

A G E N D A

CANBY PLANNING COMMISSION

REGULAR MEETING City Council Chambers

THURSDAY, March 26, 1992 - 7:30 p.m.

I. ROLL CALL

II. MINUTES

March 9, 1992

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMUNICATIONS

V. FINDINGS

VI. OLD BUSINESS

ANN 92-01 - Annexation application by Canby Elementary School District.

VII. PUBLIC HEARINGS

DR 92-02, a request by Wildflower Properties, Inc. (Ron Bohart) for approval of a Site and Design Review application for the construction of a four-plex residence on a 12,500 square foot lot located on the south side of S.W. 3rd Avenue, west of S. Ivy Street (Tax Lot 6500 of Tax Map 3-1E-33CD).

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
Tamara Maher

Wade Wiegand
Laurie Gustafson
Henry Fenske



MEETING TIMELINES AND PROCEDURES

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

Applicant (or representative[s]) - not more than 30 minutes

Proponents - not more than 10 minutes

Opponents - not more than 10 minutes

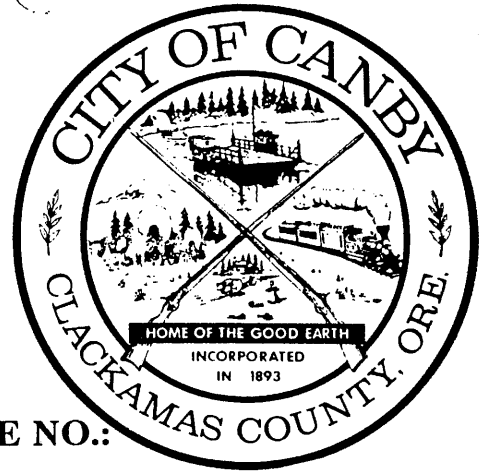
Rebuttal - not more than 20 minutes

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

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



- STAFF REPORT -



APPLICANT:

Wildflower Properties
14180 SW 162nd
Tigard, OR

FILE NO.:

DR 92-02

OWNER:

Same

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 6500 of
Tax Map 3-1E-33CD

DATE OF REPORT:

March 6, 1992

LOCATION:

S.W. 3rd Avenue, 200 feet west of
S. Ivy Street

DATE OF HEARING:

March 26, 1992

COMP. PLAN DESIGNATION:

Residential-Commercial

ZONING DESIGNATION:

R-2 Medium Density
Residential

I. APPLICANT'S REQUEST:

The applicant is requesting approval of a Design Review Application to construct a four-plex residential building. The total site is approximately .29 acres, or approximately 12,500 square feet.

II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

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

Ord. #848 (as amended by Ord. No. 854 and Ord. No. 872 - Site and Design Review)

- **City of Canby Comprehensive Plan:**

- i. Citizen Involvement
- ii. Urban Growth
- iii. Land Use
- iv. Environmental Concerns
- v. Transportation
- vi. Public Facilities and Services
- vii. Economics
- viii. Housing
- ix. Energy

III. MAJOR APPROVAL CRITERIA

Site and Design Review

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

- A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
- B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and

- C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.

IV. FINDINGS:

A. Background and Relationships:

The immediately surrounding area is planned for commercial and residential use, and zoned for medium density residential use. There are apartments in the general area. The adjacent land is single family and multi-family residential.

B. Comprehensive Plan Consistency Analysis

i. CITIZEN INVOLVEMENT

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

ANALYSIS

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

ii. URBAN GROWTH

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

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

ANALYSIS

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

iii. LAND USE ELEMENT

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

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

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

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

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

ANALYSIS

The proposal is a four-plex residential building. It is to be located on a flat site. The Comprehensive Plan identifies this area as a Commercial-Residential area. The area immediately to the west, adjacent to the site, is identified as High Density Residential in the Comprehensive Plan. Multiple family residential units would be allowed as a conditional use if the site was zoned Commercial-Residential (the site is currently zoned R-2, Medium Density Residential, comparable to the High Density Residential designation found in the Comprehensive Plan). The surrounding land use is single family and multi-family residential. A four-plex residential building will be compatible with the surrounding land use.

As a result of the discussions and statements made by the staff and engineers of the City's Sewer Treatment Plant during the City Council/Planning Commission Workshop Meeting of January 22, 1992, and according to Department responses to "request for comments", the sewer treatment plant, at this time, is determined to have the capacity to service the proposed four residential units.

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. State and Local Code regulations will require the development to meet standards to prevent air, water, and noise pollution. The proposal will have minimal affect on the open space since the site is less than 15,000 square feet.

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

Access to the site is by way of S.W. Third Avenue. Off-street parking will be provided for on-site. A sidewalk will be needed for the property frontage along S.W. Third Avenue.

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. A new elementary school and additions have been proposed to be built on Township Road and the High School has recently received approval of a project that will provide expanded capacity. The capacity of the City's sewer system has been discussed under the Land Use Element. Police, Fire, Water, Electric, and Natural Gas services have adequate capacity to service this project. The City requires a park system development fee for all new residential units that is utilized in expanding and maintaining the City's park system.

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 four-plex will provide four units of housing to add to Canby's supply of apartment units.

ix. ENERGY CONSERVATION

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

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

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

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

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

ANALYSIS

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

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

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

D. Evaluation Regarding Site and Design Review Approval Criteria

1. Part IV - Section 2, No. 2

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

The total site is approximately 12,500 square feet (12,500 square feet minimum, is required for 4 units). About 1,900 square feet should be in landscaped space. Approximately 4,700 square feet will be landscaped (38%), with approximately 780 square feet of the landscaping consisting of bark (15%). The maximum percentage of bark landscaping allowed for credit is 30%.

2. Part IV - Section No. 11

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

C. It will not hinder solar access considerations.

The type of maple trees proposed for the north property line have not been identified and could hinder solar access for the neighboring residential lot to the north.

3. Parking

The parking requirement is 2 spaces per dwelling unit. Thus, 8 parking spaces are required. Four garages are indicated, plus 8 parking spaces. On-site turnaround space is available.

4. Access

Access for vehicles to the four-plex is from S.W. 3rd Avenue. The access drive meets the ordinance requirement of a minimum of 20 feet wide from S.W. 3rd Avenue. Two five-foot landscaped strips will border the access drive. Two existing fir trees, within the landscaped strips, will also border the access drive. A curb cut for the driveway and a sidewalk are not present along S.W. 3rd Avenue.

5. Architecture

The application describes the project as a townhouse-like four-plex. Major materials include cedar bevel siding, cedar trim board, aluminum windows, composite roof, and sheet rock interior, with T 1-11 plywood on the sides.

Color of the exterior is proposed to be "earth-tones".

Building plans and elevations are part of the application. No signs have been proposed.

6. Other Aspects

a. Utilities

Utilities are available in the vicinity. A sewer lateral exists in the driveway, but it services an adjoining lot and does not have the capacity to service this proposal. A new lateral will need to be constructed to service this proposal. Since the proposed four-plex is on a flag lot which is more than 250 feet from an existing hydrant, a new hydrant will need to be installed at the entrance of the access driveway from S.W. 3rd Avenue.

b. Access

For safety purposes, the Fire Chief finds that it is appropriate and necessary for the access driveway to the proposed dwellings be constructed and covered with an all-weather surface material prior to the construction of the dwellings. A sidewalk will be necessary for the property frontage along S.W. 3rd Avenue.

c. Landscaping

The landscaping vegetation will consist of four maple trees, two fir trees, and grass. The four maple trees will be surrounded by bark.

d. Density and yards and height

R-2 zoning permits multi-family residential dwellings with minimum lot size of 5000 square feet for the first dwelling, plus 2,500 square feet for each additional unit, or 12,500 square feet for a four-plex. The 12,500 square foot lot is sufficient. All yard requirements are met. The two story four-plex is less than the 35 foot maximum height limit.

V. CONCLUSION

The maple trees that are to be planted to the north of the four-plex should be "solar friendly", as shown on the list of "solar friendly trees" in the Planning Office. Provided that the Commission is satisfied with proposed colors and signs, if any, and considering the previous analysis and following recommended conditions, staff hereby determines that the four-plex and related site development described in the application and accompanying materials is in conformance with the standards of this and other applicable ordinances; the design is compatible with the design of other developments in the vicinity; and, the location, design, size, and materials of the exterior of the structure will be compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.

Further, staff concludes that, with approval conditions:

1. the proposed use of the site is consistent with the applicable requirements and policies of the Comprehensive Plan and the development ordinance;
2. the characteristics of the site are suitable for the proposed use;
3. that all required public facilities and services exist (or can be made to exist at the time of development) to adequately meet the needs of the proposed office; and
4. the proposed use will not alter the character of the surrounding areas in such a way as to substantially limit or preclude the uses allowed.

V. RECOMMENDATION:

Based upon the application and drawings submitted, facts, findings and conclusions of this report, and without the benefit of a public hearing, staff recommends that the Planning Commission approve DR 92-02, with conditions, for a residential four-plex. Furthermore, staff recommends approval of DR 92-02 with the following conditions:

1. That the maple trees planted on the north side of the property shall be of the type listed as "solar friendly".

2. A hydrant shall be installed at the entrance of the access driveway from S.W. 3rd Avenue, according to Canby Utility Board specifications.
3. Access driveway shall be constructed and covered with an all-weather surface material prior to construction of dwellings. A gravel driveway is an acceptable surface for this purpose, prior to and during the construction of the dwellings.
4. A concrete approach for the access driveway, designed as a sidewalk, shall be constructed for the property frontage along S.W. 3rd Avenue.
5. A new sewer lateral shall be connected to the sewer line in S.W. 3rd Avenue.
6. Addresses for the four-plex shall be displayed at the access driveway entrance from S.W. 3rd Avenue.

Exhibits:

1. Application for Design Review
2. Vicinity Map
3. Site Description
4. Site Plan (includes Landscape Plan)
5. Elevations
6. Section Plan
7. Department Responses to "Request for Comments"

SITE AND DESIGN REVIEW APPLICATION
Fee: \$250

OWNER

APPLICANT

Name WILDFLOWER PROPERTIES, INC. Name WILDFLOWER PROPERTIES, INC.
Address 14180 S.W. 162nd Address 14180 S.W. 162nd
City TILLAMOOK State OR Zip 97124 City TILLAMOOK State OR Zip 97124
SIGNATURE [Signature] Phone: 503 620-3180

DESCRIPTION OF PROPERTY:

Tax Map 31E33CD Tax Lot(s) 6500 Lot Size 12,500
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy) PART OF
Plat Name GURLEY'S ADDITION TO CANBY Lot 245 Block 1

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 LAND Proposed 4-PLEX.

Existing Structures _____

Surrounding Uses MULT & SFR

PROJECT DESCRIPTION MULT.
4-PLEX / ~~SINGLE~~ FAMILY RESIDENCE, TOWNHOUSE LIKE
BUILDING.
PAINTED TO EARTH TONES. & LANDSCAPED PER
PLAN.

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

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

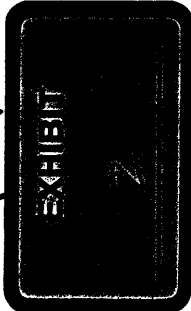
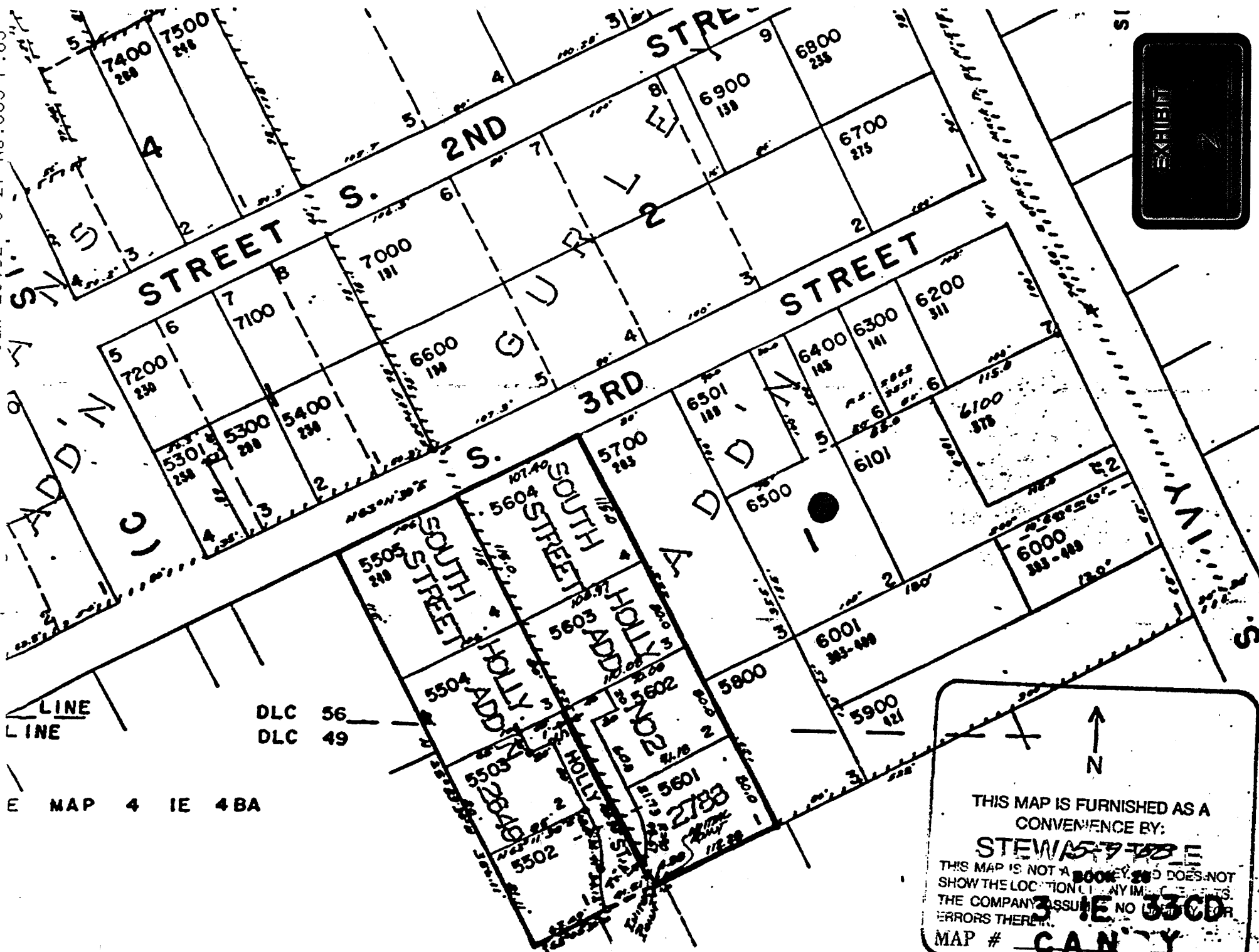
* If the applicant is not the property owner, he must attach documentary evidence act as agent in making application.



Jan 28, 92 8:27 No.003 P.03

TEL: 503-246-3720

STEWART TITLE BARBUR



LINE
 LINE
 DLC 56
 DLC 49
 MAP 4 IE 4BA

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 THIS MAP IS FURNISHED AS A
 CONVENIENCE BY:
 STEWART TITLE BARBUR
 THIS MAP IS NOT A WARRANTY AND DOES NOT
 SHOW THE LOCATION OF ANY UTILITIES.
 THE COMPANY ASSUMES NO LIABILITY FOR
 ERRORS THEREIN.
 MAP # **CANDY**

DESCRIPTION

A part of Lots 2 and 5, Block 1, GURLEY'S ADDITION TO CANBY, in Clackamas County, Oregon, described as follows:

Beginning at the most Westerly corner of said Lot 5; thence Northeasterly along the most Northerly lot line, 70 feet to the true point of beginning; thence Southeasterly, parallel with the line between Lots 5 and 6, Block 1, of said plat, 100 feet to a point of intersection with the South line of said Lot 5; thence Southwesterly along said South line, 70 feet to the most Southerly corner of said Lot 5, being also the most Westerly corner of the aforementioned Lot 2; thence Southeasterly, along the most Westerly line of said Lot 2, a distance of 125 feet to the most Southerly corner thereof; thence Northeasterly, along the most Southerly line of said Lot 2, a distance of 100 feet; thence Northwesterly, parallel with the line between Lots 2 and 3, Block 1, of said plat, 125 feet to the most Easterly corner of the aforementioned Lot 5; thence Northwesterly, along the most Easterly line of said Lot 5, a distance of 100 feet to the most Northerly corner thereof; thence Southwesterly, along the most Northerly line of said Lot 5, a distance of 30 feet to the true point of beginning.

STATE OF OREGON
County of Clackamas
I, John F. Kauffman, County Clerk for the County of Clackamas, do hereby certify that the instrument of writing was received for recording in the records of said County at

1987 JUL 6 PM 2:58

2

Witness my hand and seal at the
John F. Kauffman
JOHN F. KAUFFMAN
County Clerk

Recording Certificate
CCP 84.117 - 2.861

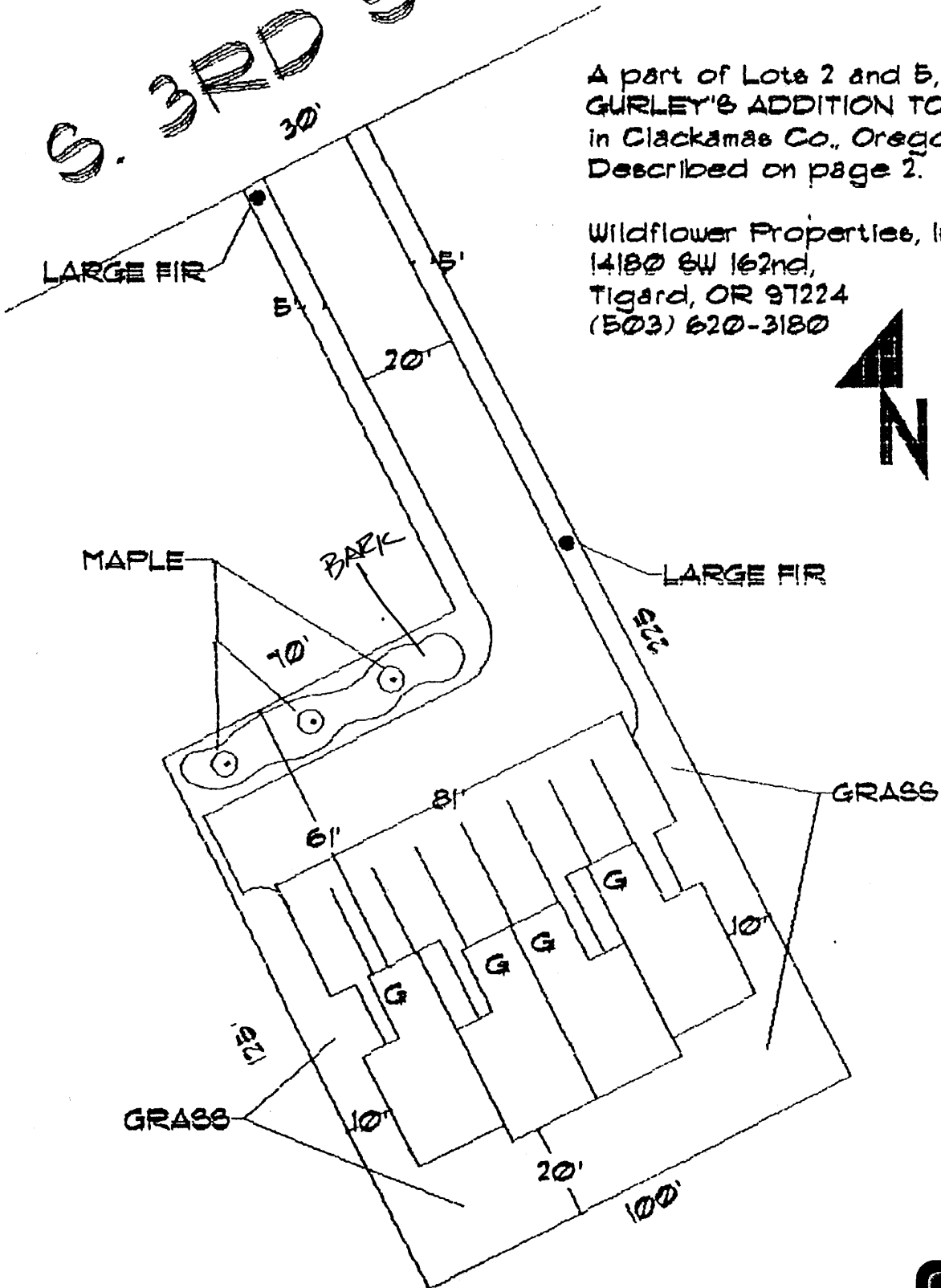
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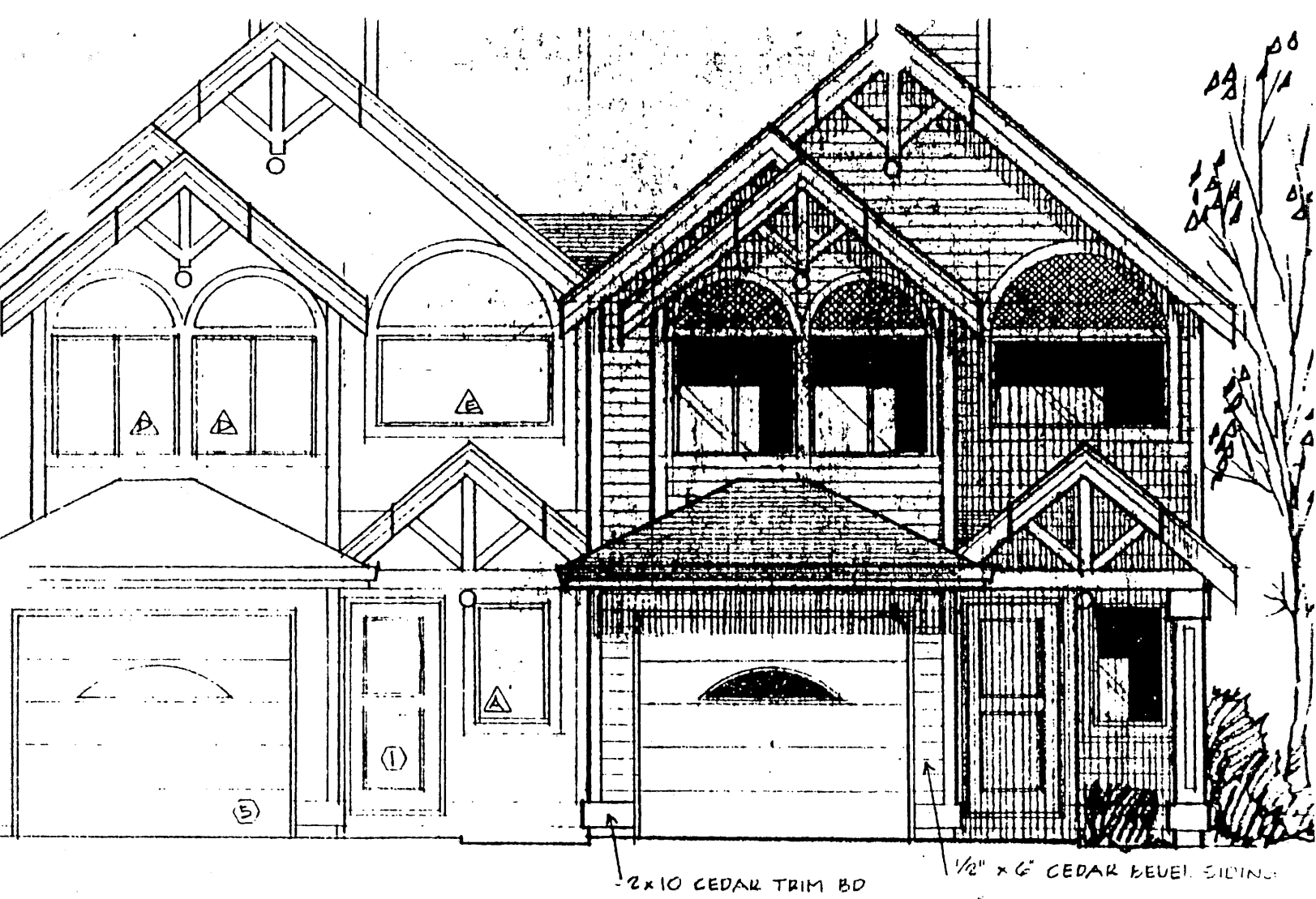


S. 3RD ST.

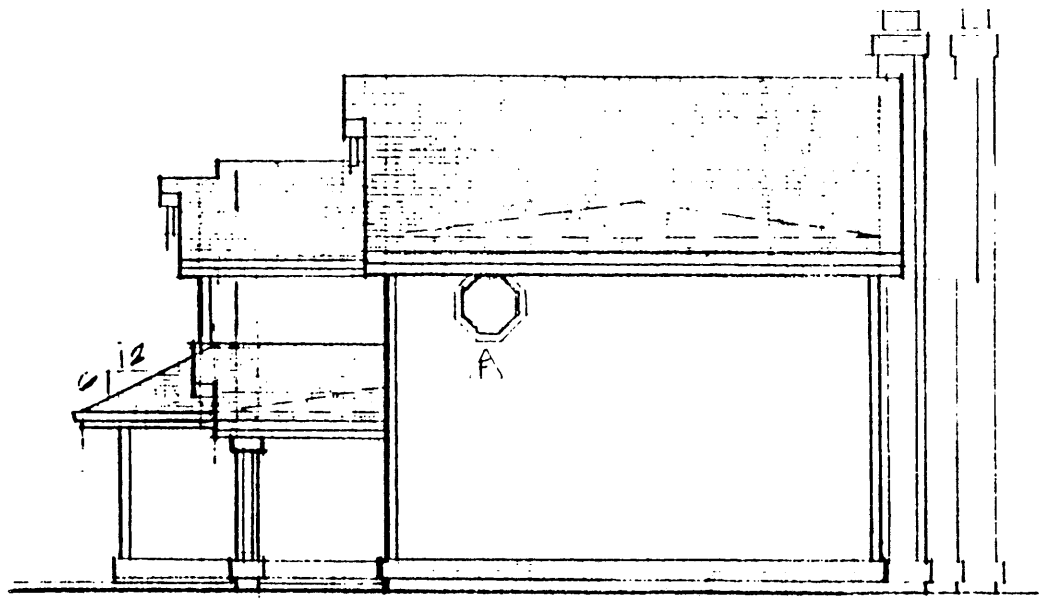
A part of Lots 2 and 5, Block 1,
GURLEY'S ADDITION TO CANBY,
in Clackamas Co., Oregon,
Described on page 2.

Wildflower Properties, Inc.
1480 SW 162nd,
Tigard, OR 97224
(503) 620-3180



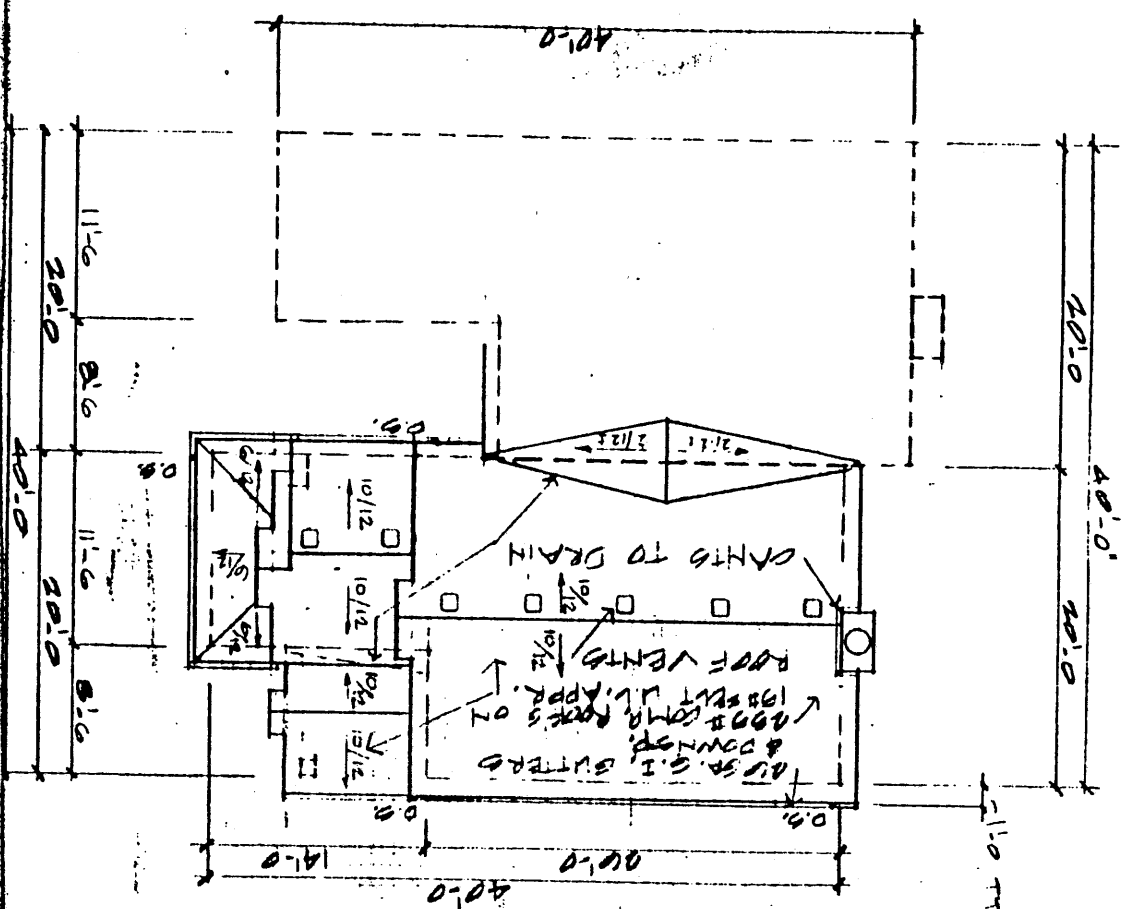


FRONT ELEV. 1/4" = 1'-0"

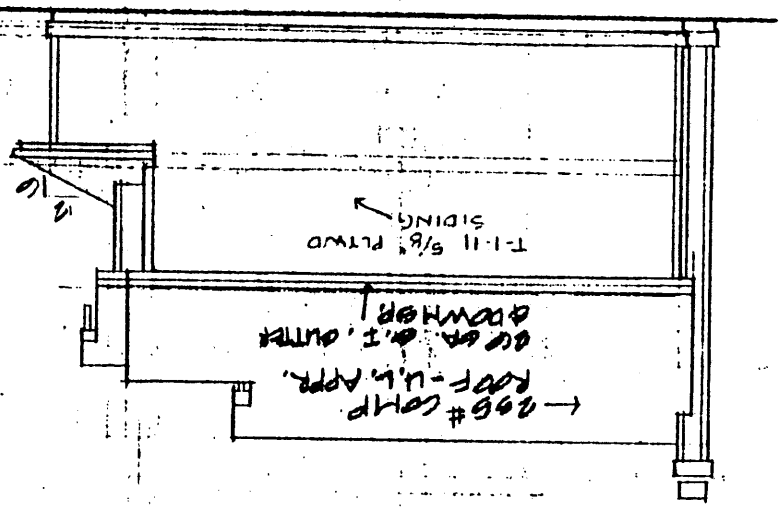


RIGHT SIDE ELEV. 1/8" = 1'-0"

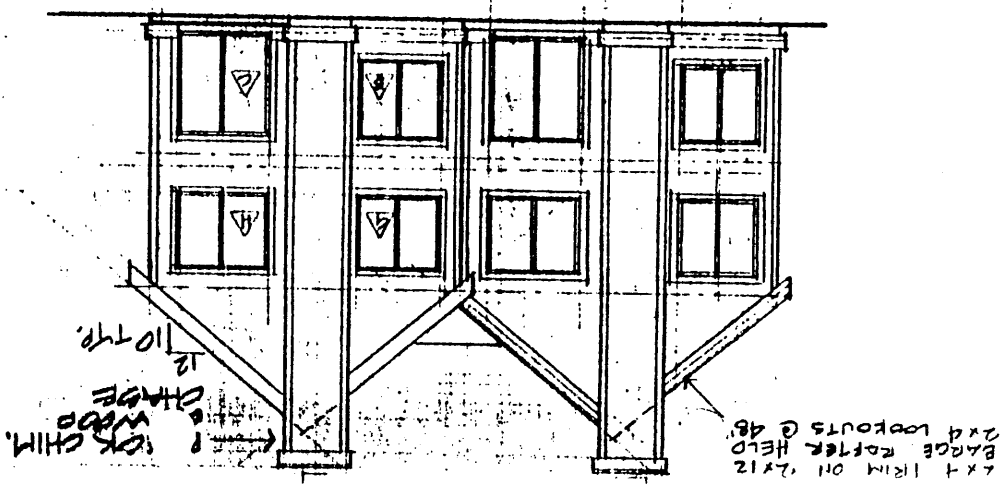




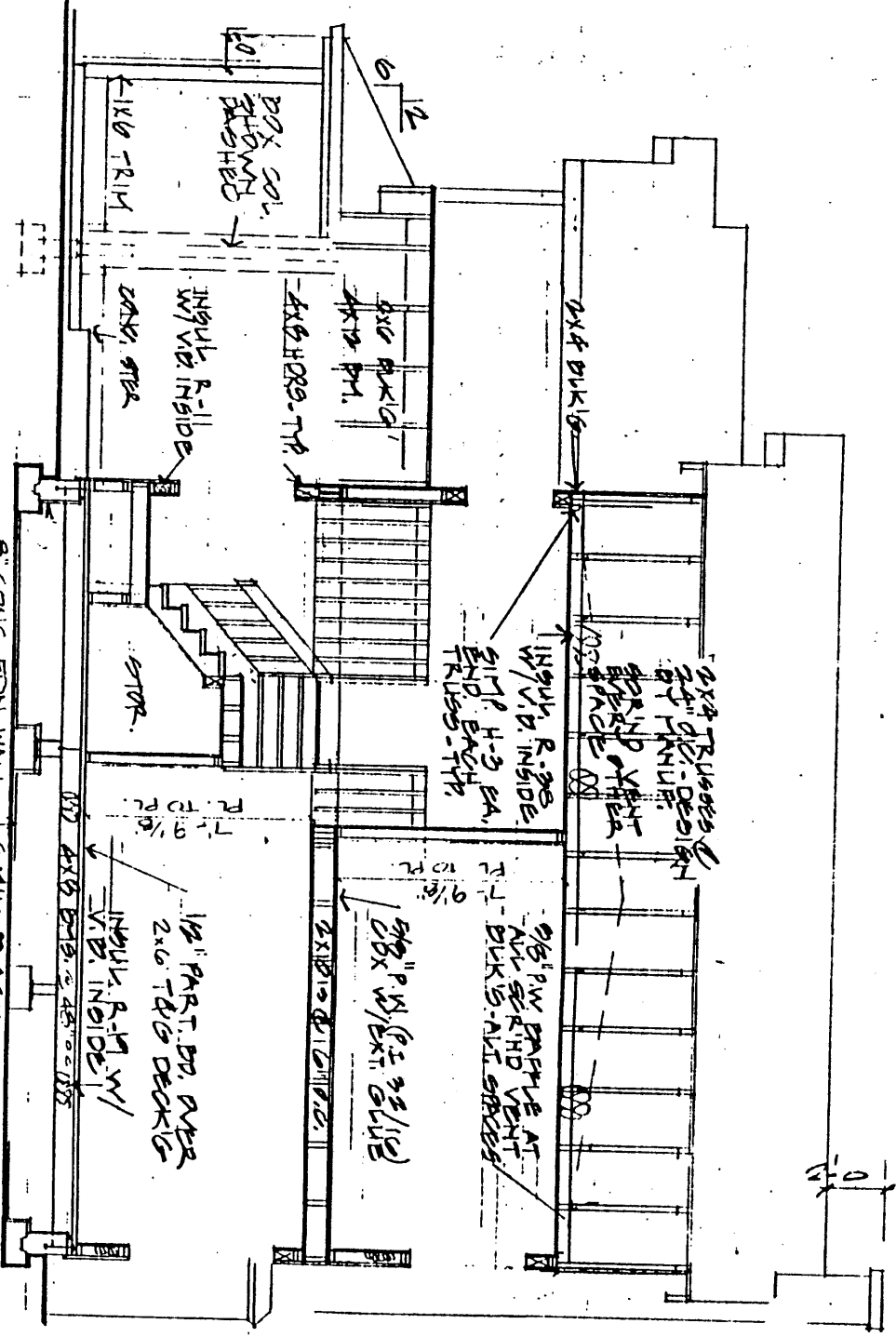
LEFT SIDE ELEV 1/8"=1'-0"



REAR ELEV 1/8"=1'-0"



DOOR SCHEDULE		WINDOW SCHEDULE	
1	210 x 61/2 x 1 3/4 ARCHITECTURAL	A	310 x 410 AL. F.X.D. SA (TEMP)
2	210 x 61/2 x 1 3/4 SC FL. H/STRT CLOSER	B	510 x 510 AL. SL. SA
3	210 x 61/2 x 1 3/8 H.C. FL.	C	610 x 61/8 AL. SL. CL. DA (TEMP)
4	210 x 61/2 x 1 3/8 H.C. FL.	D	410 x 410 AL. SL. SA
5	610 x 110 OVERHEAD GARAGE DOOR	E	610 x 310 AL. SL. SA
6	610 x 61/8 x 1 3/8 H.C. FL. BI-FOLD (4-SECTIONS)	F	310 x 310 AL. F.X.D. SA HEXAGON
7	510 x 61/8 x 1 3/8 H.C. FL. BI-FOLD (4-SECTIONS)	G	510 x 410 AL. SL. SA
		H	610 x 410 AL. SL. SA



SECTION
 THUR. ENTRY AND LIVING RM.
 ALL NOTES SAME AS SECTIONS
 1/4" = 1'-0"



8" CONC. FON. WALL ON 16" x 8" CONC. HQ. GRADE
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MAIN LEVEL PLAN

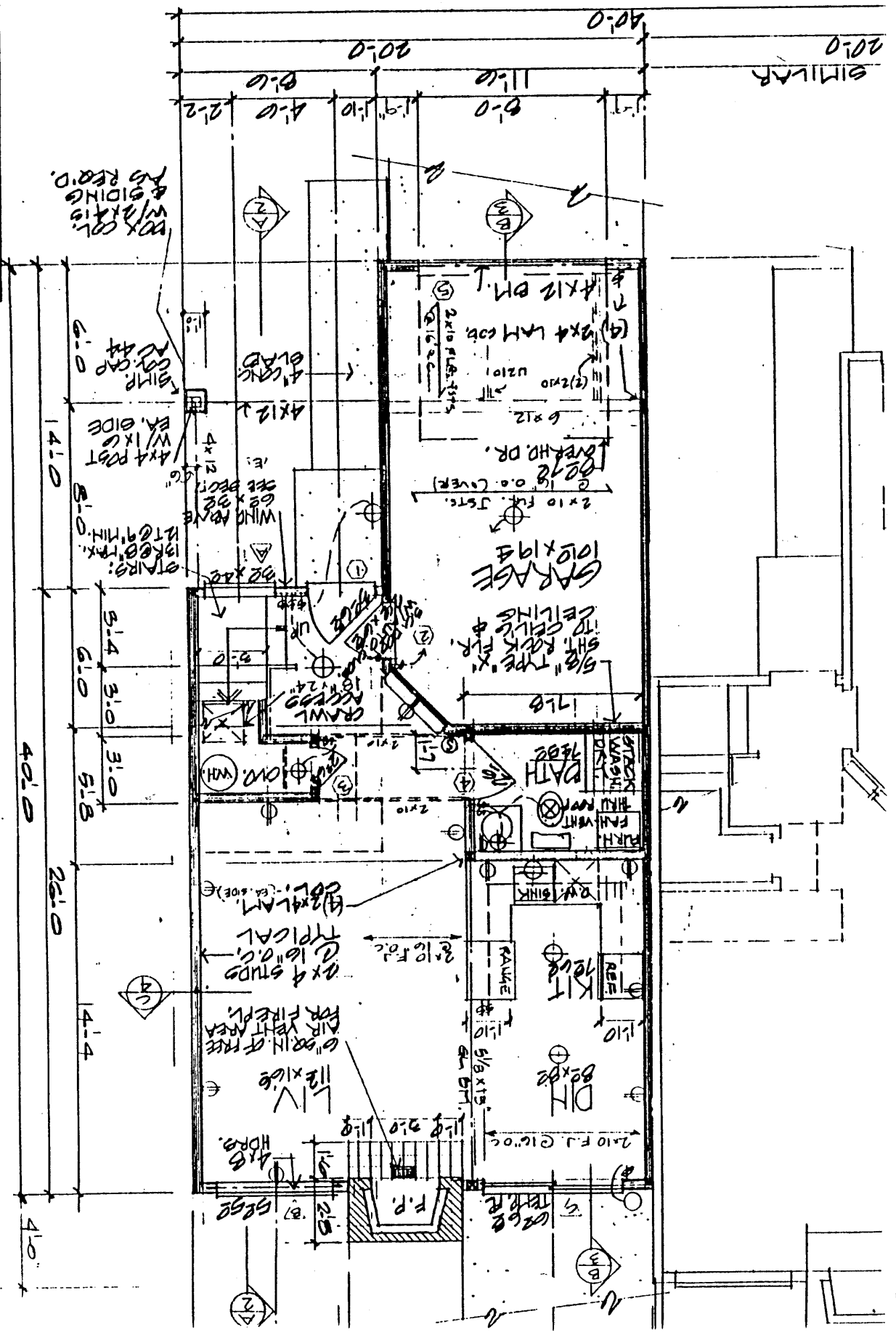
451 SQ. FT.
1205 TOTAL SQ. FT.
1/4" = 1'-0"

NO. 915

L.M. Butler & Associates, Inc.
1800 1st ST. SUITE 200
PORTLAND OREGON 97210 DESIGNERS USA

PHONE 346-8772
DRAWN: [Signature] CHECK: [Signature] PL. AREA
PLAN NO. D-1871-N

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20'-0"
SIMILAR

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20'-0"

11'-0"

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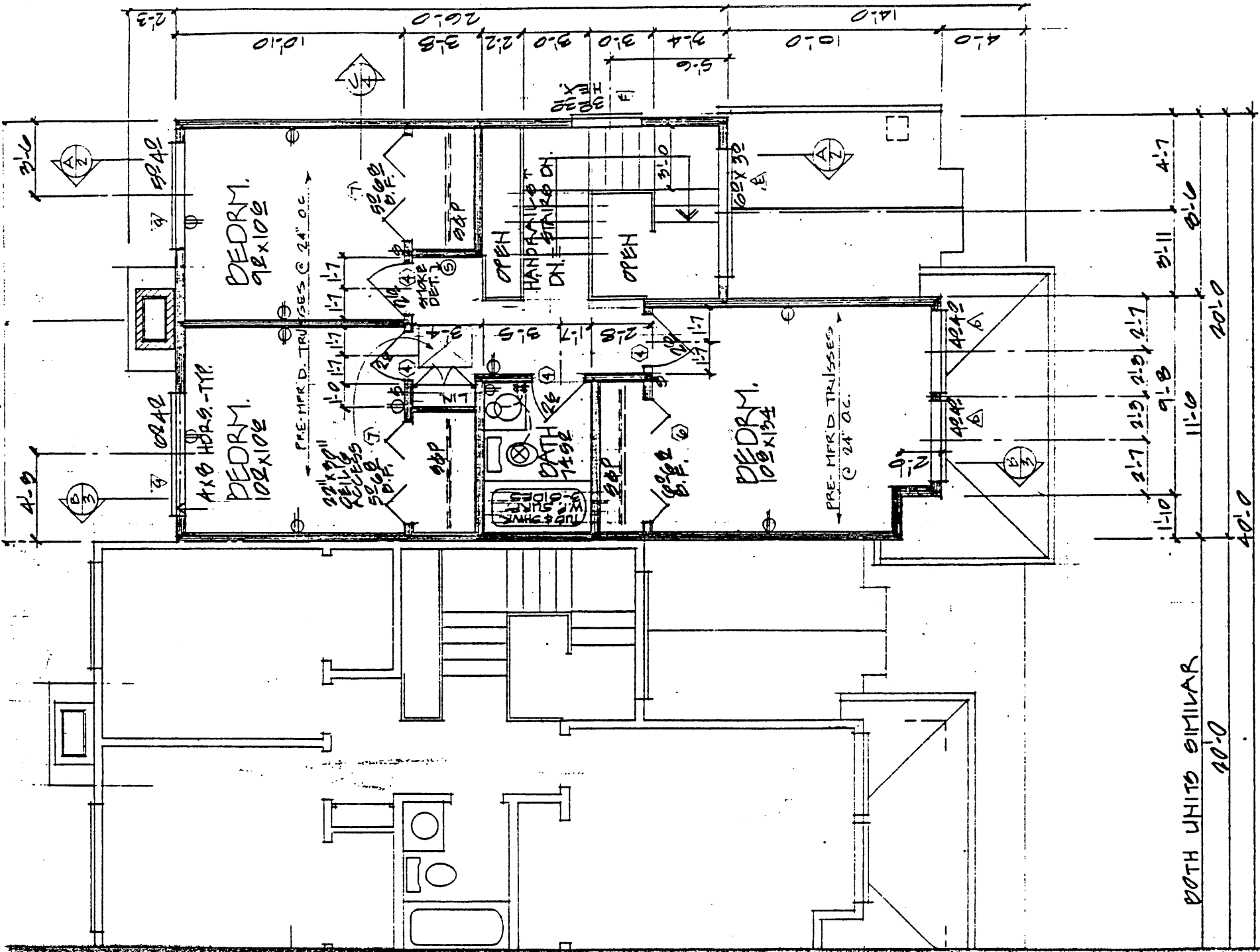
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BOTH UNITS SIMILAR
20'-0"

NOTE!

- 1) FOR TYPE OF HEAT CONSULT CONTR.
- 2) ALL OPENINGS TO HAVE 4'x8' HORO. OR

UPPER FLOOR
534 SQ. FT. 1/4" = 1'-0"

REALTOR

SELLER'S COUNTER OFFER

Reference: Sale Agreement # 059

1. This is a Counter Offer to the Sale Agreement and Receipt for Earnest Money (hereinafter called "Sale Agreement") between
2. Wildflower Properties, Inc.
3. and Francis L. and Kim Y. Hicks
4. dated January 16, 1992, for property situated in or near the City of Canby, County of Clack, and State
5. of Oregon and legally described as: Tax Lot 500, T3S, R1E, Section 33CD
6. _____
7. A four-plex lot on S.W. Third Street and commonly referred to as _____
8. which buyer has offered to purchase for the purchase price of \$ 32,000 payable on the terms and conditions set forth in the
9. referenced Sale Agreement.
10. Seller has considered buyer's offer set out in the Sale Agreement but seller is not satisfied with that offer and therefore rejects buyer's offer.
11. Seller hereby agrees to sell the property to buyer for the price of Thirty Five Thousand and NO/100 dollars
12. \$ 35,000. on the following terms: CASH ON CLOSING
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____
21. subject to the following conditions: This transaction shall close in escrow at Chicago Title-Canby
22. _____
23. _____
24. _____
25. _____

26. Seller agrees to pay not more than _____ for repairs / improvements required by lender
27. _____
28. **FOR ADDITIONAL TERMS AND CONDITIONS SEE ATTACHED ADDENDUM**
29. All other terms, additional terms, disclosures and conditions from the Sale Agreement, not specifically modified or changed by this Counter Offer, are
30. ratified and adopted by seller and incorporated into this Counter Offer by this reference. If this Counter Offer is accepted by buyer as evidenced by
31. signatures below, on or before 9:00 a.m. date January 22, 1992, then the referenced Sale Agreement as amended by this Counter
32. Offer shall become a binding contract between the parties.
33. At closing, seller authorizes REALTOR and/or the escrow agent to pay out of proceeds of sale the expenses of furnishing title insurance, seller's
34. recording fees, seller's closing costs, and any other expenses on the property payable by seller on or before closing. Seller agrees to pay REALTORS a
35. commission for services rendered in this transaction:
36. (1) At closing a fee of \$ 2,450. in cash, or (2) See separate Closing Instruction and Fee Agreement. In the event buyer accepts seller's
37. Counter Offer but fails to complete the sale pursuant to the terms of the Sale Agreement and this Counter Offer, the Earnest Money (as defined and
38. discussed at lines 85 through 100 of the Sale Agreement) shall be distributed as follows, after deduction of any title insurance and escrow cancellation
39. charge: Seller 50 %, REALTORS 50 % to the extent of REALTORS' total commission, with the residue to seller.

39. SELLER ACKNOWLEDGES THAT SELLER HAS READ AND FULLY UNDERSTANDS THIS COUNTER OFFER AND HAS RECEIVED A

40. COMPLETELY FILLED IN COPY OF THIS COUNTER OFFER.

41. SELLER F.L. & Kim Y. Hicks REALTOR # 523-34-8874 Date 1-19, 19 92, 6:30 P.M.

42. SELLER Shyenne Hicks REALTOR # 574-56-3131 Date 1-19, 19 92, 6:30 P.M.

43. Address: 25100 S. Zeller Rd. Canby, Or. 97013 Phone: Home 632-7580 Her Work _____ His Work _____

44. Listing Broker Sallee & Associates, Realtors Selling Broker Oregon Realty

45. Address 923 S.W. 4th Avenue Canby, Or. 97013 Address 7050 S.W. Nyberg Tualatin, Or. 97062

46. Phone 266-1442 By Agent Gene Sallee Phone 899-1200 By Agent Teresa Duhanan

47. If this is a co-op sale, the commission shall be divided as follows: Listing REALTOR 55 % Selling REALTOR 45 % BROKER INITIALS ASL

48. BUYER'S ACCEPTANCE OF SELLER'S COUNTER OFFER

49. THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE

50. PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE

51. CONSTRUCTION OR SITING OF RESIDENCE. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO

52. THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND

53. EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

54. Buyer hereby: (a) Accepts Seller's Counter Offer on the price and on the terms and conditions as set forth above; (b) Rejects Seller's Counter Offer.

55. BUYER [Signature] REALTOR # _____ Date _____, 19 _____, _____ P.M.

56. BUYER Wildflower Properties, Inc. REALTOR # _____ Date _____, 19 _____, _____ P.M.

57. DELIVERY TO SELLER AFTER BUYER'S ACCEPTANCE

58. Seller acknowledges receipt of a complete copy of this Counter Offer bearing seller's signature and that of buyer showing acceptance.

59. SELLER: _____ SELLER _____ Date _____

* THIS LINE REQUIRES AN INITIAL AND/OR SIGNATURE

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

DATE: February 20, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE POLICE, TOM PEARSON (Tel), SEWER,
TOM SCHMIT (No. Willamette Telecom), N.W. Nat. Gas

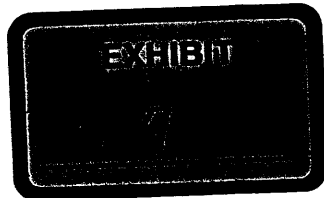
The City has received DR 92-02, an application by Wildflower Properties, Inc. for approval of Site and Design Review application for the construction of a four-plex residence on a 12,500 square foot lot located on the south side of S. 3rd Avenue, west of S. Ivy Street (Tax Lot 6500 of Tax Map 3-1E-33CD).

We would appreciate your reviewing the enclosed application and submitting comments by March 1, 1992 PLEASE. The public hearing is scheduled for March 23, 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. If driveway to dwelling is longer than 150 feet, a turnaround for emergency vehicles shall be provided. *Home used*
2. Since proposed 4-plex is being built on a flag lot which is more than 250 feet from a fire hydrant, a fire hydrant shall be installed at the entrance of the driveway from SW 3rd. Hydrant shall be installed as per Canby Utility Board specifications. Cost of hydrant shall be developer's responsibility.
3. Addresses for proposed 4-plex shall be displayed at driveway entrance from SW 3rd
4. Access driveway to proposed dwellings shall be constructed and covered with an all weather surface material prior to construction of dwellings.

- 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: _____

2-24-92

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

DATE: February 20, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, TOM PEARSON (Tel.), SEWER, TOM SCHMIT (No. Willamette Telecom), N.W. Nat. Gas

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Comments or Proposed Conditions:

From The Property CORNER ON THE WEST CORNER OF
Lot 6. There is a Sewer LATERAL 10 Feet West
into Lot 5. This Sewer Service is For
Lot 2. Another Sewer Service will be needed
For this 4-plex on Lot 5. With
Sidewalk joining Lot 5 From Lot 6 The
sidewalk should be extended To Lot 3 at
Developer expense.

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

Signature: Roy L. Hester Date: Feb. 21, 1992

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

DATE: February 20, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, TOM PEARSON (Tel.), SEWER, TOM SCHMIT (No. Willamette Telecom), N.W. Nat. Gas

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Comments or Proposed Conditions:

- * There doesn't appear to be a lateral. There may be a "Y" but it would be just luck if we found it so the applicant should plan on the expense of a lateral.
- " 3rd street is narrow so be sure there is adequate off street parking.
- * Over the years, there has been interest in developing this piece but I am not certain why nothing has happened
- * A concrete approach should be required for the driveway and be designed as a sidewalk even though there is only 30 feet

- 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:** _____

**CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS**

DATE: February 20, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, TOM PEARSON (Tel.), SEWER,
TOM SCHMIT (No. Willamette Telecom), N.W. Nat. Gas

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Comments or Proposed Conditions:

Roy will know if sewer line capacity is adequate.

no other comments

- 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 Hanson Date: 2/24/92

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

DATE: February 20, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, TOM PEARSON (Tel.), SEWER,
TOM SCHMIT (No. Willamette Telecom), N.W. Nat. Gas

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We would appreciate your reviewing the enclosed application and submitting comments by March 1, 1992 PLEASE. The public hearing is scheduled for March 23, 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:

Owner applicant please a 6' fence
along the North side property line.
Plus 6' fence along drive entrance
on the westside property line.

THIS DOES NOT LOOK LIKE IT
WOULD GO ALONG WITH THE REST
OF THE NEIGHBORHOOD. IF APPROVAL
IS GIVEN A FENCE SHOULD BE PUT
UP ON BEHALF OF THE OTHER RESIDENTS.

- 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: _____

