

A G E N D A
CANBY PLANNING COMMISSION

REGULAR MEETING
City Council Chambers
Monday, September 14, 1992

7:30 p.m.

I. ROLL CALL

II. MINUTES

August 24, 1992

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMUNICATIONS

V. FINDINGS

VI. NEW BUSINESS

VII. PUBLIC HEARINGS

CPA 92-02, a proposal by the City of Canby for a Comprehensive Plan Amendment to amend: 1) the Public Facilities and Services Element and incorporate a proposed Capital Improvements Project list; and 2) the Environmental Concerns Element to provide policies to give additional protection to wetlands; and 3) the Economic Element to promote industrial development of a list of larger industrial sites. The proposals include text and also general maps illustrating locations of potential capital projects, wetlands sites, and larger potential industrial sites.

SUB 92-05, an application by Dave Anderson (applicant) and Douglas Hanson (owner) for approval of a subdivision to divide an approximate 32 acre parcel into four lots. The application was submitted and noticed as a two-lot Minor Land Partition (MLP 92-08). The City is requiring dedication of land for a roadway, resulting in the creation of four lots, possibly five lots, depending on the exact location of the land dedication. With the additional number of lots and the land dedicated for a roadway, the application must be reviewed and noticed as a subdivision. 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). (Continued from August 24, 1992)

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). (Continued from August 24, 1992)

DR 92-08, an application by **Walter West Construction** for Site and Design Review approval of a 56-unit apartment project, **Redwood Terrace Apartments**. The proposal includes forty-four 2-bedroom/2-bath units and twelve 1-bedroom/1-bath units, 56 carports, office, exercise room, and spa. The parcel is located on the south side of Territorial Road and east side of N. Redwood Street (Tax Lot 702 [part] of Tax Map 3-1E-27C).

MLP 92-09, an application by **Rosemary and Tom Shiolas** for approval to partition a .48 acre parcel into two parcels for the purpose of creating a building lot to the east of the existing home. The parcel is located at 1430 N. Pine Street (Tax Lot 1501 of Tax Map 3-1E-34B).

ZC 92-02, an application by **Ziebart Homes, Inc.** for approval of a Zone Change from R-1, Single Family Residential, to R-2, High Density Multi-Family. The applicant ultimately intends to build 24 up-scale apartment units on the 1.69 acre parcel. The property is located on the south side of Territorial Road, east of N. Maple (Tax Lots 2200 AND 2300 OF Tax Map 3-1E-28DD).

VIII. DIRECTOR'S REPORT

IX. 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

Wade Wiegand
Laurie Gustafson
Henry Fenske

Tamara Maher



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.



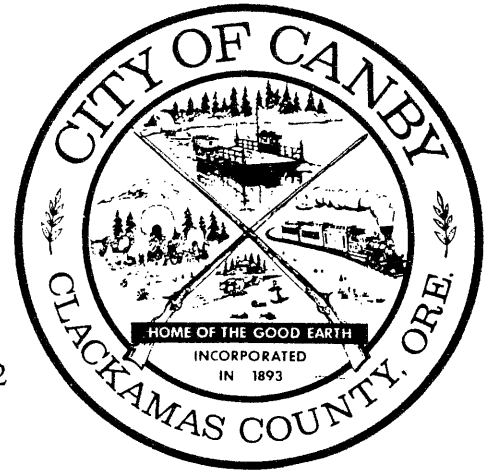
PLANNING COMMISSION

SIGN-IN SHEET

Date: SEPT. 14, 1992

NAME (Please Print)	ADDRESS (Please Print)
Don Smeback	625 SE 7th Pl Con 511
HINDA PECK	1688 N MAPLE
SANDRA DEHAFFORON	1380 N OAK
Care Jean Bugger	1868 No Redwing
LARRY LEAVITT	820 WE Territorial Rd.
Mary Hellhake	Aurora DR.
Donna Ylvesaker	710 NE 17th
Lowell Morse, Cedar Ridge Assoc.	7155 SW Varns ST, PORTLAND
Kelly & Toni Callaghan	1615 N OAK
Russell Newcomer	26800 S. HANCOCK RD
Curt Clawson	1770 N. Maple
Kaylene Clawson	1770 N. Maple
Wayne Scott	1988 N.E. 19th Ave
Kars. & Haring	2330 N Country Club Dr
TOM WEBER	525 FIRST ST. 107 OR. 97234
Tom Holmes	Conby DR.
LARRY CHAPMAN	
Frank & Roberta Grossman	1445 SE 1st Ave

- STAFF REPORT -



APPLICANT:

City of Canby

FILE NO.:

CPA 92-02

OWNER:

Not Applicable

STAFF:

Robert G. Hoffman, AICP,
Planning Director.

LEGAL DESCRIPTION:

City Wide & UGB-Wide

DATE OF REPORT:

August 19, 1992

LOCATION:

City Wide & UGB-Wide

DATE OF HEARING:

PC - September 14, 1992
CC - September 16, 1992

COMP. PLAN DESIGNATION:

Not Applicable

ZONING DESIGNATION:

Not Applicable

I. APPLICANT'S REQUEST:

The City Planner is requesting approval of amendments to the Public Facilities and Services Element and the Economic Element of the Comprehensive Plan to incorporate a proposed Capital Improvements Projects List, to provide policies to protect wetlands, and to promote development of larger industrial sites.

II. APPLICABLE REGULATIONS

• **City of Canby General Ordinances:**

- 16.88.180 General Standards - Comprehensive Plan Amendments
D. Legislative Plan Amendments

- **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

This is a review of a legislative proposal for Comprehensive Plan Amendments. The effect will be throughout the Urban Growth Boundary area.

16.88.180 - Comprehensive Plan Amendments

- D. Legislative Plan Amendment Standards and Criteria. In judging whether or not a legislative plan amendment shall be approved, the Planning Commission and City Council shall consider:
 - 1. The remainder of comprehensive plan of the City, and the plans and policies of the county, state and local districts, in order to preserve functions and local aspects of land conservation and development;
 - 2. A public need for the change;
 - 3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;
 - 4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;
 - 5. Statewide planning goals.

IV. FINDINGS:

A. Background and Relationships

As part of the City's 1988 Periodic Review, DLCD required that the City incorporate policies regarding wetlands, major commercial-industrial development sites, and Capital Improvement Projects in the Comprehensive Plan. This is consistent with new State law requirements.

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement

This legislative policy review and hearing process is a major element of Canby's Citizen Involvement process.

ii. Urban Growth

The proposed policies would apply throughout the entire UGB and would aid in implementing Urban Growth policies.

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. (Not applicable)

- 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 special requirements, in conjunction with the requirements of the Land Development and Planning Ordinance in guiding the use and development of these unique areas. (Not applicable.)

ANALYSIS

The proposed policies and proposals regarding wetlands, Capital Improvement Projects and industrial sites will aid in implementing many of the land use map and text policies including #1, #2, #4, and #5. The specific proposals are detailed to aid in implementing each of these policies. Capital Projects will implement Policy #3. The wetlands proposals will aid in implementing Policy #4. The Commercial/Industrial proposals utilize the Land Use Maps.

iv. Environmental Concerns

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

TO PREVENT AIR, WATER, LAND AND NOISE POLLUTION

TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS

- Policy #1-R-A** Canby shall direct urban growth such that viable agricultural uses within the Urban Growth Boundary can continue as long as it is economically feasible for them to do so. (Not applicable)
- Policy #1-R-B** Canby shall encourage the urbanization of the least productive agricultural area within the urban growth boundary as a first priority. (Not applicable)
- 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. (Not applicable)
- Policy #5-R** Canby shall support local sand and gravel operations and will cooperate with County and State agencies in the review of aggregate removal applications. (Not applicable.)
- Policy #6-R** Canby shall preserve and, where possible, encourage restoration of historic sites and buildings. (Not applicable.)
- Policy #7-R** Canby shall seek to improve the overall scenic and aesthetic qualities of the City.

- Policy #8-R** Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.
- Policy #9-R** Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats. (Not applicable.)
- Policy #1-H** Canby shall restrict urbanization in areas of identified steep slopes. (Not applicable.)
- Policy #2-H** Canby shall continue to participate in and shall actively support the federal flood insurance program.
- Policy #3-H** Canby shall seek to inform property owners and builders of the potential risks associated with construction in areas of expansive soils, high water tables and shallow topsoil. (Not applicable.)

ANALYSIS

The proposed wetlands policies and implementation steps will aid in implementing Policy 2R, 3R, 7R, 8R, 9R, 2H and 3H. The Capital Projects will aid in implementing Policy 7R and 8R, especially the parks proposal.

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 #5:** Canby shall actively work toward the construction of a functional overpass or underpass to allow for traffic movement between the north and south side of town. (Not applicable.)
- Policy #6:** Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.
- Policy #7:** Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.
- Policy #8:** Canby shall work cooperatively with the State Department of Transportation and the Southern Pacific Railroad Company in order to assure the safe utilization of the rail facilities. (Not applicable.)

- Policy #9:** Canby shall support efforts to improve and expand nearby air transport facilities. (Not applicable.)
- Policy #10:** Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis. (Not applicable.)
- Policy #11:** Canby shall work with private developers and public agencies in the interest of maintaining the transportation significance as well as environmental and recreational significance of the Willamette River. (Not applicable.)
- Policy #12:** Canby shall actively promote improvements to State highways and connecting County roads which affect access to the City.

ANALYSIS

The portion of the proposals dealing with intersections, sidewalk, street projects, will directly implement many of these policies, especially Policy #1, #2, #3, #4, #6, #7, and #12. The Bikeway proposal of the Parks Plan will aid in implementing Policy #7.

vi. Public Facilities and Services

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

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

- Policy #2:** Canby shall utilize all feasible means of financing needed public improvements and shall do so in an equitable manner.
- Policy #3:** Canby shall adopt and periodically update a capital improvement program for major City projects.
- Policy #4:** Canby shall strive to keep the internal organization of City government current with changing circumstances in the community. (Not applicable.)
- Policy #5:** Canby shall assure that adequate sites are provided for public schools and recreation facilities.

ANALYSIS

The Capital Improvements Projects, if implemented, will directly implement these policies.

vii. **Economic**

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

- Policy #1:** Canby shall promote increased industrial development at appropriate locations.
- Policy #2:** Canby shall encourage further commercial development and redevelopment at appropriate locations.
- Policy #3:** Canby shall encourage economic programs and projects which will lead to an increase in local employment opportunities.

Policy #4: Canby shall consider agricultural operations which contribute to the local economy as part of the economic base of the community and shall seek to maintain these as viable economic operations.

ANALYSIS

The Commercial/Industrial sites inventory will provide support to the Economic policies. The industrial development phasing will follow the Growth Priorities Map on page 35.

viii. Housing

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

Policy #1: Canby shall adopt and implement an Urban Growth Boundary which will adequately provide space for new housing starts to support an increase in population to a total of 20,000 persons. (Not applicable.)

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. (Not applicable)

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. (Not applicable)

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. (Not applicable)

Policy #5: Canby shall provide opportunities form mobile home developments in all residential zones, subject to appropriate design standards. (Not applicable.)

ANALYSIS

None of the proposals directly provide housing, but will provide many support services and facilities currently lacking.

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. (Not applicable)

Policy #2: Canby shall encourage development projects which take advantage of wind and solar orientation and utilization. (Not applicable)

Policy #3: Canby shall strive to increase consumer protection in the area of solar design and construction. (Not applicable)

Policy #4: Canby shall attempt to reduce wasteful patterns of energy consumption in transportation systems. (Not applicable)

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

ANALYSIS

Any new construction will follow the new State and local guidelines for energy conservation.

Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan and other Government Plans:

The proposals for amending the Comprehensive Plan is consistent with the policies of the Comprehensive Plan and other government plans. The proposal will be consistent with all elements of the Comprehensive Plan and County Comprehensive Plan and State policies. The proposals are specifically formulated in response to State requirements, including ORS 227.350, Periodic Review, and Facility Planning requirements.

C. Is there a public need for the change?

The State legislature has determined there is a public need for Wetlands Protection, Facility Plan, and Periodic Review. These proposals are designed to fulfill requirements of the respective State laws and Administrative Rules regarding these matters.

D. Does the proposed change serve the public need better than any other change which might be expected to be made?

The process utilized in formulating and adopting these proposals has included the people responsible for planning, programming, and implementing the proposals. The review process will include the Planning Commission, the general public and the City Council. What finally gets adopted will be determined by these bodies to be the best possible, given the constraints of staffing levels, time and money. The City Planner is recommending that any proposal the Commission has reservations about should be tabled at this time, and considered further at a later time. Thus, anything that survives this process if followed, will be a "consensus" policy.

E. Does the proposed change protect the health, safety, and general welfare of the residents of the community?

The wetlands protection will aid in protecting wetlands. The commercial/industrial site inventory will aid in promoting new jobs and income. The public facilities proposals will aid in providing needed public services. All of these aspects will support the current residents of Canby, as well as others. The proposals are all designed to fulfill requirements of laws and regulations formulated to protect the health, safety and welfare of the community.

F. Statewide Planning Goals:

The proposals all deal with aspects of Goal 1, Land Use, and will help in implementing it. Goal 5 and 6 will be implemented by wetlands and parks proposals since they deal with open space and land and water resources. Public facilities proposals, especially parks, support Goal 8 (recreation). The commercial/industrial sites and certain public facilities proposals will support Goal 9. All proposals will provide services to people occupying housing. Thus, Goal 10 will be supported. Goal 11 (Public Facilities and Services) is achieved through the Capital Improvement Projects. Goal 12, Transportation, is supported by the Transportation proposals in the Public Facilities section. The other Goals, 13-19, are all resource goals and will be indirectly supported by the resource protection policies and projects, including wetlands, parks, and access.

Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan and other Government Plans:

The proposals for amending the Comprehensive Plan are consistent with the policies of the Comprehensive Plan and other government plans. The proposal will be consistent with all other elements of the Comprehensive Plan and State policies. The proposals are specifically formulated in response to State requirements, including ORS 227.350, Periodic Review and Facility Planning requirements.

V. CONCLUSION

Based upon the above analysis, and without benefit of public testimony, staff concludes that Comprehensive Plan consistency and Comprehensive Plan Amendment criteria are fulfilled.

VI. RECOMMENDATION

Based upon the findings and conclusions presented in this report, and without benefit of a public hearing, staff recommends that the Planning Commission recommend approval of CPA 92-02 to the Canby City Council.

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

A REQUEST FOR APPROVAL TO)	FINDINGS, CONCLUSIONS & ORDER
AMEND THE COMPREHENSIVE)	CPA 92-02
PLAN)	(City of Canby)

NATURE OF APPLICATION

The City Planner is requesting approval to amend the Comprehensive Plan Public Facilities and Services, Economic, and Environment elements, to propose policies and implementation measures to guide future decisions. The proposals are Growth Boundary Area-wide in impact.

HEARINGS

The Planning Commission considered this application at its public hearing of September 14, 1992.

CRITERIA AND STANDARDS

This is a legislative proposal application.

- D. Legislative Plan Amendment Standards and Criteria. In judging whether or not a legislative plan amendment shall be approved, the Planning Commission and City Council shall consider:

1. The remainder of comprehensive plan of the City, and the plans and policies of the county, state and local districts, in order to preserve functions and local aspects of land conservation and development;
2. A public need for the change;
3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;
4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;
5. Statewide planning goals.

CONCLUSION

The Planning Commission concluded that CPA 92-02 complies with all applicable criteria.

FINDINGS AND REASONS

The Planning Commission incorporates the staff report dated August 19, 1992 and the discussions on September 14, 1992 regarding these proposals, as support for its decision, supplemented by the following:

1. The Commission discussed the proposal to amend the Comprehensive Plan to include policies regarding wetlands, capital improvements and commercial/industrial site improvements, as requested by DLCD by letter dated March 17, 1992.

2. The Commission agreed this application is compatible with the text and maps of the Comprehensive Plan, and County plans for the area. There is a public need for the changes and it is the best available at this time. The proposal preserves and protects the public health, safety and general welfare and aids in implementing State Goals.
3. A motion was made, seconded, and approved to recommend that City Council approve CPA 92-02, the request for approval of an amendment to the Environmental, Public Facilities and Services, and Economic elements of the Comprehensive Plan.
4. This application complies with all City ordinances and policies.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that CPA 92-02 is recommended for approval to City Council.

I CERTIFY THAT THIS ORDER was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this _____ day of _____, 1992.

Kurt Schrader, Chairman
Canby Planning Commission

Secretary

ATTEST:

ORAL DECISION - September 14, 1992

AYES:

NOES:

ABSTAIN:

ABSENT:

WRITTEN FINDINGS - September 14, 1992

AYES:

NOES:

ABSTAIN:

ABSENT:

RESOLUTION NO.

A RESOLUTION TO AMEND THE COMPREHENSIVE PLAN OF THE CITY OF CANBY TO INCLUDE NEW POLICIES REGARDING WETLANDS, CAPITAL IMPROVEMENTS AND COMMERCIAL/INDUSTRIAL SITES.

WHEREAS, the Comprehensive Plan was adopted by the Canby City Council on January 25, 1984, by Resolution No. 352; and

WHEREAS, D.L.C.D. has requested, by letter dated March 17, 1989, that the City of Canby should add certain elements to its Comprehensive Plan regarding Protection of Wetlands, Implementation of a List of Capital Improvements Projects, and inclusion of an Inventory of Larger Industrial and Commercial sites; and

WHEREAS, the Parks Master Plan for Land and Facilities, dated March 27, 1991, was adopted by City Council in April, 1991, including a 3-phased implementation program; and

WHEREAS, a City of Canby Capital Improvements Plan, 1988 was submitted to DLCD by the City, as part of the 1988 Periodic Review package, including numerous proposed projects which have not yet been implemented; and

WHEREAS, the Canby Director of Public Works, in a memo dated October 23, 1991, recommended a number of street improvements which were reviewed by City Council at that time; and

WHEREAS, as part of the 1988 Periodic Review package which was submitted to DLCD, an inventory of Wetlands was included; and

WHEREAS, as part of the 1988 Periodic Review package a summary of available Commercial and Industrial Lands, by Zoning and Comprehensive Plan use category was included; and

WHEREAS, the Canby Staff has prepared proposed modifications to the above described proposals in light of recent developments, projects already implemented, and department director requests; and

WHEREAS, the Canby Planning Commission considered the proposed amendment at a public hearing on September 14, 1992 and, after concluding the hearing and considering the required standards and criteria, voted to recommend that the City Council approve the proposals of the City Planner and amend the Comprehensive Plan; and

WHEREAS, the State Department of Land Conservation and Development was notified of the proposed amendment on July 28, 1992, and they did not respond to this notification; and

WHEREAS, the Canby City Council considered the proposed amendments at a workshop on August 19, 1992 and a public hearing on September 16, 1992; and

WHEREAS, the City Council accepted the findings and conclusions of the Planning Commission as the attached Exhibit "A".

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Comprehensive Plan of the City of Canby is amended, as indicated on Exhibit "B".

ADOPTED by the Canby City Council at a regular meeting thereof, this 16th day of September, 1992.

Shawn P. Carroll, Mayor

ATTEST:

Marilyn K. Perkett, City Recorder

PROPOSALS FOR COMPREHENSIVE PLAN AMENDMENT

EXHIBIT "B"

I. ADD TO ENVIRONMENTAL CONCERNS CHAPTER (top page 85)

FINDING NO. 10-R

Wetlands:

The inventory of wetlands was executed as a part of the goals update process and as a part of the review of four specific development projects which were nearby streams and suspected wetlands. Ten significant wetlands have been inventoried within the UGB, including eight in the City limits. The inventory was developed by using the Fish and Wildlife Service National Wetland Inventory Map, aerial photos for Canby, base maps of Canby, and field observations. Every site has been assigned a number, as shown on the attached map.

Site #1 - This is located in Canby Community Park and on Torgeson/Nelson property (private property) which contains a pond and excellent riparian area. A pond, which is part of the park, connects with the riparian environment on Torgeson's property. It is being used for recreational purposes and by students of biology from Canby High School for educational purposes. Water comes from springs and drains into the Molalla River through a culvert. The water is fresh and transparent. It may be the most significant natural resource in the City which deserves protection. It is the most impressive wetland in Canby. One interesting aspect of the area is the variation in vegetation structure and wetland.

A 138 unit manufactured home park has been approved adjacent to the wetlands, as proposed by Mr. Nelson, and was under construction in 1992. After a survey and recommendation by Lynn Sharpe, a wetlands consultant, the owner offered to dedicate the entire wetlands area to the City. The City expects to add the land to its adjacent Community Park. Recommended mitigation will be carried out prior to occupancy of the park. Bike and pedestrian paths will be constructed in adjacent areas for public enjoyment of the wetlands experience. The recently constructed subdivision in the uplands area adjacent to the north has dedicated the entire slope area up to the middle of the stream course to the City, as well. Erosion control plans are being carried out.

Sites #2, 3 and 4 - These sites are located in the Canby Utility Board's bottomland property behind the City water treatment plant. Sites 2 and 3 are small and seasonal wetlands which have not been identified on the national wetland inventory map. Site #4 is an inaccessible pond. Dense plants and trees are concentrated around them. They represent excellent wildlife habitat.

Site #5 - It is a great pond and wildlife area between Highway 99-E and First Avenue. It is really an impressive wetland with well developed upper story, under story and floor plants around it. Woodland around the pond supports several wetland species. The dense upper story and under story includes: Elderberry Red, Azolla, Holly, Cottonwood, Alder, Douglas Fir, Red Cedar, Poison Oak, and numerous others. Vegetation is so dense in most of the area that it is impossible to make trails. Water is supplied from springs and a well, which is used for irrigation. A dam has been built on the north side to retain water for irrigation. Surplus water drains into the Willamette River through the riparian environment. The water level is about 16 feet below the top of the bank. The water is clean with plants such as dogwood, overhanging the surface.

Site #6 - It is situated to the northwest of site #5 and south of Highway 99-E. It is a pond with a dam to its north for water retention. Its edges have been fenced and landscaped by the owner. The pond is private property and is a great wildlife habitat. A trail around the pond has been maintained through the blackberry plants. Water supply comes from springs and drains into the Willamette River through the riparian environment. The water is fresh and transparent.

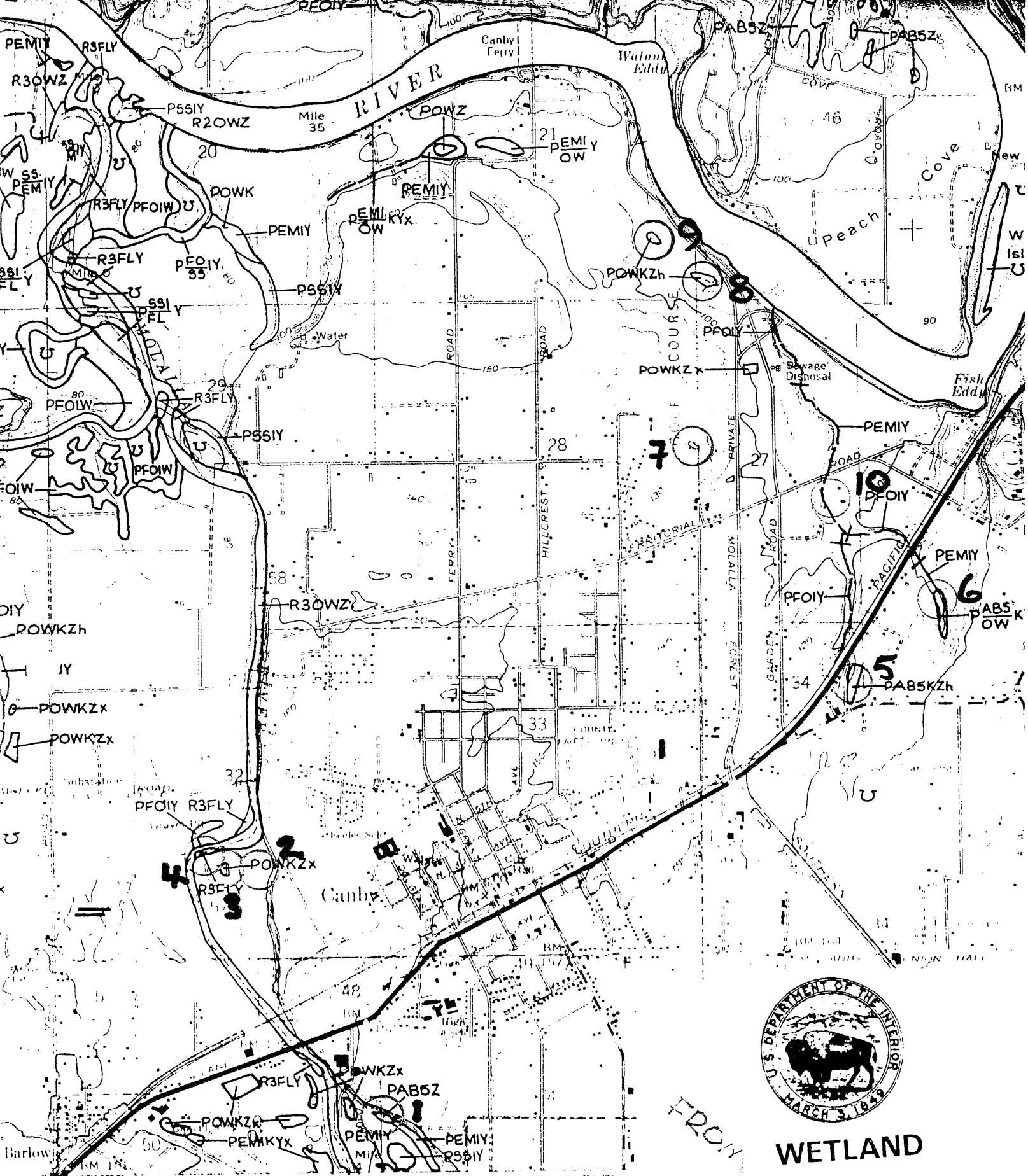
Sites #7, 8 and 9 - Three sites are ponds which are located in the Willamette Valley Country Club golf course. One is in the center of the golf course and the other two are on the northern corner. They were built as a part of the golf course at the lowest levels. Sites #8 and 9 were swampy areas which were converted into ponds by pumping water from the Willamette River. The pond water is used for irrigation. Chemicals are used to keep the water clean so, as a result, the water is green. Wildlife habitat does exist in the ponds. Ponds #7 and 8 have islands of vegetation which are the sources of food and nesting habitat.

This area is a dammed stream near Territorial Road, easterly of Redwood Street. In 1992, the area surrounding the stream/wetland was owned by Wayne Scott and the Larson family. Lynn Sharpe has staked the site and the State DSL has accepted the delineation and approved mitigation procedures for the northern portion of the site while a subdivision is being built. Erosion control plans are being carried out.

Wetland Classification:

Wetlands which occur in Canby are different in size, types, and shapes. All the wetlands have palustrine system/classification. Most of the wetlands contain fresh water which comes from springs and/or wells, except #7,8 and 9, which pump their water from the Willamette River.

The wetlands in the City of Canby are small, shallow, permanent, non-tidal water bodies dominated by plants which are trees and shrubs. Seven of them are located in the 100 year and/or 500 year flood plains. These wetlands contain deep water habitats dominated by plants that grow on and/or below the water surface for most of the growing seasons. These wetlands have year-round water which helps in the growth



FROM
WETLAND
 U.S. DEPARTMENT OF THE INTERIOR
 FISH AND WILDLIFE SERVICE

Prepared by Office of Biological Services
 for the National Wetlands Inventory

SPECIAL NOTE
 This document was prepared primarily by stereoscopic

SYMBOLS ETC.

1990

and reproduction of the habitats. The dominant plants which float on the surface are duckweeds, water lettuce, etc. Wetland #1 (partly), 4, 7, 8 and 10 have open water and details of their bottoms are unknown. The lower part of Wetland #1 (Torgeson/Nelson property) has been there for a number of years, as evident from the dominant grasslike plants.

Water regimes of all the wetlands are non-tidal. Surface water is present throughout the year in all the wetlands, except the seasonal wetlands (Wetlands #2, 3 and the lower part of #1) where the surface water is presently only in the early part of the year, or in the growing seasons. In Wetland #1 (pond), 4, 5, 6, 7, 8, 9 and 10, the amount and duration of flooding is also controlled by means of pumps and/or dams. Wetland #1, 4, 5, 6 and 10 have dams/barriers to obstruct the outflow of the water.

POLICY NO. 10-R: CANBY SHALL ATTEMPT TO MINIMIZE THE ADVERSE IMPACTS OF NEW DEVELOPMENTS ON WETLANDS.

IMPLEMENTATION MEASURES:

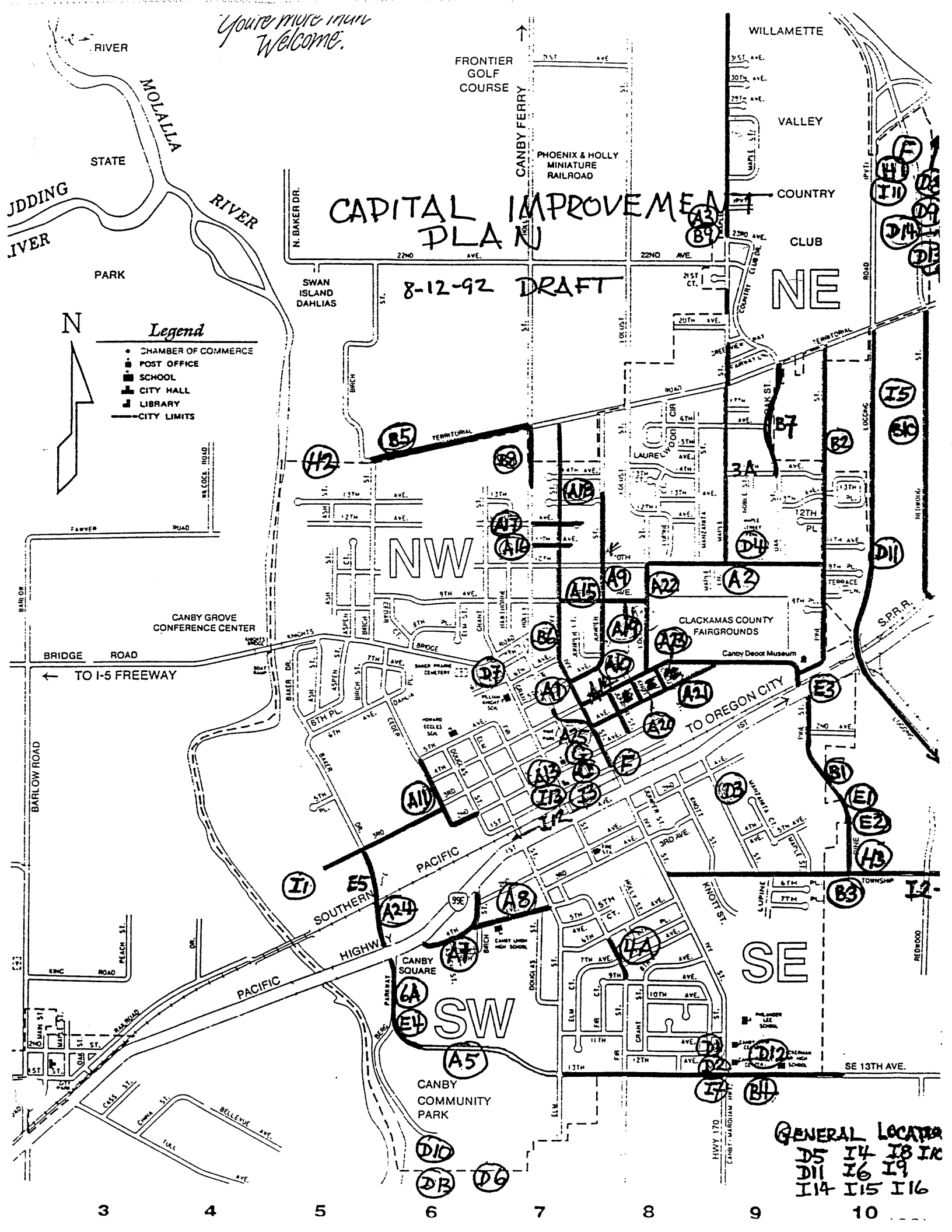
- A. The City will assist the State Division of State Lands and Army Corps of Engineers in enforcement of State and Federal regulations (ORS 227.350) related to any development activity which may adversely impact wetlands.
- B. Prior to approval of, and as required by ORS 227.350, any development activity which may be near a wetland, the City will require a delineation of the boundary of the wetlands by the State Division of State Lands.
- C. Provide protection of wetlands resources as part of land use and development processes.
- D. Work with Clackamas County on implementing their Erosion/Sedimentation Control Plan requirements for any development activity.
- E. The City will utilize the attached Federal Northwest Inventory of Wetlands Map as a resource in determining potential for impact by development activities.

II. ADD TO THE PUBLIC FACILITIES AND SERVICES ELEMENT (Page 119, Policy #3) THE FOLLOWING:

IMPLEMENTATION MEASURE:

- D. Provide full consideration for funding of the following list of possible Capital Projects as part of the capital portion of the annual budget, also utilizing the following map entitled *Capital Improvement Projects* dated _____.

*You're more than
Welcome.*



CAPITAL IMPROVEMENT PLAN

8-12-92 DRAFT

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

GENERAL LOCATIONS
 D5 I4 I8 I6
 D11 I6 I9
 I14 I15 I16

CAPITAL IMPROVEMENT PLAN

STREET PROJECTS:

In the long term, these projects encompass the complete improvement of the entire street system. This would include major street repair, consisting of replacing all of the oil mat streets with a good base and a good surface and to build crowns for better runoff and extended street life. Another element is to rebuild problem intersections. New streets or street extensions are proposed in a number of cases. Adjacent development projects will aid in building the portions within or adjacent to the development. County and State roadway improvements are also proposed. As funds become available from many sources, specific projects are selected and detailed for each year.

A. PROJECTS TO BE FUNDED BY CITY *(all long-term; priority order by staff)*

		\$237,653
1.	N. Ivy (south of 9th)	239,894
2.	N. E. 10th	294,121
3.	N. Maple	55,524
4.	S. Fir	96,028
5.	S.W. 13th	250,260
6.	Berg Parkway	237,116
7.	S. Birch and S.W. 4th	48,287
8.	S.W. 4th	77,062
9.	N. Juniper (2nd phase)	220,351
10.	N. E. 5th & Juniper	115,647
11.	Cedar and N.W. 3rd	320,000
12.	Downtown Overlay (10,000 feet)	48,880
13.	N.W. 3rd	315,130
14.	N.E. 4th	47,979
15.	N.E. 9th	21,652
16.	N.W. 11th	25,583
17.	N.W. 12th	138,497
18.	N. Ivy (north of 9th)	18,950
19.	N. Knott (1st phase)	38,993
20.	N. Knott (2nd phase)	159,506
21.	N.E. 3rd	136,868
22.	N. Locust (1st phase)	38,993
23.	N. Locust (2nd phase)	645,400
24.	Baker to Berg	645,400
25.	Realignment - north/south connection, Ivy to Holly	

B. PROJECTS FUNDED OTHER THAN BY THE CITY (*all long-term; priority order by staff*)

1.	S. Pine (99-E to Township)	\$350,990
2.	N. Pine (99-E to Territorial)	505,906
3.	Township Road (Ivy to Mulino)	242,655
4.	S.E. 13th	178,395
5.	N.W. Territorial	318,780
6.	N. Ivy (new)	58,850
7.	Oak Street (connection 14th to Territorial)	?
8.	N. Holly	\$ 39,020
9.	N. Maple	180,450
10.	Redwood	382,000
11.	Streets within or adjacent to developed projects (<i>within</i> current City limits)	?
12.	Streets within or adjacent to developed projects (<i>outside</i> current City limits)	?
13.	County arterials resurfacing, especially E. Territorial, and South Ivy	?

C. CITY HALL COMPLEX IMPROVEMENTS (*not in priority order*)

Currently, central administrative offices exist downtown on Holly Street at S.W. 2nd Avenue, for the City Administration, Community Services, and the Police Department. The Library and its offices are nearby on Holly Street. The short-term project includes immediate roof maintenance on all buildings which have been deferred. Improvements are needed in these facilities, especially to protect police evidence and to secure vehicles and to make electronic and similar relatively minor improvements to the existing buildings and sites. In the longer term, modernization and remodeling of selected space, such as attics and basement areas, is needed, as well as court and Council Chambers. Ultimately, a new central complex should be explored as the City reaches the 20,000 population, because the current facilities will not be sufficient when the service demands more than double.

1.	Police evidence and property building, including a secured parking area (short term)	\$ 22,000
2.	Police building second-story improvement (long term)	
3.	Complete remodel of City Hall done in phases (short and long term)	\$190,000
4.	New or improved council chambers (long term)	
5.	New City Hall complex (long term)	
6.	New walk-in safe (long term)	
7.	New furniture and needed computers for city offices (short and long term)	

8. Roof Improvements (1993)
9. Library shelving (Approx. \$15,000) (short-term) and
new HVAC system (Approx. \$15,000) (short-term)
10. Information and records management system \$ 75,000
(short and long-term)
11. Microfilming equipment (long term)

D. PARKS AND FLOOD/STEEP SLOPE PROTECTION (*not in priority order*)

In March of 1991, the Canby Parks Mater Plan Committee published a Parks Master Plan which was subsequently adopted by City Council in April, 1991. A 3-phase development program was a part of this plan. Proposals 5, 11 and 15 are part of this plan. The City and School District have gradually been making improvements at the facilities located at 13th and Ivy, including a Swimming Pool, Adult Center, Gymnasium at Ackerman Junior High School, and Lee Elementary School. Consistent with the newly adopted joint use policies proposals #1, 2 and 12 are included. The City has long attempted to locate a park in the high density population area near S. Locust and S.W. 3rd Avenue. Proposal #3 would provide for this gap in recreational service, once implemented. The City has acquired property called the Marshall property, next to Maple Park, which is not yet developed. Proposal #4 would provide this additional desirable development of a much used facility. Flood plain and steep slope protection is required by City policies #8R, 1-H and 2-H. Proposals #6, 8, 9, 10, 13 and 14 would help accomplish these policies and also provide recreational service consistent with many of the Parks Plan proposals. Proposal #7 is to further develop an exiting park.

1. Swim Center expansion and improvement (short-term) \$ 150,000
2. Community Center at Swim Center/Adult Center property
(short term)
3. South Side park/playground (short-term) \$250,000
4. Marshall property development (short-term) \$ 75,000
5. Parks Master Plan implementation Phase I and II -
mini-parks and greenway (short term) \$2,664,700
6. Embankment area and area between it and Molalla River
(short & long-term)
7. Expand Triangle Park and improve fountain and staging
area for cyclists- (short-term)
8. Willamette greenway acquisition/rights (long-term)
9. Acquisition of ODOT property to build an 18-hole golf
course, marina and boat launch (long-term)
10. Expansion and improvement of Community Park;
obtain Traverso property; restrooms; sewer
(short and long-term)

- | | | |
|-----|---|-------------|
| 11. | Enhancement of bike plan (short-term);
Completing the system - 5-10 years | |
| 12. | Community Center at Pool/Adult Center - use of
present facilities with a combined plan
(short-term); sports complex (long-term) | \$400,000 |
| 13. | Purchase development rights on floodplain and wetlands
(long-term) | |
| 14. | Purchase Andrus property for State park (long-term) | |
| 15. | Parks Master Plan Implementation Phase III (long-term) | \$1,325,000 |

E. INDUSTRIAL PARK IMPROVEMENT (*not in priority order*)

The City of Canby contracted with Richard Carothers Associates to prepare an Industrial Attraction Plan. The City has annexed the first stage of the area recommended in this plan as the best area for promotion. The six proposals encompassing this project would provide the needed sewer, water, electric and road improvements needed to develop this economic resource area.

1. S.E. sewer collector (Redwood and Pine) (short-term)
2. Infrastructure for S.E. industrial area (short & long-term)
(*within* current City Limits)
3. Realignment of N. Pine-N.E. 4th with signal (short-term)
4. S.W. Berg Parkway to S.W. 13th Avenue connector
5. Berg Parkway to Baker Street connection
6. Infrastructure for southeast industrial area
(short and long term) (*outside* current City Limits)

F. SEWER

The sewer project includes a number of components such as: 1) wastewater treatment plant facility upgrade; 2) extension of the sewer interceptor along Territorial Road; 3) completion of the southeast sewer collection system along S. Pine and S. Redwood; and 4) other sewer improvements to serve the remainder of the Growth Area Boundary outside the current City limits.

1. Wastewater Treatment plant facility upgrade
(short and long term)
2. Territorial sewer extension (long-term)
3. S.E. sewer collector (Redwood and Pine) (short-term)
4. Other sewer improvements (long term)

G. OTHER PROJECTS (not in priority order)

Other projects proposed to be accomplished include the following components: construction of elements of a stormwater system, cemetery improvements, parking lots, sidewalks, electrical and water system improvements, traffic signal improvements, expansion of City shops, beautification, and various public facility pre-planning.

- | | | |
|-----|---|-------------|
| 1. | Stormwater outfall improvements (short term) | \$213,000 |
| 2. | Cemetery improvements, which include relocation of the entrance and caretaker's residence (short and long term) | |
| 3. | Southern Pacific property parking lot (short term) | \$390,00 |
| 4. | Sidewalk and curb improvements (short and long term) | \$1,900,000 |
| 5. | N.E. stormwater plan (short term); Implementation (long term) | |
| 6. | CUB improvements (short and long term) | |
| 7. | Traffic signal program (long term) | |
| 8. | Safety equipment (short term) | |
| 9. | ADA compliance (short term) | |
| 10. | Expand City shops (with excess property, build RV park and nature trails (long term) | |
| 11. | Highway 99-E beautification (to include median separation and landscaping, acquiring greenway property, installing a visitor center, installing sidewalks and street trees on north side of 99-E) (long term) | |
| 12. | Downtown pedestrian mall (long term) | |
| 13. | Stormwater Plan (1993) | |
| 14. | Trafficways Plan Update (1993) | |
| 15. | CUB Water Plan (1993) | |
| 16. | CUB electric plan implementation (short and long-term) | |

Short term = By 1998

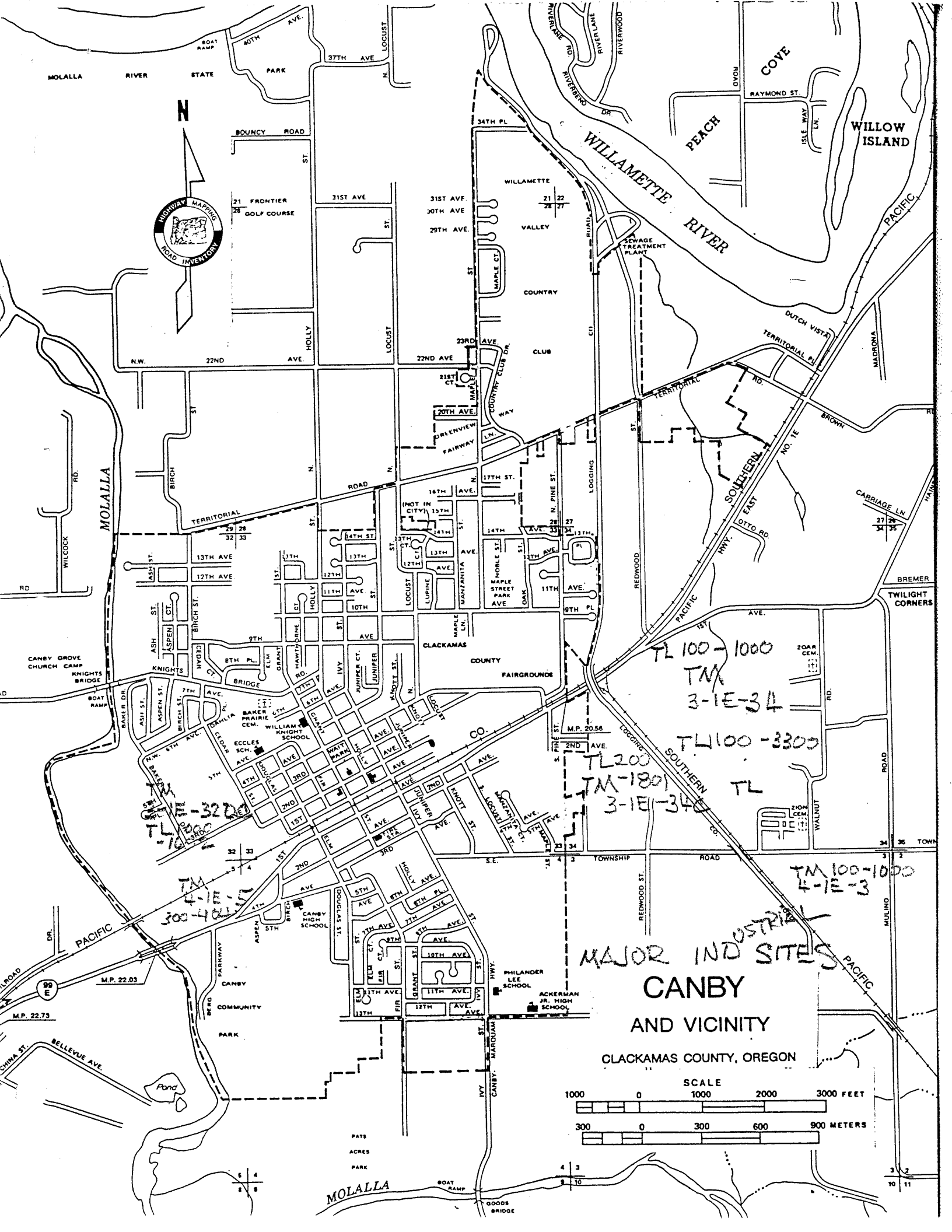
Long term = 6-20 years

III. ADD TO THE ECONOMIC ELEMENT (page 132, Policy #1):

IMPLEMENTATION MEASURE D:

Promote development of the following Inventory of Larger Industrial Sites. (see attached "Industrial/Commercial Development Site Inventory")

IV. ADD THE FOLLOWING TO PUBLIC FACILITIES AND SERVICES ELEMENT (Policy #5, page 120) AS



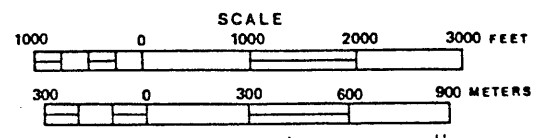
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MAJOR INDUSTRIAL SITES
CANBY
AND VICINITY
CLACKAMAS COUNTY, OREGON



5 4
2 8

3 2
10 11

INDUSTRIAL/COMMERCIAL DEVELOPMENT SITE INVENTORY

#	Tax Map	Tax Lot	Owner	Location	Road Access	Acreage	Zoning	C.P. Desig.	In City Limits Y/N	Within UGB	Services Available	% Vacancy	Present Use	Constraints/Needs
1.	4-1E-5	400	Southern Pacific	S.W. Highway 99-E	SW 99-E	6+	M-1	Heavy Ind.	yes		Rail	100%	None	Needs sewer, new road (Berg/Baker), grade change, water, electric
2.	4-1E-5	403	Ray Lovell Trucking	Along S.W. 99-E	99-E	3.66	M-1	Heavy Ind.	Yes		Rail	50%	Trucking	Needs sewer/water
3.	4-1E-5	404	Adrian Fisher	S.W. 99-E	Same	4.60	M-1	Heavy Ind.	Yes		Rail	100%	Vacant	Needs sewer, water, electrical, new road (Berg/Baker)
4.	4-1E-5	401	City of Canby/Mike Rinkes	S.W. Highway 99-E	99-E, Cedar, NW 3rd, Baker	29.21	M-1	Heavy Ind.	Yes		Rail	100%	None	Needs sewer, water, electric, storm water line, access road
5.	3-1E-34C	1802	Christian Clayton (Anderson)	S.E. Township	Pine, Township	13.54	M-1	Lt. Ind.	Yes		12" water line 365 feet away	Most		Needs sewer, access road (local), electric
6.	3-1E-34C	1801	Donald Hanson, Estate of	S.E. Township	Pine, Township	32.81	M-1	Lt. Ind.	Yes		12" water line within 700 ft.			Needs sewer, access road (local), electric
7.	3-1E-34C	300	Wilhelm L. Guttormsen	1233 S. Hwy 99-E	99-E/S. Pine	7.66	C-M	C-M	Yes		Sewer, electric, water	Most	Home/farm	Narrow access to 99-E constrained by RR and Logging Rd. overpass
8.	3-1E-34C	200	Dave Anderson	S. of Highway 99-E	99-E, S.Pine/ Redwood (new road) or via T.L. 1800 and Logging Road	5.43	C-M	C-M	yes		Water 350' to west of site	100%	Farming	Needs local access road, sewer, electric

INDUSTRIAL/COMMERCIAL DEVELOPMENT SITE INVENTORY

#	Tax Map	Tax Lot	Owner	Location	Road Access	Acreage	Zoning	C.P. Desig.	In City Limits Y/N	Within UGB	Services Available	% Vacancy	Present Use	Constraints/Needs
9.	3-1E-34C	1800	Dave Anderson	Adjacent to Tax Lots 1801 and 1802	99-E, S.Pine/Redwood (new road)	1.00 (contig. to Tax Lot 200)	M-1	Lt. Ind.	yes		Water 350' to west of site	100%		Needs local access road, sewer, electric
10.	3-1E-34C	800	Gilbert Borg	SE Township	Township, Pine	6.80	M-1	Lt. Ind.	yes		Water on site			Needs local access road, sewer, electric
11.	3-1E-34	1100	Boyer Top Soil	SE Township	Township	12.42	M-1	Lt. Ind.	yes		Rail, small water line on Township	Most	Industrial storage (mostly); small bldgs. and radio tower	Next to cemetery. Site needs sewer, eventual large water line
12.	3-1E-32DC	1500	Fred Kahut	Baker Dr./3rd Ave.	Baker; NW 3rd	4.79	M-1	Lt. Ind.	yes		10" water line, sewer	100%	Vacant	None
13.	3-1E-32DC	1400	Maynard Nofziger	Baker Dr./3rd Ave.	Baker; NW 3rd	5.03	M-1	Lt. Ind.	No	Yes	10" water line, sewer	100%	Vacant	Steep slope on western portion (10% or less of site)
14.	3-1E-34	1000	Dee Walluck	99-E, Logging Rd., SE 1st	99-E, Logging Rd., SE 1st.	2.50	County RRF-5 City C-M (once annexed)	C-M					Residence, open use	Current farming zone
15.	3-1E-34	900	Ivan Arnesen	99-E, SE 1st	99-E, SE 1st	26.26	County EFU-20 City C-M (once annexed) Southern part could be M-2	C-M Hvy. Ind. on southern 1/3	No	Yes		Mainly farming	Residence, horticulture farming	County farm zone Needs sewer, water, electric

INDUSTRIAL/COMMERCIAL DEVELOPMENT SITE INVENTORY

#	Tax Map	Tax Lot	Owner	Location	Road Access	Acreage	Zoning	C.P. Desig.	In City Limits Y/N	Within UGB	Services Available	% Vacancy	Present Use	Constraints/Needs
16.	3-1E-34	901	Ivan Arnesen	99-E, SE 1st	99-E, SE 1st	2.26	County EFU-20 City C-M (once annexed)	C-M	No	Yes			Residence, farming	County farm zone. Needs sewer, water, electric
17.	3-1E-34	800	Est. George Zimmer	S.E. 1st	99-E, SE 1st	14.82	County EFU-20 City C-M (once annexed) (southern part could be M-2)	C-M	No	Yes			Residences, farming	County farm zone Needs sewer, water, elec.
18.	3-1E-34	700	Ray L. Burden	SE 1st	99-E, SE 1st	20.55	County EFU-20 City M-1 (once annexed) (southern 2/3 could be M-2)	Lt. Ind.	No	Yes			Residences, horticulture farming	County farm zone Needs sewer, water, electric
19.	3-1E-34	600	John I. Gale	SE 1st	99-E, SE 1st	1.03	County RRRF-5; City C-M (once annexed)	C-M	No	Yes		0	Residence	Needs sewer, water, electric
20.	3-1E-34	500	Frank Madeira	SE 1st	99-E, SE 1st	2.21	County RRRF-5 City C-M (once annexed)	C-M, Lt. Ind.	No	Yes			Residence and Farming	County farm zone. Needs sewer, water, electric
21.	3-1E-34	400	Irene E. Burden	SE 1st	99-E, SE 1st	31.71	County EFU-20 City M-1 (once annexed) (southern 1/3 could be M-2)	Lt. Ind. Hvy. Ind. on southern 1/3	No	Yes			Residence and horticulture farming	County farm zone Needs sewer, water, electric

INDUSTRIAL/COMMERCIAL DEVELOPMENT SITE INVENTORY

#	Tax Map	Tax Lot	Owner	Location	Road Access	Acreege	Zoning	C.P. Desig.	In City Limits Y/N	Within UGB	Services Available	% Vacancy	Present Use	Constraints/Needs
22.	3-1E-34	300	Kathryn Lewelling	S.E. 1st	99-E, SE 1st, & S. Walnut	31.71	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes		Farming	Residence and farming	County farm zone Needs sewer, water, electric
23.	3-1E-34	301	Thomas J. Nolan	SE 1st & S. Walnut	S.E. 1st, Walnut	3.42	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes		Farming	Residence, farming	County farm zone Needs sewer, water, electric
24.	3-1E-34	100	Estate - George F. Zimmer	SE 1st & Mulino Rd.	SE 1st; Mulino Rd.	23.40	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes			Residence	County farm zone Needs sewer, water, electric
25.	3-1E-34	2000	Ronald D. Palmer	211 S. Walnut Rd.	S. Walnut	9.82	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes			Home, farm buildings, nursery stock, horticulture farming	County farm zone Needs sewer, water, electric
26.	3-1E-34	1900	Carlos H. Oliveira	267 S. Walnut Rd.	S. Walnut	1.50	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes			Home and farm	County farm zone Needs sewer, water, electric
27.	3-1E-34	1800	Jacque E. Parsons	South of 267 S. Walnut	S. Walnut	8.30	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes		100% farming	Farming	County farm zone Needs sewer, water, electric
28.	3-1E-34	1700	Ray L. Burden	S. Walnut, north of cemetery	S. Walnut	28.09	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes		Farming	horticulture farm	County farm zone Needs sewer, water, electric

INDUSTRIAL/COMMERCIAL DEVELOPMENT SITE INVENTORY

#	Tax Map	Tax Lot	Owner	Location	Road Access	Acreage	Zoning	G.P. Desig.	In City Limits Y/N	Within UGB	Services Available	% Vacancy	Present Use	Constraints/Needs
29.	3-1E-34	2800	Cliff Johnson	470 S. Walnut	Township, Walnut	1.20	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes			Residence	County farm zone Needs sewer, electric and water
30.	3-1E-34	2900	Harold E. Fish	2374 S.E. Township	SE Township	4.86	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes		Farming	Farm and residence	County farm zone Needs sewer, water, electric
31.	3-1E-34	3000	Raymond A. Weygandt	2522 SE Township	SE Township	1.00	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes			Residence	County farm zone Needs sewer, water, electric
32.	3-1E-34	2700	Leighton C. Perkins	S. Walnut near S.E. Township	S. Walnut, SE Township	5.55	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes		Farming	Farming	County farm zone Needs sewer, water, electric
33.	3-1E-34	2600	Leighton C. Perkins	446 S. Walnut	S. Walnut, SE Township	1.07	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes		Farming	Farming	County farm zone Needs sewer, water, electric
34.	3-1E-34	2500	Elizabeth Rover	388 S. Walnut	S. Walnut, SE Township	4.90	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes		Farming	Residence and farming	County farm zone Needs sewer, water, electric
35.	3-1E-34	3100	Duncan W. York	23849 Mulino Road	Mulino Road, SE Township	18.27	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes		Farming	Residence and farming	County farm zone Needs sewer, water, electric
36.	3-1E-34	2400	Jacque Parsons	23625 Mulino Road	S. Walnut, Mulino Road	14.35	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes		Farming	Trucking and farming	County farm zone Needs sewer, water, electric

INDUSTRIAL/COMMERCIAL DEVELOPMENT SITE INVENTORY

#	Tax Map	Tax Lot	Owner	Location	Road Access	Acreage	Zoning	C.P. Desig.	In City Limits Y/N	Within UGB	Services Available	% Vacancy	Present Use	Constraints/Needs
37.	3-1E-34	1600	Redding Lbr. Transport, Inc.	399 S. Walnut	S. Walnut	1.92	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes			Residence and trucking	County farm zone Needs sewer, water, electric
38.	3-1E-34	2300	Robert S. Ford	294 S. Walnut, between S. Walnut and S. Mulino Road	S. Walnut	4.98	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes			Residence and farming	County farm zone Needs sewer, water, electric
39.	3-1E-34	2200	Gilbert L. Borg	Between S. Walnut and S. Mulino Road	S. Walnut	4.62	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes			Farming	County farm zone Needs sewer, water, electric
40.	3-1E-34	2100	Gilbert L. Borg	23397 Mulino Road, between S. Walnut and S. Mulino Road	Mulino Road	12.43	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes			Residence and farming	County farm zone Needs sewer, water, electric
41.	3-1E-34	2101	John Dewar	200 S. Walnut, between S. Walnut and S. Mulino Rd.	S. Walnut	2.00	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes			Residence	County farm zone Needs sewer, water, electric
42.	3-1E-34	100	George Zimmer Est.	99-E, Mulino Rd.	99-E, Mulino Rd.	23.40	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes			Farming	County farm zone Needs sewer, water, electric
43.	4-1E-3	1000	Dean L. Boyer	2001 S. Township	S. Township	1.73	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes	Rail		Industry	County farm zone Needs sewer, water, electric
44.	4-1E-3	1001	Patsy A. Weygandt	S. Township/S. Pine	S. Township/S. Pine	12.39	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes	Rail		Farming	County farm zone Needs sewer, water, electric

INDUSTRIAL/COMMERCIAL DEVELOPMENT SITE INVENTORY

#	Tax Map	Tax Lot	Owner	Location	Road Access	Acreage	Zoning	C.P. Desig.	In City Limits Y/N	Within UGB	Services Available	% Vacancy	Present Use	Constraints/Needs
45.	4-1E-3	101	Raymond A. Weygandt	2440 SE Township at Walnut	Township, Walnut	38.23	County EFU-20 City M-1 (once annexed)	Lt. Ind.	No	Yes	Rail		Farming	County farm zone Needs sewer, water, electric
46.	4-1E-3	100	Raymond A. Weygandt	S.E. Township & Mulino Road	Township, Mulino	20.25	County GAD City M-1 (once annexed)	Lt. Ind.	No	Yes			Farming	County farm zone Needs sewer, water, electric
47.	4-1E-3	190	Lisa Mae Weygandt	S.E. 13th, between Logging Road and Mulino Rd.	13th, Logging Road, Mulino	13.74	County GAD City M-1 (once annexed)	Lt. Ind.	No	Yes	Rail	Farming	Residence and farming	County farm zone Needs water, sewer, electric
48.	4-1E-3	200	Daniel B. Hostetler	2542 S.E. 13th, near Mulino Road	13th Ave, Mulino	1.34	County GAD City M-1 (once annexed)	Lt. Ind.	No	Yes	Rail	Farming	Residence	County farm zone Needs sewer, water, electric

IMPLEMENTATION MEASURES D:

- A. Develop additional parks, such as Wait and Maple Street Park, to more adequately serve people living within Canby's current City limits and ultimate Urban Growth Boundary. Canby's current population is 9,000 and will ultimately reach 20,000.
- B. Continue to also make Canby's recreational resources available to the broader Canby community, including businesses, employees, and residents, living in the Canby High School District, which is basically the South Clackamas County Recreational District, and take steps to gain financial support for recreation from these people.
- C. Develop one mini-park (2 acres) for each 2,000 residents and locate such park so as to be readily accessible to each local residential area. For a population of 20,000, this would be 20 acres and 10 parks.
- D. Develop one neighborhood park (15-17 acres) adjacent to schools for each 5,000-7,000 people. For a population of 20,000 this results in a need for about 3 neighborhood parks and about 45 acres.
- E. Provide a total acreage of about 5 acres/1000 people of public recreation land within the Canby Urban Growth Boundary. For a population of 20,000 this would result in about 100 acres.
- F. Locate the new mini-parks and neighborhood parks on vacant land within the developing residential areas. Take steps to reserve such land prior to, or concurrent with, the development of such areas.
- G. Encourage new neighborhood parks such as Maple Street Park to be located adjacent to school sites and encourage joint City and school district development of recreation/school sites to the maximum extent practicable.
- H. Develop a system of bike paths and lanes throughout Canby, utilizing the Molalla River flood plain and embankment, park lands, easements, roadways, and other lands.
- I. Develop a "Greenway" along the Molalla River, including major river park nodes and providing a protection and preservation of steep slopes and wetlands and flood-prone lands. Such a "Greenway" should aid in protecting Canby's water source, storm drainage system, and open space, while still providing extensive educational and recreational opportunities.

- J. Program the development of the above described parks to be roughly concurrent with the development of each area of the City, as part of a development program as generally outlined in the Canby Parks Master Plan for Land and Facilities, 1991.
- K. Strongly advocate Canby's interests in State/Regional recreation planning and programming, especially with regard to the South Clackamas Recreation District, METRO, and the State, to encourage the location and development of recreation facilities near Canby and funding of recreation service to Canby residents and employees.
- L. Continue and intensify the cooperation between the City of Canby, Canby Kids, the school districts, major church groups and the Adult Center, Pool, and others, in the provision of recreation services.
- M. As land is reserved and/or funds become available for mini-parks, neighborhood parks, district parks, and greenways, provide programming for the ultimate development of a new swim center, two indoor pools, a new Community Center, a new fitness center, four ballfields, and one new amphitheater. Locate such facilities adjacent to schools as part of a neighborhood park or in relation to other major recreation facilities such as the Molalla River "Greenway."
- N. Generally, utilize the attached maps of the "Master Parks Plan" dated March 27, 1991, to guide the geographic location of new parks facilities described above.

RESOLUTION NO.

**A RESOLUTION ADOPTING AN URBAN GROWTH
MANAGEMENT AGREEMENT BETWEEN THE
CITY OF CANBY AND CLACKAMAS COUNTY, AND
PROVIDING EFFECTIVE DATES.**

WHEREAS, ORS 190.003 to 190.030 allows units of local government to enter into agreements for performance of any or all functions and activities which such units have authority to perform; and

WHEREAS, Statewide Planning Goal #2, Land Use Planning, requires that City, County, State and Federal agency and special district plans and actions shall be consistent with the Comprehensive Plans of the cities and counties and regional plans adopted under ORS Chapter 197; and

WHEREAS, the Oregon Land Conservation and Development Commission (LCDC) requires each jurisdiction requesting acknowledgment of compliance to submit an agreement setting forth the means by which comprehensive planning coordination within the Regional Urban Growth Boundary will be implemented; and

WHEREAS, the City of Canby and Clackamas County have a mutual interest in coordinated comprehensive plans, compatible land uses and coordinated planning of urban services and facilities; and

WHEREAS, the City and County, to ensure coordination and consistent comprehensive plans, consider it mutually advantageous to establish:

1. A site-specific Urban Growth Management Boundary (UGMB) with the Urban Growth Boundary (UGB) within which both the City and County maintain an interest in comprehensive planning and development; and
2. A process for coordinating land use planning and development within the UGMB; and

3. Policies regarding comprehensive planning and development proposals within the UGMB; and
4. A process for amending the Urban Growth Management Agreement; and

WHEREAS, OAR 660-11-015 requires the responsibility for the preparation, adoption and amendment of the public facility plan to be specified within an urban growth management agreement; and

WHEREAS, Statewide Planning Goal #11, Public Facilities and Services, requires that each city in the State of Oregon assess its long-term needs for public facilities; and

WHEREAS, the City of Canby and Clackamas County propose that the City be responsible for the preparation, adoption and amendment of the public facility plan within the City's urban growth management boundary; and

WHEREAS, the City will coordinate the preparation of its Public Facilities Plan with Clackamas County; and

CANBY CITY COUNCIL RESOLVES AS FOLLOWS:

That the Clackamas County-Canby City Urban Growth Management Agreement, which is attached to this Ordinance as Exhibit 1, is hereby approved and adopted; provided, however, that such adoption shall not be effective until after Clackamas County has adopted the same Agreement, and the Mayor is authorized to sign such agreement.

ADOPTED BY THE CANBY CITY COUNCIL at a regular meeting thereof on September 2, 1992.

Shawn Carroll, Mayor

ATTEST:

Marilyn K. Perkett
City Recorder

CLACKAMAS COUNTY - CITY OF CANBY URBAN GROWTH MANAGEMENT AGREEMENT

Whereas, the City of Canby and Clackamas County have a mutual interest in coordinated comprehensive plans, compatible land uses and coordinated planning of urban public facilities; and

Whereas, the City and the County will make a good faith effort to reconcile any differences that may emerge from the above mutual interest; and

Whereas, information exchanges should concentrate on issues that may have a significant impact on either party and should not entail cumbersome procedural requirements that may increase the time necessary to expedite decision-making; and

Whereas, OAR 660-03-010 requires management of unincorporated areas within an urban growth boundary to be set forth in a statement submitted to the Land Conservation and Development Commission (LCDC) at the time of acknowledgment request; and

Whereas, Statewide Planning Goal 2 requires coordination between City and County in comprehensive planning,

NOW, THEREFORE, THE CITY AND COUNTY AGREE AS FOLLOWS:

1. **Boundary**

- A. The Urban Growth Boundary Management Boundary (UGMB) shall include unincorporated land within the Urban Growth Boundary (UGB) and adjacent to the City, as shown on map Attachment "A" to this agreement.

2. **Comprehensive Planning, Plan Amendments and Public Facilities Planning for Lands in Unincorporated UGMB**

- A. The further development of a comprehensive plan and comprehensive plan changes for the unincorporated areas within the UGMB shall be a coordinated City-County planning effort. The City shall be responsible for preparing all legislative comprehensive plan amendments in the UGMB. The County shall adopt the City land quasi-judicial comprehensive plan amendments in the UGMB. The County shall adopt the City land use plan designations for all unincorporated lands within the UGMB. All quasi-judicial comprehensive plan amendments for lands within the unincorporated UGMB shall be approved by the City prior to County adoption.
- B. City shall be responsible for the preparation, adoption, and amendment of the public facilities plan within the UGMB required by OAR Chapter 660, Division II, Public Facilities Planning. Preparation and amendment of such public facilities plan shall provide for coordination with and participation by the County, County Service and any other special districts within the UGMB which may exist.

- C. The City and County acknowledge that they will mutually be exploring whether there is a need for an Urban Reserve Area adjacent to the Canby UGMA and need for public facility planning for such area.

3. Development Proposals for Unincorporated UGMB Areas

- A. The County's zoning shall apply to all unincorporated lands within the UGMB. The County shall zone all unincorporated lands within the UGMB to the appropriate Future Urbanizable Zone category. The current zoning categories include EFU-20, RRFF-5, and GAD, which may require some modification in the future to an appropriate category such as FU-10. With provision for City input, the County shall retain responsibility and authority for all implementing regulations and land use actions for all unincorporated lands within the UGMB unless the City and County execute a separate agreement for specific areas within the UGMB.
- B. The provision of public facilities and services shall be consistent with the adopted public facility plan for the unincorporated UGMB. For areas zoned FU-10 within the UGMB, the County shall issue no permit or otherwise authorize extension or connection of public facilities and services in violation of the FU-10 Zone.
- C. The County shall not form any new County service districts or support the annexation of land within the unincorporated UGMB to such districts or to other service districts without City approval.

3. County Notice to and Coordination with the City

- A. The County shall provide notification to the City at least 35 days prior to the first scheduled public hearing on all land use actions, quasi-judicial actions, proposed legislative changes to the County comprehensive plan or its implementing ordinances affecting land within the UGMB.
- B. The County shall provide notification to the City at least 15 days prior to staff decision on applications for administrative actions as provided for in the County's Zoning and Development Ordinance for applications within the UGMB.
- C. The County shall notify and invite City staff to participate in pre-application meetings on significant development proposals or Design Review Committee meetings on development proposals within unincorporated areas of the UGMB. These meetings shall be set by the County after consultation with City staff on mutually agreeable meeting time. All meetings shall occur within thirty (30) days from the date the city is contacted unless agreed otherwise.

- D. Any amendments proposed by the County to the UGB within one mile of the UGMB as shown on Attachment "A" will be jointly reviewed by the City and the County prior to submission to the State (DLCD).
- E. The County shall enter all written comments of the City into the public record and shall consider the same in the exercise of its planning and plan implementation responsibilities.

4. City Notice to and Coordination with the County

- A. The City shall provide notification to the County at least twenty (20) days prior to the first public hearing on all proposed annexations, capital improvement plans or extraterritorial service extension into unincorporated areas.
- B. The City shall provide notification to the County at least twenty (20) days prior to the first public hearing on all land use actions, proposed legislative changes to the City comprehensive plan or quasi-judicial actions adjacent to or in close proximity to unincorporated areas.
- C. Any amendments proposed by the City to the UGB within one mile of the UGMB, as shown on Attachment "A", will be jointly reviewed by the City and the County prior to submission to the State (DLCD).

5. City Annexations and Sewer, Water and Road Service

- A. The City may undertake annexations in the manner provided for by law within the UGMB. City annexation proposals shall include adjacent road right-of-way to properties proposed for annexation. The County shall not oppose such annexations.
- B. For newly annexed areas, upon annexation, the City shall assume jurisdiction of County roads and local access roads except arterials that are within or abutting the area annexed. As a condition of jurisdiction transfer for County roads and local access roads not built to City street standards on the date of the final decision on the annexation, the County agrees to pay to the City a sum of money equal to the cost of a two (2") inch asphaltic concrete overlay with the width of the then-existing pavement; however, if the width of pavement is less than twenty (20) feet, the sum shall be calculated for an overlay twenty (20) feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of the City and County. Arterial roads will be considered for transfer on a case-by-case basis.

Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions. The above described provisions are not intended to prevent alternative arrangements where mutually agreed to by the City and County.

- B. The provision of public facilities and services shall be consistent with the adopted public facility plan for the unincorporated UGMB. For areas zoned FU-10 within the UGMB, the County shall issue no permit or otherwise authorize extension or connection of public facilities and services in violation of the FU-10 Zone.
- C. Public water and/or sewer shall generally be provided to unincorporated areas by the City to health hazard areas when the appropriate authority determines a health hazard exists, and the owners of the subject property shall pay the full cost of the facility and service. Needed service shall only be provided to health hazard areas by service districts if annexation to and service by the City is not possible.
- D. The City shall not extend sewers or water to any unincorporated areas within the UGMB without annexation to the City, except for "C" Health Hazard Areas described above, or unless mutually agreed to otherwise by the City and County.

7. Terms of Agreement

It is hereby understood that this agreement may be amended in writing by the concurrence of both the City and County. Either party may terminate this agreement at any time after one-hundred twenty (120) days written notice to the other party.

IN WITNESS WHEREFORE, the respective parties have caused to be signed in their behalf to make and enter into this agreement this _____ day of _____, 1992.

CITY OF CANBY

**CLACKAMAS COUNTY
BOARD OF COMMISSIONERS**

By _____

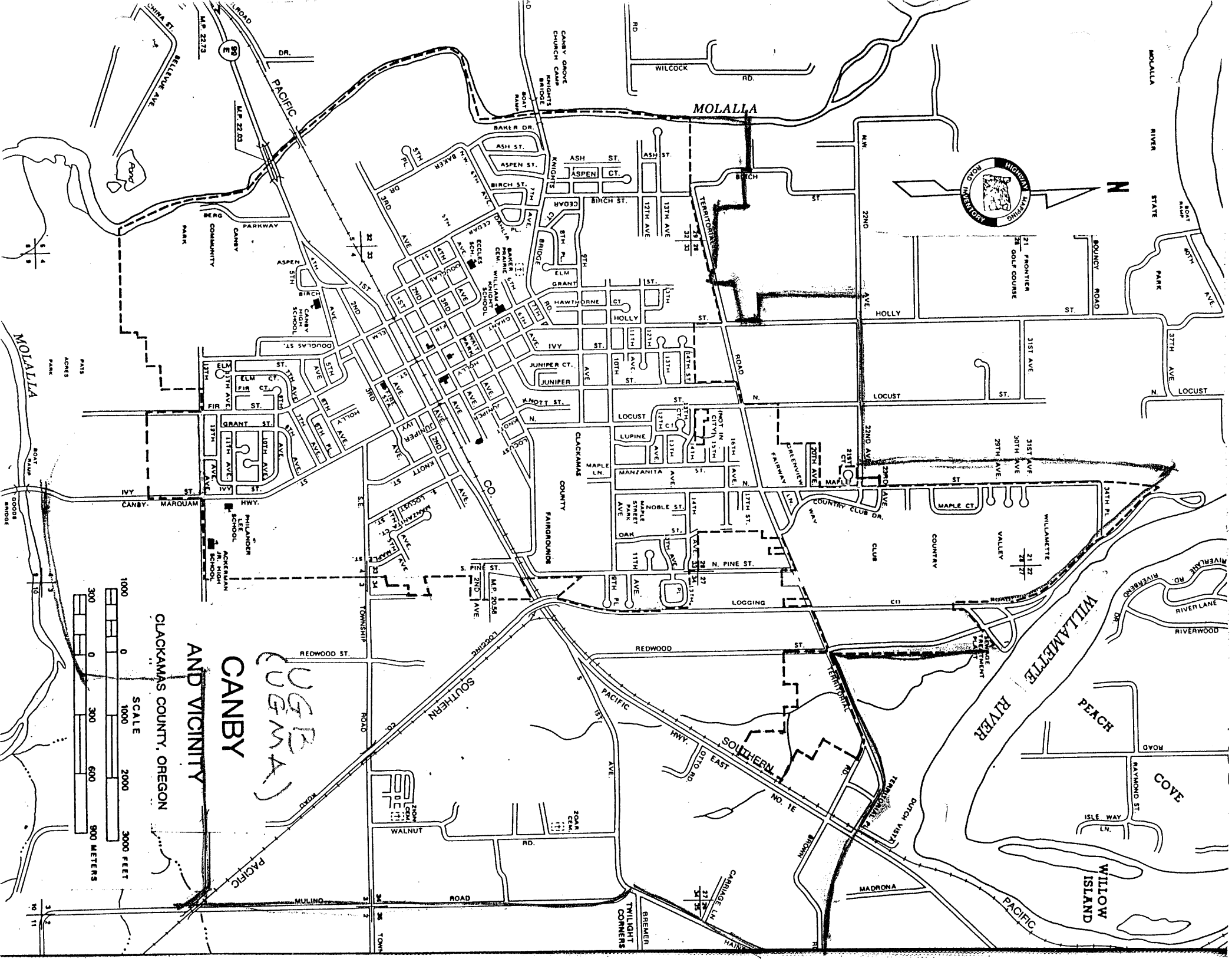
By _____

ATTEST:

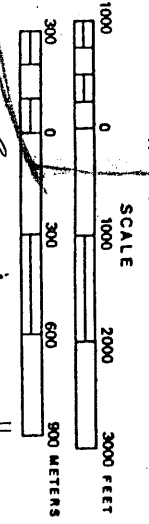
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By _____

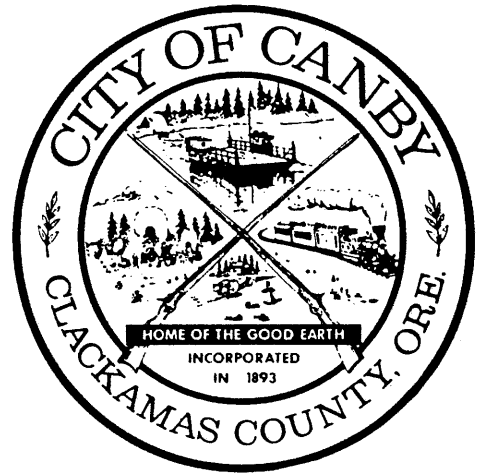
By _____



CLACKAMAS COUNTY, OREGON
AND VICINITY
CANBY
(UGER UGMA)



Map labels include street names: Baker Dr., Ash St., Birch St., Cedar St., Elm St., Hawthorne Ct., Holly St., Ivy St., Juniper Ct., Juniper Ave., Knott St., Locust St., Maple Ct., Maple Ln., Manzanita St., Noble St., Oak St., Redwood St., Walnut Rd., Willow Island, and others. Landmarks include Canby Grove Church, Baker School, Philander School, and various parks. Geographical features include the Willamette River, Molalla River, and Molalla Park. Infrastructure like Pacific and Southern Highways are also shown.



STAFF REPORT

APPLICANT:

David Anderson
641 N. Baker Drive
Canby OR, 97013

FILE NO.:

SUB 92-05

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:

September 4, 1992

LOCATION:

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

DATE OF HEARING:

September 14, 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. ***The City staff is requiring dedication of land for a road right-of-way, this requirement will result in the land being divided into four ranging from 1.8 acres in size to 10.0 acres. Thus, the application is being processed as a subdivision.***

182 N. Holly, P.O. Box 930, Canby, Oregon 97013, (503) 266-4021

II. APPLICABLE CRITERIA:

i. City of Canby Code Section 16.62.020

This is a quasi-judicial land use application. In judging whether a Subdivision 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 other applicable requirements of the land development and planning ordinance;
- C. 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 the adjacent properties;

ii. Other Applicable Policies and Regulations:

- A. 16.32.030 Development Standards in M-1 Areas
- B. 16.56 General Provisions (for land divisions)
- C. 16.62 Subdivisions - Applications
- D. 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

On August 5, 1992, the City Council took action "to authorize the staff and Mr. Jordan to proceed with negotiations in regards to acquisitions for the proposed Logging Road Industrial Park area, ... ". Because of this development, the City is requiring that the applicant dedicate land necessary for the road and infrastructure development, resulting in a subdivision of four lots instead of a partition of two lots.

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. *This application was renoticed due to the change from a two-lot minor partition to a four-lot subdivision.*

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 with any development of the property. 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 "original" parcel one of this application. In the future, S.E. Third Avenue will be extended across "original" parcel two and the logging road. S. Redwood Street will extend from S.E. Third Avenue on the "original" 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.

Construction of the road is not required at this time. The City is pursuing construction of the road and sewer with the affected properties paying for the improvements at the time that they are developed, or through a Local Improvement District.

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, if 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 subdivision 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 subdivision will allow for proper setback distances for industrial construction. The configuration will leave the original parcel one with the roadway dividing the parcel into three parcels. The future extension of S.E. Third Avenue may separate a small section of the original parcel two, depending on the location of the land to be dedicated.

Should a small section of the original parcel two remain after the dedication of the land for the extension of SE 3rd Avenue, that section should be made a part of the parcel north of the SE 3rd Avenue extension (from the original parcel one).

V. CONCLUSION

1. Staff finds that the partition request, with appropriate conditions, is in conformance with the Comprehensive Plan and the Municipal Code, provided that the proposal is reviewed as a subdivision.
2. Staff concludes that the overall design of the proposed subdivision will be compatible with the area and will provide adequate building area for the provision of public facilities and services for the new lots.

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 SUB 92-05 (originally submitted as MLP 92-08), subject to the following conditions:

1. The final plat shall reference this land use application - City of Canby, File No. SUB 92-05, 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.
2. The final plat mylar 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 recording.
3. A final plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final plat shall reference this land use application -- City of Canby, Planning Department, File No. SUB 92-05.
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 subdivision. 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 subdivision. 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, there is a portion of the "original" parcel two north of the land to be dedicated for S.E. 3rd Avenue, that portion of the "original" parcel two shall become a part of the northern lot of the "original" 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 - \$600.00

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

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

DESCRIPTION OF PROPERTY:

Tax Map 1E-34C Tax Lot(s) 1801 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 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.

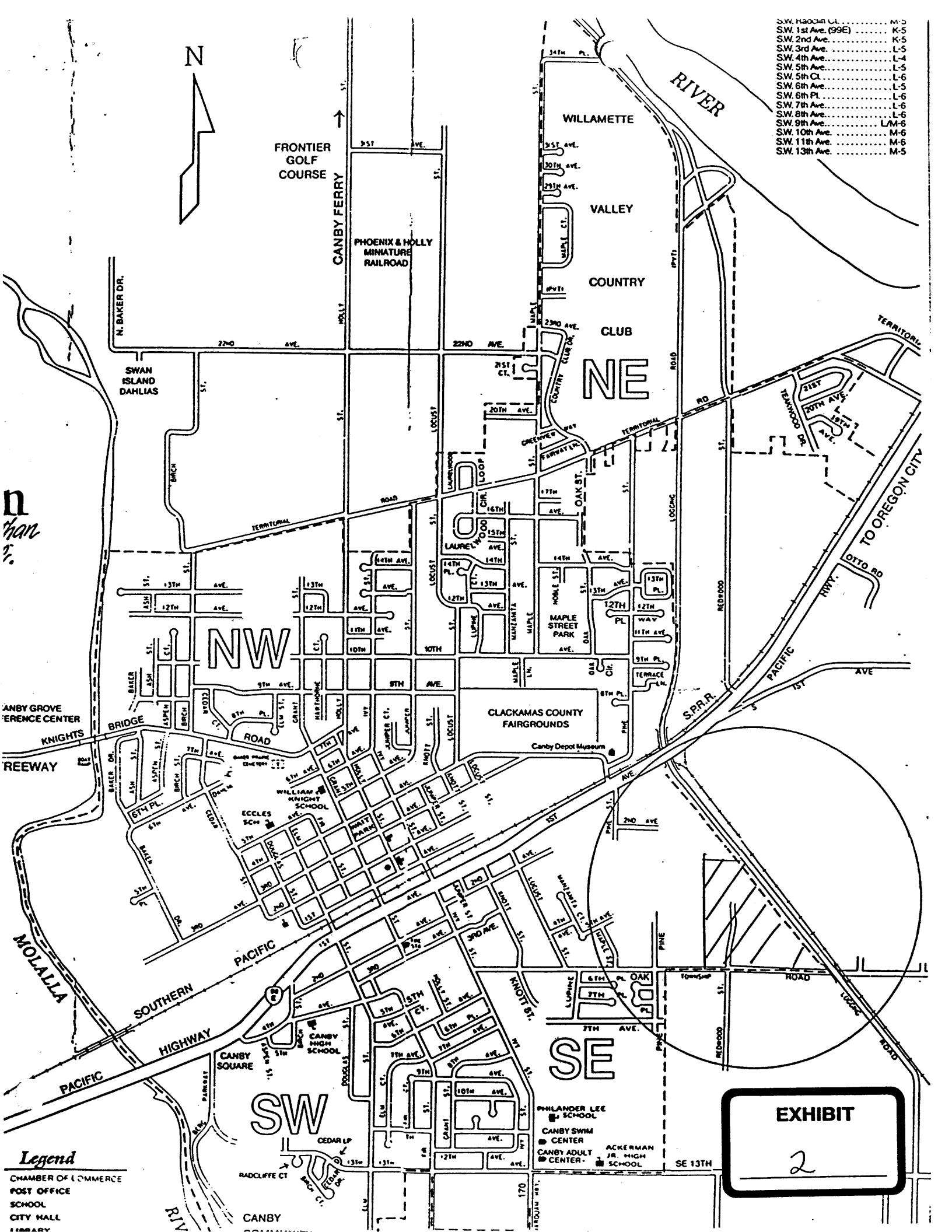
ZONING _____ COMPREHENSIVE PLAN DESIGNATION _____
PREVIOUS ACTION (if any) 1

File No.: MLP-92-08
Receipt No. 1959
Received by ma BH
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.

S.W. 13th Ave.	M-5
S.W. 11th Ave.	M-6
S.W. 10th Ave.	M-6
S.W. 9th Ave.	L-6
S.W. 8th Ave.	L-6
S.W. 7th Ave.	L-6
S.W. 6th Pl.	L-6
S.W. 6th Ave.	L-5
S.W. 5th Cl.	L-6
S.W. 5th Ave.	L-5
S.W. 4th Ave.	L-4
S.W. 3rd Ave.	L-5
S.W. 2nd Ave.	K-5
S.W. 1st Ave. (99E)	M-5



More than 1/2

EXHIBIT
2

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

1520±

THORN

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

OWNER: Hanson
Douglas
1506 SE Townsend Rd.
CANBY, OR.

NORTH

MOLALLA
PACIFIC

FOREST

RAILROAD
RD

PARCEL ONE
22 ± Acres

PARCEL TWO
10 ± ACRES

BAR
N
WAIR

761±

1050±

797±

SHIP

RD.

Redwood ±

TEN FOOT
DEDICATION

EXHIBIT
3

MAP #800

PLEASE RETURN ATTACHED COMMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

9/24
7/20/92

DATE: July 29, 1992

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

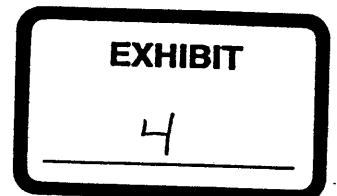
The City has received MLP 92-08, an application by Dave Anderson (applicant) and Douglas Hanson (owner) for approval to partition 32 acres into 2 parcels consisting of 10 acres and 22 acres, to facilitate the sale of the 10 acre parcel. The property is located on the north side of S. Township Road and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

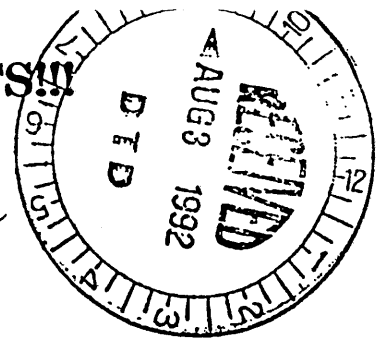
- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available



Signature: *Jerry Tiger*

Date: 7-30-92

PLEASE RETURN ATTACHMENTS!!!



**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

*4/12/92
Dew*

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).

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:

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

PLEASE RETURN ATTACHMENTS!!!

JSW
8/13/92

**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 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:

1. As part of their plat, this applicant must dedicate R.O.W. for street and other utilities as per the general lay out already submitted. The R.O.W. is required for other utilities too.
2. These parcels must be served with urban level services at time of development.
3. We need widening along Township as well as street improvements.
4. This part of a much bigger project to develop and serve 75 or so acres in the area.

- Adequate Public Services (of your agency) are available *See Industrial Attraction Plan*
- 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

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

ASW
8/17/92

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:

Currently NW Natural Gas does not have facilities near this location; However, if requested we could possibly serve these parcels.

RECEIVED

AUG 17 1992

CITY OF CANBY

Adequate Public Services (of your agency) are available

Adequate Public Services will become available through the development

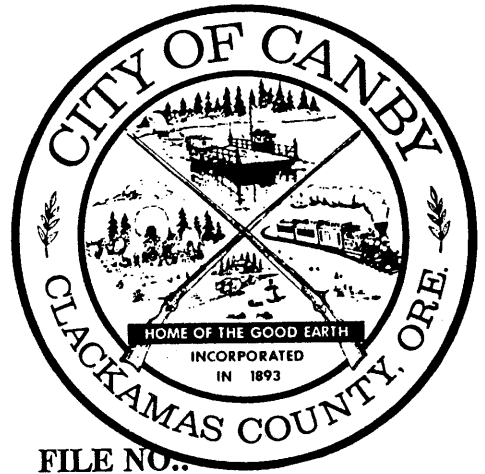
Conditions are needed, as indicated

Adequate public services are not available and will not become available

Signature: Gary F. Hyatt

Date: 8/14/92

- STAFF REPORT -



APPLICANT:

Walter West Construction
8655 SW Citizens Drive
Wilsonville, OR 97070

FILE NO.:

DR 92-08
(Redwood Terrace Apts)

OWNER:

Dan, John and Miriam Larson
390 N.W. 2nd
Canby, OR 97013

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 702
of Tax Map 3-1E-27C

DATE OF REPORT:

September 4, 1992

LOCATION:

Territorial Road and
N. Redwood Street

DATE OF HEARING:

September 14, 1992

COMP. PLAN DESIGNATION:

High Density Residential

ZONING DESIGNATION:

R-2 (*Medium Density Residential*)

I. APPLICANT'S REQUEST:

The applicant is requesting approval of a Design Review Application to construct a 56-unit apartment complex. The project will involve seven two-story apartment buildings and one one-story office building. The total site of the development is 3.94 acres.

II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

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

III. MAJOR APPROVAL CRITERIA

Site and Design Review

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

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

IV. FINDINGS:

A. Background and Relationships:

This application is for the review of the site and design of an apartment complex. The use, multi-family residential, is permitted outright in this zone (R-2, Medium Density Residential), and is not a part of this review.

The subject property is currently owned by Dan, John and Miriam Larson, with the Walter West Construction Company having a purchase contract. The property is a total of 10.28 acres. The part of the parcel that is being developed under this application is 3.94 acres and is zoned R-2 (Medium Density Residential). The remaining 6.34 acres is zoned R-1 (Low Density Residential).

The surrounding land uses include rural residential to the south and west, public land (forested) to the north, a condominium development to the northwest, and an urban residential development to the east with an intervening wetland.

The subject property had been given approval for an adult care center in 1990 (CUP 90-04). Development of the parcel under the approval was canceled due to financial constraints.

B. Comprehensive Plan Consistency Analysis

i. CITIZEN INVOLVEMENT

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

ANALYSIS

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

ii. URBAN GROWTH

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

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

ANALYSIS

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

iii. LAND USE ELEMENT

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

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

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

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

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

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:

Area "N" consists of a wide strip of property bordering N.E. Territorial Road. It includes properties which are planned for medium density residential use and properties planned for high density residential use. Present

development in the area includes apartments, condominiums, single family dwellings, and vacant lots. Present zoning includes some R-2 areas and a predominance of R-1 areas. Street dedications and, in some cases, street improvements are needed to make some of the properties suitable for higher density development. New developments, other than one single family dwelling per lot, will require prior upzoning to either R-1.5 or R-2, as appropriate.

ANALYSIS

The use proposed by the applicant is appropriate for the zoning classification, and the comprehensive land use designation, that has been given to the portion of the property that will be developed as proposed. The Comprehensive Plan states that the area this parcel is in, is an area of special concern because of the mixed residential density found in the area. The part of the property that will be developed as proposed, is currently zoned R-2 (Medium Density Residential).

The proposed development will not overburden the existing public facilities or services. The City is currently upgrading the sewer treatment plant, and will be able to properly handle the burden placed by this development. Burden placed on the road system will be discussed under the Transportation Element.

iv. ENVIRONMENTAL CONCERNS

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

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

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

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

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

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

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

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

ANALYSIS

On-site disposal of storm water will be necessary. Drainage into the wetland area is prohibited unless proper provisions are utilized in accordance with Federal and State regulations that govern use of and impacts to wetlands. The applicant has maintained at least a fifteen (15) foot separation between any building or paved surface and the wetland boundary shown on the site plan. The wetland boundary shown on the site plan has been determined to be "conservative," or showing more wetland area than depicted on the original wetland delineation study (Wetland Report for Canby Care Center, Inc. Residence Site, Canby, Oregon; prepared by Scoles Associates, Inc., and Loverna Wilson; April, 1991).

The hazard overlay zone has been determined to be at the flood plain, which has been determined to be at the eighty-four (84) foot elevation. All development, with the exception of landscaping, is proposed to be above the eighty-four (84) foot elevation, and therefore is out of the floodplain. State and Local Code regulations will require the development to meet standards to prevent air, water, and noise pollution. The wetlands will remain as open space on the property.

v. **TRANSPORTATION CONCERNS**

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

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

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

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

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

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

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

ANALYSIS

The portion of the property that will be developed as proposed has road frontage along both N.E. Territorial Road and S. Redwood Street. Access for the development is proposed to be from both public roads. Both public roads will need to be widened and improved with sidewalks and curbs. Land dedication will be needed from the development for the widening and improvement. The proposed development will contribute to the traffic concerns at the intersection of Territorial Road and 99-E. Contribution toward improvements of this intersection will be required.

vi. PUBLIC FACILITIES AND SERVICES

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

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

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

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

ANALYSIS

All public facilities are available for the proposal with adequate capacity. Police, Fire, Water, and Electric services have adequate capacity to service this project.

The water main will need to be extended down Redwood to the southern extent of the portion of the property to be developed. The sewer line in Redwood is approximately four to six feet deep, and may not be deep enough to be used by the apartment buildings on the

eastern side of the subject parcel. The sewer line in Territorial is pressurized and cannot be connected to along the subject parcel's frontage. A line can be extended to the lift station at the Willow Creek Estates subdivision. Any solution will need to be approved by the Public Works Director.

vii. ECONOMIC

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

(NOT APPLICABLE)

viii. HOUSING

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

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

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

ANALYSIS

The proposed use will increase the overall residential density of the City. As stated by the applicant of a recent application (CPA 92-01/ZC 92-01), there is a demand for rental housing within the city. This property is zoned for development as multi-family residential, and the comprehensive plan designates the property for high density residential. The comprehensive plan also recognizes this area as an area appropriate for mixed density residential development.

ix. **ENERGY CONSERVATION**

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

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

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

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

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

ANALYSIS

While, the Solar Ordinance does not apply to this application until a building permit is applied for, a preliminary review was conducted. The proposal has been changed to accommodate the provisions of the Solar Ordinance, namely the removal of a few proposed trees that would have improperly shaded one of the residential buildings. The remainder of the site is in compliance with the requirements of the Solar Ordinance. The State has rules which encourage energy conservation through design and construction methods.

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

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

D. Evaluation Regarding Site and Design Review Approval Criteria

1. Part IV - Section 2, No. 2

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

The total site is 3.94 acres (approximately 171,625 square feet). Based on this figure, approximately 25,750 square feet of landscaping is required. The applicant is proposing approximately 66,000 square feet of landscaping (38.5%), with 3,300 square feet of the landscaping consisting of bark dust (5%). The maximum percentage of non-vegetative landscaping allowed for credit is 30%.

The calculation of the landscaped area on the plan does not include approximately 30,800 square feet of wetlands that will be left as open space.

2. Part IV - Section No. 11

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

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

The landscaping plans have been altered to accommodate solar access considerations. In the original submittal, giant sequoias were proposed for the landscaped area in the center of the parking area. These trees, at maturity, will block solar access for the buildings to the north. The landscape plan, with the exception of a few existing trees bordering the wetlands, proposes only trees that are listed on the City's "solar friendly" tree list. The vegetation will not hinder vehicular or pedestrian access or travel.

3. Parking

The parking requirement is two (2) spaces per unit, plus one (1) space per five (5) units. Thus, 124 parking spaces are required for the whole development. A total of 129 parking spaces are proposed. Fifty-six (56) of the spaces will be covered, and four (4) spaces will be for handicapped parking. The covered and uncovered spaces are located in a pattern that will provide adequate parking in close proximity for each individual building.

The ordinance requires a minimum of seventeen (17) trees for the parking area. As shown on the landscaped plan, there are seventeen (17) in the parking area and an additional thirty-five (35) trees are immediately adjacent to the parking area.

4. Access

The ordinance requires either one 30' wide entrance or two 20' wide entrances, and a sidewalk on one side. The proposal has two entrances, 30' wide and 25' wide. Sidewalks are provided around the parking area, but they are not connected to the sidewalks that will be along Territorial and Redwood. A sidewalk on at least one side of both access drives will need to be installed to connect the sidewalks around the parking area and the sidewalks on the public roads. Relocation, or possible elimination, of one or two of the proposed trees will be required to furnish the additional sidewalks.

5. Architecture

Elevations have been provided by the applicant as a part of the application. The roof will have composite shingles. The siding will be lap board, with cedar trim and corner boards. Cedar railings will be used for the second story decks. Low profile skylights will also be utilized. No signs have been proposed with the application.

6. Landscaping, General

In addition to the seventeen (17) trees within the parking area, there is proposed an additional eighty-four (84) trees in and around the buildings. There is also an additional seven (7) trees outside of the wetlands that will be retained. The type of trees used include: Shore Pine, Greenspire Linden, Saucer Magnolia, Autumn Higan Cherry, Akebono Flowering Cherry, Japanese Maple, Sweetgum, and Marshall Seedless Ash.

Shrubs and bushes are widely utilized in the landscaping of the site. The row of shrubs that will border the sidewalk on Territorial, between the apartment buildings and Territorial include: Burford Holly and Portugal Laurel. The row of shrubs that will border the portion of the property that is zoned R-1 (Low Density Residential): Oregon Grape, Pacific Wax Myrtle, Dwarf Mugo Pine. The shrubs and bushes that will border each building include: Otto Luyken Laurel, Crimson Pygmy Barberry, Berries Jubilee Holly, Convexleaf Japanese Holly, Dwarf Mugo Pine, Dwarf Nandina, Emerald Gaiety Euonymus, Dwarf Winged

Euonymus, Hino Crimson Azalea, David Viburnum, PJM Rhododendron, Jean Marie Rhododendron, Rhododendron Unique, Varigated Japanese Pieris, and Sarcococca.

Ground cover will be primarily be a seeded lawn area. Crown turf will be utilized in the landscaped area in the center of the parking area. Creeping St. Johnswort will be utilized along the side of the buildings facing Redwood, and around the perimeter of the parking area. Bark mulch will be utilized only in three side areas in between the apartment buildings.

7. Overall Site Impact

With the quantity and placement of trees and bushes, the visual impact of the site will be minimal. With one access point on both Redwood and Territorial, traffic impact will be kept to a minimum for either road.

V. CONCLUSION

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

Further, staff concludes that, with approval conditions:

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

V. RECOMMENDATION:

Based upon the application, site plan (dated August 18, 1992), the landscaping plan (dated August 18, 1992), and the elevations (dated August 5, 1992), the facts, findings and conclusions of this report, and without the benefit of a public hearing, staff recommends that the Planning Commission approve, with conditions, DR 92-08 for a retail store. Furthermore, staff recommends approval of DR 92-08 with the following conditions:

1. The applicant shall dedicate an additional ten (10) feet of right-of-way along Territorial Road and Redwood Street. Half-street improvements shall be provided by the developer and shall include pavement, five (5) foot sidewalks and curbs, a six (6) foot bikeway for Territorial Road, urban-type street lighting, and shall meet Canby Construction Standards. Right-of-way designs and construction designs shall be approved by the Director of Public Works. Street pavement width from centerline to curb shall be twenty-two (22) feet on Territorial Road, and twenty (20) feet on Redwood Street.
2. The applicant shall provide a waiver of remonstrance for any traffic improvements needed for N.E. Territorial Road and N. Redwood Street.
3. The building permit shall be issued only after the developer has provided written agreement to participate in funding its proportional share of the needed improvements or has provided an actual cash contribution accepted by City Council as a "fair share" contribution toward improvements at N.E. Territorial Road and 99-E.
4. During construction, erosion control shall follow the Erosion/Sedimentation Control Plans Technical Guidance Handbook for Clackamas County, August 1991 (as amended).
5. Utility easements shall be provided and shall be twelve (12) feet along Redwood and Territorial. Additional permanent construction and maintenance easements for utilities including, but not limited to, water lines and pipes, electric cables, conduits and wires, shall be provided wherever such facilities run on the property.

6. A twelve (12") inch water line shall be constructed from the water main in Territorial and Redwood south, along Redwood to the southern end of the property. Water lines shall be constructed to the standards established by the Canby Utility Bound. Hydrants shall meet CUB and the Fire Marshal's requirements. Electric service and street lights shall meet CUB requirements. Street, curb, sidewalk, storm drainage and sanitary sewer construction shall meet the requirements of the Director of Public Works.

7. The applicant shall participate in a preconstruction meeting with City staff, CUB, the fire district, etc., prior to construction.

Exhibits:

1. Application for Design Review
2. Owners authorization for application
3. Site Plan (dated August 18, 1992) *(too large to reproduce)*
4. Landscape Plan (dated August 18, 1992) *(too large to reproduce)*
5. Elevations (dated August 5, 1992) *(too large to reproduce)*
6. Hazard Overlay Zone Memo
7. Department Responses to "Request for Comments"

SITE AND DESIGN REVIEW APPLICATION

Fee: \$500

OWNER

APPLICANT

Name WALTER WEST CONST.
Address 8655 SW CITIZENS DR
City WILSONVILLE State OR Zip 97070
SIGNATURE Robert Martin
Architect

Name WALTER WEST CONST.
Address 8655 SW CITIZENS DR
City WILSONVILLE State OR Zip 97070
Phone: 682-3003

DESCRIPTION OF PROPERTY:

Tax Map 31E 27C Tax Lot(s) PART 702 Lot Size 3.94 A.
(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
Proposed APARTMENTS

Existing Structures NONE

Surrounding Uses

PROJECT DESCRIPTION 56 UNIT APARTMENT PROJECT
44 - 2 BEDROOM 2 BATH UNITS - 12 - 1 BEDROOM 1 BATH UNITS
56 - CARPORTS - OFFICE, EXERCISE ROOM & SPA
72 - OPEN PARKING SPACE - COMPLETE LANDSCAPING WITH SPRINKLER SYSTEM

ZONING R-2 COMPREHENSIVE PLAN DESIGNATION High Density Residential
PREVIOUS ACTION (if any) _____

File No. DR-92-08
Receipt No. 1979
Received by JSW
Date Received 8-5
Completeness Date 8-18
Pre-App Meeting _____
Hearing Date 9-16



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

Canby Care Center

390 N.W. 2nd Ave., Canby, Ore. 97013

RECEIVED

AUG 17 1992

CITY OF CANBY

August 17, 1992

To Whom It May Concern:

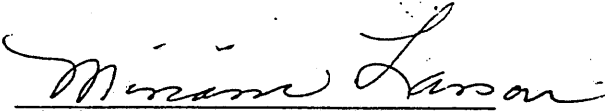
The undersigned vestees of the property shown on the attached map, being Tax Lot 702 (approximately 10.28 acres) hereby authorize Walter L. West or his agents, Robert Martin, Architect, or George Wilhelm, Engineer, to act on their behalf in filing and processing applications as follows:

(1) To partition the R-2 portion from the R-1 parcel, creating one additional parcel. We believe that to be a minor partitioning.

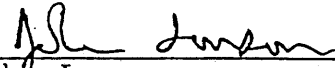
(2) To plat the R-1 portion into single-family residence lots (and related land improvements).

(3) To construct such apartments as proposed by Walter L. West upon the R-2 portion.

(4) To take all steps reasonably incidental to the processing of said applications, all at the expense of Walter L. West and not at our expense.



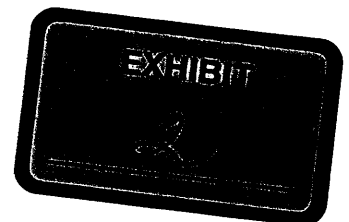
Miriam Larson



John Larson



Daniel Larson





- S.W. 1st Ave. (1990).....K-5
- S.W. 2nd Ave.K-5
- S.W. 3rd Ave.L-5
- S.W. 4th Ave.L-4
- S.W. 5th Ave.L-5
- S.W. 5th Ct.L-6
- S.W. 6th Ave.L-5
- S.W. 6th Pl.L-6
- S.W. 7th Ave.L-6
- S.W. 8th Ave.L-6
- S.W. 9th Ave.L/M-6
- S.W. 10th Ave.M-6
- S.W. 11th Ave.M-6
- S.W. 13th Ave.M-5

FRONTIER GOLF COURSE

PHOENIX & HOLLY MINIATURE RAILROAD

WILLAMETTE VALLEY COUNTRY CLUB

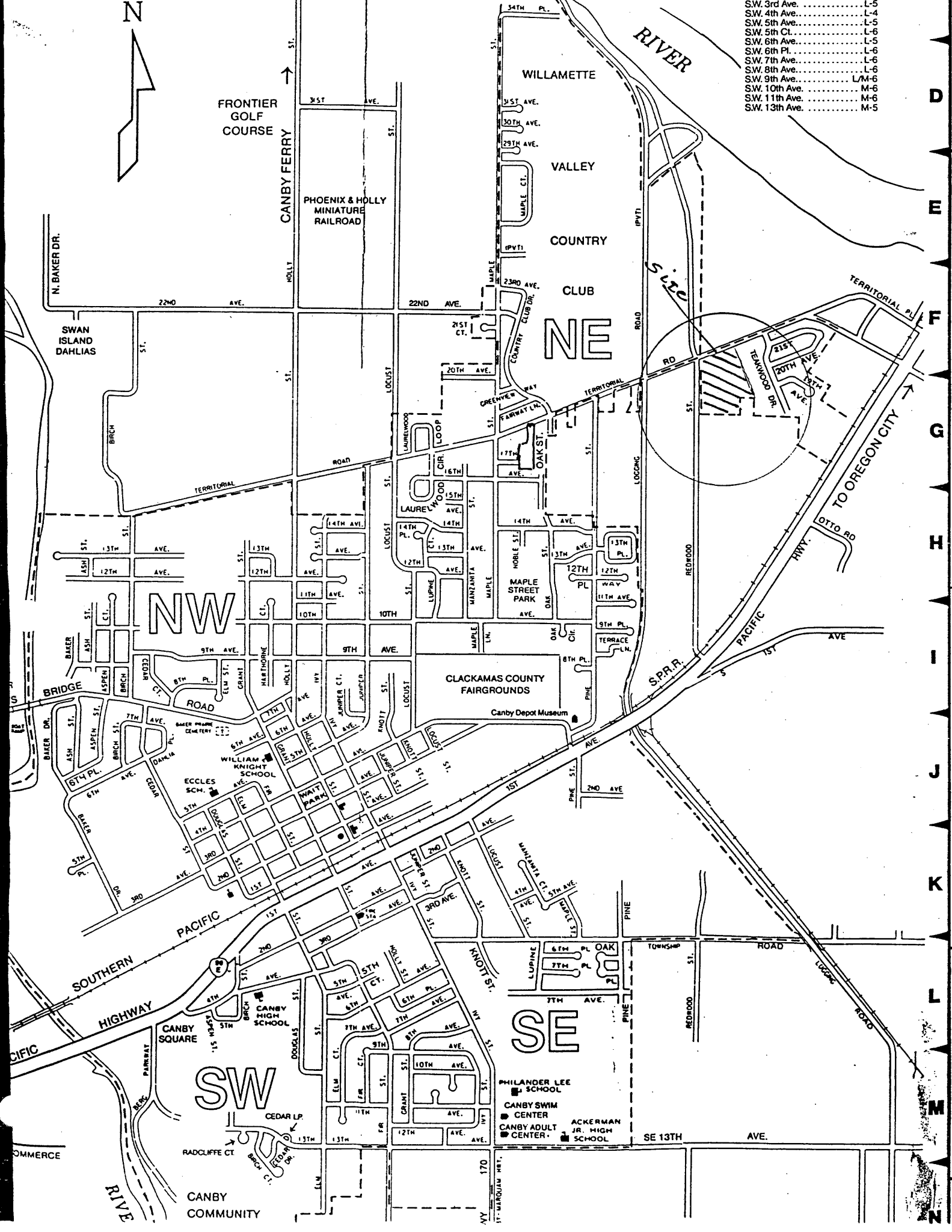
NW

CLACKAMAS COUNTY FAIRGROUNDS

SE

SW

CANBY COMMUNITY



MEMORANDUM

TO: File DR 92-08

FROM: Bob Hoffman, Planning Director *BH*

RE: City Planner interpretation of the Comprehensive Plan Land Use Map as it applies to the Design Review application for property located at Redwood and Territorial (Tax Lot 702 of Tax Map 3-1E-27C) (Redwood Terrace Apartments)

DATE: August 26, 1992

The official Zoning Map indicates a Hazard Overlay category which appears to apply to a portion of the subject parcel. Since the boundaries of the zoning map Hazard area were exactly transferred in November, 1991, from the Comprehensive Plan, by the City Planner, an interpretation of the Comprehensive Plan Land Use Map is needed to understand the meaning or intent of the zoning category. According to paragraph C), page 62 of the Comprehensive Plan, this interpretation is to be done by the City Planner.

The definition (from page 62) of the "Flood Prone or Steep Slope" land use category is: "Distinguished as the area requiring special development regulation because of a history of flooding, or because of steep slopes on the perimeter of the floodplains. City R-1-H zoning conforms with this category." According to visual inspection (made by the City Planner) of the site, and inspection of topographic maps of the site (made by the City Planner), there are no steep slopes on the subject site. Pages 85-86 of the Comprehensive Plan further describe the "Hazard" areas. This section refers to the Federal FEMA programs in which the City is a participant.

The Federal FEMA Flood Insurance Rate Map for the area provides information about the defined flood-prone areas. An area which includes a portion of the subject parcel is indicated to be within the 100 year flood plain. The FEMA map also indicates that the 100 year flood plain level is above the 83 foot contour and below the 84 foot contour.

It is my interpretation that "Provided that there is no construction activity on land below the 84 foot contour line on the property, that the intent of the purpose of the Hazard Overlay Zone is being respected." This purpose is as follows, from the Zoning Ordinance:



16.40.010 Purpose

The hazard overlay zone is intended to be used in conjunction with any of the City's underlying base zones (example: R-1/H, M-2/H, etc.) to assure that the development of the site will not result in an unacceptable level of risk because of hazardous conditions. The hazard overlay zone is intended to be applied only to those specific properties which have been identified as having steep slopes or potential for flooding. (emphasis added)

The flood insurance maps are explicitly made part of the part of this portion of the zoning ordinance and identify areas having potential for flooding. Since no development is proposed to be located within the 100 year flood plain, the Hazard Overlay Zone and its procedures do not apply to the remainder of the site, only that portion within the 100 year flood plain.

As required by Section 15.12.150, all residential construction on the site will be elevated at least one foot above the base flood elevation (which is somewhere between elevation 83 and 84 feet). No change is proposed for the portion of the site below level 84 feet. It is the City Planner's interpretation as follows:

"Development, as proposed on the site, will not cause an unacceptable level of risk because of hazardous conditions."

PLEASE RETURN ATTACHMENTS!!!

25W
5/12/92

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: August 10, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), (FIRE) POLICE, SEWER, CLACKAMAS COUNTY,
MIKE JORDAN, HIGH SCHOOL, ELEMENTARY SCHOOL, TOM PIERSON, TODD SCHMIDT, NW
NATURAL GAS

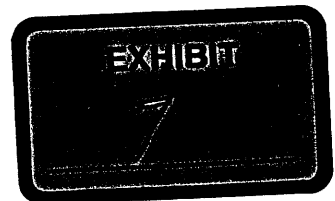
The City has received DR 92-08, an application by Walter West Construction for Site and Design Review approval of a 56-unit apartment project, Redwood Terrace Apartments. The proposal includes forty-four 2-bedroom/2-bath units and twelve 1-bedroom/1 bath units, office, exercise room, and spa. The parcel is located on the south side of Territorial Road and east side of N. Redwood Street (Tax Lot 702 [part] of Tax Map 3-1E-27C).

We would appreciate your reviewing the enclosed applications and submitting comments by August 21, 1992 PLEASE. The Planning Commission will consider this application on September 14, 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:

IF project is approved, this department will have requirements for water supply and fire hydrants for fire protection for complex. These items shall be discussed with the project Engineer as plans become available.

- 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: *August 12, 1992*

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

950
8/13/92

DATE: August 10, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, (SEWER) CLACKAMAS COUNTY,
MIKE JORDAN, HIGH SCHOOL, ELEMENTARY SCHOOL, TOM PIERSON, TODD SCHMIDT, NW
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We would appreciate your reviewing the enclosed applications and submitting comments by August 21, 1992 PLEASE. The Planning Commission will consider this application on September 14, 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:

None - Check with Roy for line connection to system

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

Signature: Steph Lancer Date: 8/11/92

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

250
8/13/92

DATE: August 10, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, CLACKAMAS COUNTY,
MIKE JORDAN, HIGH SCHOOL, ELEMENTARY SCHOOL, TOM PIERSON, TODD SCHMIDT, NW
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We would appreciate your reviewing the enclosed applications and submitting comments by August 21, 1992 PLEASE. The Planning Commission will consider this application on September 14, 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:

1. Many of the same utility requirements on Larson's project apply here.
2. Sewer should go to Redwood and depth is critical.
3. We need widening and street improvement on both streets.
4. In this case, storm water can go into the wetland but only after separation at the catch basins and passage through a pollution manhole.
5. The developer should be sensitive to neighbors

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 A. Klem

Date: 8/13/92

PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

9sw
8/17/92

DATE: August 10, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, CLACKAMAS COUNTY,
MIKE JORDAN, HIGH SCHOOL, ELEMENTARY SCHOOL, TOM PIERSON, TODD SCHMIDT, NW
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We would appreciate your reviewing the enclosed applications and submitting comments by August 21, 1992 PLEASE. The Planning Commission will consider this application on September 14, 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:

Sw Natural Gas has no concerns

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

Signature: Gary F. Hyatt

Date: 8/14/92

PLEASE RETURN ATTACHMENTS!!!

DSW
8/31/92

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: August 10, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, CLACKAMAS COUNTY,
MIKE JORDAN, HIGH SCHOOL, ELEMENTARY SCHOOL, TOM PIERSON, TODD SCHMIDT, NW
NATURAL GAS

The City has received DR 92-08, an application by Walter West Construction for Site and Design Review approval of a 56-unit apartment project, Redwood Terrace Apartments. The proposal includes forty-four 2-bedroom/2-bath units and twelve 1-bedroom/1 bath units, office, exercise room, and spa. The parcel is located on the south side of Territorial Road and east side of N. Redwood Street (Tax Lot 702 [part] of Tax Map 3-1E-27C).

We would appreciate your reviewing the enclosed applications and submitting comments by August 21, 1992 PLEASE. The Planning Commission will consider this application on September 14, 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:

1. Primary Voltage electric facilities would be extended by CUB under the CURRENT Resolution.
2. The developer must provide a 12 inch water Main starting with a tap of the existing Main at N.E. Territorial Rd. and Redwood Street and Running South through the beniffitted property, to CUB Specifications.
3. The developer MUST provide permanent, Construction and Maintenance easements for utilities including, but not limited to water lines and pipes, electric cables ^{conducts} and wires, wherever those utility facilities Run on the subject property.
4. A Preconstruction Conference Must be held.

Adequate Public Services (of your agency) are available

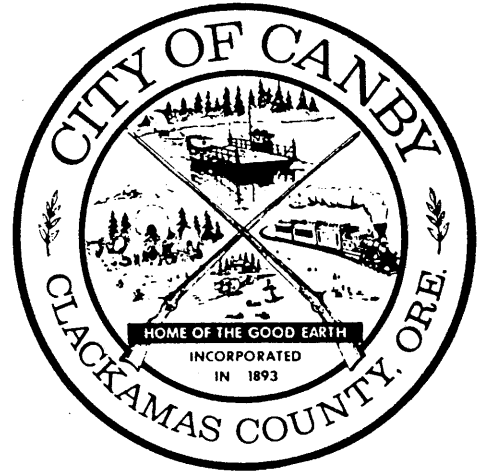
Adequate Public Services will become available through the development

Conditions are needed, as indicated

Adequate public services are not available and will not become available

Signature: Robert E. Roy

Date: 8-21-92



- STAFF REPORT -

APPLICANT:

Rosemary and Tom Shiolas
1430 N. Pine Street
Canby OR, 97013

FILE NO.:

MLP 92-09

OWNER:

Rosemary and Tom Shiolas

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 1501
Tax Map 3-1E-34B

DATE OF REPORT:

September 4, 1992

LOCATION:

1430 N. Pine Street
Corner of N. Pine Street and
N.E. 15th Avenue

DATE OF HEARING:

September 14, 1992

COMP. PLAN DESIGNATION:

Low Density Residential

ZONING DESIGNATION:

R-1 (Low Density Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval for a minor land partition that will partition a 20,700 square foot parcel into two parcels, 12,600 square feet and 8,100 square feet.

II. APPLICABLE CRITERIA:

This is a quasi-judicial land use application. In judging whether a Minor Land 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 land 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. 16.16.030 Development Standards in R-1 Areas
- B. 16.56 General Provisions (for land divisions)
- C. 16.60 Major or Minor Partitions
- D. 16.62 Subdivisions - Applications
- E. 16.64 Subdivisions - Design Standards

IV. FINDINGS:

A. Location and Background

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 1501 of Tax Map 3-1E-34B. The property consists of approximately 20,700 square feet, with approximately 90 feet of road frontage along N. Pine Street and 230 feet of road frontage along N.E. 15th Avenue. The entire parcel is zoned R-1, Low Density Residential. There is an existing house on parcel one.

The property to the north was recently subdivided into fifteen (15) parcels, and N.E. 15th Avenue was constructed, with utilities, as a part of the subdivision. The property to the south is currently applying for annexation into the city.

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement

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

ANALYSIS

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

ii. Urban Growth

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

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

ANALYSIS

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

iii. Land Use Element

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

- Policy #1 Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.
- Policy #2 Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.
- Policy #3 Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.
- Policy #5 Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.

ANALYSIS

There is currently a house on parcel one, on the corner of N. Pine Street and N.E. 15th Avenue. The subject parcel is bordered by single family residential development to the east, north (across N.E. 15th Avenue), and to the west (across N. Pine Street). The property to the south is applying for annexation into the city. The owner of the property to the south has stated that, should the annexation be approved, the land would be developed for single family residential use.

The subject parcel is zoned R-1 (Low Density Residential), and is of suitable size to accommodate development as two parcels. The density resulting from the partition is similar to that found in the surrounding area.

iv. Environmental Concerns

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

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

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

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

ANALYSIS

On-site disposal of storm water will be required. The soil is Canderly sandy loam, 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 #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, and the existing house, is from N. Pine Street. Access to parcel two will be from N.E. 15th Avenue. The developer that constructed N.E. 15th Avenue, as a part of the North Pine Addition Two subdivision, has filed an application for advanced financing. The city is currently processing this application. Should that application be approved, the developer of parcel 2 will need to reimburse a portion of the improvement costs involved with the construction of N.E. 15th Avenue and utilities.

Dedication of ten (10) feet of land for road widening purposes along N. Pine Street will be needed. Widening of N. Pine Street, with curb and sidewalk, will be needed with the dedication of land. This will continue the process of widening the portion of N. Pine Street along properties that are being developed.

The property's frontage along N.E. 15th Avenue includes a hedge, patio area and an outbuilding. Following the city's policy of requiring a sidewalk along all street frontage of properties under review for development will create difficulties for parcel one. However, provision of a sidewalk will be necessary to provide a proper pedestrian pathway system.

vi. Public Facilities and Services

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

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

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

ANALYSIS

All public facilities are available for the proposal with adequate capacity. The existing house on parcel one is currently serviced by utilities from N. Pine Street, with the exception of sewer. Parcel two can be serviced with all utilities from N.E. 15th Avenue. The existing house on parcel one will need to connect to the city's sewer system. Section 13.12.010 of the City Code states that any property that is within 100 feet of an existing sewer line, must connect.

vii. Economic

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

viii. Housing

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

ANALYSIS

The partition of the subject property will allow additional housing units to be built.

ix. Energy Conservation

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

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

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

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

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

ANALYSIS

The partitioned lots will meet the requirements of the Solar Access Ordinance. The State has rules which encourage energy conservation through design and construction methods.

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

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

C. Overall Design of Parcels

The configuration of the partition will allow for proper setback distances for residential construction on parcel two. The setbacks for the existing structures on parcel one have been reduced by the construction of N.E. 15th Avenue along the northern property boundary (the setback for a side yard along a street is greater than for a non-street interior yard). However, the partition will not adversely affect any of the setback requirements for parcel one.

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 92-09, subject to the following conditions:

1. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 92-09.
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
3. A new deed and legal description for the new parcel shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
4. All monumentation and recording fees shall be borne by the applicant.
5. Ten (10) feet of land for street widening purposes along N. Pine Street shall be dedicated as part of the final partition.
6. N. Pine Street shall be widened, with curbs and a sidewalk. Designs and specifications of the improvements shall be approved by the Director of Public Works.

7. The existing house shall be connected to the city sewer system in accordance with Section 13.12.010 prior to the signing of the final partition plat.
8. The improvements to N. Pine Street shall be completed prior to the signing of the final partition plat or the land divider shall follow the provisions of Section 16.64.070 Improvements, in particular, but not limited to, subparagraph (O) Bonds, which requires a performance bond for improvements.
9. A sidewalk along N.E. 15th Avenue for both parcel one and parcel two shall be installed prior to the occupancy of any structure on parcel two.
10. 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.
11. All utilities must meet the standards and criteria of the providing utility authority.

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 Rosemary/Tom Stolas Name Same
 Address 1430 N. Pine Address _____
 City Canby State OR Zip 97013 City _____ State _____ Zip _____
 Signature: Rosemary Stolas Phone: _____
Tom Stolas 266 - 4707

DESCRIPTION OF PROPERTY:

Tax Map 35 IE 34 B Tax Lot(s) 01501 Lot Size .48 acre
 (Acres/Sq. Ft.)

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Lot _____ Block _____

PROPERTY OWNERSHIP LIST

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

USE

Existing single family residential proposed 2 single family residences on separate lots
 Existing Structures home and garage

We propose to divide Tax Lot #01501 (1430 N. Pine) into two parcels which will create a building lot to the east of our house. This partition is compatible with surrounding land use patterns since the property to the north of our property has now been subdivided into sixteen building lots and the property to the south is planned for annexation to the city in order to divide into building lots.

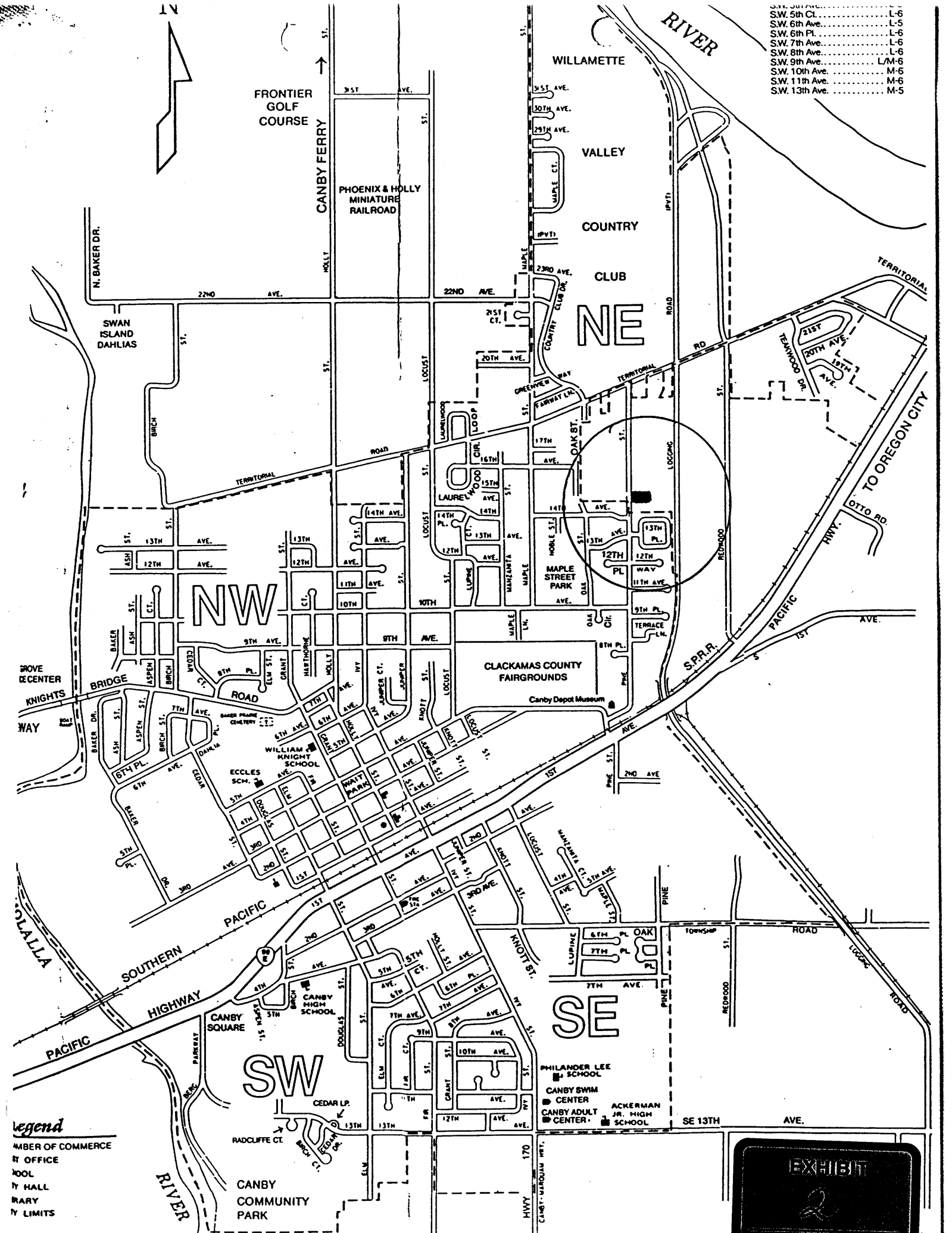
Tom Stolas

ZONING R-1 COMPREHENSIVE PLAN DESIGNATION single family residential low density
 PREVIOUS ACTION (if any) _____

File No. MCP 92-09
 Receipt No. # 1982
 Received by _____
 Date Received 8/7/92
 Completeness Date _____
 Pre-Ap Meeting _____
 Hearing Date 9/14/92



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



- SW 5th Cl. L-6
- SW 6th Ave. L-5
- SW 6th Pl. L-6
- SW 7th Ave. L-6
- SW 8th Ave. L-6
- SW 9th Ave. L/M-6
- SW 10th Ave. M-6
- SW 11th Ave. M-6
- SW 13th Ave. M-5

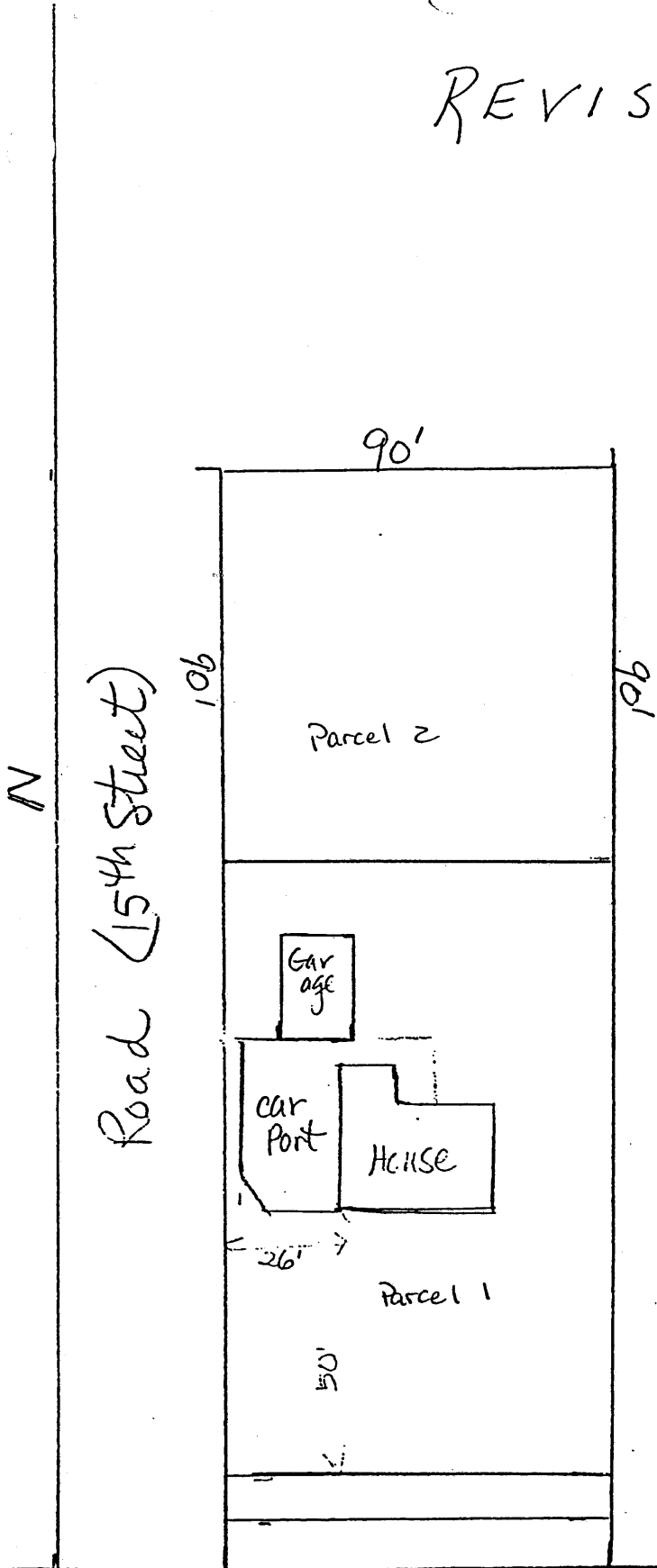
Legend

- NUMBER OF COMMERCE
- OFFICE
- SCHOOL
- HALL
- LIBRARY
- LIMITS

EXHIBIT

2

REVISION



August 20, 1992
TRS

1430 N. Pine - .78 acre

Tom & Rosemary Shiola
1430 N. Pine Street
19 Canby, Oregon 97013

1/2" = 20'

N. Pine Street



PLEASE RETURN ATTACHMENTS!!!

950
8/31/92

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: August 10, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, CLACKAMAS COUNTY,
MIKE JORDAN

The City has received MLP 92-09, an application by Rosemary and Tom Shiolas for approval to partition a .48 acre parcel into two parcels for the purpose of creating a building lot to the east of the existing home. The parcel is located at 1430 N. Pine Street (Tax Lot 1501 of Tax Map 3-1E-34B).

We would appreciate your reviewing the enclosed applications and submitting comments by August 19, 1992 PLEASE. The Planning Commission will consider this application on September 14, 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:

1. Permanent Construction and Maintenance Easements For Utility
Facilities including ^{but not limited to} water mains and lines, electric cables, conduits and wires,
12 feet in width along all extension boundaries of the subject property
participated as shown, and 6 feet in width along both sides
of the extension lot line (proposal)
2. A Preconstruction Conference must be held before any utility
work can be done

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: Robert E. Roy

Date: 8-21-92



PLEASE RETURN ATTACHMENTS!!!

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: August 10, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, CLACKAMAS COUNTY,
MIKE JORDAN

The City has received MLP 92-09, an application by Rosemary and Tom Shiolas for approval to partition a .48 acre parcel into two parcels for the purpose of creating a building lot to the east of the existing home. The parcel is located at 1430 N. Pine Street (Tax Lot 1501 of Tax Map 3-1E-34B).

We would appreciate your reviewing the enclosed applications and submitting comments by August 19, 1992 PLEASE. The Planning Commission will consider this application on September 14, 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:

1. Make sure we have dedication along Pine and that the street is improved.
2. Both Parcels should hook to the sewer
3. David Anderson submitted an advanced financing request wherein this guy owes money. The info from Anderson is attached and should precede this request. (Please process it if you can).
4. Sidewalks are needed and elevations must be part of construction.
5. Connection fees will be owed when they hook-up.
6. Typical Conditions.

Adequate Public Services (of your agency) are available

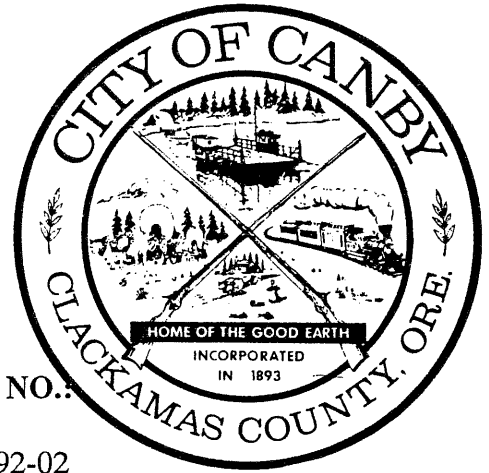
Adequate Public Services will become available through the development

Conditions are needed, as indicated

Adequate public services are not available and will not become available

Signature: _____ Date: _____

- STAFF REPORT -



APPLICANT:

Ziebart Homes, Inc.
P.O. Box 20188
Keizer, OR 97307

FILE NO.:

ZC 92-02

OWNER:

Ronald E. Dyches
8785 S.E. 13th
Portland, OR 97236

STAFF:

Robert G. Hoffman
Planning Director

LEGAL DESCRIPTION:

Tax Lots 2200 and 2300
of Tax Map 3-1E-28DD

DATE OF REPORT:

September 4, 1992

LOCATION:

South side of Territorial,
between Maple and Oak Place

DATE OF HEARING:

September 14, 1992

COMP. PLAN DESIGNATION:

High Density Residential
(Area of Special Concern, Letter N)

ZONING DESIGNATION:

R-1 (Single Family Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval of a rezoning of a 1.69 acre parcel from R-1, Single Family Residential, to R-2, Medium Density Residential, in order to allow for future construction of a multi-family residential development on this parcel (*Design Review, including an additional public hearing, would be required for apartment development*).

II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

16.54 Amendments to the Zoning Map
16.88 General Standards

III. MAJOR APPROVAL CRITERIA

Amendments to the Zoning Map

16.54.040 - Standards and Criteria

In judging whether or not the zoning map should be amended or changed, the Planning Commission and City Council shall consider:

- A. The Comprehensive Plan of the City, giving special attention to Policy 6 of the Land Use Element and implementation measures therefor, and the plans and policies of the County, state and local districts in order to preserve functions and local aspects of land conservation and development;
- B. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

IV. FINDINGS:

A. Background and Relationships:

The subject parcel is located on the south side of Territorial Road, just east of Maple Street. The shape of the subject parcel is rectangular, and approximately 470 feet by 190 feet, or 1.69 acres, with the lot occupied by a home addressed as 735 Territorial, occupying the front portion of Tax Lot 2200.

There has been considerable action on the part of the Planning Commission regarding this general area. An elementary school has been approved for a site about 2,000 feet to the east. Design Review for an apartment complex is underway for a site one-half mile to the east. Partitions and annexations of parcels to the east have been processed recently. The building permit for twenty-eight apartments, called Maple Terrace, at Maple and Territorial, were approved in 1990. A number of new single family subdivisions have been

built in the vicinity in recent years. Generally, the area has a mixture of apartments and single family houses. Apartments were built on the adjacent tax lot to the east prior to 1970. On his application, the applicant states the following:

PROJECT DESCRIPTION

"The intent is to build 24- up-scale apartment units on 1.69 acres. Each unit is to have 2 bedrooms, 1-1/2 baths. There are 20 detached carports and 5 storage units planned. There will be a combination of two 4-plexes and two 8 plexes in order to utilize the maximum of the property. There is parking space planned for two per unit." (This would require a further public hearing and Design Review.)

If the entrance to the development is to be from Territorial, as stated in the application, the home fronting on Territorial will need to be demolished.

B. Comprehensive Plan Analysis

i. CITIZEN INVOLVEMENT

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

ANALYSIS

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

ii. URBAN GROWTH

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

Policy #1: Canby shall coordinate its growth and development plans with Clackamas County.

ANALYSIS

The project is entirely within the City limits and within the Urban Growth Boundary. In compliance with this goal and policy, a 'request for comments' form was sent to Clackamas County. To date, no answer has been received.

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 special requirements, in conjunction with the requirements of the Land Development and Planning Ordinance in guiding the use and development of these unique areas.

Implementation Measures:

- A) A map of "Areas of Special Concern" is included at the back of this 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:

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

ANALYSIS

The policies of the Land Use Element that figure most prominently with this application are #1, #5 and #6. The parcel is considered an area of special concern as outlined in 6.B.4 above. The reason for this designation is directly connected with policy #1, location of compatible uses. The Comprehensive Plan recognizes that rezoning to R-2 may be appropriate in this area, which includes a mixture of apartments and homes. The Design Review of any proposed apartments would ensure that the edges of the development would be done in such a way that compatibility would be ensured. Policy #2 would be implemented by an increase in allowed density.

The Comprehensive Plan Land Use Map indicates the proposed future land use to be High Density Residential land use. "High Density Residential" land use is defined on page 61 of the Comprehensive Plan, as follows:

HIGH DENSITY RESIDENTIAL:

Generally distinguished by multiple family or other residential uses, including mobile home subdivisions or parks subject to special design criteria, and intended to provide for the widest variety of housing opportunities. **City R-2 zoning conforms with this category** with R-1 and R-1.5 an allowable, less intensive, interim zoning. (emphasis added)

Thus, the proposal to change the property to R-2 zoning is consistent with Land Use Policy #5, since rezoning would make the zoning pattern consistent with the proposal of the Comprehensive Plan Land Use.

Policy #6 deals with the Special Area Policy for area "N" and rezoning to R-2 would be consistent with, and aid in implementing this policy.

iv. ENVIRONMENTAL CONCERNS

■ **GOALS: TO PREVENT IDENTIFIED NATURAL AND HISTORIC RESOURCES.**

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

TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

- | | |
|-------------|---|
| Policy #2-R | Canby shall maintain and protect surface water and groundwater resources. |
| Policy #3-R | Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution. |
| Policy #4-R | Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities. |
| Policy #5-R | Canby shall support local sand and gravel operations and will cooperate with County and State agencies in the review of aggregate removal applications. |

- Policy #7-R Canby shall seek to improve the overall scenic and aesthetic qualities of the City.
- Policy #8-R Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.
- Policy #9-R Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.
- Policy #3-H Canby shall seek to inform property owners and builders of the potential risks associated with construction in areas of expansive soils, high water tables and shallow topsoil.

ANALYSIS

The soils on the subject parcel are Canderly Sandy Loam, with a slope between 0% and 3%. The soil is well-drained providing limitations to shallow excavations and use of on-site septic systems due to high seepage potential. There are no natural hazards on the subject parcel. To the extent possible, trees on the property should be maintained. The Design Review process for any apartments to be built here, should look at this aspect.

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

The subject parcel has access from Territorial. Seventeenth Avenue ends at the site and would need improvements if the home is not demolished. The applicant proposes, with the change in zoning classification, to remove the existing home, thus allowing access from Territorial. Traffic on Maple should be reduced by accessing Territorial directly. One access route to Highway 99-E would be easterly, along Territorial, to the highway. Improvement of Territorial along the subject parcel's frontage would be required as part of any development plans. It has been found that the 99-E and Territorial intersection needs improvement because of the high accident rate. A "fair share" contribution toward solving this problem is needed from apartment development of the site.

vi. PUBLIC FACILITIES AND SERVICES

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

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

Currently, a major water line and sewer are available in Territorial. There have not been any concerns expressed with servicing this parcel by any of the utility or service providers for High Density Residential use. The Fire Marshal states that a fire hydrant would be required of any apartment development of the site.

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 proposed rezoning would provide an opportunity for housing units for Canby businesses and employees, but would not directly affect the City's economy.

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.

ANALYSIS

The proposed change in the zoning designation of the subject parcel from Medium Density Residential (R-2) would appear to fulfill the objectives of this goal. The implementation measures, specifically regarding Policy #2, includes the conversion of land in a residential area for multiple family residential purposes as a means to achieve this goal. The implementation measure "C" specifically refers to using the land use map to allocate the higher density development. Measure "E" proposes encouraging housing mix to occur in all residential areas through zoning application.

ix. ENERGY CONSERVATION

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

ANALYSIS

New construction under current Building Codes shall implement efficient energy standards.

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

Based upon the above analysis, staff concludes that rezoning the subject parcel to R-2 is consistent with the policies of the Comprehensive Plan.

Consistency with Other Plans

Staff is not aware of any plans by other agencies which would be affected by the proposal except, perhaps, schools, which are currently being expanded to have adequate capacity.

Other Applicable Criteria

All public facilities and services exist or will be provided concurrent with the development of the site as Medium Density Residential.

V. CONCLUSION

The proposal to change the zoning classification of the subject parcel to Medium Density Residential (R-2) from R-1, Low Density Residential, is consistent with the Goals and Policies of the Comprehensive Plan, and other plans, and the City has adequate capacity to service the property, provided conditions are utilized at time of development regarding transportation improvements, and to ensure compatibility of adjacent development.

VI. RECOMMENDATION

Based on the findings and conclusions presented in this report, and without benefit of a public hearing, staff recommends that the application, ZC 92-02, be approved without conditions.

Exhibits:

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

ZONE CHANGE APPLICATION

Fee: \$5000 1000.00

OWNER

APPLICANT

Name RONALD E. DYCHES

Name ZIEBART HOMES, INC.

Address 8785 S.E. 137th

Address P.O. BOX 20188

City PORTLAND State OR Zip 97236

City KEIZER State OR Zip 97307

SIGNATURE [Signature]

Phone: 585-3423

Ziebart Homes, Inc. Pres.

DESCRIPTION OF PROPERTY:

Tax Map R31E28DD Tax Lot(s) 2300 Lot Size 1.69 ACRES (Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name CANBY GARDENS Lot Block #59

PROPERTY OWNERSHIP LIST

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property... The names and addresses are to be typed onto an 8 1/2 x 11 sheet of labels just as you would address an envelope.

USE

Existing SINGLE FAMILY RESIDENCE Proposed HIGH DENSITY MULTI FAMILY R-2

Existing Structures 1 HOUSE OF APPROXIMATELY 900 SQ. FT. USED AS A RENTAL

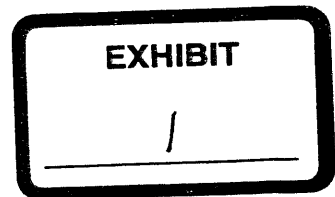
PROJECT DESCRIPTION

THE INTENT IS TO BUILD 24- UP SCALE APARTMENT UNITS ON 1.69 ACRES. EACH UNIT IS TO HAVE 2 BEDROOMS, 1 1/2 BATHS THERE ARE 20 DETACHED CARPORTS AND 5 STORAGE UNITS PLANNED. THERE WILL BE A COMBINATION OF TWO 4 PLEXES AND TWO 8 PLEXES IN ORDER TO UTILIZE THE MAXIMUM OF THE PROPERTY. THERE IS PARKING SPACE PLANNED FOR TWO PER UNIT.

ZONING R-1 COMPREHENSIVE PLAN DESIGNATION R-2

PREVIOUS ACTION (if any) PRE-APPLICATION CONFERENCE

File No. ZC-92-02
Receipt No. 1991
Received by OSW
Date Received 8-14-92
Completeness Date
Pre-App Meeting
Hearing Date 9/14/92



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



AUGUST 18, 1992

to: MEMBERS OF THE CANBY PLANNING COMMISSION
re: ZONE CHANGE APPLICATION
Tax lots 2200 and 2300
Map R31 E 28DD

We, ZIEBART HOMES, INC., propose a zone change for the property on Tax Lot # 2000 and 2300. The purpose is to rezone the approximate 1.69 acres to multiple for the future development of twenty-four unit apartment project.

The proposed project would consist of a minimum of 24 up-scale apartment units. Each unit will have 2 bedrooms and 1.5 baths. There are detached carports and storage units available. The twenty-four units will consist of a mixture of two story four plexes and eight plexes.

Policy 6 of the CITY OF CANBY COMPREHENSIVE PLAN, addresses areas of special requirements in conjunction with LAND DEVELOPMENT AND PLANNING. The parcel of land of interest is within the boundaries of AREA "N". An informal survey, conducted by us, indicates that the area contains:

1. A mix of Low, Medium, and High Density uses.
2. Approximately one-half of the area "N" is currently 'undeveloped', (bare land, empty lots, or sub-divided lands).
3. Approximately 3/4 of the remaining land is single family dwelling (approximately 75-80 units).
4. There are three developed medium to high density areas:
 - a. Approximately 16-18 single story units in four buildings on 16th Street between LAURELWOOD and MAPLE.
 - B. 28 - Two story apartment units at the Southwest corner of MAPLE and TERRITORIAL Rd. (MAPLE TERRACE).
 - C. 14 single story units on TERRITORIAL RD. just south of COUNTRY CLUB DR. (PINWOOD)
5. An area on the south east corner of TERRITORIAL RD. and REDWOOD RD. that is under consideration for an up zone to accommodate approximately 50 apartment units. } already R-2
6. A large tract of land north of TERRITORIAL RD., bordered by HOLLY ST. on the west, and LOCUST ST. on the east, that appears to be a tree farm or a nursery.



7. The CANBY UNITED METHODIST CHURCH, located on the south-east corner of TERRITORIAL RD. and HOLLY ST.

Our proposal to rezone our parcel of property to R-2, appears to implement policy #6, as to the regards to area "N", as the stated implementation addresses a mix of LOW, MEDIUM, AND HIGH DENSITY RESIDENTIAL uses. Our informal survey of area "N" appears to indicate a low percentage use of the land for the HIGH DENSITY USAGE. We, therefore, feel that a request for re-zoning to R-2 is reasonable and beneficial for the area.

Another area of concern is the "Best Possible Usage" of the land under consideration. The land parcel is of such a size that it could easily accommodate five single family dwellings. However, because of the orientation to the land, and because of the accessibility to TERRITORIAL RD. and N.E. 17th AVE., one or two lots would be sacrificed to road development or easements for access. The cost of the land would make it prohibitive to pursue this course of action.

The "BEST POSSIBLE USAGE" is to develop the land for multiple units with an entrance from TERRITORIAL RD. Considering the economics and accessibility, the only beneficial and economically viable course of action to develop this land is to re-zone it to R-2.

The compatibility of the proposed project with surrounding single family dwellings and other special concerns will be addressed during the "Site and Design Review" process. However, as mentioned earlier, we will propose to enter the project from TERRITORIAL RD. to reduce the traffic impact to MAPLE ST. and entirely elevate the impact to 17th AVE.

Another element to be considered in re-zoning the parcel of land, is Section Eight of the COMPREHENSIVE PLAN, with specific reference to 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 RETAIL HOUSING".

Rental?

As pointed out in the "COMPREHENSIVE PLAN", rental housing comprised 19% of the available housing in 1970; 26% in 1980; and 35% in 1990 (according to the 1990 U.S. CENSUS).

The logo for Ziebart Homes features the word "ZIEBART" in a bold, uppercase, sans-serif font. Below it, the word "Homes" is written in a large, elegant, cursive script font.

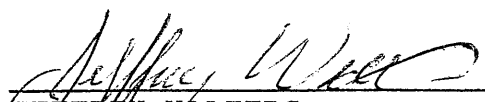
Our request for a zone change from R-1 to R-2 not only is in the master plan, but necessary. The vacancy rate in the CANBY area is presently at 1.3%, which compared to other areas in the PORTLAND METRO area, is almost unheard of. In fact, in referencing the last 'BARRY APARTMENT REPORT', the vacancy rates of the METRO area run from a low of 4.1% to a high of 11.78%. This is 5.5% below the METRO average.

In talking with a local property manager, she states that there is a constant waiting list for all the apartment complex she manages. She mentioned, that for one owner she works with, a complex which is currently building new units in CANBY, his buildings are fully rented before they are even completed.

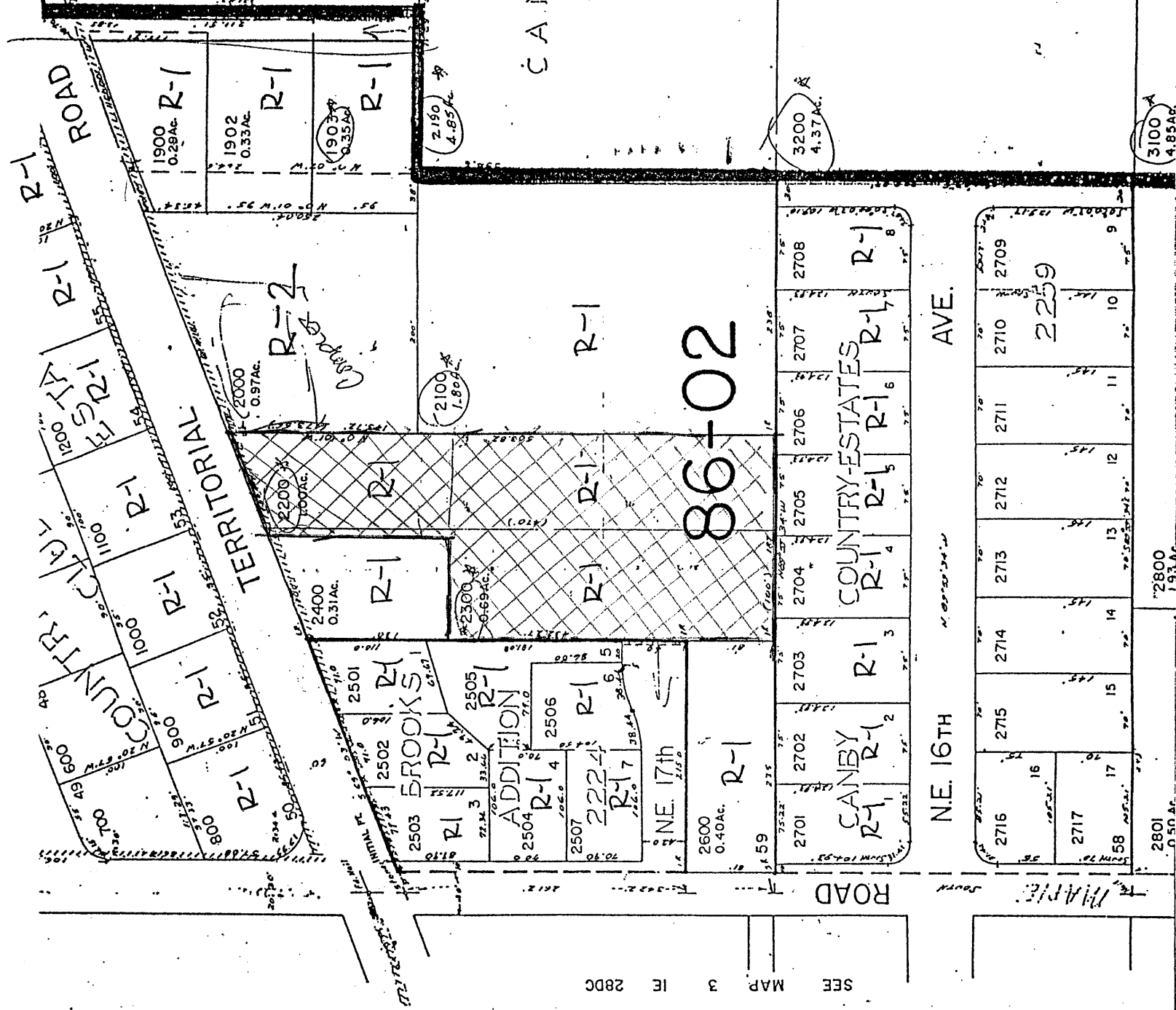
CANBY offers, as you well know, a life style unlike any of the METRO areas. A style which is conducive to the family unit, also offering a real sense of community. CANBY provides a friendly, comfortable atmosphere, that CANBY residents have known and others are finding very pleasing. With the combination of the offspring of CANBY moving back to raise their families, and the migration of new residents into the community, there is a continuing need for housing. Not all of our new residents can afford to buy homes, therefore, they must rent. The need for rentable housing units will continue to escalate.

We feel that we are offering a proposal that not only fits the overall plan for CANBY'S housing, but, we feel it fits CANBY'S current needs as well.

THANK YOU:

A handwritten signature in cursive script, appearing to read "Jeffrey Walters", is written over a horizontal line.

JEFFREY WALTERS
secretary ZIEBART HOMES, INC.



8/21/92

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

RECEIVED
AUG 20 1992
CITY OF CANBY

DATE: August 17, 1992

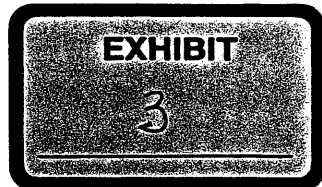
TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, SEWER, CLACKAMAS COUNTY, MIKE JORDAN, CANBY ELEMENTARY AND HIGH SCHOOL DISTRICTS, TOM PIERSON, TODD SCHMIDT, GARY HYATT

The City has received **ZC 92-02**, an application by Ziebart Homes, Inc. for approval of a zone change from R-1, Single Family Residential, to R-2, High Density Multi-Family. The applicant ultimately intends to build 24 up-scale apartment units on the 1.69 acre parcel. The property is located on the south side of Territorial Road, west of N. Maple (Tax Lots 2200 and 2300 of Tax Map 3-1E-28DD).

We would appreciate your reviewing the enclosed applications and submitting comments by August 28, 1992 **PLEASE**. The Planning Commission will consider this application on **September 14, 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:

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



Signature: Gary F. Hyatt Date: 8/25/92

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

9/11/92
8/20/92

DATE: August 17, 1992

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

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We would appreciate your reviewing the enclosed applications and submitting comments by August 28, 1992 PLEASE. The Planning Commission will consider this application on September 14, 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:

Water main will need to be extended into proposed complex and at least one fire hydrant will need to be installed in complex area, exact location of hydrant and size of main will be determined after plans are received by this office.

- Adequate Public Services (of your agency) are available
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Signature: Jack Stark Date: Aug. 20, 1992