

A G E N D A

CANBY PLANNING COMMISSION

REGULAR MEETING City Council Chambers

Monday, August 24, 1992
7:30 p.m.

I. ROLL CALL

II. MINUTES

August 10, 1992

III. COMMISSION DISCUSSION OF PLANNING ISSUES

IV. CITIZEN INPUT ON NON-AGENDA ITEMS

V. COMMUNICATIONS

VI. FINDINGS

DR 92-07 - The Alton Group [Payless]
MLP 92-07 - Annette Griffy
MLP 92-06 - Arlie Lenhardt

VII. NEW BUSINESS

VIII. PUBLIC HEARINGS

CUP 92-10, an application by John and Pat Watson for approval to develop an 11.3 acre site as a 68 unit Manufactured Housing Park. All units shall be 28 foot, double-wide homes, in semi-permanent settings, with wood composition siding and composition shingle roofs. Metal roofs or siding will not be permitted. Special attention will be paid to design and maintenance of landscape and irrigation areas. The site is located on the east and west sides of S. Pine Street, south of S.E. 2nd Avenue (Tax Lots 700 and 790 of Tax Map 3-1E-34C and Tax Lot 2200 of Tax Map 3-1E-33DD).

MLP 92-08, an application by Dave Anderson (applicant) and Douglas Hanson (owner) for approval of a Minor Land Partition to divide an approximate 32 acre parcel into two lots, approximately 10 acres and 22 acres, respectively, to facilitate a sale on the 10 acre parcel. The property is located on the north side of S. Township Road, and on the west side of the Logging Road (Tax Lot 1801 of Tax Map 3-1E-34C).

SUB 92-03/PUD 92-01, a request by Cypress Ventures, Inc. for approval to replat the subdivision into 56 lots and waive the senior housing restriction. The property is located at the western end of S.W. 13th Avenue, west of S. Elm Street (Tax Lots 100-8200 of Tax Map 4-1E-4CB).

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

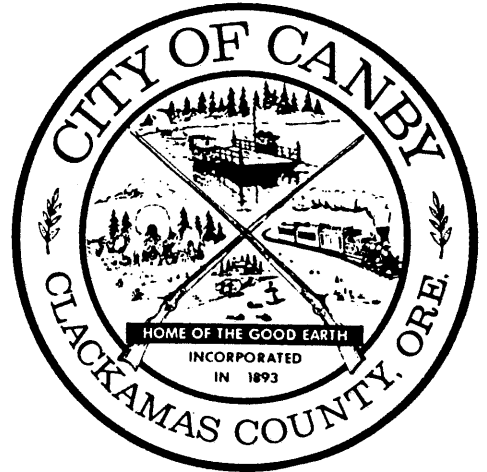
Rebuttal - not more than 10 minutes

- *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.



- STAFF REPORT -



APPLICANT:

John & Pat Watson

FILE NO.:

CUP 92-10

(Pine Crossing Manufactured Home Park)

OWNER:

John & Pat Watson
6 Othello
Lake Oswego, OR 97035

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lots 700 & 790 of
Tax Map 3-1E-34C

Tax Lot 2200 of
Tax Map 3-1E-33DD

DATE OF REPORT:

August 14, 1992

LOCATION:

East and West side of S. Pine Street
south of S.E 2nd Avenue

DATE OF HEARING:

August 24, 1992

COMP. PLAN DESIGNATION:

3-1E-33DD 2200 Low Density
3-1E-34C 790 Residential
3-1E-34C 700 High Density Residential

ZONING DESIGNATION:

R-1 (Low Density
Residential)
R-2 (Medium Density
Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval of a Conditional Use application to develop an 11.3 acre site as a 68 unit Manufactured Home Park.

II. APPLICABLE REGULATIONS

• **City of Canby General Ordinances:**

- 16.10 Off-Street Parking and Loading
- 16.16 R-1 Low Density Residential Zone
- 16.20 R-2 Medium Density Residential Zone
- 16.44 Mobile Homes and Trailers
- 16.46 Access Limitations
- 16.50 Conditional Uses
- 16.88 General Standards

• **City of Canby Comprehensive Plan:**

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

III. MAJOR APPROVAL CRITERIA

16.50.010 Authorization to Grant or Deny Conditional Uses

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

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.

- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

16.44.050 Special conditions imposed by Commission.

When reviewing a conditional use permit application for the development or expansion of a mobile home park or trailer park the commission may impose special conditions of approval for the perimeter of the park to assure that its outward appearance does not conflict with the surrounding uses or activities. The Commission shall not, however, interpret the requirements of Chapter 16.50 as allowing the denial of a mobile home park development because of the nature of surrounding residential development.

IV. FINDINGS:

A. Background and Relationships:

The applicant proposes to develop a 68 unit Manufactured Home Park on 11.3 acres. The location of the site is on S. Pine Street, south of S.E. 2nd Avenue. The existing house is to remain, it will be separated from the manufactured home lots by existing hedges and fences. The house will be rented.

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement

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

ANALYSIS

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

ii. Urban Growth

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

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

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

ANALYSIS

The project is entirely within the City limits and within the Urban Growth Boundary. It fully meets the intent of Canby goals and policies regarding the Comprehensive Plan Urban Growth Chapter. The project will not significantly increase demand for public services.

iii. Land Use Element

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

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

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

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

Policy #4: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.

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

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

A) A map of "Areas of Special Concern" is included at the back of [the Land Use] Plan Element. That map 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) Specific characteristics of the Areas of Special Concern are as follows:

15. Area "O" includes several ownerships which are partially within the City limits and partially outside. All of area "O" is adjacent to S. Pine Street, an unimproved public road with a right-of-way of only twenty (20) feet. City sewer service is not yet available to the area. Presently zoned R-1, the area is anticipated to eventually be developed to higher residential densities. Development of area "O" could actually be connected with either the residential properties to

its west or the area planned for industrial development to the east. In either case, area "O" will play an important part in the eventual improvement of S. Pine Street and the related public sewer improvements.

ANALYSIS

The property is zoned R-1 (Low Density Residential) and R-2 (Medium Density Residential), which is consistent with the Land Use Map of the Comprehensive Plan. Land to the east and northeast is zoned M-1 (Light Manufacturing). Property to the north is zoned C-2 (Highway Commercial), however, the land is used for manufactured home parks. The land to the south and west is zoned R-2 (Medium Density Residential).

Part of the subject property will be located north of the proposed S.E. 3rd Avenue. The applicant has tentatively planned for an RV storage lot. The applicant has also stated that the configuration of that area could change in the near future. Staff finds that an RV storage lot is an appropriate use for this area, with appropriate fencing and landscaping. Modifications to the configuration of the land, resulting from a land trade with an adjacent owners, may be subject to further review by the Planning Commission.

The proposed use of the subject parcels, a manufactured home park, is the same use as found on the properties to the north and west, and is compatible in density and allowed use with the property to the south. There are two single family homes located to the north. They are currently bordered by a mobile home park and industry. Some buffering will be needed between the proposed use and the properties zoned for Light Manufacturing to the east and northeast. An Recreation Vehicle storage lot to the north of S.E. 3rd Avenue (to be built) will provide some buffering. A sight obscuring fence surrounding the property will provide some two-way buffering.

In the text of the Comprehensive Plan is the expectation that "nearly 50% of the new residential units in low density areas are expected to be mobile or modular home units." (pg. 41) Over the past two years, 299 lots have been approved for single family residential structures. Over the same time period, 150 lots have been approved for manufactured home structures. The proposed 68-unit manufactured home park is consistent with the goals and expectations of the Land Use Element.

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, deep and well drained, suitable for building purposes.

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 #2: Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the city's growth needs.
- Policy #3: Canby shall attempt to improve its problem intersections, in keeping with its policies for upgrading or new construction of roads.
- Policy #4: Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents.
- Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.
- Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.

ANALYSIS

A major factor of this application is the improvement of S. Pine Street and the extension of City sewer service to the area. The applicant, as a part of this application, will provide, at a minimum, a full twenty feet of paved surface from the subject parcels to 99-E. Dedication of land for the extension of S. Pine Street and S.E. 3rd Avenue, and paving of S.E. 3rd Avenue is a part of this application. Half-street improvement of S. Pine for the eastern part of the subject parcels will occur when further development of neighboring properties warrant the improvement.

The existing right-of-way for S. Pine Street that runs through the middle of the property will need to be vacated. The Director of Public Works has stated that this will be the City's responsibility.

While not explicitly a part of this application, the intersection of 99-E and S. Pine Street will be improved, allowing for future signalization of the intersection. This is a part of the overall improvement package for the Southeast Industrial Area that the City is coordinating.

Sidewalks are proposed to be provided for the portions of the subject parcels that front on a public street. The sidewalks proposed for the manufactured home park meet the requirements of the City's Ordinance.

The widths of the private roads within the manufactured home park are narrow enough to warrant restriction of on-street parking to one side only. Signage to this effect should be placed within the park.

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

The applicant, with the construction of this project, is participating in an effort, coordinated by the City, to bring necessary transportation and utility services to the Southeast Industrial Area. The sizing and location of the sewer facilities is in accordance with the needs specified by the City to service the subject parcels and the potential development of lands to the south and east. The applicant will be responsible for extending the sewer line to the subject property and to the southern and eastern edges of the property.

The existing water line is located within seven feet of the east property line. CUB has stated that a sewer line cannot be placed within ten feet of the water line. With the location of the extension of S. Pine Street along the east property line, the location of the sewer line will be either within three feet of the curb (when the street is constructed) or on the adjacent property to the east. The Director of Public Works has stated that the proper placement of the sewer line within the road alignment would be on the adjacent property to the east. However, the applicant is still responsible for the extension of the sewer line to the south property line of the subject parcel.

vii. **ECONOMIC**

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

ANALYSIS

While this Plan Element is not directly applicable to this proposal, the subsequent transportation and utility service improvements that will result, partly due to this application, will improve the economic potential to the lands to the south and east of the subject parcels.

viii. **HOUSING**

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

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

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

Policy #4: Canby shall encourage the development of housing for low income persons and the integration of that housing into a variety of residential areas within the city.

Policy #5: Canby shall provide opportunities for mobile home developments in all residential zones, subject to appropriate design standards.

ANALYSIS

Manufactured homes are an integral part to the overall goal of providing an adequate variety of housing options to meet the needs of present and future Canby residents. As stated in the Analysis for the Land Use Element, the current ratio of lots approved for manufacture home units to lots approved for single family residential units (1:2) has not met the expectations of the Comprehensive Plan (1:1). This application does meet the goal and intent of the Comprehensive Plan to provide a needed type of housing within the City.

ix. **ENERGY CONSERVATION**

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

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

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

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

ANALYSIS

The City has adopted an ordinance that requires the review of solar access for each manufactured home at the time that the home is placed on the lot. While technically the Ordinance does not apply to this application at this time, Staff felt it prudent to review the proposed park for compliance. The size, configuration, and orientation of the lots will allow each manufactured home placed on a lot to meet the minimum standards of the Solar Access Ordinance. The project will not impede the solar access of the properties to the north.

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

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

C. Evaluation Regarding Conditional Use Approval Criteria

1. Comprehensive Plan Consistency

The previous discussion determined the proposal's relation to Comprehensive Plan consistency. The proposed Manufactured Home Park is found to be consistent with the goals and policies of the Comprehensive Plan.

2. Site Suitability

The site is considered suitable for a Manufactured Home Park. The terrain is generally level with suitable soils for development, and no known hazards. The location of improvements and the proposed development is such as to separate the existing and proposed residential uses of the subject and surrounding parcels and the parcels zoned for Light Industrial uses.

3. Availability of Public Services and Facilities for the Site

Utility and public safety facilities and services are available or will become available through the development of this project. Street improvements and extensions, and sewer extensions will be necessary, and are proposed, with minor revisions, in accordance with the City's plans. Operating plans for postal, school, and fire services will be needed.

4. Compatibility with Surrounding Uses

The proposed Manufactured Home Park will not result in an adverse impact on surrounding uses. To the west are multi-family structures. To the south, future development will most likely result in apartments. To the north is an existing Mobile Home Park (Canby Manor Mobile Park). To the east and northeast, the land is currently vacant. However, it will most likely be developed with Light Industrial Uses, in accordance with its zoning classification. Any industrial development that does occur to the east and northeast, will be required to provide adequate buffering for the area immediately adjacent to residential lands.

A sight obscuring fence is proposed for the entire Park boundary. The homes will be oriented such that the rear yards will be facing the exterior property line. There is also proposed the minimum setback from the property line of fifteen (15) feet (twenty-five (25) feet from any public road).

D. Evaluation Regarding Mobile Homes and Trailer Parks Standards and Criteria (16.44.030)

1. Maximum density shall be as follows:
 - a. R-1 zone, seven units/acre;
 - b. R-1.5 zone, ten units/acre;
 - c. R-2 zone and other zones listing mobile home or trailer parks as conditional or permitted uses, twelve units/acre.

The density of the proposed development, excluding land dedicated for public roads and the land to be utilized for RV storage, is approximately seven (7) units per acre. This density meets the maximum density allowed for the most restrictive zoning classification found on the subject parcels (seven (7) units per acre).

2. Density figures may be increased by not more than two units per acre for trailer parks providing spaces for overnight camping facilities.

Overnight camping facilities are not proposed in this application, therefore, this criteria does not apply.

3. The setback requirements of the zone shall be applied to the locations of mobile homes or trailers, except that in no case shall such units be placed less than fifteen feet from any interior lot line nor less than twenty-five feet from any public street.

The application shows the required setbacks for the manufactured homes of fifteen (15) feet from the property line, and twenty-five (25) feet from public roads.

4. The access requirements of Chapter 16.46 shall be utilized to determine the permitted number of units.

Section 16.46.010 specifies the maximum number of residential units allowed to have access via private road. The proposal has one access point, two thirteen (13) foot lanes, equivalent to a twenty-six (26) foot wide road, with looped interior roads of twenty-four (24) feet and twenty-two (22) feet widths. The maximum number of residential units allowed in a development with one twenty-six (26) foot private access road is fifty-four (54) units.

The reasoning for the limitation of the number of residential units accessed through a private road is "to assure that sufficient access is provided for emergency response as well as the convenience of residents". The Fire Marshall has reviewed the proposal and has stated that, for emergency response, another access point is unnecessary. The applicant has submitted evidence in support of the position that the residents of the Park will not be inconvenienced by having only one access point.

With the two primary reasons for the limitation adequately addressed, Staff supports the position that the application of a limitation of the number of residential units due to the presence of only one access point is unnecessary for this particular application.

5. Paved pedestrian paths or walkways shall be provided along at least one side of each private road and between each unit and any outbuilding provided to serve that unit. Such paths are to be a minimum of two feet in width and designed to prevent drainage water from passing over such walkways.

The proposed walkways are three (3) feet wide and are along at least one side of the private drives. The applicant is also proposing placing three walkways to connect to residential development to the north, west, and south (anticipated future development to the south). These walkways are not required and are not shown on the plat. The applicant will determine the exact location of the walkways at a future date.

6. A minimum of fifteen feet of separation shall be maintained between individual units, as well as between units and permanent buildings.

As provided on the typical site plan layout, the separation between individual units will be a minimum of twenty-two (22) feet. At least twenty-two (22) feet will also separate any manufactured home with the existing home. The existing outbuildings will be removed prior to occupation of lots by the manufactured homes.

7. A concrete patio area of at least one hundred fifty square feet shall be provided for each unit.

As provided on the typical site plan layout, the patio area will be between one-hundred and fifty (150) square feet and five-hundred (500) square feet. The applicant is proposing two choices in "decks", a

concrete patio or a wood deck, of equal size. Staff has determined that a wood deck, if properly maintained, is a suitable alternative to a concrete patio.

8. Playground or open space areas shall be provided and specified on the plan, and suitable equipment for such purposes shall be specified. Such areas shall be protected from streets, drives, and parking areas. A minimum of one hundred square feet of playground or open space areas for each mobile home space shall be provided in one or more locations within the mobile home park. The minimum size of each such playground or open space shall be two thousand five hundred square feet; except, however, that those requirements may be reduced by as much as fifty percent if the planning commission finds that such reduction is justified because of indoor recreation facilities which are provided.

One play area and two open space areas are proposed. The play area is five thousand six hundred and thirty (5,630) square feet and the open areas are five thousand and seventy (5,070) square feet (located on the north side of the existing house) and two thousand eight hundred and thirty (2,830) square feet (located at the corner of S. Pine Street and S.E. 3rd Avenue).

9. A minimum of fifteen percent of the total development shall be landscaped, including a strip at least fifteen feet wide along all interior lot lines.

Provision of the proper amount of landscaping (15%) has not been explicitly proposed or shown on the plat submitted. A strip of land at least fifteen feet wide along the interior lot lines will be necessary. Landscaping of the setback areas shown and additional landscaping for each individual lot will provide the necessary amount of landscaping. A landscaping plan will be submitted as a part of the Site and Design review for the proposal.

10. A site-obscuring fence which is not less than four nor more than six feet in height shall be provided along the perimeter of the development, except where reduced fence height is required for vision clearance along street frontage.

A sight-obscuring wood fence, of unspecified height, is proposed for the site perimeter. The height requirement in the Ordinance is between four (4) feet and six (6) feet.

IV. CONCLUSION

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

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

V. RECOMMENDATION:

Based upon the application and site plan submitted on August 12, 1992, facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that the Planning Commission approve CUP 92-10, with conditions, for a manufactured home park. Furthermore, staff recommends approval of CUP 92-10 with the following conditions:

1. S. Pine Street from 99-E shall be extended to the subject property and shall be paved to its full width, a minimum of twenty (20) feet.
2. Sixty (60) feet of land for street extension purposes along S.E. 3rd Avenue. The precise location of the land to be dedicated shall be approved by the Director of Public Works.
3. Twenty-five (25) feet of land, as measured from the east property line, for street extension purposes along the portion of the proposed S. Pine Street that adjoins the subject property shall be dedicated.

4. Sidewalks, curbs, and street shall be provided along the proposed alignment for S.E. 3rd Avenue for the full length of the subject property. At the time that either the property immediately to the east or to the south is developed, a sidewalk, curb, and half-street shall be provided by the owner along the proposed alignment for S. Pine Street for the full length of the subject property. All road improvement design and construction shall be in conformance with City standards and shall be approved by the Director of Public Works.
5. A fifteen (15) inch sewer line shall be built in S.E. 3rd Avenue to the eastern edge of the subject property, and a twelve (12) inch sewer line shall be built in the S. Pine Street right-of-way to the southern edge of the subject property. The design and construction of the sewer line shall be in conformance with City standards and shall be approved by the Director of Public Works.
6. The storm water drainage system design shall be reviewed and approved by the Director of Public Works.
7. Utility easement(s) from S.E. 3rd Avenue and/or the S. Pine Street right-of-way shall be provided within or adjacent to the public and private roadway systems. Specific location and design shall be as required by the respective utility with coordination and final approval to be given by the Director of Public Works.
8. Parking shall be permitted on only one side of the private roads. The roads shall be posted accordingly.
9. A lighting plan, particularly for the public areas, open space areas, sidewalk areas and road areas, shall be approved by the Planning Director with review provided by Canby Utility Board.
10. Each manufactured home lot shall meet the following specifications:
 - a. The area for manufactured home, storage areas, garage/ carport and driveway shall not exceed 2400 square feet (or 50% of lot area, whichever is larger).
 - b. Concrete patio or wooden deck areas shall be at least 150 square feet in size and shall not total more than 500 square feet.
 - c. The balance of the manufactured home lot (at least 1600 square feet) shall consist of seventy percent (70%) (at least 1200 square feet) green vegetation and the remaining thirty percent (30%) may be in bark dust.
 - d. Each manufactured home shall utilize applicable HUD, FHA, and VA tie-down and foundation standards.

11. All single-wide models shall be a minimum of 800 square feet. All double-wide models shall be a minimum of 1,000 square feet. No units shall have metal exterior sides or roof. All units shall have skirting or perimeter foundations attached at the time of occupancy.
12. All manufactured homes shall meet all HUD requirements, and accessory structures shall meet OSSC requirements.
13. An operating plan and facility plan for postal service, school bus service and fire service shall be provided to the City of Canby with approvals from the respective service authorities.
14. A set of manufactured home park operating rules and regulations shall be provided to the City of Canby, and shall be reviewed and approved by the City Attorney for consistency with City regulations and the conditions of this land use approval. These rules shall include, but not be limited to, maintenance and use of open space, recreation areas, lake areas and recreational vehicle storage and other storage areas and landscape treatment of lot areas.
15. The height of the wooden sight-obscuring perimeter fence shall not be less than four (4) feet nor more than six (6) feet.
16. Review of the fencing and landscaping of the RV storage lot shall be required. Any change in the configuration in the land used for the RV storage lot may require further review by the Planning Commission, as determined by the City Planner.

Exhibits:

1. Application for Conditional Use
2. Project Description
3. Letter from Public Works Director dated July 27, 1992
4. Vicinity Map
5. Request of Comments Responses
6. Site Plan (*too large to reproduce*)

OWNER

APPLICANT

Name JOHN & PAT WATSON

Name SAME

Address 6 OTHELLO

Address _____

City LAKE OSWEGO State OR Zip 97035

City _____ State _____ Zip _____

SIGNATURE Paul R. Wodtli

Phone HOME 635-2040 Work 721-4666

Wodtli is seller & CONTRACT HOLDER. # FT/L 700 & 790

DESCRIPTION OF PROPERTY:

John & Watson
Pat H. Watson

Tax Map T/L ID# 31E34C Tax Lot(s) # 700 & 790

6.5 Ac.
Lot Size 4.8 Ac. } = 11.3 Ac.
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Lot _____ Block _____

PROPERTY OWNERSHIP LIST

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

USE

Existing VACANT-NON-PRODUCING AGRICULTURE Proposed MANUFACTURED HOUSING COMMUNITY

Existing Structures ONE 1-BDR. SINGLE FAMILY HOUSE w/ATT GAR. & SMALL OUTBUILDING

PROJECT DESCRIPTION

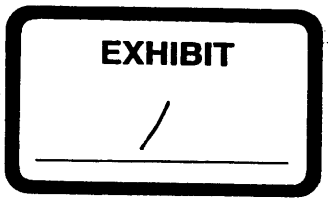
DEVELOP A 11.3 AC. R-1 & R-2 SITE AS A 68-UNIT MANUFACTURED HOUSING PARK. ALL UNITS TO BE 28 FT. DBL. WIDE HOMES, SEMI-PERMANENT SETTINGS, WOOD COMPOSITION SIDING & COMPOSITION SHINGLE ROOFS. METAL ROOFS OR SIDING NOT ALLOWED. THERE WILL BE SPECIAL ATTENTION TO DESIGN AND MAINTENANCE OF LANDSCAPE AND IRRIGATION AREAS. COMPLIANCE TO COMMUNITY RULES, REGULATIONS AND MAINTENANCE WILL BE A TOP PRIORITY. OVERALL QUALITY OF DESIGN AND HOMES WILL BE UPSCALE.

ZONING R-1 & R-2 COMPREHENSIVE PLAN DESIGNATION ALL R-2

PREVIOUS ACTION (if any) T/L 700 ANNEXED 1991 (ANN 91-01)

T/L 700 - R-2
T/L 790 - R-1
T/L 2200 - R-1

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



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

Following are Owner/Applicant responses to Zoning, Physical Characteristics and Capabilities and Compliance With Canby Ordinances, Goals and Guidelines and other approval criteria.

Zoning

- T/L's 2200 and 790 are zoned R-1.
- T/L 700 is zoned R-2.
- The proposed use of 68 manufactured home spaces on 11.3 acres averages 6 units per acre, which is under the R-1, Low Density Residential (7 units per acre) and the R-2, Medium Density Residential (12 units per acre).



Physical Characteristics and Capabilities

- Project complies with City Ordinances and policies and no variances are anticipated.
- Project does not overburden any of the community's public facilities or services.
- There is no risk of natural hazards related to site or proposed use.
- There is no negative impact on surface or ground water resources.
- There are no known fish or wildlife habitats.
- There are no known aggregate, historic, scenic or aesthetic resources present.
- Project does not generate noise or visual pollution.
- Plan exceeds open space requirements and lot coverage maximums are not exceeded.
- All sites will be in compliance with Canby's deck/patio and green vegetation requirements.

Canby Ordinances, Goals, Guidelines and Approval Criteria

- Project is compatible with the Comprehensive Plan and fully meets the intent of Canby's Goals and Policies regarding the Comprehensive Plan and Urban Growth.
- This site is within Canby's Priority "A" for development.
- Plan contains potential resolution to the obstacles and high priority of widening and extending Pine Street and providing a route for sewer services.
- There are no known conflicts with existing uses, zoning or Comprehensive Plan.
- Project groups compatible uses and minimizes urban sprawl.
- Project is responsive to Canby's needs for increased housing density and lowering of housing costs.
- Project does not alter the character of surrounding areas.
- There will be no negative impact on existing viable agriculture uses.
- The submitted plan is responsive to multiple pre-application meetings with Canby planning staff, sewer, water and electric utility staff and the Fire Marshal.

AUG 12 1992

CITY OF CANBY

Responding to questions regarding access and density, plans have been prepared in accordance with discussions and meetings with Rusty Klem and Bob Hoffman in the Planning and Public Works Department, and Jack Stark of the Fire District. An original plan included a secondary emergency access. Their response was to delete this as it was not needed or required.

There was also some question as to overall density. Early plans indicated Pine Court as a dead end street. We were asked to extend it on through to Pine Ridge Circle, adjust some street widths and that would resolve the secondary access question. The current plans include this input.

We are asking that the access/density portion of the plan be approved as presented. The plan has been prepared with input and review by the planning and the emergency response people. The plan has also been reviewed by a traffic consultant, design consultants specializing in Manufactured Home Parks, operators and owners of existing parks and others closely associated with the Manufactured Housing Communities of Oregon. There has been no indication the current design will create unwarranted problems for residents. The single entry also contributes to the level of security, control and monitoring needed for a community of this type.

Carl Buttke of David Evans & Associates, our traffic consultant reviewed the plan and provided the following input.

- A family neighborhood of 68 units could generate at the peak A.M. hour a maximum of 40 outgoing trips per hour.

Keep in mind that a manufactured housing community generally has a much higher mix of seniors, retired persons and singles, and trips per day are much less than the "typical family neighborhood".

- A typical urban "collector" street has a traffic count of 3,000 to 5,000 trips per day.

It is our understanding that the ultimate designation of S. Pine Street is a "collector" street serving the proposed industrial area as well as serving as an off-loading link between Hwy. 99 and Township. The typical urban trips per day of 3,000 to 5,000 seem high for anything anticipated in Canby.

- Assuming all outgoing cars of the typical family neighborhood were exiting at the peak rate of 40 trips per hour in the A.M. turning left on to S. Pine to get to Hwy. 99, and the collector S. Pine was running near its peak of 3,000 to 5,000 trips per day, one could experience a 1 to 1-1/2 minute wait, with a maximum stacking of 3 to 4 cars at the exit point. For those cars exiting to the right onto S. Pine toward Township, there will be minimum wait and minimum stacking.
- Assuming the majority of the cars will exit and return from Hwy. 99, there will be no wait or stacking as they will exit S. Pine directly into the community.
- Carl Buttke suggested widening the entry drive each way from 13' to 15' each way and reducing the landscape island from 12' to 8'.

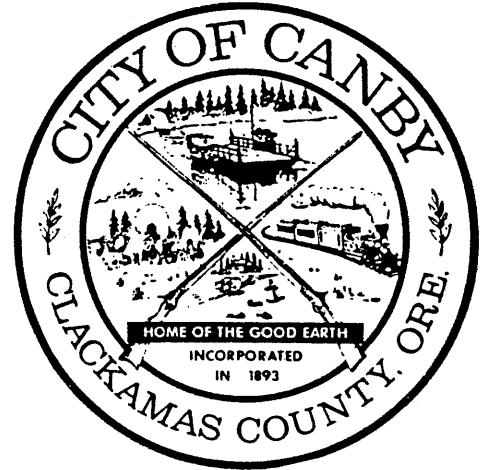
Having visited and observed entrances of this type, I am opposed to this as the larger island is much more attractive and aesthetically pleasing. However it is negotiable.

Lastly, in order to be responsive to the community relationships that will invariably result with residents in the surrounding community, we will negotiate an acceptable location with both of the adjoining manufactured home parks to the north and to the west for a bike/walking path between us so that residents can traffic back and forth for visits without having to get into their vehicles and on to the streets to go visit their neighbors. This will also be proposed to Lon Burgess who is tentatively planning apartments to the south. This will serve to reduce vehicular traffic in the neighborhood and encourage bicycle and foot traffic.

wp12865

July 27, 1992

John Watson
6 Othello
Lake Oswego, OR 97035-1906



Dear Mr. Watson:

In response to your letter, and to give you an idea of the City's expectations regarding your proposed development, I am forwarding you this letter. The alignment and width shown for S.E. Pine Street are acceptable as it runs east/west across your property. Where the intersecting piece that runs north/south is shown to be a 40 foot width, we would prefer a 50 foot width to match up with what we have south of Township Road. Your half of that street will be 25 feet.

The following items are additional notations that will have to be taken into consideration or shown on your plans:

1. The existing 20 foot public road that runs through the middle of your property will have to be vacated and can certainly be initiated by our own petition.
2. The areas to be dedicated will be engineered by you, not the City. We will take care of vacation at the appropriate time.
3. The dedications, when made, are final and will not change. They are subject to review before recording.
4. The sewer should be shown to be 15 inches and continue at that size, to the eastern edge of your property, where it will end with a manhole. A 12 inch sewer should be shown and built in S.E. Pine at the eastern edge of your property and extending to the southern edge.
5. Developers are responsible for the entire cost of their development and construction according to any conditions of approval. The City does have a program to pay for any extra depth or size required beyond what is needed for a particular development. Those determinations are made on a case-by-case basis.

EXHIBIT

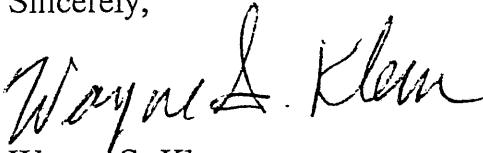
3

John Watson
July 27, 1992
Page 2

6. Typical sections and specifications will be clarified as this process moves along. Generally, the interior streets are private and are your concern. The typical street section for S.E. Pine Street are adequate for the north/south segment. The east/west segment will have to be upgraded, but I don't have the specifics at this time.

This information should get you started. Please contact me if I can be of further assistance.

Sincerely,



Wayne S. Klem
Director of Public Works

WSK:jaf

cc: Mike Jordan
Bob Hoffman



VICINITY MAP

Site

EXHIBIT
4

SE WASTE TREATMENT PLANT

WILKINSON PARK

COUNTY PARK

WILKINSON PARK



PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

2/10/92
gsw

DATE: July 29, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, GARY HYATT, TOM PIERSON, TODD SCHMIT, CANBY ELEMENTARY S.D., CANBY HIGH SCHOOL

The City has received CUP 92-10, an application by John and Pat Watson for approval to develop an 11.3 acre site as a 68 unit Manufactured Housing Park. All units shall be 28 foot, double-wide homes, in semi-permanent settings, with wood composition siding and composition shingle roofs. Metal roofs or siding will not be permitted. Special attention will be paid to design and maintenance of landscape and irrigation areas. The site is located on the east and west sides of S. Pine Street, south of S.E. 2nd Avenue (Tax Lots 700 and 790 of Tax Map 3-1E-34C and Tax Lot 2200 of Tax Map 3-1E-33DD).

We would appreciate your reviewing the enclosed applications and submitting comments by August 6, 1992 PLEASE. The Planning Commission will consider this application on August 24, 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 from this office will be discussed during pre construction meeting. Plans submitted 7-24-92 regarding fire hydrant locations appear to meet this offices requirement.

Adequate Public Services (of your agency) are available

Adequate Public Services will become available through the development

Conditions are needed, as indicated

Adequate public services are not available and will not become available

Signature: Jack Stark

Date: Aug. 3, 1992

EXHIBIT

5

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

8/10/92
2750

DATE: July 29, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, GARY HYATT, TOM PIERSON, TODD SCHMIT, CANBY ELEMENTARY S.D., CANBY HIGH SCHOOL

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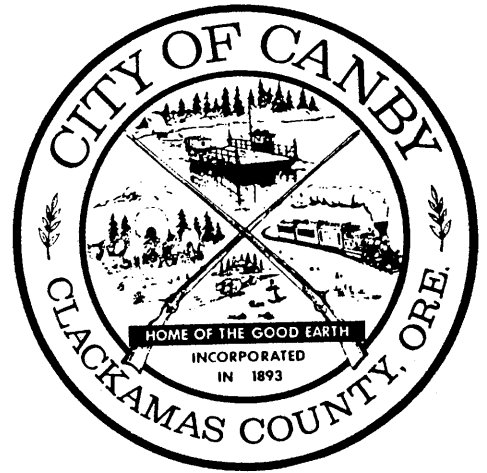
Comments or Proposed Conditions:

Chat with Roy H. for sewer capacity

- 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. Adams

Date: 7/30/92



- STAFF REPORT -

APPLICANT:

David Anderson
641 N. Baker Drive
Canby OR, 97013

FILE NO.:

MLP 92-08

OWNER:

Douglas D. Hanson
1506 Township Road
Canby, OR 97013

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 1801
Tax Map 3-1E-34C

DATE OF REPORT:

August 14, 1992

LOCATION:

North side of Township Road,
west side of the Logging Road

DATE OF HEARING:

August 24, 1992

COMP. PLAN DESIGNATION:

Light Industrial

ZONING DESIGNATION:

M-1 (Light Industrial)

I. APPLICANT'S REQUEST:

The applicant is requesting approval for a minor land partition that will partition a 32 acre parcel into two parcels, 22 acres and 10 acres.

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. 16.32.030 Development Standards in M-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 1801 of Tax Map 3-1E-34C. The property consists of approximately 32 acres, with approximately 1558 feet of total road frontage along Township Road. The entire parcel is zoned M-1, Light Industrial. There is an existing house on parcel one.

The subject parcel is within the area tentatively known as the "southeast industrial park". Major improvements in access and utility services for this area are currently being planned.

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 "G" is similar to area "A" in many respects. Located south of Highway 99-E along S. Pine Street, it too has potential for either commercial or industrial development. Commercial uses will be limited to "heavy" commercial activities which are closely related to industrial activities or larger shopping centers based around a department store of the sort which can be expected to draw from a regional market area. It is recognized that the Land Use Map contains sufficient area for commercial uses of all sorts other than larger department store complex types. By designating this area for special treatment this problem should be resolved, while providing safe highway access and minimizing conflicts with the railroad. The extension of S. Pine Street to connect with Township road will be a high priority regardless of the specific nature of development in the area. Upon annexation area "G" could be zoned either M-1 or C-M, depending upon the nature of the development proposed.

ANALYSIS

The subject parcel is part of an area of special concern that borders the logging road and Township Road. The subject parcel was zoned M-1, Light Industrial, at the time the land was annexed to the city. The partitioning of the parcel will provide parcel sizes more useable for industrial purposes.

The parcel is surrounded by the Logging Road and railroad to the east and north, vacant industrial land to the west and northwest, and residential and agricultural land to the south, across Township Road. Most of the land across Township Road from the subject parcel is not in the city at this time. The new elementary school is to the south of the subject parcel, set back over 800 feet from Township Road.

Improvements in the infrastructure servicing the "southeast industrial park" will be need to be addressed as a part of this partition. Specifics regarding the improvements needed will be discussed in further detail in the analysis of compliance with the Transportation and Public Utilities and Services Elements.

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, with a small amount of Canderly sandy loam, both of which are suitable for building sites.

State and Local Code requirements regarding air, water, and noise pollution will be required of the development and construction. State laws and local regulations will require development to meet standards to prevent air, water, land and noise pollution.

v. Transportation

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

- Policy #1: Canby shall provide the necessary improvement to City streets, and will encourage the County to make the same commitment to local County roads, in an effort to keep pace with growth.
- Policy #2: Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the city's growth needs.
- Policy #3: Canby shall attempt to improve its problem intersections in keeping with its policies for upgrading or new construction of roads.
- Policy #4: Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents.
- Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.

ANALYSIS

Access to the subject parcel is currently by Township Road. The majority of the land in the "southeast industrial park" is not accessed by any roads, and the whole area currently does not have sewer service. The city is proposing, and currently is actively pursuing and coordinating, an industrial service road and utility services to be provided to this area through improvements and extensions to S. Pine Road. The intersection of S. Pine Street and 99-E will be realigned, with provisions for future traffic signalization.

Dedication of land for the extension of S. Pine Street is being sought by the city. Part of the improvements for the area include two other roads in addition to S. Pine Street. The additional roads will impact this particular application. S.E. Third Avenue will extend from S. Pine Street to parcel one of this application. In the future, S.E. Third Avenue will be extended across parcel two and the logging road. S. Redwood Street will extend from S.E. Third Avenue on parcel one, to Township Road. This road will provide the right-of-way necessary to extend the sewer service for the new elementary school currently under construction. The sewer line will also service the residential areas further to the south, including the recently approved Phase I of Hood View Estates. Dedication of land for S.E. Third Avenue, including the future extension, and for S Redwood Street will be needed as a part of this application. A sketch depicting the partition and current proposed roadway alignment will be provided at the public hearing.

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

Utility services are not currently provided to the subject parcel. The road system development described under the Transportation Element, will provide the corridor needed to extend public utility services to the site. The sewer line will need to be sized to handle the additional loads of future residential development to the south. The existing house on parcel one, it is still there at the time the utility services are extended, will need to be hooked to city sewer and water at the time that the improvements are installed.

vii. Economic

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

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

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

ANALYSIS

The subject parcel has been identified in the Comprehensive Plan as an appropriate site for industrial development. Upon annexation into the city, the land was zoned for light manufacturing uses. The improvements in the infrastructure servicing the area will greatly enhance both the marketability and development potential of the parcels in the area, including the subject parcel. The partitioning of the subject parcel allows for more industrial

development to occur, properly utilizing the designation of the land for industrial purposes and infrastructure improvements.

viii. **Housing**

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

ANALYSIS

The partition and subsequent development of the subject property will not directly affect the provision for appropriate housing according to this Element. However, industrial development, along with commercial development, helps subsidize residential development in the city, in that industrial, and commercial, development provides more in tax revenue than it demands in public services. This supports residential development which, in general, demands more in public services than it provides in tax revenue to the city.

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 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 industrial construction. The configuration will leave parcel one with two roadways dividing the parcel into three sections. The future extension of S.E. Third Avenue may separate a small, unusable, section of parcel two, depending on the location of the land to be dedicated.

The three sections of parcel one will be of sufficient size and configuration for future individual development. Depending on the exact location of the future extension of S.E. Third Avenue, as to be shown on the final plat, the portion of parcel two that will be north of the road extension should be made a part of parcel one and not parcel two.

While parcel one will have three usable sections, and parcel two may have two usable sections after dedication of land for roadways, the sections are considered to be a part of one parcel (either parcel one or parcel two). For the individual sections to be developed independently, further partitioning or subdivision will be required.

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 92-08, 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. 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 92-08.
4. All monumentation and recording fees shall be borne by the applicant.
5. Ten (10) feet of land for street widening purposes along Township Road shall be dedicated as part of the final partition. At the time the parcels are developed, Township Road shall be widened and a sidewalk shall be installed along the property frontage of Township Road. Improvement designs and specifications shall be approved by the Director of Public Works and Clackamas County.
6. Sixty (60) feet of land for street extension and utility improvement purposes for S. Pine Street and S.E. 3rd Avenue shall be dedicated as part of the final partition. The exact location of the land to be dedicated shall be approved by the Director of Public Works and shall be surveyed and shown on the final plat.
7. If, after the land to be dedicated has been surveyed, the portion of parcel two north of the land to be dedicated for S.E. 3rd Avenue is less than 5,000 square feet, that portion of parcel two shall become a part of parcel one and shall be shown as such on the final plat.

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. If the house is remaining at the time that public sewer is provided within one hundred (100) feet of the existing home on parcel one, the owner shall comply with Sections 13.12.010, 13.12.030, and 13.12.040 of the City Code.

Exhibits:

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

MINOR LAND PARTITION APPLICATION

Fee: \$300.00 - \$600

OWNER

APPLICANT

Name Douglas Hanson

Name David Anderson

Address 1506 SE Township Rd

Address 641 BAKER DR.

City Canby State OR. Zip 97003

City CANBY State OR Zip 97003

Signature: Douglas D. Hanson

Phone: 266-8866 266-6361

I, Douglas Hanson, hereby authorize David Anderson to represent this property for partitioning. Douglas D. Hanson 7/27/92

DESCRIPTION OF PROPERTY: Tax Map 3-1E-34C Tax Lot(s) 1802-1 Lot Size 3.2 Acres

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Lot _____ Block _____

PROPERTY OWNERSHIP LIST

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

USE

Existing Agriculture Proposed light industrial
Existing Structures home and pecking shed

PROJECT DESCRIPTION

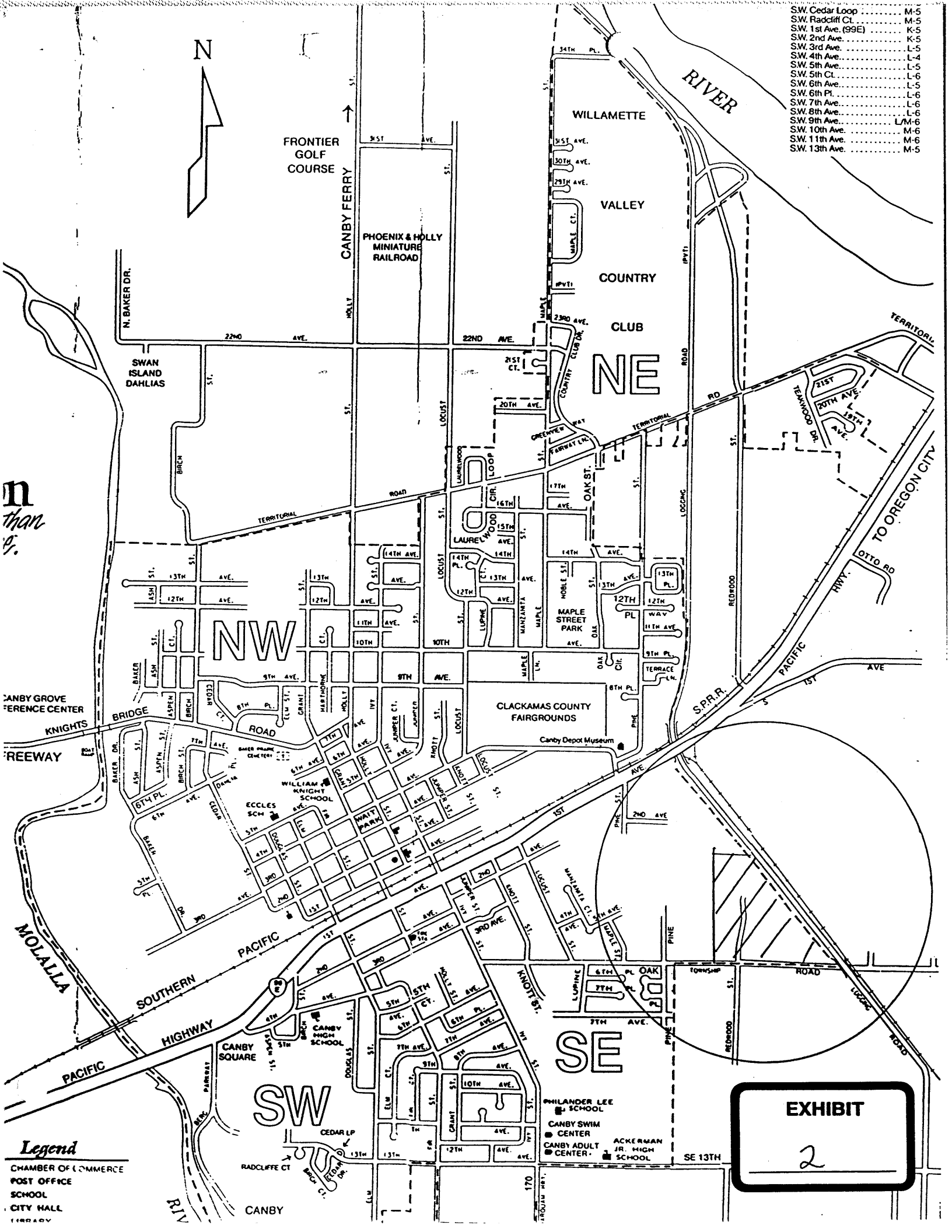
TWO DIVIDE EXISTING TAX LOT INTO A 10 Acre
& 2.2 Acre parcel to facilitate a sale on the
10 Acre parcel.

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

File No.: MLP-92-08
Receipt No. 1959
Received by 3H
Date Received 7-29-92
Completeness Date _____
Pre-App Meeting _____
Hearing Date 8/24/92



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



- SW Cedar Loop M-5
- SW Radcliff Ct M-5
- SW 1st Ave. (99E) K-5
- SW 2nd Ave. K-5
- SW 3rd Ave. L-5
- SW 4th Ave. L-4
- SW 5th Ave. L-5
- SW 6th Ct. L-6
- SW 6th Pl. L-5
- 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

More than 9.

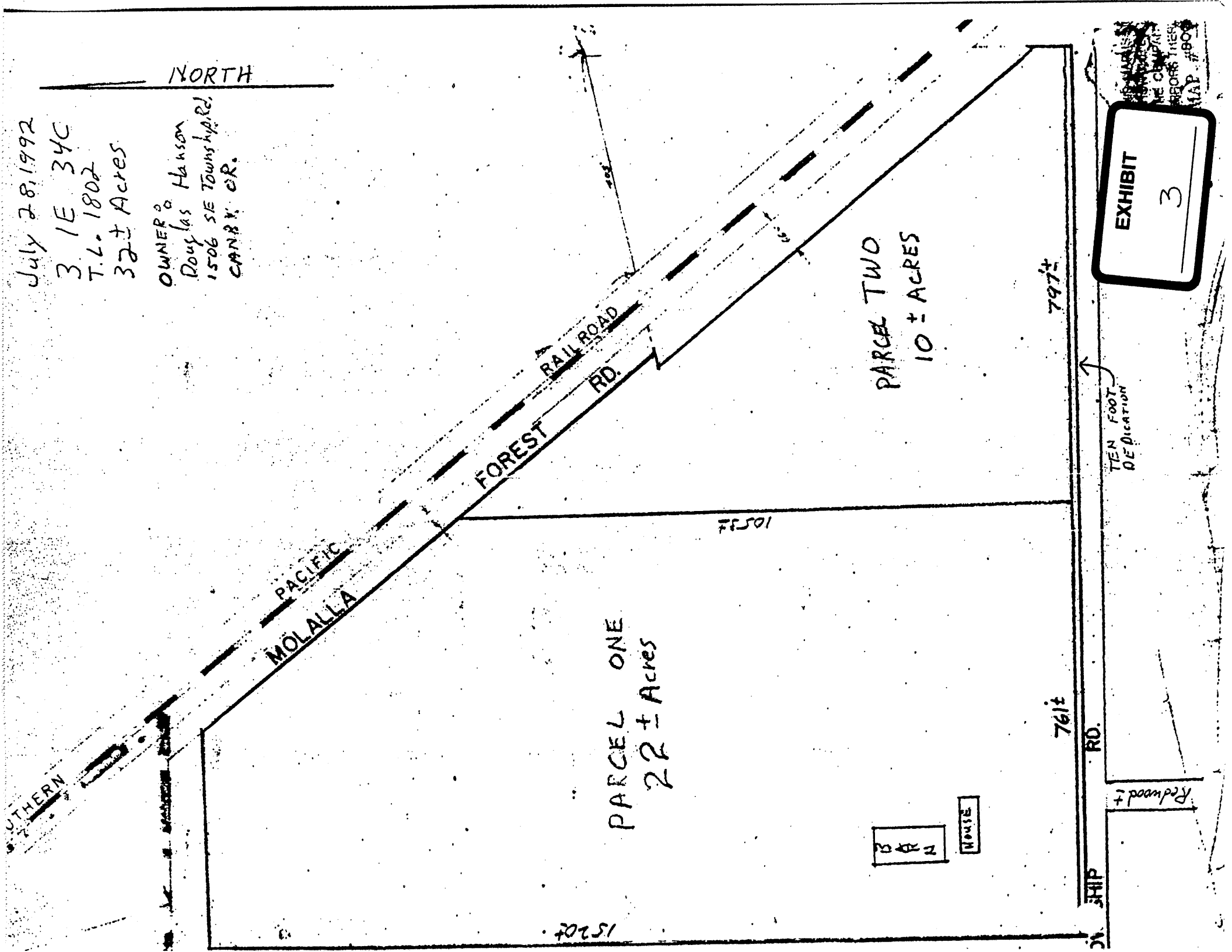
Legend
 CHAMBER OF COMMERCE
 POST OFFICE
 SCHOOL
 CITY HALL
 (1920)

EXHIBIT
 2

July 28, 1992
3 1 E 34C
T.L. 1802
32 ± Acres

OWNER:
Douglas Hanson
1506 SE Township Rd.
CANNON CR.

NORTH



PACIFIC
MOLALLA

RAILROAD
FOREST RD.

PARCEL ONE
22 ± Acres

PARCEL TWO
10 ± Acres

BARN

HOUSE

797 ±

761 ±

RD.

SHIP

TEN FOOT
DEDICATION

EXHIBIT
3

Redwood ±

REMARKS:
NO RECORDS
IN COMPANY
FROM THESE
MAP #804

15202

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

95w
7/30/92

DATE: July 29, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, GARY HYATT, TOM
PIERSON, TODD SCHMIT, CLACKAMAS COUNTY

The City has received MLP 92-08, an application by Dave Anderson (applicant) and Douglas Hanson (owner) for approval to partition 32 acres into 2 parcels consisting of 10 acres and 22 acres, to facilitate the sale of the 10 acre parcel. The property is located on the north side of S. Township Road and on the west side of the Logging Road (Tax Lot 1801 of Tax Map 3-1E-34C).

We would appreciate your reviewing the enclosed applications and submitting comments by August 6, 1992 PLEASE. The Planning Commission will consider this application on August 24, 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:

Police Dept has no comments at this time

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

EXHIBIT
4

Signature: Jerry Tiger

Date: 7-30-92

PLEASE RETURN ATTACHMENTS!!!

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

Photo
2/92

DATE: July 29, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, (SEWER) GARY HYATT, TOM
PIERSON, TODD SCHMIT, CLACKAMAS COUNTY

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Comments or Proposed Conditions:

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

Signature: *S. J. [Signature]* Date: 7/30/92

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

8/10/92
ejw

DATE: July 29, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, GARY HYATT, TOM PIERSON, TODD SCHMIT, CLACKAMAS COUNTY

The City has received MLP 92-08, an application by Dave Anderson (applicant) and Douglas Hanson (owner) for approval to partition 32 acres into 2 parcels consisting of 10 acres and 22 acres, to facilitate the sale of the 10 acre parcel. The property is located on the north side of S. Township Road and on the west side of the Logging Road (Tax Lot 1801 of Tax Map 3-1E-34C).

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Comments or Proposed Conditions:

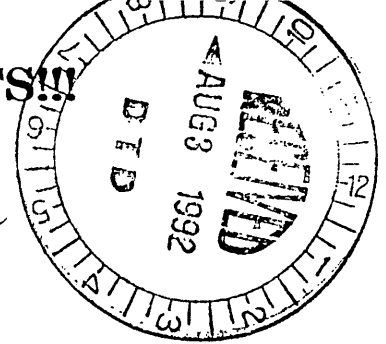
No comments or conditions at this time

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

Signature: Jack Stark Date: Aug 3, 1992

PLEASE RETURN ATTACHMENTS!!!

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**



DATE: July 29, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, GARY HYATT, TOM
PIERSON, TODD SCHMIT, CLACKAMAS COUNTY Ken Huber

The City has received MLP 92-08, an application by Dave Anderson (applicant) and Douglas Hanson (owner) for approval to partition 32 acres into 2 parcels consisting of 10 acres and 22 acres, to facilitate the sale of the 10 acre parcel. The property is located on the north side of S. Township Road and on the west side of the Logging Road (Tax Lot 1801 of Tax Map 3-1E-34C).

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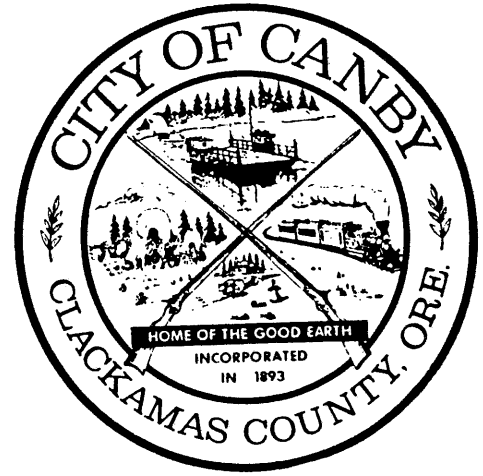
Comments or Proposed Conditions:

1/2 Street improvement to Industrial Standards
for a Minor Arterial (10" Rock & 4" A.C.)
curb & sidewalk Curb shall be 24 feet
from centerline Proper drainage is also
required.

- 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: William A Garity Date: Aug 10 1992

**REVISED
- STAFF REPORT -
REPLAT**



APPLICANT:

Cedar Ridge Associates, Ltd.
(Mike Morse)
General Partner - Lowell Morse
Limited Partners - William A. Sizer & Arthur R. Olsen

OWNER:

Cypress Ventures, Inc.
7155 S.W. Varnes St., #100
Portland, OR.

LEGAL DESCRIPTION:

Cedar Ridge Subdivision
Tax Lots 100-8200 of
Tax Map 4-1E-4CB

LOCATION:

End of S.W. 13th Avenue,
west of S. Elm Street

COMP. PLAN DESIGNATION:

Medium Density Residential
Flood Prone/Steep Slopes

FILE NO.:

~~CUP 90-08/SUB 90-04~~
SUB 92-03/PUD 92-01 REPLAT

STAFF:

Robert G. Hoffman, AICP
Planning Director

RGH

DATE OF REPORT:

August 14, 1992

DATE OF HEARING:

August 24, 1992

ZONING DESIGNATION:

Most of site is R-1.5/PUD
(Intermediate Density Residential)
(The embankment at the southwestern edge of
the site is zoned as Hazard Overlay)

**SPECIAL NOTE: All deletions from the original report of October 12, 1990 are shown as
strikeouts, and all new material is capped and bold.**

I. APPLICANT'S REQUEST:

THIS APPLICATION IS A PROPOSED REPLAT OF THE PREVIOUSLY APPROVED CEDAR RIDGE SUBDIVISION. The applicant is requesting approval of a 75- 56-unit Tentative Subdivision Plat/Planned Unit Development and a Conditional Use Permit for 30 common well dwellings. The property is located at the end of 13th Avenue, west of Elm Street. It is intended as a Special Housing Project for the Elderly, in coordination with the recently constructed Assisted Living Facility on Tax Lot 801 (Tax Lots 800, 891, 900, 1000 of Tax Map 4-1E-4B). ***THE APPLICANT IS PROPOSING TO ELIMINATE THE SENIOR CITIZEN ONLY LIMITATION AND REPLAT WITH FEWER, BUT LARGER, LOTS.***

II. APPLICABLE REGULATIONS - (~~Conditional Use Approval, Subdivision, Assisted Living Facility~~):

- City of Canby General Ordinances

- 16.10 Off-Street Parking and Loading
- 16.18 R-1.5 Intermediate Density Residential Zone
- 16.36 Planned Unit Development Overlay Zone (PUD)
- 16.40 Hazard Overlay Zone (H)
- 16.42 Signs
- 16.46 Access Limitations
- ~~16.50 Conditional Uses~~
- 16.60 Major and Minor Partitions (Subdivisions)
(especially 16.64, Subdivision Design)
- 16.70 General Provisions (PUD)
- 16.76 REQUIREMENTS (PUDs)
- ~~16.82 Special Housing Projects for the Elderly or Handicapped~~
- 16.86 Street Alignments
- 16.88 General Standards
(especially A1, A2, C, 16.88.090 and 1.88.130)

- City of Canby Comprehensive Plan:

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

III. APPLICABLE CRITERIA

1. ~~Section 16.50 Conditional Use Criteria for Approval~~

~~This is a quasi-judicial land use application. In judging whether a Conditional Use 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:~~

~~A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.~~

~~B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.~~

~~C. All required public facilities and services exist to adequately meet the needs of the proposed development.~~

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

2. General Provisions for Land Division

A. Comprehensive Plan

A subdivision or partition shall conform to the Comprehensive Plan . . .

B. Land Development and Planning Ordinance

A land division shall be subject to all applicable requirements of other sections of this title. . .

C. Health, Safety and Sanitation

A subdivision or partition shall conform to all applicable State, County and City regulations regarding health, safety and sanitation.

D. Building

Structures and buildings in any property division shall conform with applicable codes and regulations regarding building. . .

E. Streets and Roads

A property division shall conform to all applicable City ordinances or policies pertaining to streets, roads and access.

F. Section 16.0.018
Subdivisions, Partitions and Lot Line Adjustments

In approving applications for subdivisions, land partitions and lot line adjustments in "H" overlay zones, it must be found that the proposed development will:

- i. Be consistent with the need to minimize flood damage, based upon accurate base flood elevation data;
- ii. Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- iii. Have adequate drainage to reduce exposure to flood damage.

G. Section 16.40.040
Special Conditions Relating to Fish and Wildlife Protection

In reviewing any discretionary application for development in an "H" overlay zoned area, the Planning Commission and City Council shall consider the potential impacts of the development upon fish, wildlife and open space resources of the community. Where it is found that the potential for such impacts is significant, the hearing body shall impose whatever conditions or restrictions upon the development are necessary to mitigate or minimize such impacts. Grading plans shall be submitted for the review of the Planning Commission prior to the commencement of any road building or major site grading. . .

~~H. Section 16.82
Special Housing Projects for the Elderly or Handicapped~~

~~1. 16.82.030 Standards and Criteria for Review~~

~~In reviewing an application for a special housing project for the elderly or handicapped, the Commission shall utilize the standards and criteria which are applicable to other planned unit~~

~~development proposals, requiring either a conditional use permit or a subdivision approval, depending on whether the development involves the division of property.~~

~~2. 16.82.040 Modification of Standards~~

~~The standards normally applied to a planned unit development may be modified by the Commission in the case of special housing projects for the elderly or handicapped, provided that specific findings of fact are entered in support of such modifications. The Planning Commission may:~~

- ~~a. Increase the permitted density by not more than fifty percent of that normally allowed within the zone;~~
- ~~b. Decrease the amount of required parking by not more than sixty percent of that normally required;~~
- ~~c. Decrease the area required for outdoor recreation, if sufficient area is provided for open space and if indoor recreation facilities are provided;~~
- ~~d. Increase the amount of permitted lot coverage by not more than ten percent of that normally required;~~
- ~~e. Require special emergency access drives, fire hydrants, or other improvements which are intended to ensure the safety of the residents;~~
- ~~f. Impose such special conditions of approvals as are deemed to be necessary to minimize any adverse impacts of a higher density development upon surrounding properties.~~

~~3. 16.82.050 Higher Than Normal Densities~~

~~Special housing projects for the elderly or handicapped, where densities higher than normally permitted by zoning are requested, shall be encouraged only in locations which are near commercial services.~~

4. ~~16.82.060 - Restrictions on Occupancy~~

~~The Commission shall require adequate assurance that any development proposed under the conditions of this chapter will be restricted to occupancy by the elderly, handicapped, or such caretakers as may be necessary.~~

5. 17.76.030 - STANDARDS AND CRITERIA (PUDs)

ADDITIONAL TO THE STANDARDS AND CRITERIA LISTED IN DIVISIONS III AND IV WHICH ARE APPLICABLE TO PLANNED UNIT DEVELOPMENT, THE FOLLOWING STANDARDS AND CRITERIA SHALL APPLY:

- A. **THE SITE APPROVAL AS ACTED UPON BY THE COMMISSION SHALL BE BINDING UPON THE DEVELOPER AND VARIATIONS FROM THE PLAN SHALL BE SUBJECT TO APPROVAL BY THE COMMISSION.**
- B. **ALL LAND WITHIN THE PLANNED UNIT DEVELOPMENT MAY BE SUBJECT TO CONTRACTUAL AGREEMENTS WITH THE CITY AND TO RECORDED COVENANTS PROVIDING FOR COMPLIANCE WITH THE CITY'S REQUIREMENTS.**
- C. **THE DEVELOPMENT OF THE PROPERTY IN THE MANNER PROPOSED WILL BE IN KEEPING WITH THE REQUIREMENTS OF THIS TITLE, OTHER THAN THOSE PROVISIONS ALLOWING FOR SPECIAL TREATMENT OF PUD'S.**
- D. **THE PLAN FOR THE PROPOSED DEVELOPMENT SHALL PRESENT A UNIFIED AND ORGANIZED ARRANGEMENT OF BUILDINGS AND SERVICE FACILITIES.**
- E. **THE DEVELOPMENT MUST BE DESIGNED SO THAT THE LAND AREAS AND BUILDINGS AROUND THE PERIMETER OF THE PROJECT DO NOT CONFLICT WITH THE ADJOINING PROPERTIES. THE COMMISSION MAY ESTABLISH SPECIAL CONDITIONS FOR THE PERIMETER OF THE DEVELOPMENT TO MINIMIZE OR MITIGATE POTENTIAL CONFLICTS.**

- F. EACH PLANNED UNIT DEVELOPMENT SHALL BE A COMPLETE DEVELOPMENT CONSIDERING ALL PREVIOUS REQUIREMENTS. THE COMMISSION MAY, IN ADDITION, REQUIRE THE INCLUSION OF FACILITIES SUCH AS SPECIAL CURBS, SIDEWALKS, STREET LIGHTS, STORM DRAINAGE, SANITARY SEWERS, UNDERGROUND POWER AND TELEPHONE LINES, LANDSCAPING, AND ADEQUATE EASEMENTS FOR UTILITIES.**
- G. LAND WHICH IS NOT INTENDED FOR PHYSICAL DEVELOPMENT, SUCH AS BUILDINGS OR STREET USES, MAY BE REQUIRED TO REMAIN IN OPEN SPACE USAGE PERPETUALLY. MAINTENANCE OF SUCH OPEN SPACE AREAS SHALL REMAIN THE RESPONSIBILITY OF THE INDIVIDUAL OWNER OR OWNERS' ASSOCIATION, IN A MANNER OUTLINED IN THE BYLAWS OF SUCH ASSOCIATION.**
- H. THE MANNER IN WHICH ANY OPEN SPACE OR PARK AND RECREATIONAL AREA ARE TO BE MAINTAINED SHALL BE PRESENTED ALONG WITH THE PRELIMINARY COPY OF THE PROPOSED OWNERS' ASSOCIATION BYLAWS AND CONTRACTUAL AGREEMENTS SHALL BE SUBMITTED WITH THE PRELIMINARY SUBDIVISION. IN THE CASE OF AN INDIVIDUAL OWNER, THE COMMISSION MAY IMPOSE SPECIAL REQUIREMENTS TO ASSURE LONG-TERM MAINTENANCE.**
- I. THE PLANNING COMMISSION MAY, AND IN THE CASE OF SINGLE STORY OR TOWNHOUSE STRUCTURES, SHALL, REQUIRE THE SEPARATION OF UTILITIES FROM ONE UNIT TO THE NEXT.**
- J. IN REVIEWING AN APPLICATION FOR THE CONVERSION OF EXISTING RESIDENTIAL UNITS TO CONDOMINIUMS, THE COMMISSION SHALL UTILIZE THE GENERAL STANDARDS AS ARE APPLIED TO THE NEW CONSTRUCTION OF PLANNED UNIT DEVELOPMENTS. A PROPOSED CONVERSION WHICH IS NOT FOUND TO MEET THE STANDARDS CUSTOMARILY APPLIED TO PLANNED UNIT DEVELOPMENTS WILL NOT BE APPROVED.**

K. IN REVIEWING AN APPLICATION FOR THE CONVERSION OF EXISTING RESIDENTIAL UNITS TO CONDOMINIUMS, THE PLANNING COMMISSION SHALL CONSIDER THE VACANCY RATES OF MULTIPLE-FAMILY RENTAL UNITS THROUGHOUT THE CITY AT THE TIME OF THE APPLICATION. IT IS THE INTENT OF THE CITY TO ASSURE THAT THERE IS AT LEAST ONE SUITABLE RENTAL UNIT AVAILABLE AND VACANT FOR EACH UNIT CONVERTED TO CONDOMINIUM OWNERSHIP.

IV. FINDINGS:

A. Background

There has been considerable action on the part of the Planning Commission regarding this site and adjacent property. A portion of the original site has been occupied by an Adult Family Care Facility. An application for a multiple residential development for the site was recently withdrawn prior to Commission action. The City requested that 13th Avenue extension be redesigned through the site with greater curve radii. All multi-family units (apartments) have been eliminated from this proposed project. Previously, the Commission approved a PUD for the site with R-1.5 Intermediate Density Residential Zoning with a number of conditions included (see list later in this report). The area immediately to the east is the Elmwood Mobile Home Park; to the south is the Torgeson property, now Nelson's proposed mobile home park; to the north is Canby High School, and immediately to the west is the Recycling Plant.

THE ORIGINAL CEDAR RIDGE SUBDIVISION WAS APPROVED AS A 75-LOT SUBDIVISION UNDER A PUD, WITH SENIOR CITIZEN OCCUPANCY LIMITATION AND 24 CONDITIONS (SEE ATTACHED FINAL ORDER, SUB 90-04). THUS, A LARGE NUMBER OF THE PROPOSED 56 LOTS COULD POTENTIALLY BE OCCUPIED BY FAMILIES WITH CHILDREN.

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement - *not applicable*

ii. **Urban Growth**

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.

iii. **Land Use**

The entire site, excluding the embankment area, is proposed for Medium Density Residential in the Land Use portion of the Comprehensive Plan. The proposed development of ~~75~~ 56 units of single family housing on a site of 14.4 acres is consistent with the intent of this category. R-1.5 zoning, the current zoning of the parcel, is specifically described in the Comprehensive Plan as conforming to this land use category. This zoning process is for aiding in meeting the intent of Land Use Policies 1-3, insofar as conflicting land uses, encouraging the increasing intensities and density of development, and preventing the overburdening of community facilities and services. The embankment portion of the site is proposed in the Comprehensive Plan as a flood-prone or steep slope area. The development proposed will minimize any construction on this portion of the site, except surfacing the existing trail and hand-built construction of a small pagoda near the base of the slope. No active use of the slope is proposed except walking on the trail and viewing of the natural area by site occupants. Thus, the intent of this land use category is met.

THE EMBANKMENT HAS NOW BEEN DEDICATED TO THE CITY, AND TRAILS CONSTRUCTED, BUT THE PAGODA HAS NOT YET BEEN BUILT.

iv. **Environmental Concerns**

Preliminary site investigation indicates that most of the site is Canderly Sandy Loam which presents o serious development constraints. The area near the embankment and the embankment itself may present greater development difficulties. The proposal is to limit these areas to passive recreation use and to design the storm water system to fit the soil situation. Rittenhouse-Zeman and Associates, Inc., Consultants and Geotechnical Engineers, have conducted a site study and recommendations are to limit any construction in areas of the slope and nearby areas. Only passive open space is proposed for these areas and construction equipment will be limited to the type appropriate for the

area. No soil problems are apparent. In terms of natural habitat, birds and animals, no major changes are being proposed except preservation and protection. Drywells for storm water processing are proposed. Any necessary protection of ground water and surface water can be accomplished with conditions of approval. Retaining the slope area as open space without any major change will help to protect scenic and aesthetic qualities in this part of the City and also minimize impacts of new development on fish and wildlife habitats. There are many large trees on site, which should be preserved. A landscape and preservation plan is required. It is possible that a few lots may require lot line adjustments or even a slight reduction in total lots.

MANY TREES HAVE BEEN PRESERVED. A MORE DETAILED GEOTECHNICAL REPORT HAS BEEN DONE WITH SOMEWHAT REVISED RECOMMENDATIONS. THE CITY ENGINEER HAS ISSUED AN ADMINISTRATIVE DECISION ACCEPTING THE REVISED GEOTECHNICAL REPORT.

v. **Transportation**

The site is served by S. Elm Street and S.W. 13th Avenue. The Comprehensive Plan proposed that 13th Avenue be extended as an arterial and make connection to 99-E by way of Berg Parkway. This development proposes dedicating and building the 13th Avenue extension across the entire width of the parcel to the standards requested by the City. The impact on the Elm and 13th intersection with Ivy and 99-E should be relatively minor. The full intent of the Comprehensive Plan is met by the proposal. A pedestrian connection to the shopping center and Canby Community Park should be explored since they are adjacent to the subject parcel. The Police chief has expressed some reservations about Lots 45-48 directly accessing 13th Avenue. However, staff does not see a viable alternative for these four lots. A temporary turnaround or hammerhead at the end of 13th Avenue is needed. It is possible that development of certain lots may be limited until 13th Avenue extension is completed.

13TH AVENUE HAS BEEN BUILT. A CONNECTION TO THE COMMUNITY PARK AND SHOPPING CENTER HAS BEEN PROVIDED.

vi. **Public Facilities and Services**

A full range of public services are available in the vicinity. All utilities are nearby and ~~will be~~ **HAVE BEEN** extended to service each unit. Utility easements ~~will be~~ **ARE** provided on-site. Private passive on-site recreation service will be available. A play field and community park are nearby. ~~No residents below age 18 will be allowed.~~ The goal and policies of the Comprehensive Plan relative to Public Facilities and Services are met.

SMALL CHILD RECREATION FACILITIES ARE NOT AVAILABLE IN OR NEAR THE AREA. "OPEN SPACE" AREAS ARE PROPOSED ALONG 13TH AVENUE, BUT ARE NOT DESIRABLE LOCATIONS FOR "TOT LOTS" FOR PLAY BY SMALL CHILDREN. THE NEAREST PLAYGROUND FOR SMALL CHILDREN IS AT THE COMMUNITY PARK. ACCESS TO THE AREA BEHIND PROPOSED LOTS 39-43 IS NOT AVAILABLE, EXCEPT FROM 13TH AVENUE.

vii. **Economic**

The Goals and Policies of the Economics Element are not applicable to this application.

viii. **Housing**

This project will support the goal of meeting Canby's housing needs. Policy No. 2 is supported by providing a modest increase in housing densities as shown on the land use maps as it applies to the parcel. The attached single family units of the development will add to Canby's housing mix and variety of available housing types.

ix. **Energy Conservation**

Energy is conserved somewhat by the attached single family units. Also, most of the detached single family unit lots are oriented so that structures can gain solar advantage.

ALSO, NEW CONSTRUCTION STANDARDS WILL REQUIRE ENERGY SAVING CONSTRUCTION.

C. **Section 16.18**
Requirements of R-1.5 Intermediate Density Residential

Single family dwellings, both one unit per lot, as well as with common wall construction, are permitted uses in this district. Those with common wall construction are conditional uses.

Minimum lot area is 6,000 square feet for detached units. **A MINIMUM AREA OF 5,000 SQUARE FEET IS ALLOWED, PROVIDED THE MEAN AVERAGE IS 6,000 SQUARE FEET;** while 4,500 square feet is the usual minimum for attached units. Permitted units allowed on the site are as follows:

14.4 acres x 43,560 = 627,264 square feet x 75% 6,000 = 78 units
if all were single family detached units

Since a portion of the site is attached units and the proposal is a PUD, the **PROPOSED 75 56** units, which include 2 attached units, meets gross density requirements. The PUD density standards would permit a bonus of up to 15 percent if beneficial design features warrant a bonus. Actually, streets only occupy about 12 percent of the site, rather than the assumed 25 percent, as indicated in the above calculations. So permitted units would be even higher. This development is well within the density standards. More detailed analysis of this will be given in the PUD analysis.

THE TOTAL LOT AREA IS 335,000 FOR 56 LOTS, OR A MEAN OF JUST UNDER 6,000 SQUARE FEET. IF ONE LOT WAS DEVELOPED AS A TOT LOT (PLAY AREA) THE RESULT WOULD BE 330,000 SQUARE FEET FOR 55 LOTS, OR 6,000 SQUARE FEET PER LOT.

The PUD procedures and standards permit variations in permitted lot area, lot width and frontage and yard requirements. The consistency analysis with these standards will be done in the PUD criteria analysis. Building heights will meet maximum building height requirements of the R-1.5 zone. Proposed buildings are all single or two-story buildings.

D. **Section 16.10.050 - Off-Street Parking**

~~The required two spaces per residential unit is requested by the applicant, to be reduced to no more than one space per unit. Section 16.82.040(B) permits a reduction of up to 60 percent for Elderly Housing. Occupancy of this project~~

~~is proposed to be limited to senior occupancy, by the rules and regulations of the development. Since a special on-site RV parking area is also proposed, the proposed one space per lot parking appears to be sufficient. Additionally, guest parking needs to be provided for visitors. If on street, they should be on the private streets and marked for guest use. If provided in separate lots, the lots must be signed for guests.~~ **ALL HOUSES BUILT TO DATE HAVE SPACE FOR 2 CAR PARKING AND FAMILY OCCUPANCY WILL REQUIRE 2 CARS/UNIT.**

E. Hazard Overlay Zone

The portion of the site including the embankment and area below, are designed in the zoning ordinance as a "Hazard Overlay Zone." This category is intended to minimize flooding and slope-related problems. The only construction proposed in this zone is surface treatment for pedestrians of the narrow existing path on the slope and a small pagoda at the end of the trail at the bottom of the slope. This will all be above the established 100-year flood line. Therefore, since minimal change is proposed, and the Geotechnical Consultants have recommended detailed mitigation procedures to minimize any potential problems, it is found that the proposed development will:

- a. Be consistent with the need to minimize flood damage, based upon accurate base flood elevation data;
- b. Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- c. Have adequate drainage to reduce exposure to flood damage; and
- d. Have minimal impacts upon fish, wildlife, and open space resources of the community (except to aid in preserving such resources by maintaining the existing open space. "Minimal" grading is proposed and "minimal" tree-cutting is proposed, except for the trail and small pagoda).

**F. Section 16.46.010 - Vehicular Access
(for emergencies and convenience of residents)**

The vehicular access standards of this section are met. The private roads, Christina and "A" Street **BIRCH, CEDAR DRIVE, CEDAR LOOP, RADCLIFF COURT**, are proposed as a loop with Christina S. **BIRCH** extended an additional 250 feet beyond the end of the loop. There are a total

of 45 39 lots on this loop system. Thirty-six units are permitted on these scale of streets, plus up to 50 percent additional, if looped. Up to 20 percent additional increases are permitted in PUDs. Staff is satisfied that the proposed 45 39 lots is adequate to meet the convenience of residents and emergency access needs. ~~The unnamed S. ASPEN WAY, A 20 foot drive on the north-west corner of the site has only six 3 lots on it. Therefore, it meets the 24 maximum requirement for roads less than 24 feet wide.~~ **THE PROPOSED REPLAT TO FEWER LOTS ALSO MEETS ACCESS STANDARDS. IT HAS A MAXIMUM OF 29 LOTS ON BIRCH COURT, WHICH IS 28 FEET WIDE.**

G. Section 16.50 - Conditional Uses

The development includes ~~30~~ 2 single family common-wall units, which are conditional uses in an R-1.5 zone. ~~The development meets the Conditional Use requirements as follows:~~ **THESE 2 UNITS ARE ALREADY BUILT AND PERMITS HAVE BEEN ISSUED. THEY HAVE A LARGE COMMON AREA BEHIND THEM AND NOTHING WOULD BE GAINED TO REQUIRE LARGER LOTS FOR THESE UNITS.**

1. ~~Comprehensive Plan Requirements and Other Applicable Policies~~

~~A previous section outlined how the entire development meets the intent of the Comprehensive Plan. The portion of the site occupied by the 32 attached units, therefore, is also consistent with the Comprehensive Plan Goals and Policies.~~

2. ~~Site Suitability~~

~~The portion of the site occupied by the attached units is basically flat, with no particular difficulties. The City of Canby's need for the 13th Avenue extension cuts off a corner of the site which would be difficult to make efficient use of without some creativity. The attached units and the small court street seem to make a reasonable use of an otherwise awkward corner. Similarly, the western portion of the site is creatively treated with a short cul-de-sac and attached units. The six lots on the short "L" street may make a "private" cluster of units near RVs. Many of the lots will have views of the common open space areas.~~

~~3. Public Facilities and Services Available~~

~~Public facilities and services are available in the vicinity and service can be extended to the site. Specific utility needs will be met by easements.~~

~~4. Compatibility with Surrounding Areas~~

~~The use of the site for single families and open space will have no adverse effects on any surrounding land use. Each site edge has a positive relationship except the boundary with the recycling plant, which can be mitigated with some type of buffer treatment.~~

H. Chapter 16.70 - Planned Unit Development (PUD) Evaluation

The applicant has requested evaluation of the development under PUD provisions. It is to be treated as a subdivision. Code provisions of Division III and IV will also apply.

Under a PUD, "the purpose of a planned unit development, as the term is employed in this title, of permitting the development of land in a manner which would be as good as, or better than, that resulting from the traditional lot by lot development while generally maintaining the same population density and area coverage permitted in the zone in which the project is located. A planned unit development will also permit flexibility in design, placement of buildings, use of open spaces, circulation facilities, off-street parking areas and the best utilization of site potentials characterized by special features of geography, topography, size, location or shape."

Uses permitted in a PUD are as allowed in the base zone. Thus, the R-1.5 zoned part of the parcel is single family detached, and attached units as are proposed in this application.

I. Section 16.76.010 - Minimum Requirements

The required ten percent in parks and recreation space is easily met by this proposal. Out of a total site area of 626,871 square feet, 211,596 square feet of space is proposed **HAS BEEN DEDICATED** for recreational open space, which is 33.8% of the site. While much of this space is located along a steep slope, there clearly is a community benefit in preserving such space, and the

trail and viewing areas will provide a natural area for the seniors and visitors to gain relaxation and recreational benefits. **LARGER OPEN SPACE AREAS ARE PROPOSED ALONG 13TH AVENUE IN THIS REPLAT. HOWEVER, A "TOT LOT" IS NEEDED IF FAMILIES WITH CHILDREN ARE TO BE ENCOURAGED, SINCE THE NEAREST SMALL CHILD PLAY AREA IS ALMOST A HALF MILE AWAY.**

The average area per dwelling unit was previously shown to be well within the required standards. To repeat:

626,871 square feet (gross site area)
-74,151 square feet (streets area)
552,720 square feet

552,720 square feet ~~75~~ 56 lots = ~~7,370~~ 9,870 square feet

If one only considers space occupied by lots area, the average lot is 4,548 5,984 square feet. **FOR 55 LOTS, IT WOULD AVERAGE 6,000 SQUARE FEET.** The single family detached lots are larger than the (2) attached unit lots. The preservation of the open space clearly is a community asset deserving special recognition. Lot dimensions are adequate for reasonable construction. However, they are relatively small (some only 3,000 3,325 square feet for attached units and 4,500 **OVER 5,000** for **MOST OF** the detached units). ~~The units themselves will also be relatively small and occupied by seniors or handicapped, making the smaller size an advantage. A~~ **COUPLE OF LOTS WITH RECENTLY CONSTRUCTED HOMES REMAIN AT 4,600 SQUARE FEET.** ~~In any event, s~~Special design review will be needed to ensure a positive site relationship between adjacent units, as the applicant has asked to modify the usual requirements.

The applicant has adequately presented the information required in Section 16.76.020. This is done in the form of a site plan, text and rules and regulations.

J. Section 16.62 and 16.64 - Subdivision Approval Criteria Evaluation

As a PUD, a proposal must be evaluated under the subdivision criteria if it is to be subdivided. This is the case for this application. The required information has been provided to meet the filing procedures.

16.62.020 - Standards and Criteria

- **Conformance with Comprehensive Plan**

This has been discussed previously in this report.

- **Conformance with Applicable Requirements of the Land Development and Planning Ordinance**

This is the object of this entire staff report.

- **Design and Lot Arrangement - Functional and Necessary**

The subdivision of lots, public and private streets, and open space arrangement is appropriate for this site and will not hinder either adjacent land or its development. In fact, the extension of 13th Avenue as a City arterial will aid in the service and development of this part of the City. The preservation of the open space and natural habitat is a community benefit of substantial impact.

16.64 - Design Standards

- **Streets** - The design of streets meets all Canby standards for public and private streets. Thirteenth Avenue has been designed to meet arterial road standards, as requested by City staff.

- **Blocks** - Block lengths and sizes meet design standards.

- **Easements** - The application states that easements will be provided, as requested, to provide adequate service to each lot. A watercourse at the base of the embankment should be protected.

- **Pedestrian Ways** - These have been provided on the site plan. Appropriate access to the open space area and trails have been shown. Additional access to the shopping center and Canby Community Park would be desirable. ~~Access through the northwest corner seems feasible, but agreement from the high school authorities would be necessary.~~ **HAS BEEN PROVIDED THROUGH THE HIGH SCHOOL SITE AND NELSON PROJECT.**

- **Solar Easements** - No special solar easements have been proposed.

SOLAR REVIEW IS NOT ANTICIPATED SINCE THERE ARE SERIOUS CONSTRAINTS ON ANY REPLATTING. THE EXCEPTIONS OF 16.95.040 AND ADJUSTMENTS OF 16.95.050 APPLY, PARTICULARLY REGARDING SLOPES AND COMPLETION OF PHASED SUBDIVISION WHICH WAS EXEMPT. ALSO, THE SITE HAS EXISTING AND PLANNED ROAD PATTERNS AFFECTING REPLATTING.

16.64.040 - Lots

The lot size, width, shape and location are appropriate for the design and type of units. Under the PUD provisions described in 16.76.040, modifications to usual dimensions and standards are allowed. The lot modifications requested are appropriate for the design. Specifically, flag lots are designed to meet ordinance standards. In a few cases, reciprocal agreements from adjacent owners will be required for abutting access strips. **ALL LOTS (EXCEPT 6 OF THE LOTS ALREADY BUILT UPON AND "LAND LOCKED") ARE 5,000 SQUARE FEET OR LARGER. SINCE THE LOTS ARE RELATIVELY SMALL AND MAY BE OCCUPIED BY FAMILIES WITH SMALL CHILDREN, A "TOT LOT" WITH PLAY EQUIPMENT IS NEEDED.**

THE APPLICANT CONTINUES TO REQUEST SIDE YARDS EQUAL TO THE UTILITY EASEMENT (6 FEET) AND FRONT YARDS OF 12 FEET EXCEPT 20 FEET FOR DRIVEWAYS. THIS HAS WORKED OUT IN THE FEW LOTS BUILT UPON WITH REVIEW OF EACH SITE PLAN BY THE CITY PLANNER AS PART OF THE BUILDING PERMIT REVIEW PROCESS.

16.64.050 - Public Open Spaces

The developer is providing for the dedication of the extension of 13th Avenue. No other dedications have been requested by the City. **THE PREVIOUSLY APPROVED SUBDIVISION PROVIDED PUBLIC DEDICATION OF THE SLOPE AREA AND TRAIL SYSTEM.**

16.64.060 - Grading

No special grading problems are anticipated.

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16.64.060 - Grading

No special grading problems are anticipated.

16.64.070 - Improvements

The maps, text, rules and regulations, with appropriate additional conditions, will fully meet these standards. However, the proposed drywells will need to be located in cooperation with the City to ensure adequate protection of the embankment and watercourse at its base. They should be set back from the edge as far as is reasonable. Construction of the pagoda, near the slope base, will require some care so as to avoid any disruption in the area. **(THE PAGODA HAS NOT YET BEEN BUILT.)**

A GEOTECHNICAL REPORT ORIGINALLY PROPOSED A MINIMUM SETBACK OF 30 FEET FROM THE BANK. A REVISED GEOTECHNICAL REPORT HAS REDUCED THIS TO 15 FEET FOR A FEW LOTS AFTER DETAILED AND SPECIFIC STUDY.

IV. Previous Conditions Affecting the Site

Attached, you will find a letter dated October 9, 1989, from Wayne S. Klem, Director of Public Works, to Marv Dack, summarizing previously adopted conditions that apply to the site. The nine conditions, approved on June 7, 1989, are still appropriate. The conditions of May 22, 1989 were designed for the 1.38 acre parcel now occupied by the Adult Living Facility (ALF) and were specific to the ALF portion of the site. Therefore, they no longer apply. Items 9-14 are adequately covered by the design features of the present proposal.

With regard to Conditions 9-14, staff finds:

- Condition # 9 - no three story units are proposed as part of this development.
- Condition # 10 - "the northeast corner is to remain as open space." Staff finds that the redesign of 13th Avenue extension to a smoother curve with longer radii results in a substantially larger area in the northeast corner of the parcel than under the previous plan. The proposal, under the present plan, is to develop this area with a small "court" off 13th Avenue. The court will house 8 attached single family units on separate lots, as small landscaped areas. This new proposal is a reasonable solution to the situation created by the street extension. Staff concludes that limiting the area to "remain as open space" is no longer necessary, since it can be developed in a reasonable fashion which will benefit both the site occupants and surrounding land use.

- Condition # 11 - the corner road and cul-de-sac radius will meet City requirements.
- Condition # 12 - "Five foot sidewalks are proposed throughout the subdivision..." (page 25 of the September 24, 1990 application).
- Condition # 13 - the main road proposed is a 40-foot right-of-way, including sidewalks and roadway.
- Condition # 14 - as indicated above, the development fully meets the intent of the R-1.5 zoning under PUD design review.

Staff concludes that the subject proposed development fully meets the intent of the previously adopted conditions, as they apply to the somewhat changed circumstances of this application.

V. CONCLUSION

Based upon the above analysis, and without benefit of public testimony, staff concludes that the proposed **REPLATTED** development is fully consistent with the Comprehensive Plan and all applicable Canby codes and policies, with the application of conditions, **AS NOTED BELOW**, to ensure full compliance.

VI. RECOMMENDATION

Based on the findings and conclusions presented in this report, staff recommends approval of ~~CUP 90-08/SUB 90-04~~ **SUB 92-03/PUD 92-01**, with the following conditions:

1. **REVISED** utility easements shall be provided, to the satisfaction of the Canby Utility Board (CUB), North Willamette Telecom, and the Canby Telephone Association (**FOR ALL REPLATTED LOTS**).
2. ~~A water line shall be looped through the development in the manner specified by the Canby Utility Board (CUB). Hydrant locations shall meet Fire Marshal specifications.~~ **THIS IS NOW BUILT.**

3. **THE** Covenants and by-laws of the homeowners' association shall be reviewed and approved by the City Attorney **AND REMOVAL OF SENIOR CITIZEN RESTRICTIONS IS APPROVED FOR REMOVAL. (SEE #2 OF REVISED FINDINGS.)**
4. ~~All recommendations of other agencies shall be regarded as conditions of approval.~~
5. ~~Curbs and sidewalks along S.W. 13th Avenue shall be constructed to meet City standards. (BUILT)~~
6. The recommendations of the October 5, 1990 Geotechnical Study of Rittenhouse-Zeman and Associates, Inc., as submitted, **(AND LATER REVISED FOR SELECTED LOTS)** shall be evaluated by staff with regard to the area along the bluff. Recommendations of the study shall be followed. ~~The storm drainage system shall be by drywell system, designed to the satisfaction of the Director of Public Works. Drywells shall be located as far from the edge of the slope as possible. (BUILT)~~
7. ~~The applicant shall provide the City with a dedication of property, as indicated on the tentative subdivision plat dated September, 1990, to allow for the extension of S.W. 13th Avenue. The dedication shall meet the requirements of the City Attorney and construction costs shall be borne by the applicant. (DONE)~~
8. ~~The Applicant shall sign a nonremonstrance agreement waiving the right to remonstrate against the formation of a Local Improvements District (LID) for the full improvement of S.W. 13th Avenue. The form of the waiver shall meet the requirements of the City Attorney (the City may require the immediate improvement of the road to City standards, as a condition of approving any subsequent development of the site). (DONE)~~
9. The Cost of **REVISED** facility and/or **REVISED** utility improvements to OF the site shall be borne by the developer.
10. The applicant shall submit a traffic impact analysis, analyzed by a recognized and qualified traffic engineer. The applicant shall provide a proportional contribution to any needed traffic control improvements at 13th and Ivy and Elm and 99-E. The proportion shall be related to the development's share of improvement needs at such intersections, as determined by the City of Canby. **(REVISED IN FINAL ORDER.)**

11. ~~Prior to permit approval, the applicant, with City of Canby support, shall investigate possible improved pedestrian connections to the Canby Square Shopping Center and the Canby Community Park. If found feasible, they shall be provided by the developer. (DONE)~~
12. ~~The applicant shall attend a pre-construction conference with City staff, CUB, the fire district, etc., to resolve all service needs. (DONE)~~
13. ~~A final landscape plan shall be prepared by a landscape architect for final approval of the Planning Director. Any existing trees larger than 6 inches in caliper shall be preserved, or cutting justified to the satisfaction of the Planning Director. **A REVISED LANDSCAPE PLAN AND REPLANTING OF THE SITE SHALL BE ACCOMPLISHED PRIOR TO FINAL PLAT. THE PLANNING DIRECTOR SHALL REVIEW AND APPROVE SUCH PLAN. A "TOT LOT" OF AT LEAST 5,000 SQUARE FEET SHALL BE PROVIDED IN A SAFE, YET ACCESSIBLE, LOCATION. IT SHALL BE APPROPRIATELY DEVELOPED FOR USE BY SMALL CHILDREN.**~~
14. The lots abutting the Recycling Plant shall be buffered with heavy landscaping treatment, to the satisfaction of the Planning Director, **AND SHALL BE REPLANTED SINCE MOST PLANTED VEGETATION HAS DIED.**
15. ~~The developer shall provide final draft lease agreements and regulations which "assure occupancy by the elderly, handicapped, or such caretakers as may be necessary." The Planning Director shall approve such procedures and regulations. (THIS MAY BE REMOVED)~~
16. ~~Street names and numbering shall meet City requirements, and numbering shall be uniform and conspicuous on all units. (DONE)~~
17. ~~The developer shall maintain separation between the sanitary sewer and water system improvements to comply with State Health Division requirements. (DONE)~~
18. ~~Street grades shall use vertical curve when grade breaks exceed 1% as shown on Christina Street at "A" Street intersection. (DONE)~~
19. ~~The storm drainage system shall utilize drywells for disposal with an overflow to daylight protected from erosion. Additionally, the storm sewer shall be collected through manholes and not routed through catchbasins. This provides a sump to intercept debris and limits plugging impacts. (DONE)~~

- ~~20. Drainage calculations shall be submitted with the construction plans. (DONE)~~
21. Water service, sanitary sewer, storm drainage, and streets (with the exception of 13th Avenue) shall be maintained by the homeowners' association. **(IN COVENANTS)**
22. Prior to undergoing a plan check for construction, all proposed residential development shall undergo a site plan review to be conducted by staff. The Planning Director shall approve such plans for consistency with the approval under the PUD and ~~Conditional Use~~ **SUBDIVISION** applications.
23. The approved "Protective Covenants, Conditions and Restrictions and By-Laws shall be filed with the County Register of Deeds, and any amendments shall be approved by the ~~Planning Director~~ **CITY ATTORNEY**.
- ~~24. The developer shall provide a traffic barrier at the end of 13th Avenue, until it is extended. Design of this barrier shall be reviewed and approved by the Public Works Director. (DONE)~~
- ~~25. A temporary turnaround shall be installed by the developer at the end of 13th Avenue, the design of which shall be approved by the Public Works Director. (DONE)~~
26. Guest parking shall be designated and shown on the final plat in the amount of 1 space/5 units. If on-street, they shall **not** be on 13th Avenue, and shall be clearly signed for guests/visitors. If separate lots, they shall be clearly signed for guests/visitors.
27. The final **RE**plat shall reference this land use application - City of Canby, File No. ~~CUP 90-08/SUB 90-04~~ **SUB 92-03/PUD 92-01**, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits requested subsequent to the date of this approval.
28. **THE FINAL PLAT MYLARS MUST CONTAIN, IN THE FORM SPECIFIED, ALL INFORMATION NECESSARY TO SATISFY ALL MATTERS OF CONCERN TO THE COUNTY SURVEYOR, OR HIS AUTHORIZED DEPUTY, INCLUDING, BUT NOT NECESSARILY LIMITED TO, VARIOUS MATTERS RELATED TO LAND SURVEYING, LAND TITLE, PLAT SECURITY, AND PLAT RECORDATION.**

**SEE CONDITIONS IN ATTACHED FINAL ORDER WITH REVISIONS FOR FURTHER
RECOMMENDED CONDITIONS (RE FENCE [#14], "TOT LOT" [#15], RV STORAGE
YARD [#16], AND PAGODA [#17])**

Exhibits:

1. Application
2. Vicinity Map
3. Revised Tentative Subdivision Plan
4. Requests for Comments
5. Grading Plan (*too large to reproduce*)

**BEFORE THE PLANNING COMMISSION
OF THE
CITY OF CANBY**

**A REQUEST FOR APPROVAL OF
A SPECIAL HOUSING PROJECT
FOR THE ELDERLY**

) **FINDINGS, CONCLUSIONS & ORDER**
) **SUB 90-04/CUP 90-08**
) **(Cedar Creek)**
*[for reference, including revised conditions
re SUB 92-03/PUD 92-01]*

NATURE OF APPLICATION

The applicant, Planned Dollars Concepts, is requesting approval of a 75-unit Tentative Subdivision/Planned Unit Development and a Conditional Use Permit for 30 common-wall dwellings. The site (approximately 14.4 acres) is located at the end of S.W. 13th Avenue, west of S. Elm Street. It is intended as a Special Housing Project for the Elderly, in coordination with the recently constructed Assisted Living Facility on Tax Lot 801 (Tax Lots 800, 891, 900, 1000 and 1001 of Tax Map 4-1E-4C and Tax Lot 1000 of Tax Map 4-1E-4B).

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of November 5, 1990.

CRITERIA AND STANDARDS

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

- i. Conformance with the text and applicable maps of the Comprehensive Plan.

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

In judging whether a Conditional Use 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:

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner that substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

CONCLUSION

The Planning Commission concludes that SUB 90-04/CUP 90-08 can be made to comply with all applicable criteria by the application of certain conditions.

FINDINGS AND REASONS

The Planning Commission incorporates the October 12, 1990 staff report on SUB 90-04/CUP 90-08 as support for its decision, supplemented by the following:

1. Testimony by staff and the applicant's representative and proponents.
2. Commission deliberation which included the following issues:
 - a. The Commission discussed the issue of spongy land approximately 40 feet from the bank. Although the geotechnical report stated a 30 foot setback is appropriate, the Commission addressed the surface water on the rest of the bank area and the feasibility of building a fence because of movement. The Commission questioned whether an engineering report would be necessary whenever excavation took place to prepare for home building and whether the homeowner would be protected. The Commission concludes that the applicant's Geotechnical Report recommends a review of structures on site in the vicinity of the bank. Condition #6 meets this concern raised before the Commission.
 2. The Commission discussed the drainage pipe coming off Christina to the edge of the bank. Ms. Rahman explained that the plan was amended after discussions with the City's contract engineer. The new plans are acceptable to the developer and the City. New condition #13 covers that drainage problem, noting that the City requires that the applicant provide drywells for disposal of collected storm water runoff on the site and discusses the location and size of the drywell basins. The condition further states that no interconnecting piping nor overflow to daylight shall be required. Mr. Klem explained that they cannot discharge storm water to City streets, but that the streets in this development are private. Roof drains are permitted to drain to the drywells in private streets. The Commission concludes that Condition #16 meets drainage concerns.
 3. The Commission discussed the sewer system and addressed the fact that the record does not note the potential problem in Ivy and 2nd. Mr. Klem explained that there is a short-term solution to this problem, which will occur

with the diversion from Ivy and Township to Knott Street and to the interceptor down through Knott, diverting approximately 300-350 services. Once this is in, a good deal of the flow to the Ivy and 2nd area would be diverted. He further stated that it would be done during the coming winter season, before this project is constructed. The long-term solution would include the Township Village/S. Pine area and a trunk line that is being built from 99-E to Township and on to S.E. 13th. The Commission concludes that adequate sewer capacity will be available to the site at the time construction commences, or by the spring of 1991.

4. The Commission discussed Lots 45, 46, 47 and 48 on S.W. 13th Avenue, the four lots with driveways accessing onto an arterial street which is potentially a truck route. The Commission agreed access onto S.W. 13th is not desirable from these four lots. The Commission discussed moving the RV parking lot to this area, causing occasional access onto 13th, instead of routine access onto 13th. However, the Commission concluded that backing travel trailers onto S.W.13th would not be a safer result and did not change the plat in this regard.
5. The Commission discussed the pathway to the pagoda and questioned how much excavation would occur from the cul-de-sac. Ms. Rahman explained that as little excavation would take place as possible, basically following the existing road cut. She further explained that it would not affect the slope stability to build a fence, but that it would be prudent to advise the purchaser that the fence could eventually fall. The Commission found and concluded that fulfillment of Condition #6 addresses this concern adequately.
6. The Commission discussed the square footage of the small common-wall lots. Mr. Hoffman explained that the Code allowed this size under Conditional Uses allowed for senior living projects and assured the commission that staff would review each home to assure adequate space. The Commission was satisfied by this explanation.
7. The Commission discussed tree preservation and the fact that in trying to preserve this area, which has the highest concentration of large trees, some lots

in the northeast corner may possibly be lost. Mr. Hoffman added that with some minor modification of the lot lines, many of the trees could be saved. The Commission concluded that Condition #13 would adequately address this concern.

8. The Commission discussed the issue of adequate lighting on the bluff to offer protection for the senior citizens. Ms. Rahman explained that a lighting plan would be submitted with final plans. The Commission concluded that this concern was adequately addressed.
9. The Commission discussed the issue of open space and that such space should be of particular benefit to the community at large. Pedestrian connection to the Canby Community Park could be explored from the pathway system in this development, as it is adjacent to the park.
10. The Commission discussed maintenance of the open space area and whether it should be dedicated to the City or if a homeowners' association would control it. The Commission imposed Condition #24 to meet this condition.
11. The Commission discussed conditioning the bluff area to be included in Phase I.
12. The Commission reviewed Page 3 of the Geotechnical Report regarding the preparation of the site for building and the procedures that will be followed. The Commission concluded this was satisfactory.
13. The Commission concluded Condition #18, regarding drainage, is satisfactory.
14. The Commission concluded that, through Condition #6, the individual homeowners would be aware of problems involved in constructing fences or sheds or other improvements on the slope because of potential movement, due to wording in the Geotechnical Report.
15. The Commission wanted to record to show that it approved of the 3,000 square foot lots because it is a senior community and it was not setting a precedent for all PUD applications.
16. The Commission agreed that Mr. Sullivan would word a condition dedicating the open space on the bluff to the City of Canby. It further agreed the

condition would address adequate security measures. It was agreed the City Attorney, John Kelley, would review this condition and revise it, if necessary. That condition appears as Condition #24, below.

17. The Commission agreed to add wording to the conditions regarding the configuration of the four lots accessing 13th, to indicate no backing movements shall be allowed to access 13th Avenue.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that SUB 90-04/CUP 90-08 is approved, subject to the following conditions **(WITH REVISIONS RECOMMENDED FOR SUB 92-03/PUD 92-01 REPLAT):**

1. **REVISED** utility easements shall be provided, to the satisfaction of the Canby Utility Board (CUB), North Willamette Telecom, and the Canby Telephone Association.
(FOR ALL REPLATTED LOTS.)
- ~~2. A water line shall be looped through the development in the manner specified by the Canby Utility Board (CUB). Hydrant locations shall meet Fire Marshal specifications.~~
(DONE)
- 2.3. Regarding **REVISED** covenants, conditions and restrictions, the following shall apply:
 - a. Such covenants, conditions and restrictions and homeowner association by-laws shall be filed with the County Register of Deeds and shall provide for notice to the City Attorney and to the purchaser of any lot at least ten (10) days in advance of any change to be made, if such change is made prior to the sale of 75% of all lots in the development. **(THE "HOUSING FOR THE ELDERLY" PROVISION MAY BE REMOVED FROM THE ORIGINAL CC&Rs)**
 - ~~b. Such covenants, conditions and restrictions shall assure that the development qualifies as housing for the elderly under the Fair Housing Act Amendments of 1988.~~

- B.e.** Such covenants, conditions and restrictions shall assure the continued maintenance of water, sanitary and storm sewers, and streets (with the exception of 13th Avenue) by a homeowners' association created thereunder.
- C.d.** All covenants, conditions and restrictions and homeowner association by-laws adopted thereunder shall be reviewed and approved by the City Attorney to assure continued conformity with City code provisions and the conditions of this approval.
- 3.4. All recommendations of other agencies shall be regarded as conditions of approval.
- ~~5. Curbs and sidewalks along S.W. 13th Avenue shall be constructed to meet City standards. (DONE)~~
- 4.6. The recommendations of the October 5, 1990 Geotechnical Study of Rittenhouse-Zeman and Associates, Inc., as submitted, **AND AS REVISED BY JOHN GERGUSON, P.E., OF DEEP RIVER, IN JULY, 1991**, shall be evaluated by staff with regard to the area along the bluff. Recommendations of the study shall be followed. The storm drainage system shall be by drywell system, designed to the satisfaction of the Director of Public Works. Drywells shall be acaudate as far from the edge of the slope as possible.
- ~~7. The applicant shall provide the City with a dedication of property, as indicated on the tentative subdivision plat dated September, 1990, to allow for the extension of S.W. 13th Avenue. The dedication shall meet the requirements of the City Attorney. Construction costs for that portion of S.W. 13th Avenue on the applicant's property shall be borne by the applicant. (DONE)~~
- ~~8. The applicant shall sign a nonremonstrance agreement, waiving the right to remonstrate against the formation of a Local Improvement District (LID) for the full improvement of S.W. 13th Avenue. The form of the waiver shall meet the requirements of the City Attorney. (DONE)~~
- 5.9. The cost of **REVISED** facility and/or **REVISED** utility improvements to the site shall be borne by the developer.

- 6.10. The applicant shall provide a proportional contribution to any needed traffic control improvements at 13th and Ivy and Elm and 99E. The proportion shall be related to the development's share of improvement needs at such intersection. The applicant shall sign a waiver of remonstrance to the formation of a Local Improvement District (LID) to construct such traffic control improvements.
- ~~11. Prior to permit approval, the applicant, with City of Canby support, shall investigate possible improved pedestrian connections to the Canby Square Shopping Center and the Canby Community Park. If found feasible, they shall be provided by the developer. (DONE)~~
- 7.12. **FOR ANY SITE REVISIONS**, the applicant shall attend a pre-construction conference with City staff, CUB, the Fire District, etc., to resolve all service needs.
- 8.13. A **REVISED** landscape plan **ESPECIALLY FOR THE NEW COMMON AREAS**, prepared by a registered landscape architect, shall be submitted for final approval by the Planning Director. **REPLANTING OF ALL DEAD OR DYING VEGETATION PLACED AS PART OF THE PREVIOUS PLAN SHALL BE ACCOMPLISHED.** ~~In addition, a tree survey showing all existing trees larger than six inches in caliper, shall be submitted. Any cutting of such trees shall be justified to the satisfaction of the Planning Director so as to allow development to occur while preserving the maximum number of such trees practical. The Planning Director shall make final determinations on tree cuttings permitted in the development by the time of the submission of the final plat. A "TOT LOT" SHALL BE PROVIDED FOR IN SUCH LANDSCAPE PLAN. IT SHALL BE LOCATED ON PROPOSED LOT 29.~~
- 9.14. The lots abutting the Recycling Plant shall be buffered with heavy landscape treatment, to the satisfaction of the Planning Director, **AND REPLANTED SINCE PREVIOUSLY PLANTED TREES HAVE DIED.**
- ~~15. Street names and numbering shall meet City requirements, and numbering shall be uniform and conspicuous on all units.~~
- ~~16. The developer shall maintain separation between the sanitary sewer and water system improvements to comply with State Health Division requirements.~~

~~17. Street grades shall use vertical curve when grade breaks exceed 1%, as shown on Christine Street at "A" Street intersection.~~

10.18. Due to the limited access to river frontage and potential for drainage problems below the subject property, the City of Canby requires that the applicant provide drywells for disposal of collected storm water runoff on the site. ~~Drywell basins shall be located and sized to accommodate the anticipated runoff from the site without surcharging. However, no interconnecting piping nor overflow to daylight shall be required.~~

(DONE)

~~19. Drainage calculations shall be submitted with the construction plans. (DONE)~~

11.20. Prior to undergoing a plan check for construction, all proposed residential development shall undergo a site plan review to be conducted by staff. The Planning Director shall approve such plans for consistency with the approval under the PUD and Conditional Use Permit applications. The driveways of **NEW** Lots 45, 46, 47 and 48 #41, 42, 43 shall be configured such that no backing maneuvers are required to access S.W. 13th Avenue.

~~21. The developer shall provide a traffic barrier at the end of 13th Avenue until it is extended. Design of this barrier shall be reviewed and approved by the Director of Public Works. (DONE)~~

~~22. A temporary turnaround shall be installed by the developer at the end of 13th Avenue, the design of which shall be approved by the Director of Public Works. (DONE)~~

12.23. Guest parking shall be designated and shown on the final plat in the amount of 1 space/5 units. If on-street, they shall not be on 13th Avenue, and shall clearly be signed for guests/visitors. If separate lots, they shall be clearly signed for guests/visitors.

13.24. At the time of final plat approvals, the applicant shall dedicate Tract "A" (which will include **A 10 foot ACCESS strip at the very end OF 13TH AVENUE, ADJACENT TO LOT #43** so that there is access off 13th to access Tract "A") to the City of Canby for park and open space use if so required by the City Council. ~~Before accepting the dedication, the City shall:~~

a. ~~Assure that the dedication does not include the three entrances to the open space area from the development, and~~

b. ~~Assure that security concerns of the elderly residents are met.~~

14. **A FENCE SHALL BE PROVIDED TO SEPARATE THE ASSISTED LIVING FACILITY FROM PROPOSED LOTS 6-15, SINCE THESE LOTS WILL BE OCCUPIED BY FAMILIES, MANY OF WHICH WILL HAVE CHILDREN.**
15. **A "TOT LOT" SHALL BE CONSTRUCTED ON PROPOSED LOT 29 TO PROVIDE A PLACE FOR A SMALL CHILDRENS' PLAY AREA. NO HOME SHALL BE CONSTRUCTED ON THIS LOT, BUT IT SHALL BE MAINTAINED AS PART OF THE "COMMON AREA."**
16. **PRIOR TO USE, THE PROPOSED RECREATIONAL VEHICLE STORAGE AREA SHALL BE HARD SURFACED AND PAVED ASPHALT OR CONCRETE SURFACE. A 20 FOOT WIDE ACCESS STRIP AND WALKWAY SHALL BE PROVIDED ALONG THE TOP OF THE EMBANKMENT AT THE REAR OF LOT 38, AND SOUTHEAST CORNER OF LOT 39, TO PROVIDE ACCESS TO THE UPPER PORTION OF TRACT "A". SUCH WALKWAY TO CONTINUE OUT THE 10 FOOT ACCESS EASEMENT TO 13TH AVENUE.**
17. **THE PAGODA, PREVIOUSLY APPROVED, SHALL BE BUILT IN CONJUNCTION WITH DEVELOPMENT OF THE TRAIL AND PARK SYSTEM, AT THE BOTTOM OF THE EMBANKMENT AREA.**
18. **THE FINAL PLAT MYLARS MUST CONTAIN, IN THE FORM SPECIFIED, ALL INFORMATION NECESSARY TO SATISFY ALL MATTERS OF CONCERN TO THE COUNTY SURVEYOR, OR HIS AUTHORIZED DEPUTY, INCLUDING, BUT NOT NECESSARILY LIMITED TO, VARIOUS MATTERS RELATED TO LAND SURVEYING, LAND TITLE, PLAT SECURITY, AND PLAT RECORDATION.**

(SUBDIVISION APPLICATION)

Fee: \$300 + \$10/lot

OWNER

APPLICANT

Name Cedar Ridge Associates, Ltd. Name Cypress Ventures, Inc.
 Address 7155 SW Varns St., Suite 100 Address 7155 SW Varns St., Suite 100
 City Portland State OR Zip 97223 City Portland State OR Zip 97223
 SIGNATURE [Signature] Phone: (503) 624-1333
CYPRESS Ventures Inc., General Partner

DESCRIPTION OF PROPERTY:

Tax Map 41548 Tax Lot(s) See attached of Size 14.39 acres
 (Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Lot _____ Block _____

PROPERTY OWNERSHIP LIST

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

USE

Existing Seventy-Five lot PUD Proposed Fifty-Six lot PUD

Existing Structures New single family dwellings on tax lots

PROJECT DESCRIPTION

Cedar Ridge is currently a 75 lot P.U.D. designated as
senior housing. The applicant is seeking to re-plot the
subdivision into 56 lots and waiving the senior housing
restriction.

ZONING R-1.5/PUD COMPREHENSIVE PLAND DESIGNATION Medium density residential
 PREVIOUS ACTION (if any) ZC-89-02; MLP-89-05; SUB-90-01; CUP-90-08; SUB-90-04

File No. SUB 92-02/PUD 92-01
 Receipt No. _____
 Received by _____
 Date Received _____
 Completeness Date _____
 Pre-App Meeting _____
 Hearing Date _____



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

SUBDIVISION APPLICATION

July 29, 1992

**CITY OF CANBY
CEDAR RIDGE SUBDIVISION
TENTATIVE SUBDIVISION PLAN**

Applicant:

**Cedar Ridge Associates
A Limited Partnership**

Prepared By:

**Mitchell Nelson Welborn Reimann Partnership
7155 SW Varns Street, Suite 201
Portland, Oregon 97223**

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2. Declaration of Protective Conditions, Covenants, and Restrictions
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4. Proof of Ownership or Authorization as Agent
5. Property Ownership List (for notification purposes)

1. Introduction

This is an application for approval of a 56 unit Tentative Subdivision Plat/Planned Unit Development, and of a Conditional Use Permit for 1 common-wall dwellings. The site of approximately 14.4 acres is legally described as tax lots 100 thru 8200 (spaced every 100) on Maps 4 1E 4C and Map 4 1E 4B. Applicant requests to be placed on the agenda for a public hearing before the Canby Planning Commission on August 24, 1992.

The development is currently and will continue to be known as Cedar Ridge. This project is intended as a single family residential subdivision.

The site is located at the end of SW 13th Avenue, west of Elmwood Mobile Home Park, south of the High School property, and north of the Molalla River embankment. Property immediately to the south is subject to an application for a mobile home park.

Previous Subdivision applications for this same site has been approved by the Planning Commission on October 12, 1990 (Sub-90-04, CUP-90-08). This application is different from the previous primarily in that all of the zero lot line lots except the one that has been constructed upon have been removed and the majority of the smaller 4,500 sf lots have been increased in size and the amount of open space within the development has been increased to provide for more greenway and park area. This application is proposed to be a single-family residential development, consisting of 54 conventional single-family dwellings on lots of averaging 6,000 sf, and 1 single-family dwellings with common-wall construction on lots of approximately 3,000 square feet (which has already been constructed).

On June 7, 1989 a Zone Change to R 1.5, Intermediate Density Residential with a Planned Unit Development (PUD) overlay designation, was approved for the subject parcel, subject to nine conditions (ZC-89-02). On May 22, 1989 a Major Land Partition (MJ-P-89-05) was approved subject to 14 conditions, and on October 24, 1990 a Subdivision and Conditional Use Permit was approved with conditions. The majority of these conditions still apply except the conditions relating to the age limit requirements.

As a part of this application we are requesting that a large number of the existing lots be enlarged to approximately 6,000 to 7,000 sf and that the age limit designation on the property be eliminated. The applicant is dedicating several areas on the property to be designated as open spaces and parks. These areas will be landscaped areas and will be linked to the existing landscaping and nature trails that exist as a part of the original application. Otherwise, the basic site layout remains the same.

CEDAR RIDGE SUBDIVISION
Application Narrative page 3

The purpose for the proposed re-platting of the existing 75 lot subdivision is two fold. First, after extensive marketing of this subdivision, there does not appear to be a substantial demand for senior housing in Canby. The finished lots have been on the market for almost one year and only eight lots have sold. These eight lots were purchased by two builders.

In addition to the above eight homes that are currently under construction or completed, the developer also built six homes on speculation. Two of these were on the common wall lots. Thus, there are a combined fourteen homes and sixty-one lots available in Cedar Ridge. None of these have purchases pending. The common theme that the builders of these homes are hearing is critical to the re-platting of this subdivision: a senior housing facility of this quality must offer prestigious amenities such as a golf or country club. In other words, the competition for Cedar Ridge offer amenities that are not possible for Cedar Ridge to supply.

Second, the economics would not allow the developer to downscale the quality of the project. There are three builders in Cedar Ridge with homes now priced at or near the breakeven level. The sizeable amount of money to acquire the land, coupled with the development costs have made it prohibitive to both sell lots cheaper and scale down on the quality of home. Although the developer recognizes that the City cannot base their decision on economics, the simple fact is that the developer cannot reduce prices on the lots without losing a substantial amount of money.

With the City's positive response to the developer's request, the plan is to market the lots at or near the same price, yet make them available to the entire home buyer market. The developer feels there is a strong market for new homes in Canby and feel Cedar Ridge can supply the City with a quality, yet affordable subdivision for all ages.

The entire record of the previous applications for this property is incorporated by reference into the record of this new application.

2. Compliance with applicable requirements of the Canby Land Development and Planning Ordinance (Title 16).

16.18 R-1.5 Intermediate Density Residential Zone

16.18.010 Uses Permitted; and 16.18.020 Conditional Uses

Permitted uses in the R-1.5 one include single-family residences, duplexes, and triplexes. Single-family dwellings having common wall construction, on lots of at least 4,500 square feet, may be permitted as a conditional use. This application requests approval of single-family dwellings of common-wall construction on tax lots 1900 and 2000 (which was previously approved) on lots of 3,000 square feet each. Such dwelling will be identical to duplexes in construction and appearance, except that they will be situated on a separate lot and can therefore be sold separately. The approval of the Conditional Use Permit can be found in the October 24, 1990 application. Justification for the smaller lots is based on the Planned Unit Development approach, in accordance with Section 16.76.040. Some of the lots that exist and have been constructed upon are approximately 4,500 sf and thus cannot be increased in size and therefore must remain. The remaining lots that have the capacity to increase in size have been increased in this application.

Basically, this revised application eliminates all of the common wall lots except the one that is constructed on and increases the size of the smaller lots that still have the ability of increasing in size. Thus, this proposal will create a more flexible situation for building types and construction.

16.18.030:

A. Minimum Lot Area

Lots of 4,500 and 3,000 square feet are smaller than required by this section. However, the only lots that will remain of this size are restricted by their location within the subdivision or are already constructed. The overall density proposed for this new subdivision layout will decrease the density and create larger lots averaging 5,500 to 6,000 sf which will be much more than the density permitted by the underlying zone district: 56 units on 14.4 gross acres or approximately 626,871 square feet is an average of 11,194 square feet per unit (3.9 units per acre). Subtracting 74,150 square feet for the area occupied by streets, the average net area per dwelling unit is 9870 square feet; well within the base density.

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This calculation is consistent with the purpose of the PUD as described in Section 16.70.020, and with the minimum PUD requirements of Section 16.76.010B. No density bonus is requested, only modifications to individual lot dimensions. The PUD designation permits the Planning Commission to approve modifications to the lots, lot width, and yard setback requirements in accordance with Section 16.76.040.

B. Minimum lot width and frontage.

Minimum lot width and frontage in the R-1.5 zone are 60 feet, and 65 feet on corner lots. Proposed lot widths range from 35 to 65 feet, with a few wider lots. Section 16.18.030 authorizes the Planning Commission to approve lots having less width and frontage subject to special conditions to assure adequate access. The Subdivision standards (Section 16.64.040. A. and C) and PUD regulations (Section 16.76.040) also authorize modification of lot width and frontage. Applicants request approval of such modification. Adequate access to each lot for emergency vehicles and private automobiles is assured through the street and lot layout. Typically, a driveway width of 12 to 20 feet is considered adequate for emergency vehicle access in most jurisdictions. This is also true for the City of Canby, judging by the standards for the width of access drives to flag lots (section 16.64.040.1), and the 12 foot minimum width for one-way drives and 20 foot minimum for two-way drives referred to in section 16.46.010.D. This proposal is increasing the width of the majority of the lots and thus will increase the access availability on these lots and will not create any smaller lots that exist today.

C. Minimum yard requirements.

1. Street yard: 20 feet on side with driveway: 15 feet for all other street sides.
2. Rear yard on corner lots: 10 feet for single story, 15 feet for two-story;
other lots: 15 feet for single story, 20 feet for two-story
3. Interior yards: one side 7 feet, other side 10 feet

The earlier approval (10/24/90) approved setbacks to the width of utility easements (12' exterior, 6' interior) which we request to remain in effect and will help available building area.

D. Maximum Building Height.

Permitted height is 35 feet or 2 1/2 stories, whichever is less. Proposed are all single or two-story build

CEDAR RIDGE SUBDIVISION
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E. Maximum Lot Coverage.

None of the conventional single-family residences will occupy more than 2700 square feet, or 60% of the 4,500 square feet lots.

16. 10.050 Off-Street Parking

Off-street parking spaces will be provided on each individual lot in garages and driveways. Two spaces per dwelling unit are required for single-family dwellings; this appears to be acceptable to the newly created lots. In addition, a common parking area for recreational vehicles was created in the most recent accepted subdivision and will continue to be provided in the far north corner of the property.

16.40. Hazard Overlay one

Applicants do not propose any development in the lower portion of the site. This application should not include any construction activity, other than landscaping and thus should not disturb and possible hazard overlay areas.

16.46.010 Vehicular access.

- A. The maximum number of units to take access to a given private road or driveway shall be 36, if the travel portion of the road or driveway is between 24 and 30 feet in width.
- B. The maximum number of units under "A" may be increased by up to 50% if the road or driveway is looped and 2-way.
- C. The maximum number may be increased by another 20% for PUD's.

In this case, the total number of units which have access off a 28 foot wide private road is 41 units, or 14% more than permitted outright. Applicants request approval based on the fact that the private road is looped and two-way, and within a PUD. Adequate emergency vehicle access is provided to all lots.

16.50 Conditional Uses

This application includes a continued request for approval of common-wall single-family unit on tax lots 1900 and 2000 which has already been constructed. All of the remaining common wall lots have been eliminated and thus this application may not require a conditional use to keep the one that is existing.

16.62 Subdivisions - Applications

16.62.010 Filing Procedures

A. **Copies:**
The applicant is hereby submitting 18 copies of the tentative subdivision plat. An existing roadway and utility plan in addition to this narrative statement.

B. **Scope:**
"The tentative plat need not be a finished drawing but it should show all pertinent information to scale, in order that the commission may properly review the proposed development."

The information being submitted to you today shows all pertinent information and is sufficiently detailed to permit the Commission and staff to properly review the proposed development.

C. **Partial Development:**
This tentative subdivision plat contains all of the tract which remains under the control of the subdivider as well as the tracts that have been dedicated to the City of Canby for open space and public right of way. The tentative subdivision consists entirely of the previously approved subdivision with existing lots lines removed and/or altered to provide for larger lots. The original subdivision plat has been recorded and the proposed revised plat will also be recorded with Clackamas County.

D. **Information Required:**

1. Vicinity map.
2. Detailed map = Tentative Revised Plat.
3. General Information on Tentative Plat.
 - a. Proposed name of the subdivision:
Cedar Ridge.
 - b. Date, North Arrow and scale of drawing.
 - c. Appropriate Identification of drawing as Tentative Plat.
 - d. Location of the subdivision sufficient to define its boundaries and legal description. A subdivision plat was originally recorded and a copy of the recorded plat is included in this submittal.

CEDAR RIDGE SUBDIVISION

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- e. Names and Addresses of the owner or owners, and subdivider, engineer, surveyor, or other individual who prepared the plat.

A Limited Partnership Agreement for the subdivision exists between Cypress Ventures, Inc. and Al Sizer and Butch Olsen. The Engineer on the original project was Welborn Reimann Associates, Inc. and the plat was prepared by G&L Land Surveyors. This application will require no more construction or engineering but will require a revised plat to be prepared and recorded.

4. Existing Conditions.

- a. Location, widths and names of all...

- existing or planned streets;
- public ways & easements within or adjacent to the tract;
- other important features, such as section lines and corners, city boundary lines and monuments which may have been found;
- Contour Lines;
- Location and direction of all watercourses on and abutting the tract;
- base flood data;
- natural features
- existing uses of property
- location of temporary bench mark

All of the above items have to do with the existing property including the roads, utilities, natural features etc. These items are existing today and will not be changes due to the approval of this subdivision request. This request will only alter the existing tax lot lines and remove tax lot lines and thus the existing utilities, roads, open spaces, natural area etc. will be utilized as they exist today in this application.

5. Proposed plan of subdivision.

- a. The location, width, names, approximate grades & radii of curves of proposed roads to future roads, as shown on any approved plan.

The subdivision roads and utilities have already been constructed and there are not proposed changes other than lot line adjustments. Therefore, the original approval of the subdivision roadway alignments will only be better with the new lot layout.

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- b. Easements. Location on the site or abutting property, showing the width and purpose of all existing and proposed easements.

The attached plat shows all of the existing easements on the property and this application is not intending on changing the easements. The application will increase the amount of open space and reduce the number of residential lots only.

- c. Lots. Approximate dimensions of all lots, approximate lot size and block numbers.

This is shown on the tentative plat map.

- d. Proposed land use.

The land use is not intended to change from residential use.

6. Explanatory Information with Tentative Plat.

Much of the information is already available and applicants will be happy to provide further details if requested.

- a. Proposed deed restrictions in outline form, if any;

Proposed Conditions, Covenants, and Restrictions and Homeowners Association Bylaws are submitted as Attachments to this application.

- b. Statement of subdivision improvements to be made or installed, including landscape, planting, street lighting, etc and when such improvements are to be made;

Utilities and Streets are existing and it is not anticipated that there will be any additional improvements necessary. A landscaping plan will be prepared upon approval of the preliminary plat, and will include the landscaping of the additional open areas consistent with the landscaping that exists on the site currently.

- c. Approximate centerline profile of streets.

Streets are completed and in place.

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__d. Typical Cross Section of Streets.

Streets are completed and in place.

__e. Approximate plan and profile of utilities.

Utilities are completed and in place.

__f. A general description of property intended to be dedicated to the city.

No property within the subdivision will be dedicated to the city.

__g. A plan for domestic water supply lines.

Water is completed and in place.

__h. If lot areas are to be graded, a plan showing the nature of cuts and fills must be shown.

No grading is anticipated in this application.

__i. Proposals for other improvements such as electric utilities and pedestrian ways;

All utilities are in place.

__j. A written statement describing the proposed development and including supporting documentation regarding the relationship of the subdivision to the requirements of the comprehensive plan and its general compatibility with surrounding land use patterns.

Applicable provisions of the Comprehensive Plan were identified by staff in the May 2, 1990 staff report, and were addressed in detail by the applicant in his Memorandum dated May 14, 1990, and in his statement to the Planning Commission on May 31, 1990 as well as in the approved plan in October 24, 1990.

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The surrounding land use pattern is as follows:

The property is located at the edge of town, with the immediate vicinity being generally un- or underdeveloped, as can be seen on the aerial photograph submitted with the previous application. Surrounding zoning consists of R-1, Low Density Residential, with M-1, Light-Industrial, to the west, and C-2, Highway-Commercial, to the northwest. The Hazard Overlay Zone applies to properties to the south.

To the north is the High School property, including a field under cultivation; to the east are the Church of Latter Day Saints, a medical clinic, single-family residences, and the Elmwood Mobile Home Park, as well as a largely vacant property (tax lot 1100,4 IE 4C); to the south is the Torgesen property, for which a large mobile home development is being proposed; to the west: a sanitary service and recycling business, and undeveloped properties. The Canby Community Park and Canby Square Shopping Center are located further north along Berg Parkway.

Given the zoning and the mixture of existing and potential future surrounding land uses, and the current use of the property the proposed use of the property is more appropriate since it reduces the density and makes it a little more consistent with the surrounding neighborhood.

Access from the site to shopping and community services will be further improved with the eventual completion of the Berg Parkway - 13th Avenue connector. The combination of the existing single-family dwellings, mobile home parks, the Assisted Living Facility, and the proposed single-family houses on site, provide what has turned out to be a more consistent choice in the area.

16.64 Subdivision Design Standards

16.64.040 Lots

A. Size and shape.

Based on the marketing efforts over the past 18 months, the proposed lot sizes are more appropriate for the area that the originally approved smaller lots and elderly living arrangements. Lot sizes are also balanced by the large amount of open space and common areas that are provided on the property, both above and below the bluff and that are being added to.

B. Minimum Lot size

The property is already approved as a PUD, thus there are smaller lots already existing on the property. The lots that have been constructed upon and/or are prohibited from being increased in size shall remain the same as existing while the remaining lots are increased to approximately 5,500 - 6,500 sf, and in some cases more. The R 1.5 zone requires a minimum lot area of 4,000 square feet per unit, with 6,000 square feet for the first unit. The overall mean average (sic) lot size must be 6,000 square feet. The PUD designation allows flexibility in lot sizes, provided the base density is not exceeded, which it is not. This application will decrease the density from the existing PUD.

c. Lot frontage.

Minimum width and frontage requirements in the R-1.5 Zone are 60 feet, with 65 feet on corner lots, but exceptions from this requirement may be granted by the Planning Commission. This application requests such exceptions based on the PUD provisions and the existing approval for the subdivision. This application is not requesting any more than was already approved and the majority of the lots will meet the standard but the existing lots that have homes constructed on them must remain the same.

D. Double Frontage: not applicable.

E. Lot Side Lines.

Lot side lines are designed to be as near as possible at right angles to the street.

F. Resubdivision: not applicable.

G. Building lines.

This application requests approval for two of the lots (existing common wall home already constructed) to be accepted as common-wall units. These lots were constructed under the previous approval and this is the only common wall construction that is requested in this application. A reduction of other yard setbacks is also requested as in the original approval.

H. Potentially Hazardous Lots or Parcels.

No building lots are being created on land subject to flu or soil instability. Lots abutting the top of the bluff contain enough buildable area so that the structure may be located away from the bluff as shown in the geotechnical report approved by the City. It is our intention to remove one of the lots along the bluff and to spread this width among the remaining lots to allow for more buildable area on these lots. The development limitations on the bluff lots will be as approved by the city based on the geotechnical information submitted earlier.

I. Flag Lots - Not applicable

16.64.050. Public open spaces.

No dedication of open space for public use is contemplated due to the relative inaccessibility of Tract 'A', to assure privacy and security for the residents of the Cedar Ridge, and to reduce the City's maintenance burden.

16.64.060 Grading of Building Sites.

All building sites are located on top of the bluff, and will require virtually no grading. Geotechnical Investigations indicate no major soil stability problems in this area and all construction will be consistent with the recommendations of the report and as agreed to by the City.

16.64.070.

All street and utility improvements are in place and this application will require no additional improvements to be made.

16.76 PUD requirements

16.76.010: Minimum PUD Requirements.

- A. A minimum of 10% of the gross site area must be devoted to parks and recreational purposes. Open space totals 217,596 square feet (4.86 acres), consisting of Tracts. This constitutes 36 % of the gross site area.

Landscaping will be included in the additions to the open space as well.

- B. Average area per dwelling unit: gross site area of the Subdivision is 14.39 acres or 626,871 square feet. The proposed number of dwelling units is 56, for a gross density of 11,194 square feet per unit. Deducting the area occupied by streets (74,150 square feet) leaves a net density of 9,870 square feet per unit, which is far below the base density permitted in the R-1.5 zone. Average lot area per dwelling unit (total area of all 56 lots divided by 56) is over 5,500 square feet. Applicant is not requesting any density bonuses, but only modification of the lot sizes, widths, and yard setbacks pursuant to Section 16.76.040.

16.76.020: General requirements.

Generally, the PUD requirements are a duplication of the provisions of Sections 16.62 and 16.64, Subdivision requirements, and have been addressed there. The Tentative Subdivision Plat shows all of the required information:

- A. Areas to be dedicated to the public
- B. Undedicated open space
- C. Land uses
- D. Types of dwellings
- E. Parking areas
- F. Pedestrian walks
- G. Phasing
- H. Utilities; existing and proposed
- I. Density and Lot Coverage
- J. Other

CEDAR RIDGE SUBDIVISION

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16.76.030: Standards and Criteria

- A. "Site approval is binding and variations are subject to approval by the Commission. The application currently before the Commission is a for a variation of the already approved PUD, as a result of the marketability of the existing land.
- B. Contractual Agreements: applicant will abide by all conditions of approval which were attached to the Original PUD approval, and such agreed upon covenants, conditions and contractual agreements as may result from this application.
- c. "Must be in keeping with the Ordinance requirements" compliance with Ordinance requirements is addressed in great detail throughout this Statement.
- D. "Shall present a unified and organized arrangement of buildings and service facilities"
The proposed design presents a unified and organized arrangement of buildings and service facilities, allowing for a choice of housing types with common access to the open space areas and to other facilities for the residents. The site layout allows for preservation of any ecologically sensitive areas, and avoids disturbance of steep slopes and areas within the floodplain.
- E. "Perimeter areas designed not to conflict with uses of adjacent property"
The application is consistent with the original approved subdivision and the reduction in the density will enhance the adjacent properties.
- G/H. Plan for maintenance of open areas.
This is provided for in the proposed Covenants and Restrictions and Homeowners Association Bylaws.
- I. Separate utilities.
All individual dwelling units will be provided with separate utilities.
- J/K. Not applicable.

16.76.040

Modification of individual lot sizes, lot width, frontage, and yard setback requirements are requested based on this section.

CEDAR RIDGE SUBDIVISION
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3. Compliance with Conditions of Approval

This application complies with all applicable conditions of approval affecting this property. Approval conditions were as follows:

1. "Utility easements are to be provided to the satisfaction of the Canby Utility Board, North Willamette Telecom, and the Canby Telephone Association."

This requirement can be met.

2. "A water line is to be looped through the development."

The existing water line is as conditioned.

3. "Covenants and bylaws of the homeowner's association are to meet the requirements of the City Attorney to that private Improvements within the development will not become the responsibility of the City for maintenance.

Proposed Covenants and Restrictions and Homeowners Association Bylaws are hereby submitted for review by the City Attorney.

4. "All recommendations of other agencies are to be regarded as conditions of approval."

Applicant is not aware of what other agency recommendations may apply to this application.

5. "No 3-story units to be allowed."

No 3-story units are proposed.

6. "The overall density to stay within R-1.5 development Standards."

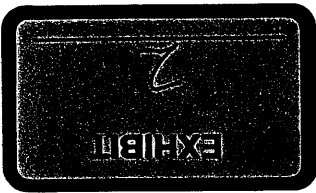
Proposed density is well below the maximum permitted density on this site, based on minimum lot sizes proposed.

CEDAR RIDGE SUBDIVISION

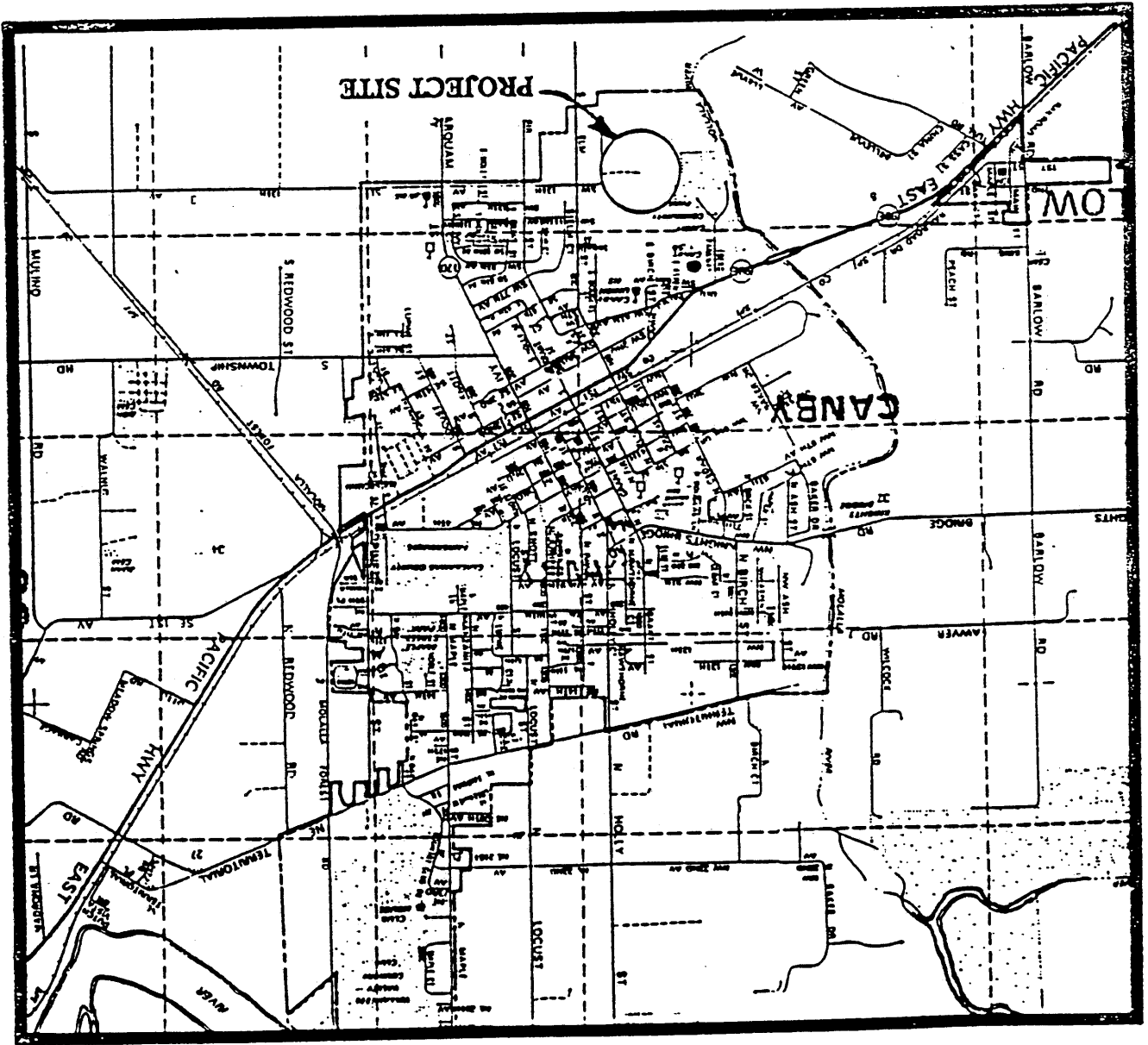
Application Narrative page 17

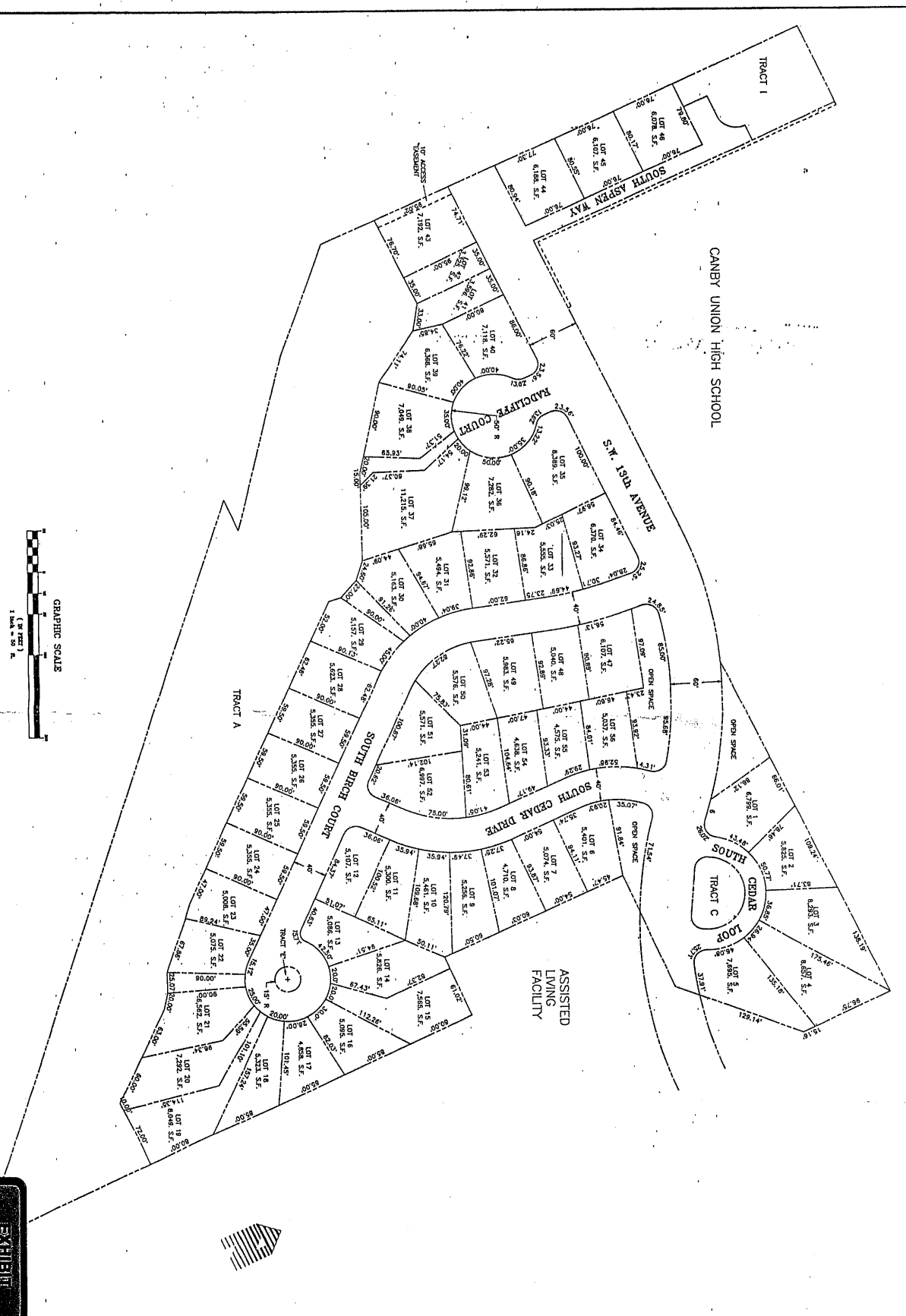
4. Conclusion

As shown throughout this document, this application meets all of the City of Canby's development standards and requirements and previous conditions of approval. All required information has been provided either on the Exhibits or Attachments to this application, or in this report. Applicant therefore respectfully requests approval of this Tentative Subdivision Plat, based on the justifications provided in the body of this document. It is the intent of the applicant not to change the integrity of the this subdivision but to better fit what the community and the market shows is needed in this area. Over the past year it has been proven that a smaller lot subdivision specifically for the elderly is not in demand as is a standard subdivision.



Vicinity map





CEDAR RIDGE SUBDIVISION
 CANBY, OREGON
TENTATIVE PLAT

MITCHELL NELSON WELBORN REIMANN
PARTNERSHIP
 PLANNERS ENGINEERS LANDSCAPE ARCHITECTS
 7155 S.W. VARNIS STREET, SUITE 201
 PORTLAND, OREGON 97223 • 624-5700 • FAX 624-5760

PROJECT NUMBER		NO.	DATE	DESCRIPTION	BY
MOR 008					
DATE					
DRAWN J. STORNO			7/92		
DESIGNED J. STORNO			7/92		
CHECKED D. WELBORN			7/92		

SHEET NO.
 PROJECT NUMBER
MOR 008



PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: July 29, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), (FIRE) POLICE, SEWER, GARY HYATT, TOM PIERSON, TODD SCHMIT, CLACKAMAS COUNTY

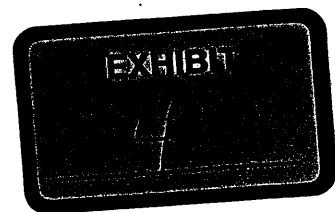
The City has received SUB 92-03/PUD 92-01, an application by Cypress Ventures, Inc. for approval to replat the subdivision into 56 lots and waive the senior housing restriction. The property is located at the western end of S.W. 13th Avenue, west of S. Elm Street (Tax Lots 100-8200 of Tax Map 4-1E-4CB).

We would appreciate your reviewing the enclosed applications and submitting comments by August 6, 1992 **PLEASE**. The Planning Commission will consider this application on **August 24, 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 comments concerning this proposal.

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



Signature: Jack Stark

Date: Aug. 3, 1992

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: July 29, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, GARY HYATT, TOM
PIERSON, TODD SCHMIT, CLACKAMAS COUNTY

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Comments or Proposed Conditions:

The sewer service lines are all in but it is not clear to me that each lot has one under the new proposal. It doesn't matter to us but it will surely matter to the applicant. Also, be certain that all other possible utility conflicts are studied and alleviated. The open space next 13th St. may be inappropriate if it becomes a play area.

- 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: Wayne S Klem

Date: 8/13/92