

# A G E N D A

## CANBY PLANNING COMMISSION

REGULAR MEETING  
City Council Chambers

Monday, July 27, 1992  
7:30 p.m.

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**I. ROLL CALL**

**II. MINUTES**

July 13, 1992

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

**IV. COMMISSION DISCUSSION OF PLANNING ISSUES**

**V. COMMUNICATIONS**

**VI. FINDINGS**

**SUB 92-02 - Dave Herman (Hood View Estates)**

**MLP 92-04 - Payless**

**CUP 92-07 - Eccles Portable**

**CUP 92-08 - Lee Portable**

**CUP 92-09 - Knight Portable**

**VII. PUBLIC HEARINGS**

**MLP 92-05**, an application by Allen Manuel and Tom O'Halloran for approval of a minor land partition to partition a 19,500 square foot lot into two lots, 7000 square feet and 12,500 square feet, respectively. The parcel is located on the west side of S. Ivy Street, south of S.W. 3rd Avenue and north of S. Township Road [421 S. Ivy Street] (Tax Lot 5900 of Tax Map 4-1E-4AB).

**DR 92-07**, an application by The Alton Group for approval of a Site and Design Review Application for a new Payless Drug Store of approximately 28,000 square feet, which will conform to the architectural design of the existing shopping center. Sidewalks and a "patio area" will be provided. An access road will extend completely around the store. The site is located in the Canby Square Shopping Center (Tax Lot 100 of Tax Map 4-1E-4B).

**VIII. NEW BUSINESS**

IX. DIRECTOR'S REPORT

X. ADJOURNMENT

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

Kurt Schrader, Chair  
Linda Mihata, Vice-Chair  
John Zieg  
Tamara Maher

Wade Wiegand  
Laurie Gustafson  
Henry Fenske



*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*

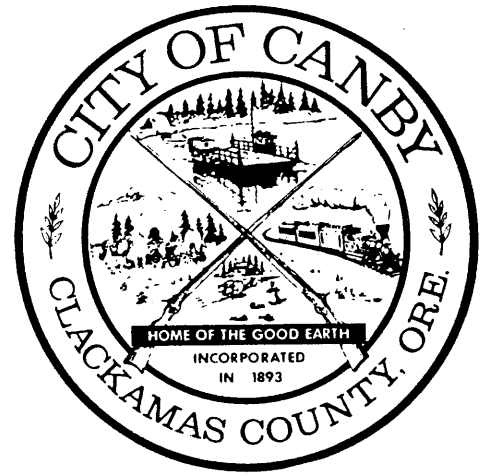
*Rebuttal - not more than 10 minutes*

- *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.*



REVISED  
- STAFF REPORT -



**APPLICANT:**

Dave Nelson

**FILE NO.:**

DR 91-08

**OWNER:**

John and Sande Torgeson

**STAFF:**

Robert G. Hoffman  
Planning Director

**LEGAL DESCRIPTION:**

Tax Lot 1790 of  
Tax Map 4-1E-4C

**DATE OF REPORT:**

January 3, 1992  
REVISED JULY 8, 1992

**LOCATION:**

Southeasterly end of S. Elm

**DATE OF HEARING:**

January 13, 1992  
RESCHEDULED TO 7/28/92

**COMP. PLAN DESIGNATION:**

Low Density Residential/  
Hazard Overlay

**ZONING DESIGNATION:**

R-1 Low Density Residential  
with Hazard Overlay

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval of a Design Review Application to construct a 128-lot manufactured home community, known as "Village on the Lochs." (REVISED DRAWINGS HAVE BEEN SUBMITTED.)

## II. APPLICABLE REGULATIONS

This is a Site and Design Review application as well as a quasi-judicial land use application. The proposed use has been previously approved as a conditional use in an R-1 zone (CUP 90-01). In judging whether a Site and Design Review application should be approved, the Planning Commission shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

### **Ordinance No. 848 (as amended by Ord. 854)**

#### **Section 2. Criteria and Standards**

1. The 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.
2. 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.

3. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirement of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.
  
4. As part of the Site and Design Review, the property owner may apply for approval to cut trees in addition to those allowed in Section 12.20.080 of the City Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.20 of the City Tree Ordinance. The cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for Site and Design Review.

### **Section 3. Conditions Placed on Site and Design Review Approvals**

1. A Site and Design Review approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:
  - A. protect the public from the potentially deleterious effects of the proposal; and/or
  - B. fulfill the need for services created, increased or in part attributable to the proposal; and/or
  - C. further the implementation of the requirements of the Canby Municipal Code.
  
2. The following types of conditions are specifically contemplated by subsection (1) of this section and the listing below is intended to be illustrative only and not to be constructed as a limitation of the authority granted by this section.

- A. **Development Schedule** - A reasonable time schedule may be placed on construction activities associated with the proposed development, or any portion thereof.
  
- B. **Dedications, Reservation** - Dedication or reservation of land, or fee in lieu thereof, for park, open space purposes, rights-of-way, bicycle or pedestrian paths, greenway, riverbank or easements; the conveyance of title or easements to a homeowners' association.
  
- C. **Construction and Maintenance Guarantees** - Security from the property owners in such an amount that will assure compliance with approval granted.
  
- D. **Plan Modification** - Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this ordinance.
  
- E. **Off-Site Improvements** - Improvements in public utility facilities not located on the project site where necessary to assure adequate capacity and where service demand will be created or increased by the proposed development. The costs of such improvements may be paid for in full while allowing for recovery of costs from users on other development sites, or they may be pro-rated to the proposed development in proportion to the service demand projected to be created on increases by the project.
  
- F. **Other Approvals** - Evaluation, inspections or approval by other agencies, jurisdictions, public utilities or qualified consultants may be required for all or any part of the proposed development.
  
- G. **Access Limitation** - The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the development is maintained.

### III. FINDINGS:

#### A. Background:

- a. The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 1790 of Tax Map 4-1E-3C.
- b. Access to the property is to be by way of a public street to be an extension of S. Elm, southwesterly across a County area and outside the Urban Growth Boundary and then back into the City from the south. GRADING FOR CONSTRUCTION OF THIS STREET HAS BEGUN. THE COUNTY HAS APPROVED THIS STREET AS FAR AS STREAM CROSSING, WETLANDS, FILL AND GRADING ARE CONCERNED. THE ROAD WILL BE BUILT TO CITY STANDARDS. VISION CLEARANCE STANDARDS WILL BE MAINTAINED.
- c. The Cedar Ridge Subdivision and Elmwood Subdivision and 70 foot high embankment area are located immediately to the north. The Canby Community Park is located to the west and farms and aggregate mining are located to the south and east.
- d. ANNEXATION OF TAX LOT 1300, TO BE USED FOR PART OF THE ACCESS, HAVE BEEN APPROVED BY THE METRO BOUNDARY COMMISSION AND IS IN THE 45-DAY WAITING PERIOD BEFORE BECOMING FINAL.
- e. A CONSTRUCTION PERMIT FOR A MANUFACTURING HOME PARK ON THE SUBJECT PARCEL WAS ISSUED BY THE BUILDING OFFICIAL ON FEBRUARY 3, 1992. THE BUILDING OFFICIAL HAS RECEIVED REGULAR REPORTS FROM A GEOTECHNICAL ENGINEER REGARDING ANY SITE GRADING AND FILL THAT MAY HAVE TAKEN PLACE.

#### 2. Site Characteristics

The site is a 28 acre property located adjacent to the Molalla River embankment, partly on flood plain and partly within wetlands. Most timber has been removed. Most of the site has been disturbed by grading or gravel mining. In January 1991, CUP 90-06 was approved by the Planning Commission with 44 conditions. Site and Design Review was one of those conditions. Since then, the applicant has been attempting to comply with each condition AND HAS DONE SOME GRADING ON THE SITE, PREPARING FOR CONSTRUCTION.

## B. Criteria Consistency Analysis

Part IV, Section 2, #2:

"Minimum area for landscaping is 15% of the total area to be developed. . . including a strip at least 15 feet wide along all interior lot lines." See Section 16.44.030(I).

The site is approximately 28 acres, 15% of which equals 4.2 acres. The site plan approved under the Conditional Use included a condition that a major part of the site be preserved as wetlands. Wetlands mitigation is recommended by the wetlands expert. The PROPOSED landscaped area includes dedication of a large area for a park to be added to the City park system, pedestrian trails to be constructed, and a large portion of each lot to be landscaped according to a "native palette" or an "ornamental palette," and the buffer area around the wetlands and a new small lake, which are proposed to be landscaped. The landscape plan was prepared by Mike Faha, a registered landscape architect. Only the area of the streets and area covered by the homes and parking will not be landscaped. Thus, the proposed landscaping of either native or ornamental landscaping far exceeds the required 15% area. Timing of when these improvements would be made is not clear. Recent discussions indicate that the intentions of the developer are to phase the development. Occupancy permits should be held or staged until agreements are reached on phasing of improvements which include landscaping. No development is proposed for the park area. Trees to be retained are indicated on the engineering plans and are being reviewed by the City Forester. The landscaping installation and maintenance should be supervised by a landscape expert to ensure compliance with Ordinance No. 848. THE ACCESS ROAD IS PROPOSED TO BE LANDSCAPED ON BOTH SIDES WITH TREES AND GROUNDCOVER.

### Parking and Loading Space

The applicant has proposed a carport or garage, plus a driveway, on each lot. In addition, parking is permitted on all private streets. "One Side Only" parking is allowed where the streets are less than 32 feet in width. Thus, there is on-site parking for residents and guest parking on the private streets (see Condition #26). There are no loading requirements for a manufactured home park. ~~It is not always clear that~~ A REVISION OF THE ILLUSTRATIVE SITE PLANS HAVE BEEN SUBMITTED AND ~~there is enough room on EACH~~ OF the illustrative lot landscape plans for parking on each lot.



## Access

Major access to the development will be by way of a 32 foot wide public street. The developer has proposed an 8 foot wide sidewalk on **one** side AND RECENT DRAWINGS INDICATE HIS INTENT TO HAVE A 5 FOOT SIDEWALK ON THE OTHER SIDE. The local streets are proposed to be 24 feet with a 3 foot sidewalk on **one** side. Chapter 16.46 permits up to 54 dwelling units on the portions of the drives which are looped, and up to 36 units on the short segment which is not looped. The largest number on a looped street is 44 units, and 11 on an unlooped street. Thus, the widths and number of units meets the access requirements. ~~The developer has not yet proven to the City Attorney that he has full property control for access.~~ THE APPLICANT HAS NOW PURCHASED TAX LOT 1300, HAS REACHED AGREEMENT WITH ELMWOOD MOBILE HOME PARK OWNERS, HAS GOTTEN VACATION OF THE NEEDED STUB STREET, AND HAS COUNTY APPROVAL TO BUILD THE NEW STREET. THE CITY ATTORNEY IS NOW COMFORTABLE THAT THE APPLICANT HAS THE NEEDED FULL PROPERTY CONTROL FOR ACCESS.

## Architecture

There are no permanent buildings proposed as part of the landscape plan. Each manufactured home will be built accordingly, to fulfill Conditions #24 and #38. ~~However,~~ The REVISED drawings L-4 and L-5 of the Landscape Plan do ~~not~~ fully comply with the requirements of Condition #38 regarding site development. Each proposed manufactured home will be reviewed by the site manager according to the approved operating rules, to ensure compatibility and meeting Conditions #24 and #38. The square footage requirements have ~~not~~ NOW been met and the required distance between buildings has ~~not~~ been provided. For lots near the public road, or for lots near the property line, these ~~illustrative~~ APPROVED CONSTRUCTION plans do ~~not~~ provide FOR the fifteen feet between the units and lot line, ~~of~~ AND the 25 feet between the unit and the public street. Two parking spaces are required on each lot. It is ~~not~~ NOW clear that these are always available on each lot. A minimum of a 15 foot separation needs to be maintained between individual units. This ~~may not~~ IS be provided for the ~~illustrative site plans~~.

## Other Aspects

*Utilities* - The utilities proposed are being reviewed by the relevant utility providers. The City Planner will ensure that their requirements will be complied with.

*Effect on needed housing* - The manufactured homes will provide needed housing under State rules and policies. While the requirements under Site and Design Review will increase costs, the requirements are considered by staff to be the minimum necessary to achieve the purposes of this ordinance.

*Trees* - Trees are proposed to be cut and are shown on the engineering plans. The City Forester ~~is reviewing~~ HAS REVIEWED these plans to determine compliance with the Tree Ordinance and conditions of approval.

*Signs* - No sign has been submitted for design review.

**WETLANDS** - ALL DRAWINGS HAVE BEEN MODIFIED TO PROTECT THE WETLANDS, AS REQUIRED.

#### IV. CONCLUSION

Considering the previous analysis, staff hereby determined that the proposed manufactured home park described in the application, and accompanying materials, is in conformance with the standards of this and other applicable ordinances; the design is compatible with the design of other developments in the vicinity; and, the location, design, size, color and materials of the exterior of the structure and signs will be compatible with the proposed development and appropriate to the design character of other structures in the same vicinity, provided that certain conditions are applied to such approval, as outlined below.

#### V. RECOMMENDATION:

Staff recommends that the Planning Commission, based on the application and facts, findings, and conclusions of this report, approve DR 91-08 for a manufactured home park, with the following conditions of approval:

- ~~1. The City Planner shall review and approve the Landscape Plans and Engineering Plans for consistency.~~

- ~~2. The City Forester shall submit to the Planning Commission, for its approval, his evaluation of the appropriateness of the tree retention plan.~~
- 3 1. A registered landscape architect shall be retained to supervise the landscape installation and maintenance for a two-year period after installation, to ensure compliance with Ordinance No. 848, Part IV, Sections 2-7.
- ~~4. Drawings L 4 and L 5 of the Landscape Plan shall be redrawn to comply with Condition #38. All manufactured homes shall comply with Condition #38. The revised drawings shall be reviewed and approved by the Canbh Planning Commission.~~
- ~~5. The setback and separation requirements of Code Section 16.44.020(C), (F) and (I) shall be followed for each manufactured home. Each manufactured home shall be reviewed by the City Planner for compliance.~~
- 6 2. The utilities installed shall meet the requirements of the service provider. The City Planner shall ensure that the utilities' requirements are met.
- 7 3. Any identification sign for the manufactured home park shall be reviewed and approved by the Planning Commission.
4. OCCUPANCY OF UNITS WILL NOT BE PERMITTED UNTIL ALL LANDSCAPING RELATED TO ITS PARTICULAR PHASE OF CONSTRUCTION HAS BEEN COMPLETED. THE TRAIL SYSTEM SHALL BE BUILT IN USEFUL SEGMENTS AND CONSTRUCTED PRIOR TO OCCUPANCY OF ADJACENT SITE PLANS.

**Exhibits:**

1. Application
2. Landscape Plan (*too large to reproduce*)
3. Grading Plan and Tree Removal Plan (*too large to reproduce*)

OWNER Name John Sande Torgeson  
APPLICANT Name DAVID A NELSON  
Address 26940 S BOLLAND RD Address 25610 SW MT RD  
City CANBY State OR Zip 97013 City WEST LINN State OR Zip 97068  
SIGNATURE [Signature] Phone: 503 638 5537

DESCRIPTION OF PROPERTY:  
Tax Map 4S 1E 4C Tax Lot(s) 1790 Lot Size 28 ACRE APPROX  
(Acres/Sq. Ft.)

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

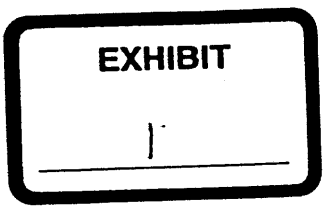
Existing UNDER CONSTRUCTION Proposed RESIDENTIAL  
Existing Structures NONE  
Surrounding Uses RESIDENTIAL, PARKS, MINING, FARMING

PROJECT DESCRIPTION

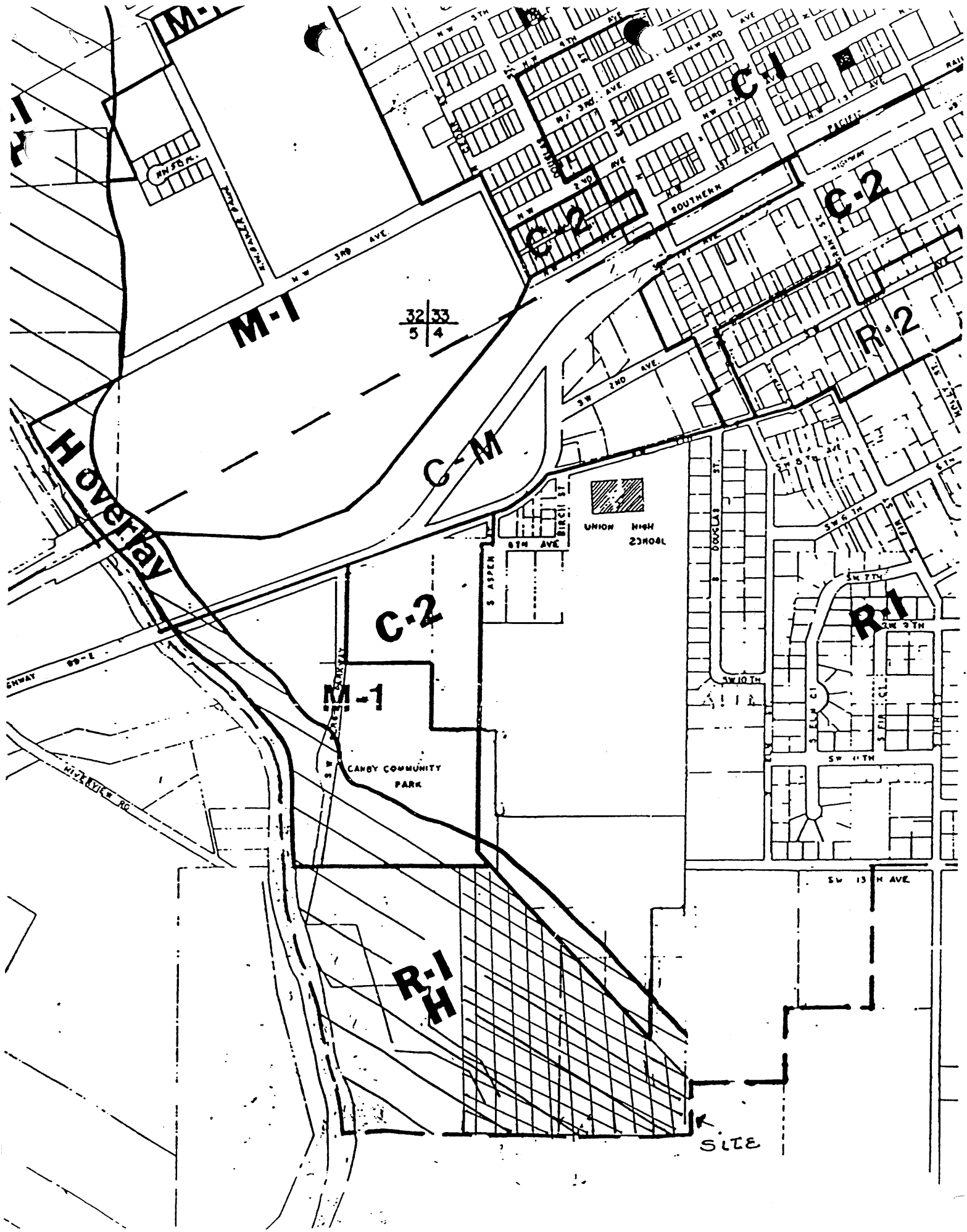
"VILLAGE ON THE LOCHS" MANUFACTURED HOME COMMUNITY  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ZONING R-1 COMPREHENSIVE PLAN DESIGNATION LOW DENSITY RESIDENTIAL  
PREVIOUS ACTION (if any) \_\_\_\_\_

File No. DR91-08  
Receipt No. \_\_\_\_\_  
Received by \_\_\_\_\_  
Date Received \_\_\_\_\_  
Completeness Date \_\_\_\_\_  
Pre-App Meeting \_\_\_\_\_  
Hearing Date 1-13-92

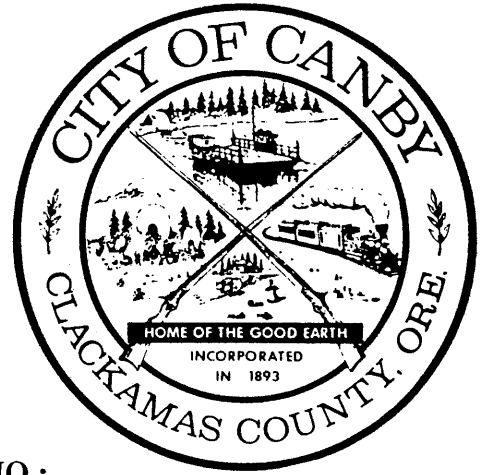


\* If the applicant is not the property owner, he must attach documentary evidence of his authority to act as agent in making application.



VICINITY MAP

**- STAFF REPORT -**



**APPLICANT:**

Allen Manuel  
Tom O'Halloran

**FILE NO.:**

MLP 92-05

**OWNER:**

Same

**STAFF:**

Robert G. Hoffman  
Planning Director

**LEGAL DESCRIPTION:**

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

**DATE OF REPORT:**

July 10, 1992

**LOCATION:**

421 S. Ivy Street,  
near Township

**DATE OF HEARING:**

July 27, 1992

**COMP. PLAN DESIGNATION:**

Residential/Commercial

**ZONING DESIGNATION:**

C-R (Commercial/Residential)

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval of a minor land partition to partition a 19,500 square foot parcel into two parcels, approximately 7,000 square feet and 12,500 square feet, respectively.

## II. APPLICABLE CRITERIA:

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

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

## III. OTHER APPLICABLE CRITERIA

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

#### IV. FINDINGS:

##### A. Location:

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

The lot is currently occupied by a single-family house addressed as 421 S. Ivy Street, used as a day-care center, across from S.E. Township Road. There is room for adequate yards if the minor partition is granted, provided that required easements, access drives, and partition line adjustment can be provided. The subject property is adjacent to single family homes built on lots to the south and multiples to the north. There is a paved access drive immediately to the south, which provides access to Tax Lot 7601 and Tax Lot 7700. The owner of the subject parcel indicates he has rights to allow access from this drive, if needed.

##### B. Comprehensive Plan Consistency Analysis

###### i. Citizen Involvement

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

###### ANALYSIS

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

###### ii. Urban Growth

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



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

**ANALYSIS**

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

**iii. Land Use Element**

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

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

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

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

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

## ANALYSIS

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

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

### iv. ENVIRONMENTAL CONCERNS

■ **GOAL: 1) TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.**

**2) TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION. TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.**

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

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

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

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

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

### ANALYSIS

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

### v. **TRANSPORTATION**

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

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

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

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

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

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

### ANALYSIS

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

#### vi. **PUBLIC FACILITIES AND SERVICES**

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

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

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

Policy #5: Canby shall assure that adequate sites are provided for public

schools and recreation facilities.

## ANALYSIS

All public facilities are available for the proposal with adequate capacity. A new elementary school and additions have been proposed to be built on Township Road and the Middle and High School have recently received approval of a project that will provide expanded capacity. The capacity of the City's sewer system has been discussed under the Land Use Element. Police, Fire, Water, Electric, and Natural Gas services have adequate capacity to service this project. The City requires a park system development fee for all new residential units. Such fee is utilized in expanding and maintaining the City's park system. At the time the rear parcel would be developed, fees for recreation facility development would be required.

### vii. ECONOMIC

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

### viii. HOUSING

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

Policy #2: Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing.

Policy #3: Canby shall coordinate the location of higher density housing with the ability of the city to provide utilities, public facilities, and a functional transportation network.

## ANALYSIS

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

ix. **ENERGY CONSERVATION**

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

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

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

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

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

**ANALYSIS**

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

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

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

**C. Compliance with All Other Applicable City Ordinances:**

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

- a. **Sewer**

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

- b. **Water**

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

- c. **Electricity**

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

- d. **Easements**

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

- e. **Storm Drainage**

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

2. **Streets/Traffic**

- a. Canby's ordinance (16.64.040.C) requires that any newly created

parcels have access to a public street. The new parcel is proposed to have access to Ivy Street. The rear parcel is proposed to have access over an easement over the front lot. However, this area is used for parking for the day-care center and is not of sufficient width. The

applicant states that he has rights of access over the adjacent 20 foot driveway to the south. This driveway can be used, if reciprocal access agreements can be applied to all four parcels as part of the partition document (see revised illustration).

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

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

#### **D. Overall Design of Parcels**

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

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

#### **V. CONCLUSION**

1. Staff finds that the partition request, with appropriate modification and conditions, is in conformance with the Comprehensive Plan and the Municipal Code.
2. Staff concludes that the overall design of the proposed partition will be compatible with the area and will provide adequate building area for the provision of public facilities and services for the new lot.
3. Staff concludes that the partition will have adequate frontage on a public street to



insure safe and efficient access for single family and/or multi-family structures, provided that reciprocal access agreements can be reached regarding use of the driveway known as Tax Lot 7600 for access to the rear parcel.

4. Staff concludes that all necessary public services will become available through the development of the property, to adequately meet the needs of the proposed land division, provided that conditions deal with sewer connection, easements and sidewalk needs.

## VI. RECOMMENDATION

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

1. The applicant shall prepare a final partition map. The final partition map shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department. The partition shall include reciprocal access agreements for use of the existing 20 foot driveway for access to the parcels and shall not include the parking area for 421 S. Ivy Street.
2. A new deed and legal description for the new parcel shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
3. A sidewalk and curb shall be provided along Ivy Street prior to or at time of development of the rear parcel.
4. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as required by the Director of Public Works.

5. A final partition modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition shall reference this land use application -- City of Canby, Planning Department, File No. MLP 92-05.
6. Plans to extend the sewer to the rear lot shall be approved for construction by the Director of Public Works, prior to the issuance of any building permits on the site.
7. All monumentation and recording fees shall be borne by the applicant.
8. All utilities must meet the standards and criteria of the providing utility authority.
9. The location of buildings and parking layout and access drives on the rear parcel shall be designed to provide for turnaround on the lot for both autos and fire trucks and shall be approved by the Fire Marshal.
10. If the location of any building exceeds a distance of 250 feet from a fire hydrant, a new hydrant shall be provided at or near the entrance on Ivy Street.
11. The front lot shall have be minimum of 7,000 square feet, excluding the access drive, and be at least 60 feet wide.

Exhibits:

1. Application and Vicinity Map
2. Site Plan

# MINOR LAND PARTITION APPLICATION

Fee: \$300.00

ALLEN COUNTY, MISSOURI

## OWNER

## APPLICANT

Name Allen Manuel / Tom O'Halloran Name same

Address 385 SW First Ave Address \_\_\_\_\_

City Canby State OR Zip 97013 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Signature: Allen Manuel Phone: 255-7333

## DESCRIPTION OF PROPERTY:

Tax Map T4SR1E Sec. 4AB Tax Lot(s) 5900 Lot Size 19,500 SF (Acres/Sq. Ft.)

## 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 Day-care Proposed Residential development as permitted

Existing Structures One house with detached garage

## PROJECT DESCRIPTION

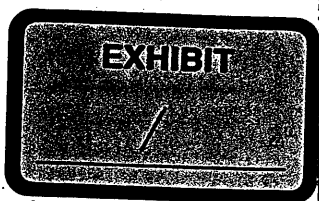
SEE ATTACHED

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

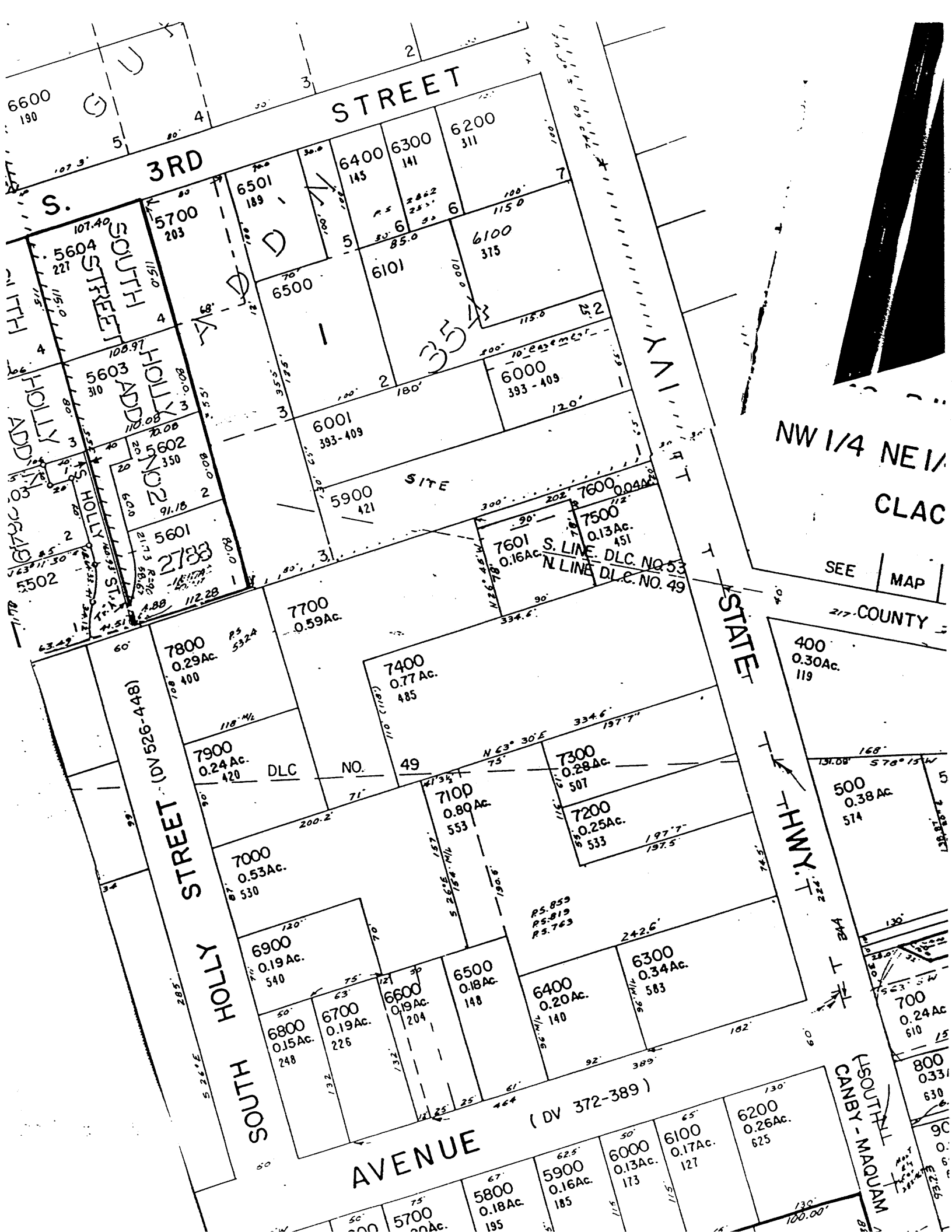
ZONING C-R COMPREHENSIVE PLAN DESIGNATION Residential/Commercial

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

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



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



6600  
190

STREET

3RD

S. SOUTH  
STREET

SOUTH  
HOLLY  
ADDN

5502

5700  
203

6501  
189

6400  
145

6300  
141

6200  
311

6101

6100  
375

6000  
393-409

6001  
393-409

5900  
421

SITE

7600  
0.04Ac

7500  
0.13Ac

7601  
0.16Ac

S. LINE  
DLC. NO. 53

N. LINE  
DLC. NO. 49

7700  
0.59Ac

7800  
0.29Ac

7400  
0.77Ac

7900  
0.24Ac

DLC NO. 49

7300  
0.28Ac

7100  
0.80Ac

7200  
0.25Ac

7000  
0.53Ac

6900  
0.19Ac

6500  
0.18Ac

6300  
0.34Ac

6800  
0.15Ac

6700  
0.19Ac

6400  
0.20Ac

AVENUE

(DV 372-389)

6000  
0.13Ac

6100  
0.17Ac

6200  
0.26Ac

5800  
0.18Ac

5900  
0.16Ac

6000  
0.13Ac

6100  
0.17Ac

6200  
0.26Ac

5700  
0.20Ac

5800  
0.18Ac

5900  
0.16Ac

6000  
0.13Ac

6100  
0.17Ac

6200  
0.26Ac

NW 1/4 NE 1/4  
CLAC

SEE MAP

217-COUNTY

400  
0.30Ac

500  
0.38Ac

700  
0.24Ac

800  
0.33Ac

STATE

HWY. 1

SOUTH - MAQUAM  
CANY

## Project Description and Standards and Criteria

The owners are proposing to partition tax lot 4S1E4AB05900, commonly known as 421 S. Ivy Street, Canby. The lot currently consists of 19,500 SF of land with one house. This partition request is for a 7000 SF lot with the house fronting on S. Ivy and a 12,500 SF lot behind it with access provided by a 20' easement as well as tax lot 7600. This proposal will allow the land to be more fully developed, making better use of the existing infrastructure.

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

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

The owners do not have set plans on how to use the remaining land, but have held informal discussions with several neighbors about placing a garden-style, one story four-plex on the property. The property immediately to the east of the proposed partition is vacant and zoned for single family residential. The single level apartment idea would make an effective and pleasing buffer between the two story apartments on the east and future single family development on the east.

31E33 CD TL 5900

31E33 CD TL 6001

Contract Purchasers:

Allen Manuel

Tom O'Halloran

385 S.W. First  
Canby, OR 97013

266-7333

Total Contiguous

ownership: 1.1 Ac

Fore tract  
turn a round  
(Hammerhead  
out)

part of  
7700

41E4AB TL 7609

Open Field  
no trees

(MAX  
4 units)

Fore tract  
turn a round  
(Hammerhead  
out)

4-plex

180'

90x67=6070  
60x90=5400

Reciprocal Access  
Easement

300'

-Proposed-  
Property Line

31E33 CD TL 6000

4-plex

120'

RECIPROCAL  
ACCESS  
AGREEMENT

421 S.  
Ivy

50/144

6-30-92

60'  
MIN.

Sewer: 10.1 feet deep

S. Ivy St.



60'

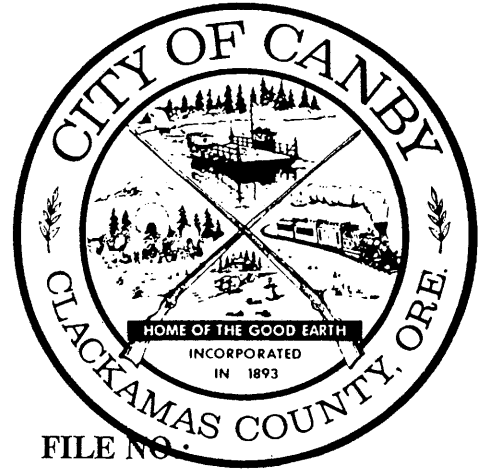
Scale  
1/8" = 5'

Prepared by: Allen Manuel - 266-7333

Revised by R.G. Hoffman 7/9/92

1" = 40'

**- STAFF REPORT -**



**APPLICANT:**

Gary A. Swatzel  
1730 SW Harbor Way #405  
Portland, OR 97201

**FILE NO.:**

DR 92-07  
(Payless Drug Store)

**OWNER:**

Portland Shopping Center Association  
6 Isadora Duncan Lane  
San Francisco, CA 94102

**STAFF:**

James S. Wheeler  
Assistant Planner

**LEGAL DESCRIPTION:**

Tax Lot 100  
of Tax Map 4-1E-5A

**DATE OF REPORT:**

July 16, 1992

**LOCATION:**

Canby Shopping Center

**DATE OF HEARING:**

July 27, 1992

**COMP. PLAN DESIGNATION:**

Highway Commercial

**ZONING DESIGNATION:**

C-2 (Highway Commercial)

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval of a Design Review Application to construct a one story retail store, approximately 28,000 square feet in size. The total site is 52,009 square feet, or approximately 1.19 acres.

## II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

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

## III. MAJOR APPROVAL CRITERIA

### Site and Design Review

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

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

## IV. FINDINGS:

### A. Background and Relationships:

The subject property is currently owned by the Portland Shopping Center Association. The property is pending approval for partitioning (MLP 92-04). For the purposes of this application and review, it will be assumed that the land on which the retail store will be built is a separate parcel.



The surrounding land uses include a retail shopping center and other commercial enterprises to the north and west, light industrial use to the south, and a high school to the east.

**B. Comprehensive Plan Consistency Analysis**

**i. CITIZEN INVOLVEMENT**

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

**ANALYSIS**

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

**ii. URBAN GROWTH**

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

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

**ANALYSIS**

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

iii. **LAND USE ELEMENT**

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

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

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

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

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

**ANALYSIS**

The Comprehensive Plan identifies this area as Highway Commercial. The zoning classification for the subject parcel is also Highway Commercial (C-2). The proposed use is in compliance with both the Comprehensive Plan designation and the zoning classification. The surrounding land use is predominately commercial. The proposed use is a replacement, and enlargement, of the existing use, retail commercial. A retail store will be fully compatible with the surrounding land uses, with the exception of the high school to the east.

The development of the subject parcel will not encroach upon the proximity of the school further than what exists presently. The orientation of the development will be away from the school and with appropriate buffering provided, the proposal will not adversely affect the high school or its operation.

iv. **ENVIRONMENTAL CONCERNS**

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

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

**TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.**

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

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

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

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

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

**ANALYSIS**

On-site disposal of storm water will be necessary. Capacity of existing system will need to account for the increase in impervious area that will result from the proposal. State and Local Code regulations will require the development to meet standards to prevent air, water, and noise pollution. The proposal will have minimal affect on the open space since the site is less than one acre in size.

v. **TRANSPORTATION CONCERNS**

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

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

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

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

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

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

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

**ANALYSIS**

The access to the subject parcel is through a mutual access agreement over the existing service roads from S. Berg Parkway and S.W. 5th Avenue. Sidewalks along S. Berg and 99E were conditions of approval of the Minor Land Partition application. There are existing sidewalks along the store fronts of the Shopping Center. A pedestrian through-way will be provided from the east. This will allow access to the Shopping Center for pedestrians utilizing the pathways to the south and east of the subject parcel. Additional access to the store will be needed, for general public use, through the existing Shopping Center parking lot.

**vi. PUBLIC FACILITIES AND SERVICES**

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

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

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

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

**ANALYSIS**

All public facilities are available for the proposal with adequate capacity. Police, Fire, Water, Electric, and Natural Gas services have adequate capacity to service this project. Concern regarding the utility facilities located in the southeastern portion of the existing structure has been addressed in the Minor Land Partition application and review. An access and maintenance easement will be granted with the completion of the partition application. Relocation of the facilities is possible and, if needed, will be done according to the utility provider specifications.

The water main will need to be extended to the front of the Store, and a fire hydrant installed. This will provide additional water for fire protection that the Fire Marshall considers necessary.

**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 existing buildings in this part of the Canby Shopping Center have been vacant for a while. Redevelopment of this part of the Shopping Center will directly result in 35 - 40 jobs with the construction of the Payless Drug Store. Portland Shopping Center Association is expecting that additional office/commercial operations will also come into the Shopping Center as a result of the construction of the Payless Drug Store. Should this take place, it will result in an additional 10 - 20 jobs.

The proposal is in full compliance with this element as it directly provides job opportunities, and provides an environment that indirectly enhances the job opportunities in the immediate vicinity.

### viii. HOUSING

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

### ANALYSIS

(Not Applicable)

### ix. ENERGY CONSERVATION

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

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

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

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

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

### ANALYSIS

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

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

Based upon the above described analysis, the proposal 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 total site is 52,009 square feet. Based on this figure, 7,801 square feet of landscaping is required. The applicant is proposing approximately 7,680 square feet of landscaping (14.8%), with 2,340 square feet of the landscaping consisting of walkways (30%). The maximum percentage of non-vegetative landscaping allowed for credit is 30%. The actual area covered by walkways is 3,320 square feet. The landscaping requirement can be met if one of the larger landscaped area in front of the store is enlarged by an additional five (5) feet in width.

The calculation of the landscaped area on the plan does not include 120 square feet adjacent to the breezeway. The landscape plan shows the landscaping blocking pedestrian use of the breezeway.

2. **Part IV - Section No. 11**

**All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise, so that:**

- A. It will not interfere with designated pedestrian or vehicular access, and**
- B. It will not constitute a traffic hazard because of reduced visibility.**
- C. It will not hinder solar access considerations.**

The plantings in front of the store are confined to promote pedestrian use of the walkways. The plantings behind the store will provide buffer landscaping between the store and the high school. The plantings will not inhibit the use of the service drives. Openings in the rear landscaped areas may be needed for access to pedestrian ways to the south and east, and for access to additional parking in the rear.

3. **Parking**

The parking requirement is 4 spaces per 1000 square feet of floor area. Thus, 112 parking spaces are required for the Payless Drug Store, and 414 parking spaces are required for the Shopping Center, as a whole. A total of 374 parking spaces presently exist in the Canby Shopping Center parking lot, 5 more than is currently required. An additional 40 parking spaces will need to be provided with the construction of the Payless Drug Store.

No parking spaces have been designated specifically for Payless Drug Store. An agreement for public access and use of 72 parking spaces located in the existing parking lot is needed. In the agreement, access will need to be both from a public road and to the store. An additional 40 parking spaces will need to be provided for Payless Drug Store, or for the remaining Canby Shopping Center if all of the required parking spaces for Payless are to be provided for in the existing parking lot.

A possible solution to this dilemma is the use of the vacant area to the south of the Payless store site, owned by the Canby Shopping Center. There is ample room for the needed 40 parking spaces. In this alternative, a pathway for crossing the landscape easement area, and a six foot sidewalk next to the Payless Drug Store that would connect the



new parking area to the breezeway at the front of the Store should be provided. The use of the lot would be for the uncommon occasions, such as the Christmas shopping season, when the existing parking facility will be insufficient to handle the demand.

An alternative of one sort or another will need to be pursued to provide the needed additional parking spaces to meet the requirements of the Ordinance.

**4. Access**

Access to the store and the parking area were discussed together in the Parking section (#3 above).

**5. Architecture**

It is proposed to continue the existing design and material of the Shopping Center. Colors are Turtle Dove (blue-gray), Cornel Blue, and Egret (off-white) as illustrated on the drawings submitted.

The store sign proposed as part of the elevations is approximately 432 square feet in overall size. The maximum size allowed for a store of this size is 600 square feet. The lettering will be a reddish color.

**6. Landscaping, General**

The landscaping in front of the store includes oak, juniper, shore pine, laurel, abelia, and kinnikinnick. No bark dust is proposed. The landscaping in the rear of the store includes oak, cotton coral beauty, laurel, and shore pine. Again, no bark dust is proposed. The landscape plan shows the landscaped area immediately adjacent to the side of the store as continuing across the breezeway. Staff did not include the area of this landscaping that crosses the breezeway in the minimum requirement calculations. This particular area should not be landscaped to allow use of the breezeway by pedestrians.

The landscaping that is along the eastern property line will provide buffering. However, the applicant has stated that a fence will also be constructed along the eastern property line. If the landscaping is on the store side of the fence, it will not provide adequate site buffering.

However, if the landscaping is located on the school side of the fence, it will provide a more visually pleasing buffering between the high school and the store. An easement for maintenance of the landscaping will be required for this change.

A landscape easement to the south of the parcel is included in the proposal. This landscaping area was not included in the calculations regarding the landscaped area requirement. The landscaping includes laurel, shore pine, and oak. This landscaped area may be needed to meet the required landscaping requirement, if the needed additional parking spaces are provided in the Shopping Center's vacant land to the south of this landscaped area. The sidewalk that would be needed next to Payless would remove approximately 1350 square feet of the required landscaping.

It appears that it was intended that an irrigation plan be part of the application submitted. However, the irrigation plan was not completed and therefore, is unknown.

## V. CONCLUSION

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

Further, staff concludes that, with approval conditions:

1. the proposed use of the site is consistent with the applicable requirements and policies of the Comprehensive Plan and the development ordinance;
2. the characteristics of the site are suitable for the proposed use;

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

#### V. RECOMMENDATION:

Based upon the application, site plan (dated June 26, 1992), the landscaping plan (dated June 30, 1992), and the elevations (dated July 2, 1992), 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 92-07 for a retail store. Furthermore, staff recommends approval of DR 92-07 with the following conditions:

1. Relocation of any utility facilities, if necessary, shall be according to utility service provider specifications. An extension of existing access and maintenance easement agreements shall accompany the relocation of the utility facilities.
2. An additional 120 square feet of landscaping shall be provided in front of the store.
3. Fencing along the eastern property line and east of the service drive shall be west of any landscaping. A maintenance easement for the landscaped area between the fence and the property line shall be submitted to the Planning Office
4. An perpetual easement agreement for the use of 112 parking spaces, and access to the parking spaces from a public road and to the store shall be provided.

5. Forty (40) additional parking spaces shall be provided, either specifically for Payless Drug Store, or for the Canby Shopping Center in general. The additional parking spaces shall be provided in accordance with Sections 16.10 and 16.49.120 of the City Code.
6. If the additional parking spaces are provided in the vacant area of the Shopping Center property, a sidewalk shall be provided between the parking area and the existing Shopping Center walkway system.
7. An irrigation plan for the proposed landscaped areas shall be submitted and approved by the City Planner prior to the Final Order.
8. The water main shall be extended to the front the store and a hydrant installed.

**Exhibits:**

1. Application for Design Review
2. Site Plan (dated June 26, 1992) *(too large to reproduce)*
3. Elevations (dated July 2, 1992) *(too large to reproduce)*
4. Landscape Plan (dated June 30, 1992) *(too large to reproduce)*
5. Department Responses to "Request for Comments"

SITE AND DESIGN REVIEW APPLICATION

Fee: \$250

OWNER  
Name Peter Dwares, General Partner  
Portland Shopping Center Assoc.

APPLICANT  
Name Gary A. Swatzel, Owner's Representative  
The Alton Group

Address 6 Isadora Duncan Lane

Address 1730 SW Harbor Way #405

City San Francisco State CA Zip 94102

City Portland State OR Zip 97201

SIGNATURE *[Signature]*

Phone: (503) 295-2569

DESCRIPTION OF PROPERTY:

Tax Map 4 1E 4B3 Tax Lot(s) 100 Lot Size 52,009 Square Feet  
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

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

PROPERTY OWNERSHIP LIST

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

USE

Existing Retail Store Proposed Payless Drug Store

Existing Structures Retail Outlet

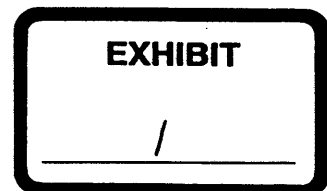
Surrounding Uses Retail

PROJECT DESCRIPTION

Approximately 10,000 square feet of existing retail buildings will be demolished and removed. A new Payless Drug Store of approximately 28,000 square feet will be constructed. The new Payless Drug Store will conform to the architectural design of the existing shopping center. Sidewalks and a "patio area" will be provided. An access road will extend completely around the new Payless Store.

ZONING C-2 COMPREHENSIVE PLAN DESIGNATION Highway - Commercial  
PREVIOUS ACTION (if any) \_\_\_\_\_

File No. DR 92-07  
Receipt No. 1927  
Received by JSW  
Date Received 6/30  
Completeness Date \_\_\_\_\_  
Pre-App Meeting \_\_\_\_\_  
Hearing Date 7/27



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

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

JSW  
7/7/92

DATE: July 1, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, MIKE JORDAN, GARY HYATT, TOM PIERSON, TODD SCHMIT, CANBY HIGH SCHOOL, CLACKAMAS COUNTY, CANBY ELEMENTARY SCHOOL

The City has received DR 92-07, an applications by The Alton Group to construct a new 28,000 square foot Payless Drug Store, which will conform to the architectural design of the existing shopping center. Sidewalks and a "patio area" will be provided and an access road will extend completely around the new store. The site is located in the southeastern portion of the Canby Square Shopping Center (Tax Lot 100 of Tax Map 4-1E-~~4B~~).

5A

We would appreciate your reviewing the enclosed applications and submitting comments by July 10, 1992. PLEASE: The Planning Commission will consider this application on July 27, 1992. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

Request that water main be extended to front of proposed new store and install fire hydrant in parking lot area in front of store. This would add additional water for fire protection of the shopping center that has been needed since center was constructed.

- 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  
2

Signature: Jack Stark

Date: July 6, 1992



# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

ASW  
7/2/92

DATE: July 1, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, MIKE JORDAN, GARY HYATT, (TOM PIERSON), TODD SCHMIT, CANBY HIGH SCHOOL, CLACKAMAS COUNTY, CANBY ELEMENTARY SCHOOL

The City has received DR 92-07, an applications by The Alton Group to construct a new 28,000 square foot Payless Drug Store, which will conform to the architectural design of the existing shopping center. Sidewalks and a "patio area" will be provided and an access road will extend completely around the new store. The site is located in the southeastern portion of the Canby Square Shopping Center (Tax Lot 100 of Tax Map 4-1E-~~48~~ SA).

We would appreciate your reviewing the enclosed applications and submitting comments by July 10, 1992 PLEASE. The Planning Commission will consider this application on July 27, 1992. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

WE HAVE SOME CONCERN ABOUT PLANTING  
AREAS SOUTH & EAST SIDES OVER EXISTING  
CONDUIT & CABLE. WE WOULD PREFER  
SMALLER VEGETATION FOR FUTURE  
(IF REQUIRED) REPAIR OR REPLACEMENT

- 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: Tom Pierson Date: 7-2-92



# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

7/1/92

DATE: July 1, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, MIKE JORDAN, GARY HYATT, TOM PIERSON, TODD SCHMIT, CANBY HIGH SCHOOL, CLACKAMAS COUNTY, CANBY ELEMENTARY SCHOOL

The City has received DR 92-07, an applications by The Alton Group to construct a new 28,000 square foot Payless Drug Store, which will conform to the architectural design of the existing shopping center. Sidewalks and a "patio area" will be provided and an access road will extend completely around the new store. The site is located in the southeastern portion of the Canby Square Shopping Center (Tax Lot 100 of Tax Map 4-1E-4B).

We would appreciate your reviewing the enclosed applications and submitting comments by July 10, 1992 PLEASE. The Planning Commission will consider this application on July 27, 1992. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

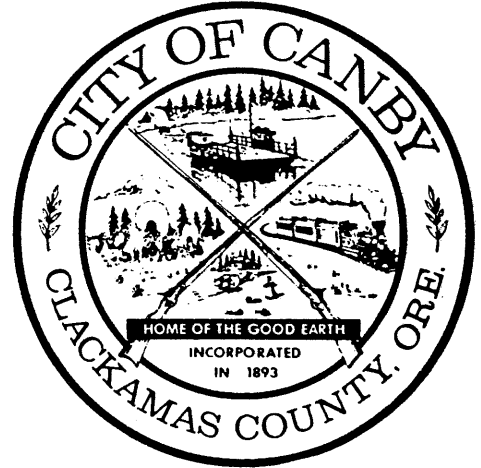
Comments or Proposed Conditions:

The Power Room is the only issue, as previously specified in prior application

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

Signature: Roy & Wester

Date: July 7, 1992



## **- STAFF REPORT -**

### **APPLICANT:**

Annette Griffy  
2200 SE 134th Avenue  
Vancouver, WA 98684

### **FILE NO.:**

MLP 92-07  
(noticed as MaLP 92-01)

### **OWNER:**

Cecilia Arnold  
1295 NE Territorial Rd.  
Canby, OR 97013

### **STAFF:**

James S. Wheeler  
Assistant Planner

### **LEGAL DESCRIPTION:**

Tax Lot 2201  
Tax Map 3-1E-27C

### **DATE OF REPORT:**

July 16, 1992

### **LOCATION:**

1295 NE Territorial Rd.

### **DATE OF HEARING:**

July 27, 1992

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

High Density Residential

### **ZONING DESIGNATION:**

R-1 (Low Density Residential)

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

The applicant is requesting approval for a minor land partition that will partition a 38,936 square foot (.89 acre) parcel into three parcels.

## II. APPLICABLE CRITERIA:

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

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

## III. OTHER APPLICABLE CRITERIA

- A. 16.28.030 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 220 of Tax Map 3-1E-27C. The street address of the house on the parcel is 1295 N.E. Territorial Rd. The property consists of approximately .89 acres, with a 20 foot strip of land accessing N.E. Territorial Road. The entire parcel is zoned R-1, Low Density Residential.

The subject parcel and the parcel to the north access Territorial Road using the existing gravel drive that is a part of the subject parcel. A revision to the original proposal, as discussed with staff, will be submitted to the Planning Staff prior to the date of the hearing.

##### 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.

Policy #6: Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the requirements of the land development and planning ordinance, in guiding the use and development of these unique areas.

- A) A map of "Areas of Special Concern" is to be regarded as having the full force and effect of the Land Use Map in determining appropriate land uses and levels of development. Development proposals, even those that appear to conform with existing zoning, will be considered to conform with the Comprehensive Plan only if they meet the requirements imposed here.

- B) Area "N" consists of a wide strip of property bordering N.E. Territorial Road. It includes properties which are planned for medium density residential use and properties planned for high density residential use. Present development in the area includes apartments, condominiums, single family dwellings, and vacant lots. Present zoning includes some R-2 areas and a predominance of R-1 areas. Street dedications and, in some cases, street improvements are needed to make some of the properties suitable for higher density development. New developments, other than one single family dwelling per lot, will require upzoning to either R-1.5 or R-2 as appropriate.

### ANALYSIS

The subject parcel is part of an area of special concern that borders Territorial Road. The subject parcel is a flag lot accessing Territorial Road and bordering the Logging Road. The Comprehensive Plan does not suggest that upzoning of all properties within this area of special concern is appropriate. This is an area of special concern because of the mixed use that currently exist throughout the area, and because of the Comprehensive Plan designation.

Staff believes that upzoning of this property would be inappropriate. Access to any partitioned lot will be through the use of a private road to Territorial Road. Single family structures are currently located on the subject parcel and the parcel to the north. If a partitioned lot were rezoned and developed for multi-family residential use, access would be shared with the single family structures over an access road of limited width. One possibility for development of a partitioned lot for multi-family residential use, would be to adjoin with the lot to the south and develop the area jointly. This would direct traffic away from the existing single family structures. However, at this time, the lot to the south is not in the City and is not expected to be developed in the near future.

The proposal is for a three-lot partition, all of which will access Territorial Road through a private road. The partitioned lots will be developed for single family residential use. This is in conformance with the Comprehensive Plan and is both a reasonable and compatible development proposal in relation to the surrounding properties and use.

iv. **Environmental Concerns**

■ **GOAL: 1) TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.**

**2) TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION. TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.**

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

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

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

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

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

**ANALYSIS**

On-site disposal of storm water will be required. The soil is Latourell loam, which is suitable for homesites, with moderate drainage. Residential structures will utilize the City's sewer facilities.

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

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

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

**ANALYSIS**

The subject parcel accesses Territorial Road through an access road. The property reportedly has approximately 20 feet of frontage along Territorial Road. The right-of-way along Territorial Road is currently 60 feet. The desired right-of-way width for Territorial Road is 80 feet. Dedication of an additional 10 feet of Road, with widening, curb, and concrete approach will be necessary for the subject parcel's frontage along Territorial Road. To provide proper and timely identification of the addresses of the partitioned lots for emergency vehicle response, addresses of the partitioned lots will need to be located at the entrance of the private road on Territorial Road.

The proposal includes a private road or access drive. The two new lots will have ownership of the access drive. This will create two flag lots with a mutual ingress, egress, and maintenance easement agreement. The existing house will be on a resultant "land-locked" parcel. This "land-locked" parcel will also have mutual ingress and egress over the access drive, and will participate in the maintenance of the access drive, but will not have ownership of any part of the access drive. The turnaround proposed for emergency vehicles is acceptable to the Fire Marshal.



The County Tax Assessor's map depicts the parcel as having only ten (10) feet of frontage along Territorial Road. The applicant has maintained that there is a minimum of twenty (20) feet of frontage. The applicant has been informed that documentation affirming at least twenty (20) feet of frontage will be required, or the additional frontage will need to be acquired.

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.

vii. **Economic**

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

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

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

**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**

All lots will meet the requirements of the Solar Access Ordinance. 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.

The proposed 'hammerhead' turnaround will be sufficient to provide proper turnaround for emergency vehicles. This design has been discussed and accepted by the Fire Marshall, and will be reflected in the revised plat submittal.

There are no set design standards for private roads or access drives. Pavement of a full 20 foot width is a minimum requirement.

A sidewalk for this access drive will be unnecessary as the Logging Road is adjacent to the development and will amply provide a pedestrian pathway for the subject parcel.

Even with the Logging Road abutting the subject parcel, easements will still be necessary around the partitioned lots to provide possible utility extensions to abutting properties.

### **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 new lot.
3. Staff concludes that all necessary public services will become available through the development of the property, to adequately meet the needs of the proposed land division.

### **VI. RECOMMENDATION**

Based upon the findings and conclusions in this report, and without benefit of public hearing, staff recommends approval of MLP 92-07, subject to the following conditions:

1. The applicant provides documentation of ownership of at least twenty (20) feet of road frontage and access strip. If ownership of at least twenty (20) feet of frontage and access strip cannot be shown, Staff recommends that the Commission delay decision regarding this application for one month, to allow the applicant to acquire additional land as necessary. If the additional land has not been acquired within the given time period, the Staff would then recommend that the Commission deny the application due to insufficient access.
2. The applicant shall prepare a final partition map. The final partition map shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
3. A new deed and legal description for the new parcel shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
4. Construction of homes and accessory buildings on the site shall meet setback requirements normally required in an R-1 zone.
5. A final partition modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition shall reference this land use application -- City of Canby, Planning Department, File No. MLP 92-07.
6. All monumentation and recording fees shall be borne by the applicant.
7. The applicant shall provide a waiver of remonstrance against future street or utility improvements to Territorial Road.
8. All utilities must meet the standards and criteria of the providing utility authority.
9. 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.

10. Ten (10) feet of land for street widening purposes along Territorial Road shall be dedicated as part of the final partition. Territorial Road shall be widened and a concrete approach shall be utilized for the access drive connection with Territorial Road. Improvement designs and specifications shall be approved by the Director of Public Works.
11. The access drive shall be paved for a full twenty (20) foot width.
12. Addresses for the lots shall be displayed at the access driveway entrance from Territorial Road.
13. A reciprocal access and maintenance easement agreement shall be provided for all three partitioned lots. A copy of this agreement shall be submitted to the Planning Office.

Exhibits:

1. Application
2. Project Description
3. Vicinity Map
4. Site Plan
5. Request for Comments Responses

MAJOR LAND PARTITION APPLICATION

Fee: \$300.00

OWNER

APPLICANT

Name Cecilia Arnold Name Annette Gruffy

Address 1295 N.E. Territorial Rd Address 2200 SE 134th Ave

City Canby State OR Zip 97013 City Vancouver State WA Zip 98694

SIGNATURE \_\_\_\_\_ Phone: (206) 253-4230  
(206) 696-8020 W.

DESCRIPTION OF PROPERTY:

Tax Map 3-1E-27C Tax Lot(s) 2201 Lot Size 39,936 S.F. existing  
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

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

PROPERTY OWNERSHIP LIST

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

USE

Existing Single Family Residential Single family residential

Existing Structures One single family residence  
2- Additional lots

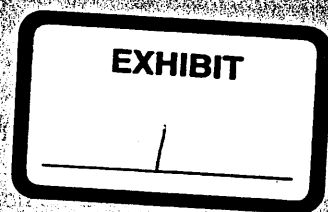
PROJECT DESCRIPTION

Partition existing flag lot (39,936 S.F.) with one existing structure (1295 N.E. Territorial Rd.) into three single family residence lots

ZONING RL COMPREHENSIVE PLAN DESIGNATION High Density

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

File No. MalP 92-01  
Receipt No. 1933  
Received by JLW  
Date Received 7/1/92  
Completeness Date \_\_\_\_\_  
Pre-App Meeting \_\_\_\_\_  
Hearing Date 7/27/92



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

5. Staff investigates the request, writes a staff report, places a public notice in the newspaper, notifies surrounding property owners, and makes all facts relating to the request available to the Planning Commission and all interested parties.
6. The staff report will be available seven (7) days prior to the hearing.
7. The Planning Commission holds a public hearing approximately thirty (30) days after the complete application is submitted. The staff report is presented. Testimony is presented by the applicant, proponents and opposition, followed by rebuttal from the applicant.
8. The Commission then issues findings of fact which support approval, modification or denial of the application. A decision may be appealed to the City Council.
9. If an approval or a denial has been appealed, City Council holds a public hearing. The staff report is presented and testimony taken, as at the original hearing(s). However, only testimony regarding items already in the record is permitted, and no new information may be entered. In the case of an appeal, the Council may affirm, revise or reverse the action of the Planning Commission in all or in part. The Council may also remand the matter back to the hearing body for further consideration.

Name of Applicant: \_\_\_\_\_ File No. \_\_\_\_\_

Subject Property: Tax Lot(s) \_\_\_\_\_ Tax Map(s) \_\_\_\_\_

**AFFIDAVIT OF POSTING NOTICE**

I, \_\_\_\_\_, do swear or affirm that I am/represent the party initiating action before the City of Canby Planning Commission for a proposed \_\_\_\_\_ affecting the land located at \_\_\_\_\_, and that on the \_\_\_\_\_ day of \_\_\_\_\_, 1990, I personally posted the notice indicating that the site is the subject of an application for a public hearing. The sign was posted at \_\_\_\_\_  
(state location on property)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1990

\_\_\_\_\_  
Signature

-----  
Subscribed and sworn to, or affirmed, before me this \_\_\_\_\_ day of \_\_\_\_\_, 1990.

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

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

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

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



PROPOSED DEVELOPMENT DESCRIPTION  
FOR  
CECILIA ARNOLD PROPERTY

Cecilia Arnold presently owns the 39,000 square foot flag lot at the southwest corner of N.E.Territorial Road and Molalla Forest Road. The lot has one existing single family residence. It is Mrs. Arnold intent to divide her existing lot into three parcels such that all utility and access requirements are met while still allowing for lot sizes to match the existing caliber of homes in the area. This would also provided her with the best financial benefit from the sale of her property to aid in supplementing her retirement.

The property is currently zoned R1 for low density single family residences, and the City of Canby's comprehensive plan designation is high density. A three lot minor land partition provides for the optimal land use intended by the City's zoning and comp plan.

The Council decision to restrict use of the Molalla Forrest Road for bike and walkway restricts the access to the back of the site. However the limitations of access on the Molalla Forrest Road does provide an for a good selling point to single family home buyers.

The layout on the attached map is designed to allow adequate access and sufficient turnaround for all vehicles including emergency vehicle access. This is the only reasonable method to allow for the optimal development of the site. It also allows for functional and adequate building sites. A reciprocal access and Maintenance agreement will be provided to insure for year round safe and efficient access by emergency vehicles. The utilities are in close proximity to the site and all necessary facilities will be provided.

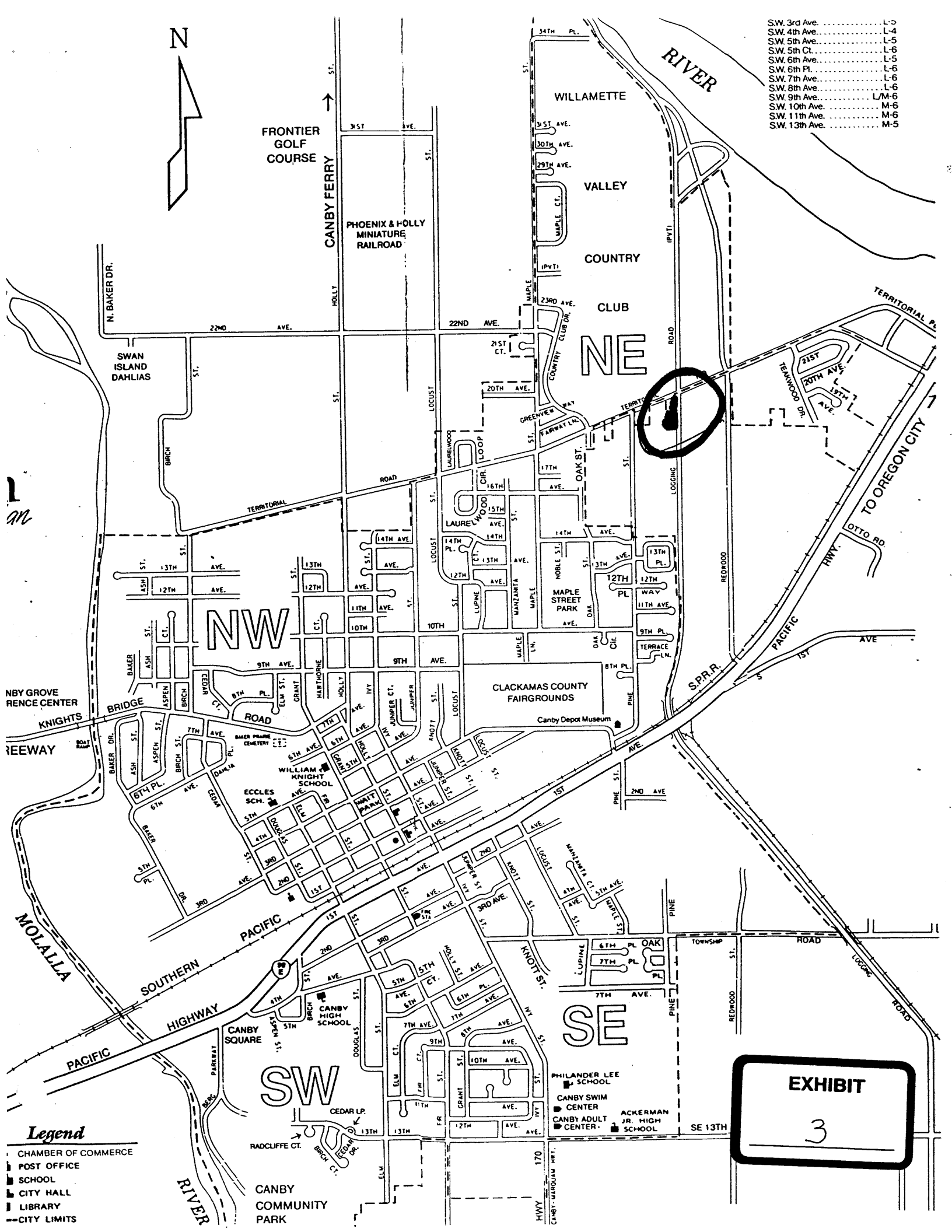
Mrs. Arnold thanks you for your time and consideration.

EXHIBIT

2



- 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**

3

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

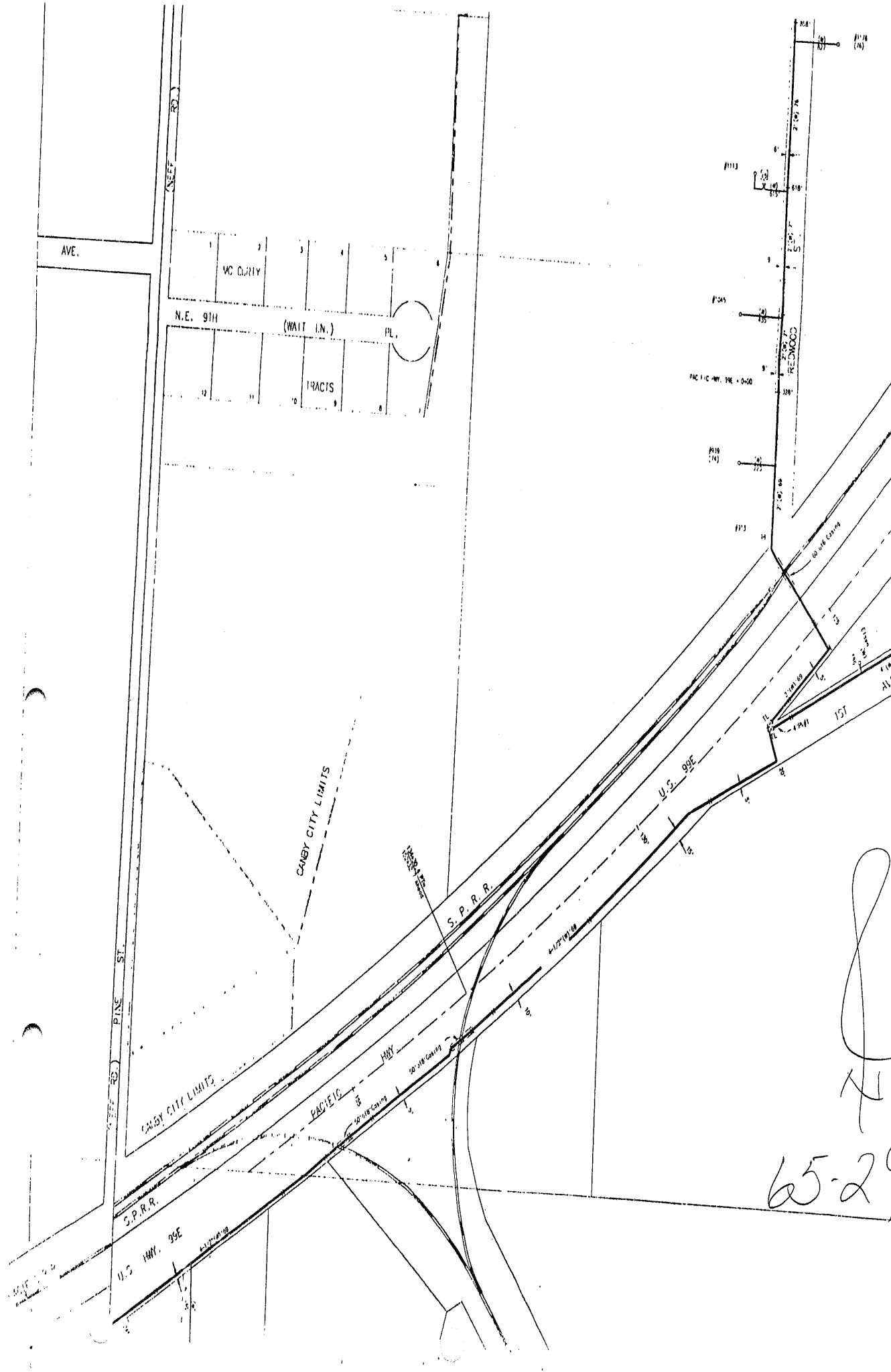
CANBY COMMUNITY PARK



*hogging Rd*

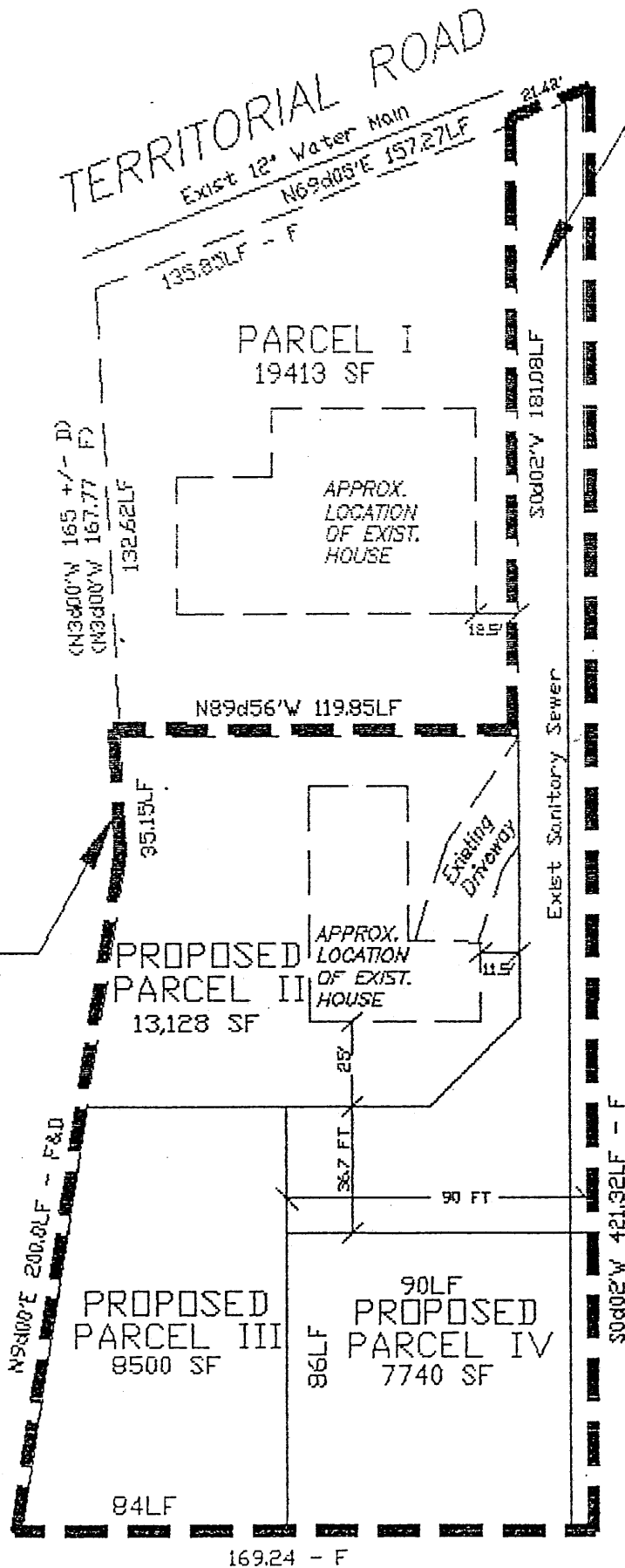
74  
64-29

ST.



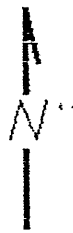
65-29  
 71

# Proposed Arnold Land Partion



Proposed Access & Water Service Easement with Existing Sanitary Sewer Easement. Utility Access Easement will be Provided.

**EXHIBIT**  
4



SCALE 1" = 50'  
 JUNE 29, 1992.

**OWNER:**  
 Cecilia Arnold  
 1295 NE Territorial Rd  
 Canby, OR 97013

**MAP PREPARED BY:**  
 Annette Griffy  
 2200 SE 134th Ave.  
 Vancouver, WA 98684

# PLEASE RETURN ATTACHMENTS!!!

JSW  
7/15/92

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: July 1, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, MIKE JORDAN, GARY HYATT, TOM PIERSON, TODD SCHMIT, CANBY HIGH SCHOOL, CLACKAMAS COUNTY, CANBY ELEMENTARY SCHOOL

The City has received MaLP 92-01, an application by Annette Griffy for approval of a Major Land Partition to divide a 38,936 square foot parcel into three single family residential lots. The property is located on the south side of N.E. Territorial Road, west of the Logging Road [1295 N.E. Territorial Road] (Tax Lot 220 of Tax Map 3-1E-27C).

We would appreciate your reviewing the enclosed applications and submitting comments by July 15, 1992 PLEASE. The Planning Commission will consider this application on July 27, 1992. 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 natural Gas approved of this Land Partition

- 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  
5

Signature: Gary Hyatt

Date: 7/11/92

**PLEASE RETURN ATTACHMENTS!!!**

7/7/92

**CANBY PLANNING DEPARTMENT  
REQUEST FOR COMMENTS**

**DATE: July 1, 1992**

**TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, MIKE JORDAN, GARY HYATT, TOM PIERSON, TODD SCHMIT, CANBY HIGH SCHOOL, CLACKAMAS COUNTY, CANBY ELEMENTARY SCHOOL**

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We would appreciate your reviewing the enclosed applications and submitting comments by July 15, 1992 **PLEASE**. The Planning Commission will consider this application on **July 27, 1992**. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

*Comments will be made on Future Application of Lot design.*

*I see no problem with this Application*

Adequate Public Services (of your agency) are available

Adequate Public Services will become available through the development

Conditions are needed, as indicated

Adequate public services are not available and will not become available

Signature: Roy L Hesta

Date: July 7, 1992

# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

*QSW 7/1/92*

DATE: July 1, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, MIKE JORDAN, GARY HYATT, TOM PIERSON, TODD SCHMIT, CANBY HIGH SCHOOL, CLACKAMAS COUNTY, CANBY ELEMENTARY SCHOOL

The City has received **MaLP 92-01**, an application by Annette Griffy for approval of a Major Land Partition to divide a 38,936 square foot parcel into three single family residential lots. The property is located on the south side of N.E. Territorial Road, west of the Logging Road [1295 N.E. Territorial Road] (Tax Lot 220 of Tax Map 3-1E-27C).

We would appreciate your reviewing the enclosed applications and submitting comments by July 15, 1992 **PLEASE**. The Planning Commission will consider this application on **July 27, 1992**. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

*Waste water treatment comment only!*

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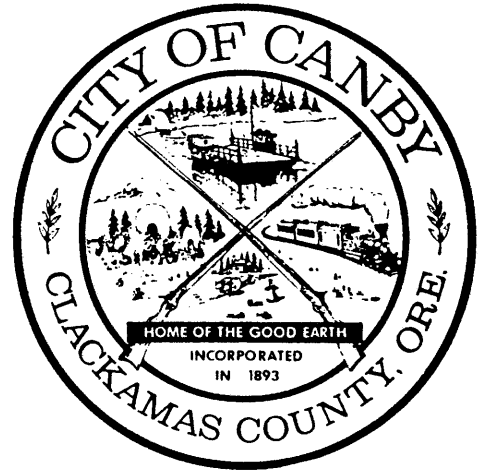
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- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: *S. J. [Signature]* Date: *7/6/92*





## **- STAFF REPORT -**

**APPLICANT:**

Arlie Lenhardt  
15950 NE Becke Rd.  
Aurora, OR 97002

**FILE NO.:**

MLP 92-06

**OWNER:**

Gladys Satter  
407 NW Territorial Rd.  
Canby, OR 97310

**STAFF:**

James S. Wheeler  
Assistant Planner

**LEGAL DESCRIPTION:**

Tax Lot 200  
Tax Map 3-1E-33BB

**DATE OF REPORT:**

July 16, 1992

**LOCATION:**

407 NW Territorial Rd.

**DATE OF HEARING:**

July 27, 1992

**COMP. PLAN DESIGNATION:**

Low Density Residential

**ZONING DESIGNATION:**

R-1 (Low Density Residential)

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval for a minor land partition that will partition a 1.19 acre parcel into two lots, approximately .48 acres and .71 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 partitions shall be approved where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to City standards is not necessary to insure safe and efficient access to the parcels;
- E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

## III. OTHER APPLICABLE CRITERIA

- A. 16.28.030 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 200 of Tax Map 3-1E-33BB. The street address of the house on the parcel is 407 N.W. Territorial Rd. The property consists of approximately 1.19 acres, with 121.5 feet of frontage along Territorial Road. The entire area is zoned R-1, Low Density Residential.

The current partition proposal is part of a partition application that was approved on 10/8/80 (MLP 80-05). The third lot of that three lot partition was never platted. As part of the approval of the original partition, 20' of land along Territorial was dedicated to the city. Another condition of approval is an irrevocable offer of dedication for a 60' wide strip of land through the center of the original lot for the future extension of N. Grant Street. The lot layout of the current partition is the same as the originally approved partition plat.

##### B. Comprehensive Plan Consistency Analysis

###### i. Citizen Involvement

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

###### ANALYSIS

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

###### ii. Urban Growth

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

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

**ANALYSIS**

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

**iii. Land Use Element**

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

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

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

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

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

**ANALYSIS**

The land partition is the same in size, shape, and intensity as the original partition that was approved in 1980. The area of W. Territorial Road has not been intensely developed. There are a few small rural-residential lots to the west of the subject parcel along the south side of Territorial. This partition would be consistent with the development that has occurred thus far in this area.

iv. **Environmental Concerns**

- **GOAL:** 1) **TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.**
- 2) **TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION. TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.**

- Policy #2-R                      Canby shall maintain and protect surface water and groundwater resources.
- Policy #3-R                      Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.
- Policy #4-R                      Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.
- Policy #7-R                      Canby shall seek to improve the overall scenic and aesthetic qualities of the City.
- Policy #8-R                      Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.

**ANALYSIS**

On-site disposal of storm water will be required. An on-site septic system will be necessary for the partitioned lot. The existing home is currently on a septic system. The applicant has stated that the soil has been tested and is suitable for a standard on-site septic system, according to County standards. The site has Canderly sandy loam soil, which is generally suitable for on-site septic systems.

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

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

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

**ANALYSIS**

As stated in the Background, the City has received land dedication for the future widening of Territorial Road. The original condition for an irrevocable offer of dedication for the future extension of N. Grant Street should remain with this partition. An offer of dedication for sixty (60) feet of land for the future extension of N. Grant Street has been made and filed with the County.

Street widening will not be necessary at this time. The Public Works Director has stated that the road is currently in poor condition. Widening the road would not improve the situation, and at the time that sewer was extended, the widened portion would have to be replaced. A 20' paved driveway will be necessary for access to the buildable portion of the partitioned lot.

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, with the exception of sewer. Section 13.12.010 of the City Code states that any property that is within 100 feet of an existing sewer line, must connect. Currently, the existing sewer lines are in excess of 100 feet for the subject parcel (N. Holly, south of Territorial; and N. Grant and Hawthorne Ct.). At such time as the sewer line is extended to within 100 feet, both the existing house and the partitioned parcel will be required to connect.

vii. **Economic**

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

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

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

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 will meet the requirements of the Solar Access Ordinance. 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. Construction of any building on the partitioned lot will need to be setback at least 20 feet from the 60' strip of land that is a part of the irrevocable offer of dedication.

### **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 new lot.
3. 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. This does not include connection to the City's sewer system. Section 13.12.010 requires all parcels to connect to the City sewer system if, and when, the parcel is within 100 feet of sewer services. The Staff concludes that with proper testing of the soils, an on-site septic system will provide adequate sanitary sewer services until the City's facilities are extended to within 100' of the subject parcel.

### **VI. RECOMMENDATION**

Based upon the findings and conclusions in this report, and without benefit of public hearing, staff recommends approval of MLP 92-06, subject to the following conditions:

1. The applicant shall prepare a final partition map. The final partition map shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.

2. A new deed and legal description for the new parcel shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
3. Construction of homes and accessory buildings on the site shall meet setback requirements normally required in the zone and shall also be set back from anticipated road alignments.
4. Permanent utility construction and maintenance easements shall be provided as follows: 6 feet along the common property lines of the existing parcel and the partitioned parcel, and 12 feet along all other property lines and the anticipated road alignment.
5. A final partition modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition shall reference this land use application -- City of Canby, Planning Department, File No. MLP 92-06.
6. All monumentation and recording fees shall be borne by the applicant.
7. All utilities must meet the standards and criteria of the providing utility authority.
8. Access strip to the rear parcel shall be paved for a full twenty (20) foot width.
9. An on-site disposal system shall be approved by Clackamas County prior to occupancy of the rear parcel.
10. The following note shall be placed on the partition plat:

"Construction of any home or accessory structure on the partitioned lot shall be set back from the anticipated road alignment, as marked by the irrevocable offer of dedication. An on-site septic system may be used in accordance with City Code 13.12.020. At such time that public sewer is provided within one hundred (100) feet of the partitioned lot, the owner shall comply with Sections 13.12.010, 13.12.030, and 13.12.040 of the City Code."

11. A sidewalk shall be provided at the time of street widening and paid by the owners of both lots for their respective frontages.

Exhibits:

1. Application Package
  - Application
  - Site Plan
  - Project Description
  - 1980 City Approval (Previous application)
  - Title Search
  - Property Description
  - Vicinity Map
  - Waiver of Remonstrance
  - Offer of Dedication
2. Request for Comments Responses

# MINOR LAND PARTITION APPLICATION

Fee: \$300.00

OWNER

APPLICANT

Name GLADYS SATTER

Name ARLIE LENHARDT

Address 407 NW TERRITORIAL RD

Address 15950 NE BECKE RD

City CANBY State OR Zip 97310

City AURORA State OR Zip 97002

Signature: Gladys Satter

Phone: 678-1518

### DESCRIPTION OF PROPERTY:

Tax Map 3 1E 33BB Tax Lot(s) 200 Lot Size 1.19  
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

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

### PROPERTY OWNERSHIP LIST

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

### USE

Existing RESIDENTIAL Proposed RESIDENTIAL

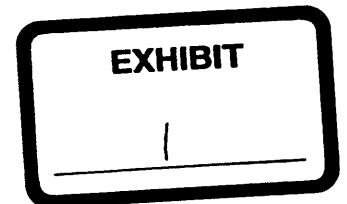
Existing Structures HOUSE AT 407 NW TERRITORIAL TO REMAIN

### PROJECT DESCRIPTION

PARTION TAX LOT 200 APPROX 1.19 AC.  
INTO 2 LOTS. THE EXISTING HOUSE WOULD  
REMAIN ON APPROX 0.48 AC. AND A NEW  
LOT WOULD BE ESTABLISHED AT APPROX 0.71 AC.

ZONING R1 COMPREHENSIVE PLAN DESIGNATION LOW DENSITY-RESIDENTIAL  
PREVIOUS ACTION (if any) \_\_\_\_\_

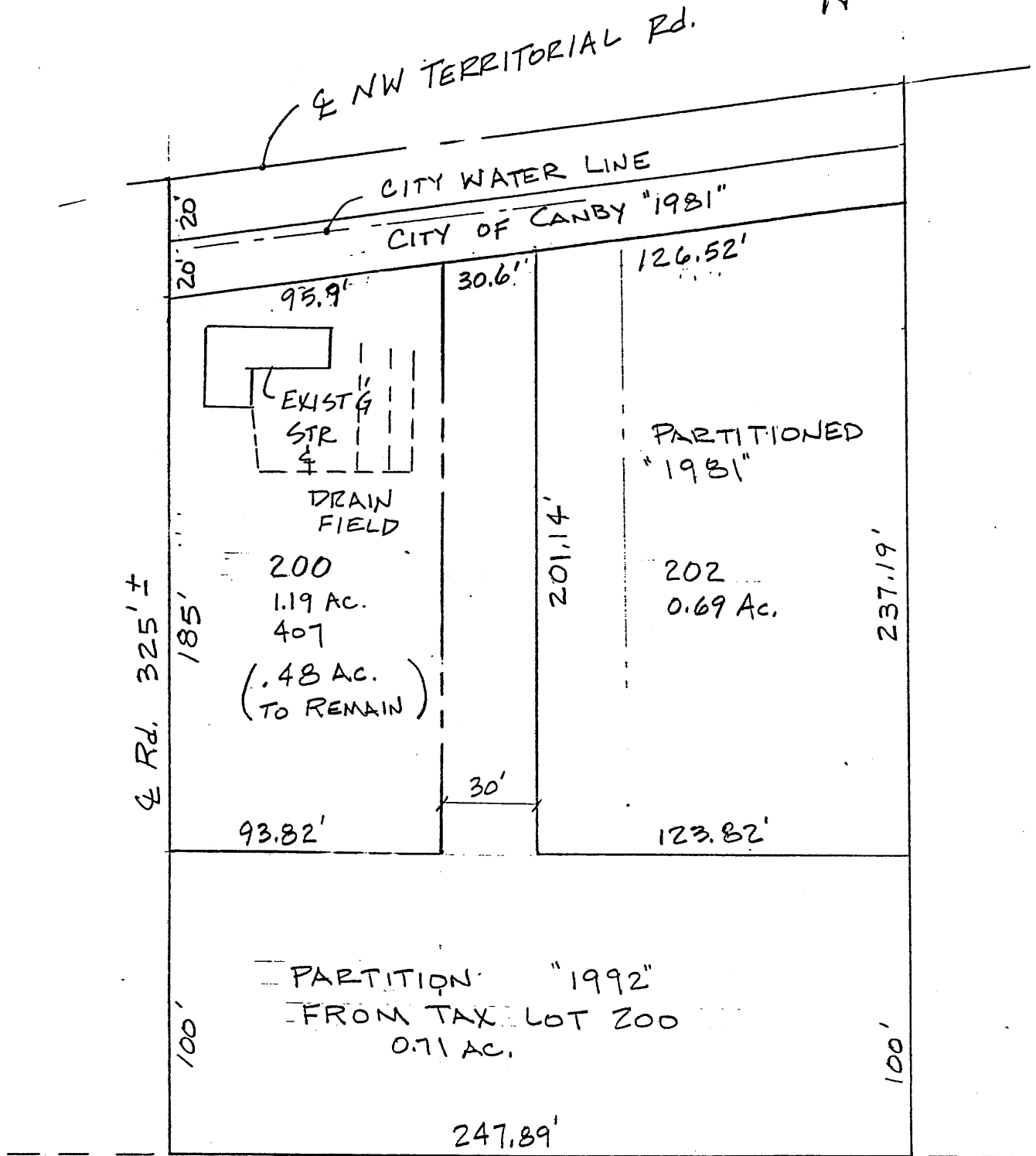
File No. \_\_\_\_\_  
Receipt No. \_\_\_\_\_  
Received by \_\_\_\_\_  
Date Received \_\_\_\_\_  
Completeness Date \_\_\_\_\_  
Pre-Ap Meeting \_\_\_\_\_  
Hearing Date \_\_\_\_\_



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

7-1-92

SCALE 2"=100'-0"



OWNER: GLADYS SATTER

407 N.W. TERRITORIAL RD  
CANBY, OR 97310

60' FUTURE EXTENSION  
OF N. GRANT ST.

PREPARED BY:

ARLIE LENHARDT  
15950 NE BECKE RD  
AURORA, OR 97002

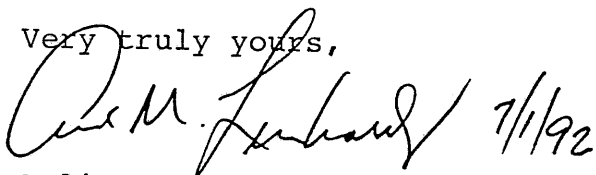
Planning Commision  
City of Canby  
182 N Holly  
Canby , Or 97310

Subject: Minor land partition of 1.19 Acres  
Tax Lot No. 200 Section 33BB, Township 3S, Range 1E wm

The partitioning of this parcel of land would establish as additional tax lot of approximately 7 tenths acres and leave the existing house on tax lot 200 with 5 tenths acres. Both of these lots would be similar in size to the lots in the area that are currently used as residential lots. There are several larger parcels in the area that are currently being farmed but are not compatitable with the typical residential lot of the area.

We are attaching copies of City of Canby acceptance of this minor partitioning in 1981. I did not realize that this lot was not established at that time, until looking into helping Gladys Satter sell this parcel of land. In order for her to stay at this location and continue to pay the taxes she needs to sell part of the lot. Also, note that all of the requirements for the partioning in 1981 were met; which required deeding a 20 foot strip of road frontage to the City of canby .

Very truly yours,

 7/1/92

Arlie M. Lenhardt  
15950 NE Becke Rd  
Aurora, Or 97002

(soninlaw)

Roger Rife  
WARRANT - HOLDING

266-2701  
PIONEER TITLE  
150 N. IVY

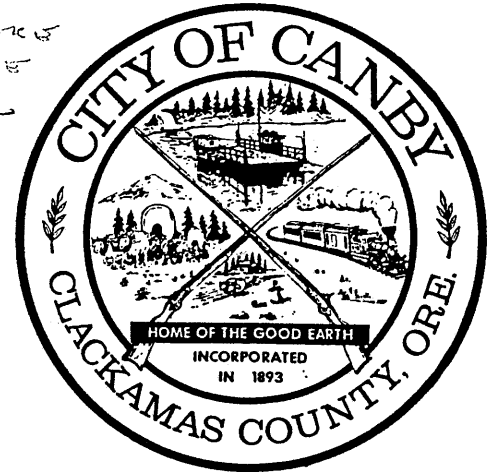
450.1

COPY OF MINUTES  
OF MEETING

October 9, 1980

LEGAL OF

WOULD LIKE FOR YOU TO MAKE  
A LEGAL DESCRIPTION OF THE  
60' WIDE STRIP THRU CENTER  
OF MRS SLATER PROPERTY  
FOR FUTURE EXTENSION OF  
GRANT STREET AND SEND  
TO ROGER RIFE.



266-4021  
CITY OF CANBY

Mr. Arlie M. Lenhardt  
Route 2, Box 690  
Aurora, Oregon 97002

Dear Mr. Lenhardt:

I am writing to formally notify you of the action of the Planning Commission on your application for a minor partition. Meeting on October 8, 1980, the Commission voted to approve your application, subject to the following conditions:

done

- 1) Owner to dedicate twenty (20) feet of this property along Territorial Road for future roadway expansion. All costs associated with this dedication, including the costs of title insurance to be borne by the owner.
- 2) Owner to prepare and record a waiver of the right to remonstrate against future street or utility improvements to N. Grant Street or N. W. Territorial Road. This waiver to meet the requirements of the City Attorney.
- 3) In order to allow for the eventual extension of N. Grant Street, the owner is to prepare and record an irrevocable offer of dedication to the City for a sixty (60) foot wide strip through the center of the site. The proper form and wording of this offer is to be determined by the City Attorney.
- 4) Construction of homes and accessory buildings on the site shall meet setback requirements normally required in the zone and shall also be set back from anticipated road alignments.
- 5) Access strip to rear parcel is to be paved for a full twenty (20) foot width and is to be posted as a private driveway.
- 6) Approval to be contingent upon the approval, by Clackamas County, of on-site sewage disposal systems, or feasibility studies, for each parcel.
- 7) Utility easements to be provided to the satisfaction of the Canby Telephone Association and Canby Utility Board.

Mr. Arlie M. Lenhardt  
October 9, 1980  
Page 2

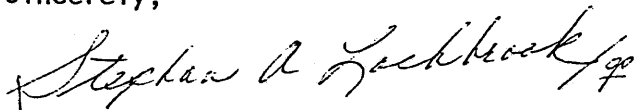
- 8) Structural development of parcel #2 shall be limited to either the most northerly or the most southerly eighty (80) feet of the parcel.

This decision may be appealed to the City Council by any aggrieved party, provided that the required paperwork for the appeal is filed no later than October 17, 1980, and the required filing fee is paid.

Please pay special attention to the fact that city ordinance requires that the property be surveyed and a copy of the recorded survey map, and all other required recorded information, be filed in the city's Department of Public Works within six (6) months of the Planning Commission's action. This means that you must have that process completed by April 8, 1981, or the approval will become null and void.

If you have any questions or if I can be of further assistance, please do not hesitate to contact me.

Sincerely,



Stephan A. Lashbrook  
City Planner

cc: Honorable Robert E. Rapp, Mayor  
Harold A. Wyman, City Administrator  
Roger Reif, City Attorney  
Fred Kahut, Planning Commission Chairman  
Mrs. Satter, 407 N. W. Territorial Road, Canby, Oregon 97013  
Mr. Wayne Gile, 436 N. W. Territorial Road, Canby, Oregon 97013  
Mr. Dave Bury, 360 S. E. Township Road, Canby, Oregon 97013

SAL:vs



CHICAGO TITLE INSURANCE COMPANY  
OF OREGON

10001 SE SUNNYSIDE ROAD  
CLACKAMAS, OR 97015  
Telephone: (503) 653-7300

STATUS OF RECORD TITLE

Date: JUNE 24, 1992

Order No. C97293

To: KEY TITLE & ESCROW  
1533 N. PACIFIC HWY  
WOODBURN, OR 97071

Attention: Deb

Pricing: \$235.00

We have searched our Tract Indices as to the following described real property:

PLEASE SEE ATTACHED DESCRIPTION SHEET

Dated as of: JUNE 19, 1992 at 8:00 A.M.

Vestee:

GLADYS SATTER

Said property is subject to the following on record matters:

1. City liens, if any, of the City of Canby.
2. Consent to Local Improvements and Waiver of Remonstrance Agreement, including the terms and provisions thereof;  
Dated: MARCH 26, 1981  
Recorded: APRIL 3, 1981  
Recorder's Fee No.: 81-11853
3. Offer of Dedication of Real Property and Easements Agreement, including the terms and provisions thereof;  
Dated: MARCH 26, 1981  
Recorded: APRIL 3, 1981  
Recorder's Fee No.: 81-11865

NOTE: In the event the property which is the subject of a SORT is insured within six months of the date of the last issuance of the SORT, a refund of 75% of the sum paid for the SORT may be given.

Order No. C97293

Page No. 2

NOTE: Taxes for the fiscal year 1991-92, paid in full.

Amount: \$1,769.66

Code: 086002

Account No.: 788026

Map No.: 31E33BB

Tax Lot No.: 00200

This report is to be utilized for information only. Any use of this report as a basis for transferring, encumbering or foreclosing the real property described will require payment in an amount equivalent to applicable title insurance premium as required by the rating schedule on file with the Oregon Insurance Division.

The liability of CHICAGO Title Insurance Company is limited to the addressee and shall not exceed the fee paid therefor.

CHICAGO TITLE INSURANCE COMPANY

*Norma Shearer*

By: Norma J. Shearer,  
Title Officer

06/24/92

DESCRIPTION

A tract of land located in the Champing Pendleton Claim No. 58 in Township 3 South, Range 1 East of the Willamette Meridian, in Clackamas County, Oregon, and also being a part of the tract of land described in that certain conveyance from James Blake Eckerson, et ux, to James L. Eckerson and recorded October 4, 1948, in Book 412, on Page 145, Records of Deeds for Clackamas County, Oregon, described as follows:

Beginning at the Northwest corner of the said Eckerson Tract, which corner is 3.42 chains North and South  $89^{\circ}39'$  West 10.90 chains, parallel with the South boundary of said claim, and North 1002.3 feet from the Southeast corner of said claim and which Northwest corner is in the center of the Territorial Road; thence South along the West line of said Eckerson Tract, 40 feet, more or less, to the Southwest corner of that tract conveyed to the City of Canby by deed recorded April 3, 1981, Recorder's Fee No. 81-11852 and the true point of beginning; thence continuing South along the West line of said Eckerson Tract, 285 feet, more or less, to a point on the North line of Section 33, Township 3 South, Range 1 East, Willamette Meridian; thence East along said North section line, 247.89 feet; thence North 100.0 feet to the Southeast corner of that tract sold to Michael D. Yoder, et ux, by contract recorded May 4, 1981, Recorder's Fee No. 81-15472; thence North  $89^{\circ}17'$  West along the South line of said Yoder Tract, 123.82 feet to the Southwest corner thereof; thence North  $0^{\circ}04'$  East along the West line of said Yoder Tract, 201.14 feet, more or less, to a point on the Southeasterly line of the aforementioned City of Canby Tract; thence South  $78^{\circ}38'$  West along said Southeasterly line, 126.52 feet, more or less, to the true point of beginning.

(Map and Tax Lot No.: 31E33BB 00200)

NW 1/4 NW 1/4 SEC. 33 T3S. R1E. W.M.

CLACKAMAS COUNTY

1" = 100'

ROAD

SEE MAP 3

SECTION NO. 58

SEE MAP 3 IE 32AA

TERRITORIAL

400  
300  
488AC

400  
1.03 AC

200  
1.19 AC.  
401

202  
0.69 AC.

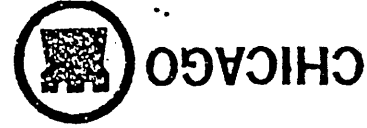
100  
10.50 AC.

86-02

EASTWOOD

N. GRANT ST.

ESTATES



"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"

CHICAGO TITLE INSURANCE COMPANY  
10001 S.E. SUNNYSIDE ROAD  
CLACKAMAS, OREGON 97015

3 IE 33 BB



N

638  
1305  
637  
1285  
636  
1265  
635  
1225

626  
1250  
625  
315  
612  
345  
613  
1255

624  
345  
611  
360  
610  
318

WAY

700

CONSENT TO LOCAL IMPROVEMENTS  
AND WAIVER OF REMONSTRANCE

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I hereby consent to the future improvements of street, sidewalk or utility improvements to North Grant Street or Northwest Territorial Road, and the formation of a Local Improvement District by the Common Council in and for the City of Canby, County of Clackamas, State of Oregon, for the purpose of assessing the costs of such improvement project to the benefited properties, including any part of my property which may lawfully be included in the boundaries of such district pursuant to applicable City ordinances or other laws.

Furthermore, and for the aforesaid considerations, I hereby expressly waive any and all rights which I may have to remonstrate against the formation of such improvement district, but I expressly reserve the right to protest or otherwise object to the costs of such project which are determined to be assessable to my property and/or the apportionment of such costs among the benefited properties.

This agreement is a covenant which shall run with my land described as:

See attached Exhibit "A".

and shall be binding on the undersigned, my heirs, successors, personal representative and assigns.

IN WITNESS WHEREOF, I have caused these presents to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 1981.

Gladys Satter  
Gladys Satter

STATE OF OREGON )  
County of Clackamas ) ss.

April 1, 1981.

The foregoing instrument was acknowledged before me this day and year as last appears hereinabove by GLADYS SATTER.

Raymond P. V. ...  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

Approved as to form by the Canby City Council for recording on the 1st day of April, 1981.

Harold A. Wyma  
Harold A. Wyma, City Recorder

FOR INFORMATION THE PUBLIC CAN BE REPRODUCED THE ORIGINAL INSTRUMENT AS AN ACCOMMODATION TO THE PUBLIC AND SHALL NOT BE USED FOR ANY OTHER PURPOSE AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.

EXHIBIT "A"

A tract of land located in the Champing Pendleton Claim No. 5d in Township 3 South, Range 1 East of the Willamette Meridian and also being a part of the tract of land described in that certain conveyance from James Blake Eckerson, et ux, to James L. Eckerson and recorded October 4, 1948, in Book 412, on page 145, Records of Deeds for Clackamas County, Oregon, and being more particularly described as follows, to-wit:

Beginning at the northwest corner of the said Eckerson tract, which corner is 3.42 chains North and South 99°39' West 10.90 chains, parallel with the south boundary of said Claim and North 1002.3 feet from the southeast corner of said Claim and which northwest corner is in the center of the Territorial Road and is the point of beginning of the tract herein described; from said beginning point thence following the west boundary of the said Eckerson tract, South 325.00 feet, more or less, to the north boundary of Section 33, T.3 S., R.1 E., of the W.M.; thence following said north boundary East 247.89 feet; thence North 377.84 feet, more or less, to the center of said Territorial Road; thence following the center line of said road, South 77° 58' West 253.46 feet to the point of beginning of the tract herein described, containing 2.0 acres, more or less.

STATE OF OREGON )  
County of Clackamas ) ss.

I, George D. Poppen, County Clerk, Ex-Officio  
Recorder of Conveyances and Ex-Officio Clerk  
of the Circuit Court of the State of Oregon, for  
the County of Clackamas, do hereby certify that  
the within instrument of writing was received for  
and recorded in the records of said county at

81 APR 3 P 3:49



Witness my hand and seal this 3rd day of April, 1953.

*George D. Poppen*  
GEORGE D. POPPEN  
County Clerk

Recording Certificate

CCP-84 81 11653

700

OFFER OF DEDICATION OF REAL PROPERTY

KNOW ALL MEN BY THESE PRESENTS, That GLADYS SATTER, hereinafter referred to as offeror, for and in consideration of the CITY OF CANBY approving a minor land partition on a parcel of property located on the south side of Territorial Road west of North Holly Street, does hereby grant to the CITY OF CANBY, a municipal corporation of Clackamas County, Oregon, hereinafter referred to as offeree, the sole, exclusive and irrevocable right to accept offeror's offer of dedication of land for street purposes, more particularly described as follows, to-wit:

A tract of land 60 feet in width to be used for roadway purposes. Said tract being situated in the Champing Pendleton D.L.C. in Section 33, T. 3 S., R. 1 E., of the Willamette Meridian, Clackamas County, Oregon, the center-line of which is described as follows:

Beginning at the Southwest corner of that tract of land as described in Deed Book 412, page 145, deed records; said corner being 3.42 chains North and South 89°30' West, parallel with the South boundary of said claim, 10.90 chains, and North 677.69 feet from the Southeast corner of said Pendleton D.L.C.; thence South 89°17' East along the South line of said parcel 123.82 feet to the point in the center of the 60.0 foot roadway easement and the point of beginning thereof; thence North 0°04' East parallel with the East line of that tract of land as described in Deed Book 412, page 145, deed records, 330.74 feet to a point on the South line of Territorial Road and the terminus of said 60 foot roadway easement.

This offer shall be perpetual and is intended to be binding upon the heirs, successors, personal representatives and assigns of the offeror. In the event that offeree elects to accept the offer of offeror, then the offeror or offeror's heirs, successors, personal representatives and assigns agree to convey said premises free of all encumbrances to offeree by good and sufficient deed with covenants of warranty without monetary consideration.

DATED this 24<sup>th</sup> day of Nov, 1981.

Gladys Satter  
GLADYS SATTER - Offeror

STATE OF OREGON )  
                          )ss.  
County of Clackamas)

Nov 26, 1981.

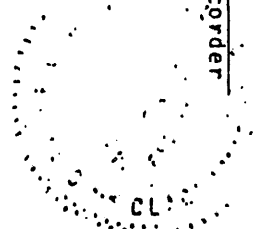
Personally appeared the above named GLADYS SATTER and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:  
[Signature]  
Notary Public for Oregon  
My Commission Expires: 7

2

Approved as to form by the Canby City Council for recording on the 15<sup>th</sup> day of April, 1981.

*Harold A. Myrnes*  
Harold A. Myrnes - City Recorder



STATE OF OREGON )  
County of Clatsop ) ss.

I, George D. Poppen, County Clerk, Ex-Officio Recorder of Conveyances and Ex-Officio Clerk of the Circuit Court of the State of Oregon, for the County of Clatsop, do hereby certify that the within instrument of writing was received for and recorded in the records of said county at

81 APR 3 P 3:49

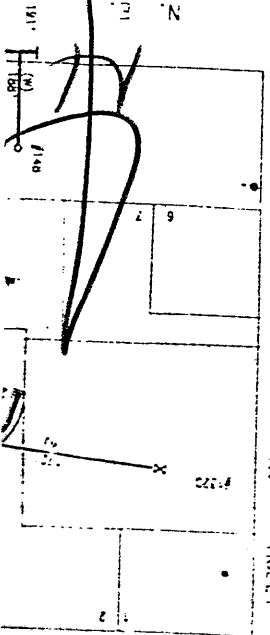
Witness my hand and seal of office at  
*George D. Poppen*  
GEORGE D. POPPEN  
Recording Certificate County Clerk

CCF-RA 81 11865





65-27

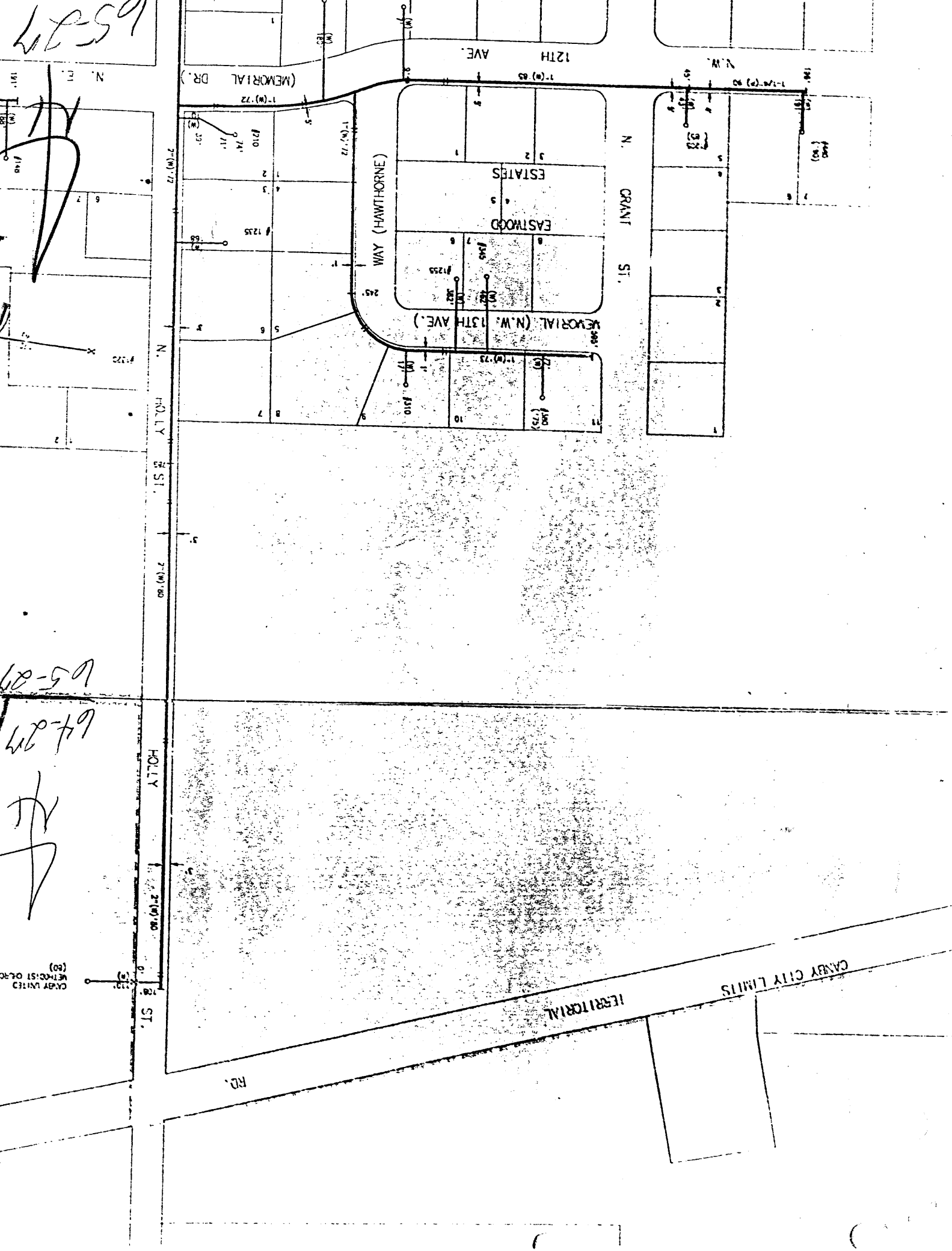


65-29

64-27



CANBY UNITED METHODIST CHURCH





# PLEASE RETURN ATTACHMENTS!!!

## CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

7/7/92

DATE: July 1, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, MIKE JORDAN, GARY HYATT, TOM PIERSON, TODD SCHMIT, CANBY HIGH SCHOOL, CLACKAMAS COUNTY, CANBY ELEMENTARY SCHOOL

The City has received MLP 92-06, an application by Artie Lenhardt for approval of a Minor Land Partition to divide an approximate 1.19 acre parcel into two lots, approximately .48 acres and .71 acres, respectively. The parcel is located on the south side of N.W. Territorial Road, west of N. Holly Street [407 N.W. Territorial Road] (Tax Lot 200 of Tax Map 3-1E-33BB).

We would appreciate your reviewing the enclosed applications and submitting comments by July 15, 1992 PLEASE. The Planning Commission will consider this application on July 27, 1992. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

As The previous STAFF Report Dated  
October 9, 1980 covers the parcel.

No Sewer is available  
Maintain 60 foot Right of Way For continuous  
of N. GRANT

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

Signature: Roy L. Hester

Date: July 7, 1992