of existing road patterns and/or easements/right-of-ways that prevent the lots from being properly oriented. The current proposal meets the goals and policies of this element if an adjustment is granted for the existing roadway alignment that prevents the proposed lots from being oriented within 30 degrees of true east-west. The State has rules which encourage energy conservation through design and construction methods.

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

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

C. Overall Design of Parcels

The configuration of the partition will allow for proper setback distances for residential, commercial, or public construction. The "chicken coops" or storage buildings that will be located near the property line will need to be removed if they are within 15 feet of the new property line.

V. CONCLUSION

1. Staff finds that the partition request, with appropriate conditions, is in conformance with the Comprehensive Plan and the Municipal Code.

2. Staff concludes that the overall design of the proposed partition will be compatible with the area and will provide adequate building area for the provision of public facilities and services for the lots.
3. Staff concludes that, with appropriate conditions, the overall design and arrangement of the proposed parcels are functional and will adequately provide building sites, utility easements, and access facilities which are necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.
4. Staff concludes that all necessary public services will become available through the development of the property, to adequately meet the needs of the proposed land division.
5. Staff finds that due to the orientation of the only street for the partition, S. Pine Street, and due to the north-south dimension of the Parcel 2 (in excess of 100 feet), the standard requirement for solar access for new development is adjusted such that the partition is acceptable in regards to this provision.

VI. RECOMMENDATION

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

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

5. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:
 - 6 feet in width along interior lot lines; and,
 - 12 feet in width along exterior lot lines.
6. All utilities must meet the standards and criteria of the providing utility authority.
7. The land divider shall follow the provisions of Section 16.64.070 Improvements, in particular, but not limited to, Subparagraph (O) Bonds, which requires a surety bond, personal bond, or cash bond for improvements, for any improvement not completed prior to the signing of the final plat. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.
8. Forty (40) feet of right-of-way along the east property line shall be dedicated to the City. Additional right-of-way, an approximately triangular shape with the dimensions of 100 along Highway 99-E from the above mentioned dedication westward, and approximately 150 feet south from Highway 99-E. The legal description and exact location shall be provided by the City and the City's consulting engineer, Curran-McLeod Engineering. (See Exhibit 3)
9. A four-foot sidewalk shall be constructed along Highway 99-E for the entire frontage of the property. This does not include the dedicated property.
10. Reimburse the City for the advanced financing of the construction of S. Pine Street. Reimbursement shall be according to an approved Advanced Financing Agreement. If and agreement is not approved by the time that the partition plat is ready to be signed by the City, a letter of agreement to reimburse the City according to an approved Advanced Financing Agreement shall be signed.
11. The southern-most storage structure shall be removed if it is located within 15 feet of the new parcel line.

12. The abandoned/"junk" vehicles and the "junk" piles shall be removed prior to the signing of the partition plat. The "junk" piles on parcel 1 may be fenced instead of being removed prior to the signing of the partition plat.

Exhibits:

1. Application
2. Vicinity Map
3. Proposed S. Pine Street/Highway 99-E alignment
4. Request for Comments Responses

MINOR LAND PARTITION APPLICATION

Fee: \$600.00

OWNER

APPLICANT

Name Raymon Hellhake
Address 21115 99-E
City Aurora State OR Zip 97002
Signature: [Handwritten Signature]

Name Canby Fire Protection District #62
Address P.O. Box 909
City Canby State OR Zip 97013
Phone: (503) 266-5851

DESCRIPTION OF PROPERTY:

Tax Map 31E33DA Tax Lot(s) 800 Lot Size 4.11 AC. (Approx.)
(Acres/Sq. Ft.)

or

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

PROPERTY OWNERSHIP LIST

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

USE

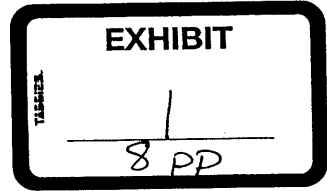
Existing Bare Land Proposed Fire Dept. Station
Existing Structures Gas station, convenience store - rental house- chicken houses for storage.

PROJECT DESCRIPTION

To partition property to build a fire station in the future to house fire & emergency vehicles, to house equipment, to house on duty staff, to house administrative staff, to be easily accessible to the general public. When this Minor Land Partition is finalized there will be created approximately 2, two acre parcels. + or - The lot line between parcel #1 and parcel #2 will be either 10 ft. behind the chicken coops or 10 ft. in front of the chicken coops.

ZONING R-1 & C2 COMPREHENSIVE PLAN DESIGNATION C-2
PREVIOUS ACTION (if any)

File No. MLP 93-08
Receipt No. 2006
Received by [Signature]
Date Received 11-17
Completeness Date 11/17/93
Pre-App Meeting
Hearing Date 12-13-93



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

MEMORANDUM

DATE: NOVEMBER 19, 1993
TO: CITY OF CANBY
ATTN: PLANNING COMMISSION & STAFF
FROM: PETE KELLEY, KELLEY BROS. REALTY
RE: HELHAKE PARTITION ON PINE & 99E

The proposed development is to build a fire hall. A design has not been developed as we do not plan to pursue the building of this fire hall in the near future. The City Zoning Plan allows, outright, the placement of a fire hall. We look forward to working with the planning staff and Design Review Board of Canby so we may be able to better serve the health and welfare of Canby as put forth in L.C.D.C. goals and guidelines.

When this Minor Land Partition is finalized, there will be created approximately 2, two acre parcels, + or -. The lot line between parcel #1 and parcel #2 will be either 10 ft. behind the chicken coops or 10 ft. in front of the chicken coops.

CANBY FIRE DISTRICT NO. 62

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

November 16, 1993

City of Canby
Planning Commission
184 N. Holly St.
Canby, Or 97013

Commissioners;

Canby Fire Protection District #62 is proposing to purchase the mentioned property subject to partitioning. The current zoning is compatible with the construction of a fire station as we are proposing. Canby Fire District is a District formed under the State of Oregon statutes. The Fire District is governed by a five person elected Board of Directors.

Canby Fire District was formed in 1948 to protect the citizens and property surrounding the City of Canby. We currently provide Fire Protection, Prevention and Emergency Medical Services too approximately 18,000 people and a property valuation of about \$600,000,000.00. We cover 53 square miles including the Cities of Canby and Barlow. Our borders are from the Willamette River south to Barnards Rd. and Barlow Rd. east to Pearsons Tavern.

Canby Fire District is currently located at 230 S. Grant St. on approximately 1/2 acre without any space available for expansion. We have been at the present location since 1952 with a small expansion in 1982.

The Board of Directors, in studying the current growth patterns and increase in emergency calls, about 12 months ago decided to begin looking at other available properties in the general vicinity for relocation of our main fire station. The Board, together with an architectural firm, has located the mentioned property and decided that this property would best suit our needs.

There are several items that need to be addressed prior to our construction of a building and a few of them are:

1. The realignment and addition of a traffic control device at the intersection of Hwy 99E and S. Pine St.
2. Improvements to S. Pine St.
3. Funding for the project.

The planning department has mentioned that items one and two are in the planning and design stage at the present time but the finishing schedule is some time off yet.

I would like to thank you for your consideration and if I can answer any questions or be of any assistance please contact me.

Sincerely,

Smith French
Fire Chief

Warranty Deed

ADJUTANT

STATE OF OREGON

County of Clatsop

DEED

1st and County at

1952 JAN 18 PM 4 51

198 MC 402

Witness my hand and seal of said Court

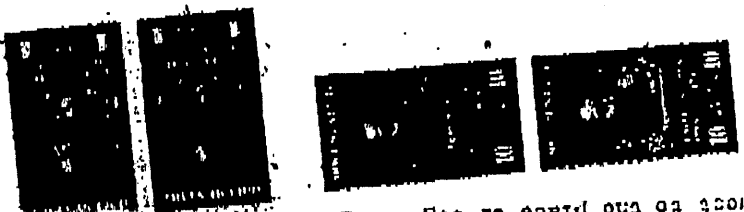
County Clerk

1952 JAN 18

My Commission Expires 1952 JAN 18

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal at the County Clerk's Office, Clatsop County, Oregon, this 18th day of January, 1952.

To Have and to Hold the above described and granted premises unto the said grantees, their heirs and assigns forever, we above named And the grantors do covenant that we, the grantors, do hereby release to the said grantees, their heirs and assigns forever from all encumbrances...



Know all men by these presents, that WILLIAM J. KOCH and ANNA G. KOCH, husband and wife, for and in consideration of Ten and no/100 Dollars...

498 MC 402

SEE MAP 3 IE 34



THIS MAP IS FURNISHED AS A
CONVENIENCE BY:

STEWART TITLE

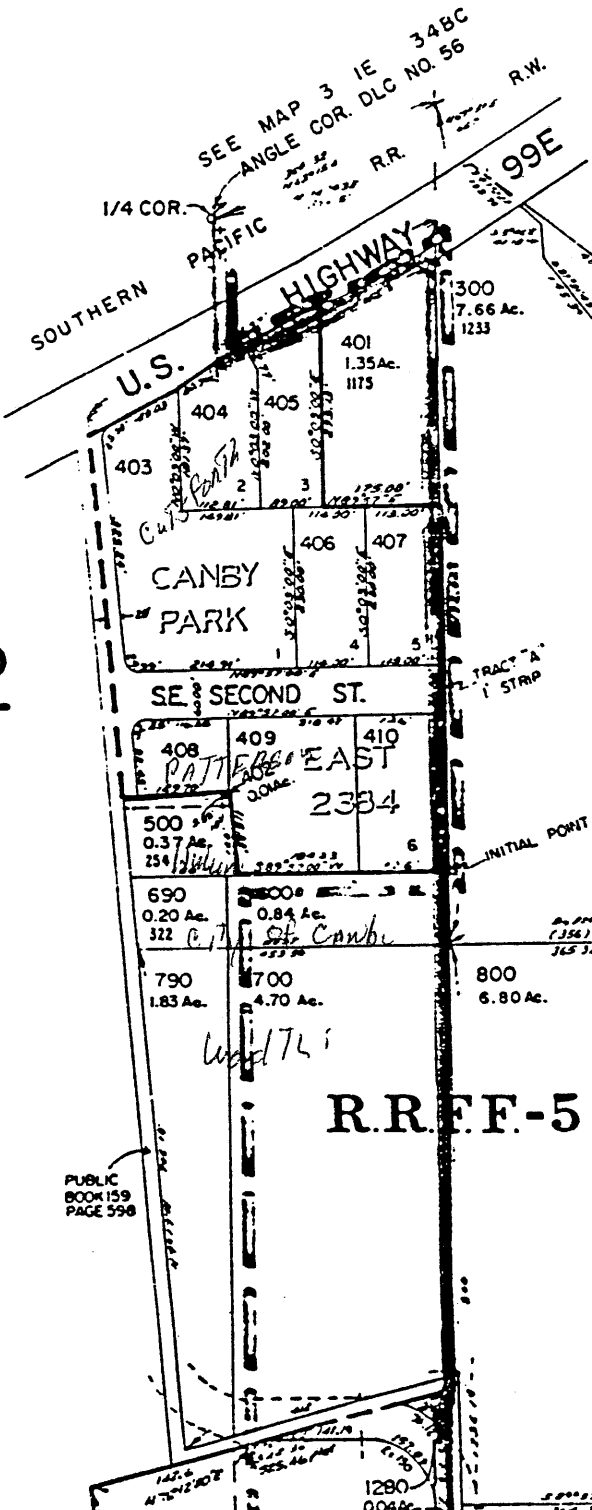
THIS MAP IS NOT A SURVEY AND DOES NOT
SHOW THE LOCATION OF ANY IMPROVEMENTS.
THE COMPANY ASSUMES NO LIABILITY FOR
ERRORS THEREIN.

MAP # 31E34C

CANCELLED NO.
TL 1000
1900
2000
2001
400
1290

86-02

SEE MAP 3 IE 33DA



PUBLIC BOOK 159 PAGE 598

R.R. FF-5

86-05

EFU-20

N

THIS MAP IS FURNISHED AS A
CONVENIENCE BY:

STEWART TITLE

THIS MAP IS NOT A SURVEY AND DOES NOT
SHOW THE LOCATION OF ANY IMPROVEMENTS.
THE COMPANY ASSUMES NO LIABILITY FOR
ERRORS THEREIN.

MAP # *3E33DA*

*Clackamas
County*

CANCELLED NO.
TL 801
TL 700
TL 501
TL 803

SOUTHERN PACIFIC RAILROAD
PACIFIC HIGHWAY 99E

*Subject
Property*

86-02

*Jean
Wilson*

George Wilhelm

SEE MAP 3 IE 34

1200
0.16 AC

1500
4.24 AC

1000
0.32 AC

900
0.30 AC

901
6.70 AC

902
0.29 AC

802
0.54 AC

800
4.11 AC

SOUTH
SECOND
AVENUE

ALLEY

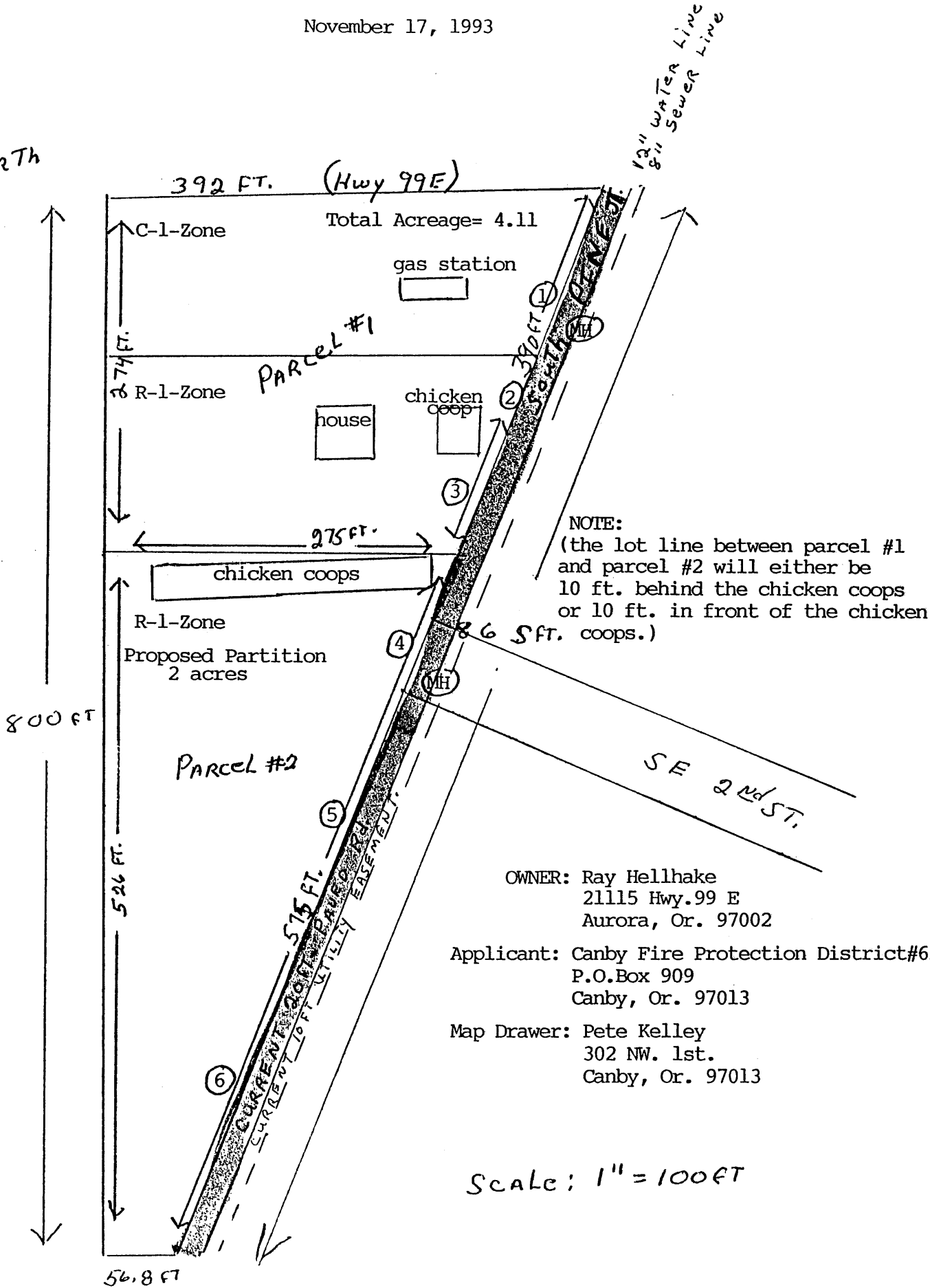
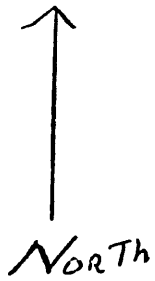
CITY OF CAMBY

200 FT ROAD

THIS PROPERTY IS SUBJECT TO THE EASES, RIGHTS, AND INTERESTS OF THE CITY OF CAMBY, OREGON, AS SHOWN ON THE MAP OF THE CITY OF CAMBY, OREGON, DATED 10-15-1966.

STRAKE 7 2900
4 RCAP

November 17, 1993



NOTE:
 (the lot line between parcel #1 and parcel #2 will either be 10 ft. behind the chicken coops or 10 ft. in front of the chicken coops.)

OWNER: Ray Hellhake
 21115 Hwy. 99 E
 Aurora, Or. 97002

Applicant: Canby Fire Protection District #6
 P.O. Box 909
 Canby, Or. 97013

Map Drawer: Pete Kelley
 302 NW. 1st.
 Canby, Or. 97013

Scale: 1" = 100 FT

- S.E. 13th Ave. M-6
- 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

NW

CLACKAMAS COUNTY
FAIRGROUNDS

Canby Depot Museum

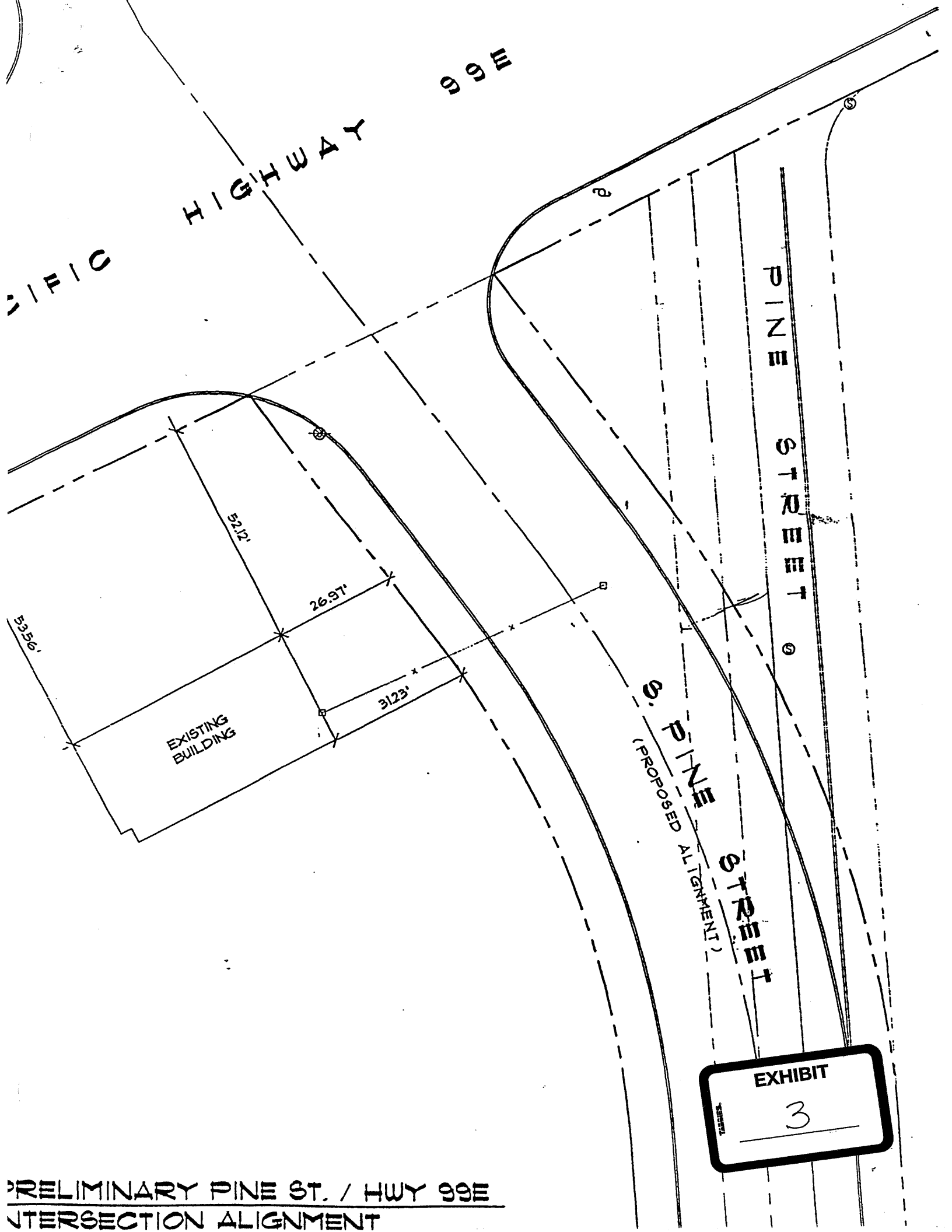
VICINITY MAP

SW

SE

EXHIBIT

2



PRELIMINARY PINE ST. / HWY 99E
 INTERSECTION ALIGNMENT

EXHIBIT
 3

12/1/93
95W

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: November 17, 1993

TO: FIRE, POLICE, CUB, OREGON DEPT. OF TRANSPORTATION, TOM PIERSON, TODD SCHMITZ, GARY HYATT, CLACKAMAS COUNTY, MIKE JORDAN, JOHN KELLY, ROY, SEWER

The City has received MLP 93-08, an application by Canby Fire Protection District #62 for approval to partition a 4.11 acre parcel to construct a fire station to house fire and emergency vehicles, and to eventually house equipment and staff. The site is located on the southwest corner of Highway 99-E and S. Pine (Tax Lot 800 of Tax Map 3-1E-33DA).

We would appreciate your reviewing the enclosed application and returning your comments by November 29, 1993 PLEASE. The Planning Commission plans to consider this application on December 13, 1993. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

No 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

EXHIBIT
4
4 pp

Signature: Gerry Stiger Date: 11/29/93

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

12/1/93
922
RECEIVED
DISTRICT 3
NOV 24 1993
QM ADM OM PL OS OS

DATE: November 17, 1993

TO: FIRE, POLICE, CUB, OREGON DEPT. OF TRANSPORTATION, TOM PIERSON, TODD SCHMIT, GARY HYATT, CLACKAMAS COUNTY, MIKE JORDAN, JOHN KELLY, ROY, SEWER

The City has received MLP 93-08, an application by Canby Fire Protection District #62 for approval to partition a 4.11 acre parcel to construct a fire station to house fire and emergency vehicles, and to eventually house equipment and staff. The site is located on the southwest corner of Highway 99-E and S. Pine (Tax Lot 800 of Tax Map 3-1E-33DA).

We would appreciate your reviewing the enclosed application and returning your comments by November 29, 1993 PLEASE. The Planning Commission plans to consider this application on December 13, 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:

*Parcel #2 should access off the City Street (2nd Street);
No direct highway access for parcel #2 would be granted
by ODOT.*

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

Signature: *Karla Kella* Date: *11/29/93*

PLEASE RETURN ATTACHMENTS!!!

11/29/93
JW

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: November 17, 1993

TO: FIRE, POLICE, CUB, OREGON DEPT. OF TRANSPORTATION, TOM PIERSON, TODD SCHMIT, GARY HYATT, CLACKAMAS COUNTY, MIKE JORDAN, JOHN KELLY, ROY, SEWER

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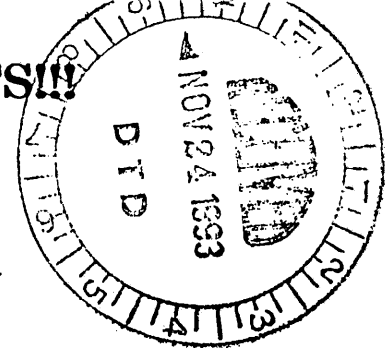
Comments or Proposed Conditions:

no problem with partition

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

Signature: Ray Wester Date: Nov. 29, 1993

PLEASE RETURN ATTACHMENTS!!



CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

RECEIVED

11/24/93
Jew

DATE: November 17, 1993

NOV 29 1993

CITY OF CANBY

TO: FIRE, POLICE, CUB, OREGON DEPT. OF TRANSPORTATION, TOM PIERSON, TODD SCHMIT, GARY HYATT, CLACKAMAS COUNTY, MIKE JORDAN, JOHN KELLY, ROY, SEWER

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Comments or Proposed Conditions:

Clackamas County has no comment regarding this request

- Adequate Public Services (of your agency) are available
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Signature: [Handwritten Signature] Date: 11/26/93

