

A G E N D A

CANBY PLANNING COMMISSION

REGULAR MEETING
City Council Chambers

Monday, April 13, 1992
7:30 p.m.

I. ROLL CALL

II. MINUTES

March 26, 1992
April 8, 1992

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMUNICATIONS

V. FINDINGS

VI. 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). **Continued from March 26, 1992.**

ZC 92-01, an application by Mimi Chitty (applicant) for approval of a Zone Change from Light Industrial (M-1/PUD) to Medium Density Residential (R-2). The applicant ultimately will propose to develop the parcel into multi-family residential uses. The property is located on the east side of N. Cedar Street and south side of N.W. 5th Avenue (Tax Lot 1002 of Tax Map 3-1E-32D).

CPA 92-01, an application by Mimi Chitty (applicant) for approval of a zone change and Comprehensive Plan Amendment. The applicant is requesting a zone change from Light Industrial to High Density Residential, to permit construction of multi-family residential development on this and contiguous parcels. The property is located on the east side of N. Cedar Street and south side of N.W. 5th Avenue. (Tax Lot 1002 of Tax Map 3-1E-32D).

VII. NEW BUSINESS

ANN 92-02, an application by Dave Herman (applicant) and D. Anne and Harvey Tofte (owners) for approval to annex a 23.62 acre parcel in a Priority "A" Zone. The parcel is located west of Redwood Street on the north side of N.E. 13th Avenue (Tax Lot 1900 of Tax Map 4-1E-3).

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.



- M E M O -

TO: DR 92-02 File
FROM: Robert G. Hoffman, Planning Director *RGH*
RE: Response to Request for Comments from Police Department
DATE: March 27, 1992

This morning, I discussed the attached "Request for Comments" from the Police Department with Chief Jerry Giger. He stated that it was not the policy of the Police Department, he had not seen it, and would not have recommended what was written on the form. He stated that the writing appeared to be similar to two officers of the police force. Neither Jim Wheeler nor I saw this document prior to the Planning Commission meeting on March 26, 1992. It had been added by the secretaries when it was discovered in the mail slot just moments prior to delivery of the Commission agenda packet. Therefore, this attached document should not be recognized as the formal response from the Police Department.

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:

Owner applicant place a 6' fence
along the north side property line.
Plus, 6' fence along drive entrance
on the west side 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: _____

203 S.W. Third Avenue
Canby, Oregon 97013

April 1, 1992

RECEIVED

APR - 2 1992

CITY OF CANBY

TO: CANBY PLANNING COMMISSION

RE: Written testimony in opposition to DR 92-02 concerning a four-plex on a flag lot with entrance from S.W. Third Avenue.

My principal objection to this development is centered around point B of the Major Approval Criteria. This is as follows:

" B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and "

I respectfully submit to you that in my opinion the proposed development is not compatible with the rest of the neighborhood. I have lived in Canby all 54 years of my life. The first 22 years were on Grant Street (about 2 blocks from the proposed site), and for the last 32 years on the property located on the west side of the proposed development. During the 1960's I watched the apartments which are located at 395 S. Ivy being built. One of the four-plex's is on a lot of only 7,800 square feet, which is way below the minimum requirement of 12,500 square feet. Neither of the two four-plex's would meet current building code requirements. There are no other four-plex's anywhere close to the site, and very few (if any) anywhere else in S.W. Canby. The applicant seems to place a great deal of weight on the fact that these illegally sited and sub-standardly built four-plex's are on the south edge of his proposed development. I would suggest that this is very weak criteria to justify his proposed development. Also, the rest of the neighborhood was never allowed to comment on that development through the Planning Commission at that time.

What the applicant does have is a duplex located along the east side of the entire 125 feet of the main part of his lot. This duplex is located on the only other flag lot in the entire neighborhood. If the applicant were to construct a similar one story duplex and fence the lot, I would consider this to be compatible with the rest of the neighborhood. I believe that the rest of the neighbors would feel the same way.

The north and the west side of the proposed development have single family residences. The residence on the north side will always be a single family residence since it is on a 7,000 square foot lot. My wife and I live on the west side on a land-locked lot which is only 80 feet wide. Since we have no access to the back of our property, we will always have a single family residence also.

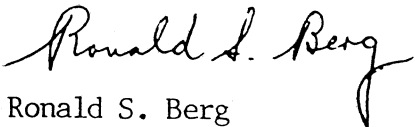
Briefly, I would like to cover several other points, some of which have arisen because we are not given the opportunity to rebut the applicant's rebuttal.

1. The applicant said that my 32 years of residence on the adjoining property had "nothing to do with anything". I believe that it has everything to do with everything. I know the neighborhood and most of the neighbors, I care about the neighborhood and the neighbors, and I would like to continue to live and to someday retire in our present home. On the other hand, the applicant wants to build for the maximum density, sell to an absentee owner, and leave town.
2. The applicant says that he "has no idea what the units would rent for". I would presume that he knows within a narrow range what they will rent for.
3. The applicant said that "they would be rented to professionals". I would suggest that each unit will be rented at the same time to more than one family where English is not spoken, before they will be rented to professionals.
4. Much has been made of the two existing trees which will be preserved. An examination of one of the trees reveals that its trunk is damaged just above ground level and that internal rot is of a magnitude that it will need to be removed in the near future.
5. I disagree with the conclusion on page 12 of the Staff Report that the proposed development is compatible and appropriate. In my opinion it is neither compatible or appropriate.
6. I agree with the police comments which say "This does not look like it would go along with the rest of the neighborhood."

Finally, over the years I have observed what high density has done to the south-east quadrant of our city. I would urge you to avoid letting this happen in southwest Canby also. I firmly believe that this proposed development is pivotal for the future of the southwest section of our city. High densities are increasing our crime rate and reducing our quality of life. I remember years ago when Canby was the Garden Spot of the Willamette Valley. High densities are partly to blame for the loss of this image. Maintaining compatibility of neighborhoods will help our city to regain its former image.

Thank you for your attention to this matter.

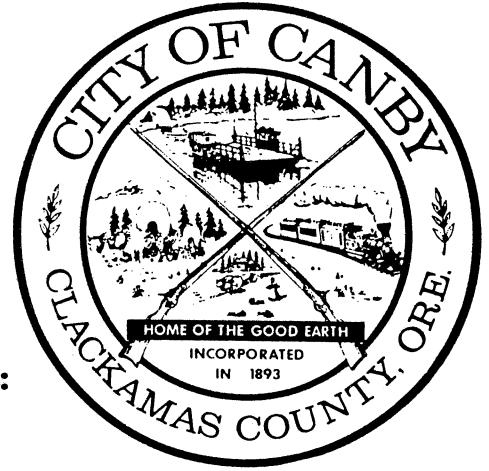
Sincerely yours,


Ronald S. Berg

I agree with all of the information presented in the above written testimony.


Evalena E. Berg

- STAFF REPORT -

**APPLICANT:**

Mimi Chitty
c/o John H. Hammond, Jr.
P.O. Box 648
West Linn, OR 97068

FILE NO.:

ZC 92-01

OWNER:

Mimi Chitty, Sid Brockley,
John Anicker, & Jim Goodwin

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 1002 of Tax Map 3-1E-32D

DATE OF REPORT:

April 3, 1992

LOCATION:

West side of N. Baker Street
and south of N.W. 6th Avenue

DATE OF HEARING:

April 13, 1992

COMP. PLAN DESIGNATION:

Light Industrial (Area of Special
Concern, Letter D), being considered
for amendment to High Density
Residential

ZONING DESIGNATION:

M-1 (Light Industrial)
The whole site has a Planned
Unit Development (PUD) overlay.

I. APPLICANT'S REQUEST:

The applicant is requesting approval of a rezoning of a 3.1 acre parcel from Light Industrial with a Planned Unit Development overlay to Medium Density Residential to allow for future construction of a multi-family residential development on this and contiguous parcels.

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:

See the Staff Report under the application to amend the Comprehensive Plan (CPA 92-01).

B. Comprehensive Plan Consistency Analysis

The analysis of the application's consistency with the Comprehensive Plan is found in the Staff Report for the application to amend the Comprehensive Plan

(CPA 92-01). The staff feels that it is necessary to reiterate the analysis of the application specifically regarding Policy #6 of the Land Use Element of the Comprehensive Plan.

The subject parcel is mentioned as an "Area of Special Concern" in the Comprehensive Plan under the Land Use Element, Policy #6, Subsection B.4. The Comprehensive Plan, in discussing this particular area of special concern, states that review of any proposed design will be necessary. The purpose of this review is to assure the compatibility of the use and design layout of a development proposal with the surrounding properties in more detail than is provided for under Site and Design Review, hence the Planned Unit Development designation. Conceptually, the use of the subject parcel for transitional and buffering purposes could include anything in the spectrum of uses between single-family residential and the light industrial use of a manufacturing plant. The use of the parcel as multi-family residential could provide a transitional use, however, in compliance with Policy #6, a PUD overlay would still be required. The staff recommended against the proposed change in the land use classification of the subject parcel since it does not meet other policies, including Land Use, Economic, and Housing policies (see staff report of April 3, 1992 regarding CPA 92-01 incorporated here by reference).

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

Regarding only the Area of Special Concern policy of the Land Use Element, the proposed zoning change of the subject parcel could be found consistent with the objective of Policy #6, provided that review of any application for development occurs. This would be possible with the retention of the PUD overlay zone. Without the PUD overlay zone, the application is not consistent with the objectives of Policy #6 of the Land Use Element.

In light of the conclusion and recommendation of the staff in the Comprehensive Plan Amendment staff report (CPA 92-01), which is to not approve a change in the subject parcel land use designation from Light Industrial to High Density Residential, this application for a change in the zoning of the subject parcel is not consistent with the Comprehensive Plan since it requests a change to a land use category (Medium Density Residential, R-2) which is not consistent with the land use designation of the Comprehensive Plan (Light Industrial) and the Areas of Special Concern Policy of the Land Use Element.

C. Consistency with Other Plans

State plans and county plans do not seem to place any particular emphasis on development of sites such as the subject parcel for industry or residential. The county hired a consultant to prepare an Industrial Attraction Plan in the late 1980's. That plan is part of an industrial attraction program and emphasized the development of the land designated for industrial use in the Comprehensive Plan to the south and east of the City. At the time of the report, those lands were not annexed to the City. The subject area is already serviced by schools.

D. Other Applicable Criteria

All public facilities and services exist or will be provided concurrent with the development of the area whether the land use designation is Light Industrial or Medium Density Residential.

IV. CONCLUSION

The proposal to change the zoning classification of the subject parcel to Medium Density Residential (R-2) from Light Industrial with a Planned Unit Development (M-1/PUD) is not necessary to meet the goals and objectives of the Comprehensive Plan and other jurisdictions plans, and is not consistent with the Goals and Policies of the Comprehensive Plan, specifically, Policies #1 and #6 of the Land Use Element and Policy #2 of the Economic Element and is not consistent with the land use designation on the Comprehensive Plan Land Use Map.

IV. RECOMMENDATION

Based on the findings and conclusions presented in this report, and without benefit of a public hearing, staff recommends that the application, ZC 92-01, not be approved.

Exhibits:

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

(ZONE CHANGE APPLICATION)

Fee: \$500.00

OWNER

APPLICANT

Name Mimi Chitty, Sid Brockley,
John Anicker & Jim Goodwin
Address c/o John H. Hammond, Jr.
P.O. Box 648

Name Mimi Chitty
Address c/o John H. Hammond, Jr.
P.O. Box 648

City West Linn State OR Zip 97068

City West Linn State OR Zip 97068

SIGNATURE Mimi Chitty

Phone: (503) 656-1694

DESCRIPTION OF PROPERTY:

Tax Map T3 R1E S32 Tax Lot(s) 1002 Lot Size 3.1 Acres
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Lot _____ Block _____

PROPERTY OWNERSHIP LIST

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

USE

Existing Vacant Proposed Multi-Family Residential

Existing Structures None

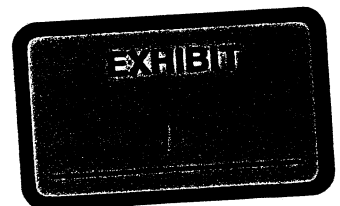
PROJECT DESCRIPTION

Applicants are seeking change in zoning designation from M-1 PD
to R-2 to permit construction of multi-family residential development
on this and contiguous parcels.

ZONING M-1 PD COMPREHENSIVE PLAN DESIGNATION Light Industrial

PREVIOUS ACTION (if any) _____

File No. ZC 92-01
Receipt No. 1762
Received by 2-26-92
Date Received _____
Completeness Date _____
Pre-App Meeting _____
Hearing Date _____



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

A tract of land in the S.E. 1/4 of Sec. 32, T. 3 S., R. 1 E., of the W.M., being partly in the Lucious A. Seely D. L.C. No. 57, described as follows: Commencing at the point of intersection of the Nly line of N.W. 5th Avenue with the Wly line of N. Cedar St., in the City of Canby, said point being the most Nly corner of that certain tract of land conveyed to Oscar W. Sturges by deed recorded July 29, 1893 in Deed Bk. 54, p. 4, Deed Records; thence Wly along the Wly extension of the Nly line of said N.W. 5th Ave., 292.88 ft. to the most Wly corner of said Sturges tract and the true point of beginning. Thence NWly parallel to the Wly line of said N. Cedar St., 750.00 ft., more or less, to a point in the NWly line of that certain tract of land conveyed to D. and S. Farm, Inc., by Deed recorded July 31, 1961 in Bk. 590, p. 183, Deed Records, that is S. 63° W. 292.88 ft. from the most Nly corner thereof; thence S. 63° W. along the NWly line of said D. and S. Farm, Inc. tract, 902.22 ft. to an iron pipe at the most Nly corner of that certain parcel conveyed to Edward O. Mueller & Bertha Mueller, recorded July 19, 1935 in Bk. 228, p. 234, Deed Records of Clackamas Co., Oregon; thence S. 26° 25' E. a distance of 1465.33 ft. to an iron pipe at the intersection with the S. line of Third St. in said City of Canby, Extended and, which is also the most Easterly corner of said Mueller tract, thence N. 63° 35' E. along the S. boundary of Third St. Extended, a distance of 885.97 ft. to an iron pipe at the most Southerly corner of said Sturges tract; thence Nly along the Wly line of said Sturges tract, a distance of 742.50 ft. to the true point of beginning.

EXCEPTING THEREFROM that portion conveyed by grantor to Globe-Union, Inc. by deed of even date recorded as Recorder's Fee No. 71-3037 Film Records of Clackamas County, Oregon.

HUTCHISON, HAMMOND, WALSH, HERNDON & DARLING

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
21790 WILLAMETTE DRIVE
P. O. BOX 648
WEST LINN, OREGON 97068

JOHN C. HUTCHISON
JOHN H. HAMMOND, JR.
MICHAEL D. WALSH
ROBERT D. HERNDON
DEANNE L. DARLING
ANDREA J. ANDERLY

TELEPHONE
(503) 656-1694

FAX
(503) 656-1092

February 24, 1992

Canby Planning Commission
City of Canby
182 N Holly
Canby, OR 97013

RE: Justification for Request for Comprehensive Plan Change
from Light Industrial to Medium Density Residential and
Zone Change from Light Industrial Plan Unit Development
(M-1 PD) to Medium Density Residential (R-2) Tax Lot 1002,
Township 3, Range 1E, Section 32
Our File No. 4058.001

Dear Planning Commission Members:

The purpose of this letter is to supply you with information to justify a change in the Comprehensive Plan designation and Zoning Map designation for the subject property. The owners of the property, Mimi Chitty, Sid Brockley, John Anicker, and Jim Goodwin, seek a Comprehensive Plan Map change from limited industrial to medium density residential and a change in the Zoning Map designation from light industrial planned unit development (M-1 PD) to medium density residential (R-2).

I. History and Background.

The property which presently constitutes the Canby Industrial Park was purchased in 1971 by the present owners. Over the succeeding years pieces of the property were sold for industrial uses including property which is now Johnson Controls, Potter Industries and others. When Globe Union, as the predecessor of Johnson Controls, purchased its present site from the applicants, it indicated that it did not desire to purchase what now constitutes the subject parcel as it had no need to utilize the parcel for industrial purposes.

In 1974, the parcel was originally zoned medium density residential. Subsequently, duplexes were approved for the site but not developed. The subject parcel is 3.1 acres in size and has a long and narrow configuration, being 150 feet in width and 801.93 feet in length. A 20 foot water line easement in favor of the Canby Utility Board is located immediately adjacent to the entire southern boundary of the parcel.

In 1984, at the time of the adoption of the Canby Comprehensive Plan, a Comprehensive Plan designation of limited industrial was placed on the property and the zone designation was changed to the present zoning of limited industrial planned unit development (M-1 PD).

Although this parcel has been continually marketed since 1971, the owners have not been able to find a purchaser who would pay the market price for the parcel for industrial purposes. Virtually every other parcel within the Canby Industrial Park has sold long ago. The owners have received several tentative inquires to purchase the property for multi-family purposes.

The subject parcel is immediately contiguous to Tax Lot 1003, also owned by the applicants. This parcel, constituting 1.02 acres in size, is presently already zoned medium density residential (R-2).

II. Public Need and Justification for the Requested Comprehensive Plan and Zone Changes.

At the present time there is a large surplus of vacant, industrially zoned property within the City of Canby and a very limited supply of vacant land zoned medium density residential. The lack of vacant, medium density residentially zoned property has resulted in extremely low vacancy rates for existent multi-family dwellings within the city. There is an urgent need for additional multi-family dwellings to serve city residents.

City wide there are only two small vacant medium density residential sites. The few other underdeveloped medium density residential sites are occupied by existent single family dwellings.

In contrast, the city has an extremely large inventory of vacant industrial properties. The city recently annexed and zoned light industrial approximately 65 acres in the area between Township Road and Highway 99E. The Rinkus parcel has approximately 29 acres of vacant industrial lands. An additional 5 acres is located in the vicinity of the Fair grounds. There are other small scattered industrial zoned parcels in the city including the subject site. The Comprehensive Plan noted that these smaller sites are very difficult to market. Thus the plan states:

"The City, the Chamber of Commerce and local realtors found it difficult to attract industrial buyers to these small sites because of their size and the lack of developed industrial type surroundings." (Canby Comprehensive Plan, Page 51).

The subject site has not been successfully marketed for industrial uses despite continued efforts since 1971. A significant problem associated with its marketing for industrial purposes is its narrow width of 150 feet. This narrow width is accentuated by the fact that the southern boundary of the parcel adjacent to the Johnson Control site has a 20 foot easement in favor of the Canby Utility Board for a major water transmission line. The northerly boundary of the subject site is subject to a minimum 10 foot set back from the existing single family dwellings to the north. The result is a maximum useable width of 120 feet with a length of over 800 feet. The existence of the 20 foot water line easement precludes construction of permanent facilities over the easement area. This would inhibit the extension of existing structural facilities from Johnson Controls onto the subject site.

The 1990 census of the City of Canby documented a total rental vacancy rate for rental houses and apartments of 1.3 percent out of a total 1,096 units. This would equate to approximately 34 vacant units at any one time. We have made contact with the manager of one group of 110 rentals which include 95 multi-family dwellings. They reported a vacancy rate of less than 1 percent. City wide the vacancy rates for multi-family dwellings ranges from 1 to 2 percent. Apartments are vacant only long enough, generally, to clean them before they are reoccupied again.

We have provided the city with a conceptual design for multi-family utilization of the subject parcel in conjunction with multi-family development of Tax Lot 1003 (1.01 acres) and Tax Lot 1090 (.17 acres). A copy of that design is attached. That design reflects a multi-family residential development of approximately 70 units. The 20 foot water line easement is used as a vehicle access way to the multi-family development. The owners do not intend to develop the property themselves, but instead market the property to a developer who would secure the necessary additional development approvals from the city.

Recent land use actions by the city in two other cases have recognized the lack of marketability of isolated light industrial parcels and the desirability of creating additional

vacant residential land within the city. Recently, the City Council approved a zone change from light industrial (M-1) to medium density residential (R-2) for a small parcel in the vicinity of North Pine. Similarly, a five acre parcel northeast of Redwood and 99E was rezoned from M-1 to R-1. Approval of the requested Comprehensive Plan change and zone changes would be in line with those previous decisions.

We are advised that historically the purpose of the designation in 1984 of the subject property as limited industrial planned unit development was to serve as some kind of a buffer between the Johnson Control site and the single family residential dwellings to the north. As the Planning Commission is aware the limited industrial zoning designation in the Canby Land Development and Planning Ordinance is deceptive in that it includes as outright uses a number of industrial uses which would be characterized in other jurisdictions as medium or heavy industrial uses. The designation of the site as subject to the PUD provisions of the code is odd in that the code is very selective about the imposition of PUD standards on parcels. Thus, the code states:

"The Plan Unit Overlay Zone is intended to be applied only to those specific properties which, because of unique characteristics, such as size, shape and location of the parcel are most suitable for development as planned unit developments."
(Section 16.36.010).

There is nothing unique about the site from a planning standpoint. The site because of its long narrow width and the existence of the water line easement in favor of the city is obviously substantially constrained from any kind of industrial use. It is difficult to see how the PUD overlay designation could result in innovative and beneficial industrial development on the subject site. In contrast, we have shown you that the site could be developed for up to 70 multi-family residential dwellings to satisfy a serious need for multi-family residential units within the city. Additionally, the redesignation of the subject property to medium density residential would serve as a substantially more beneficial buffer between the single family residential homes to the north than further industrial development to the very rear lot lines of the single family dwellings.

Canby Planning Commission
February 24, 1992
Page 5

The owners respectively request that you recommend to the City Council the requested Comprehensive Plan Map and Zoning Map changes.

Sincerely,

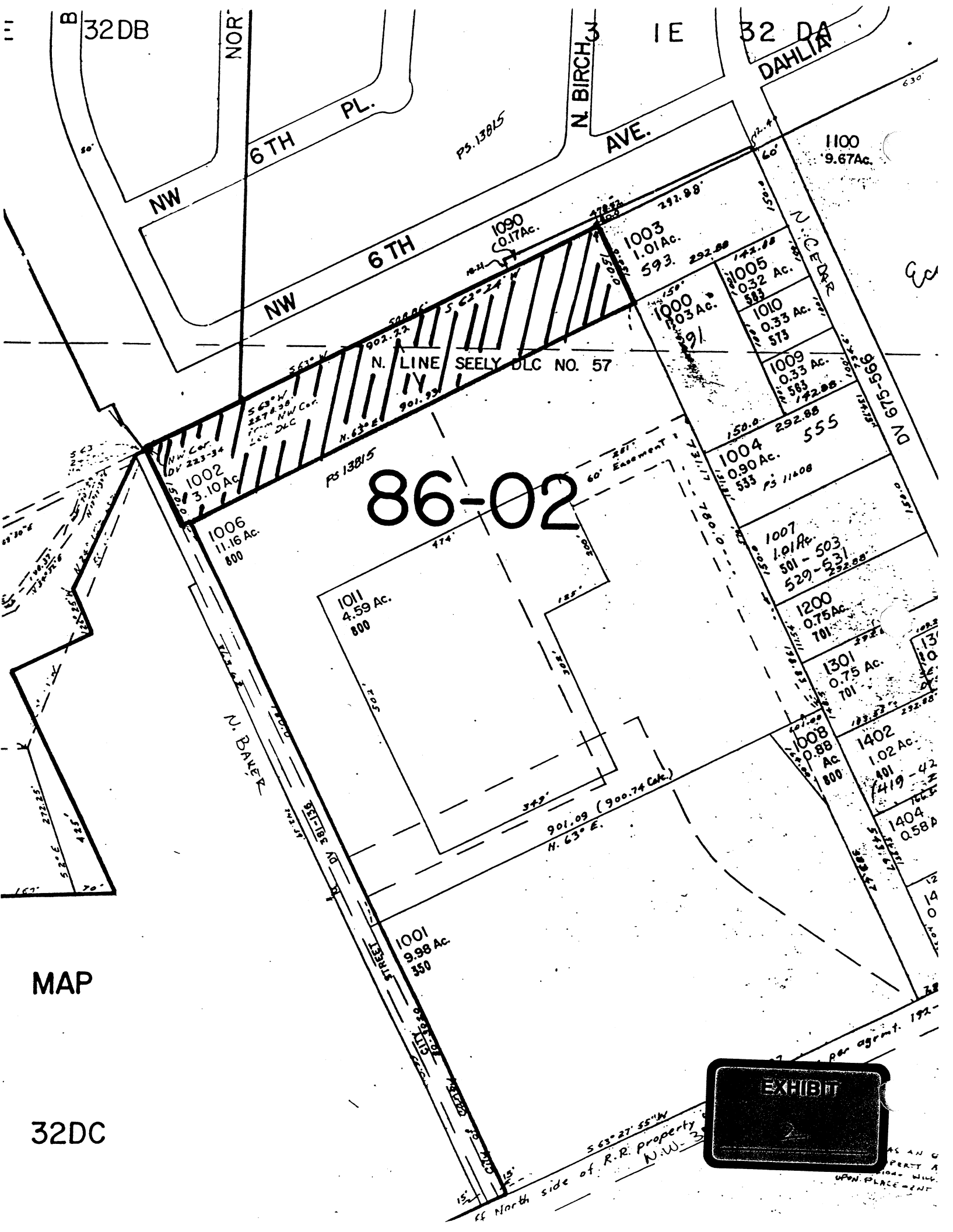


John H. Hammond, Jr.

JHH\cb

Enclosure (1)
Conceptual Design

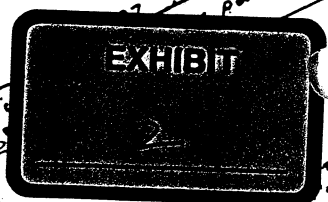
CC: Mimi Chitty
Sid Brockley
John Anicker
Jim Goodwin



86-02

MAP

32DC



56°27'55"W
 of North side of R.R. Property
 N.W. - 3

AS AN
 PART A
 ROAD WIL
 UPON PLACEMEN

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

DATE: March 12, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, TOM PEARSON (TeL), SEWER, TOM SCHMIT (No. Willamette Telecom), N.W. Nat. Gas, Canby Union H.S. and Elementary School

The City has received ZC 92-01, an application by Mimi Chitty for approval of a zone change from Light Industrial (M-1/PUD) to Medium Density Residential (R-2). The property is located on the east side of N. Baker Street and south of N.W. 6th Avenue (Tax Lot 1002 of Tax Map 3-1E-32).

We would appreciate your reviewing the enclosed application and submitting comments by March 20, 1992 PLEASE. The public hearing is scheduled for April 13, 1992. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

* We have received complaints about the noise that comes from Potters. Maybe require decible readings from this parcel at different times of the day. Especially, if we still regard this parcel as a buffer between industrial and residential and the industry is categorical.

* If all we are talking about here is a Comp Plan or Zone Change, then sewer is more of an issue in terms of capacity at a later time.

* I suggest we retain the P.V.D. overlay if nothing else, then simply ~~as~~ as recognition of the sensitivity of this parcel.

* Baker Street will require improvements at time of development.

If residential, this parcel should primarily exit on Cedar.

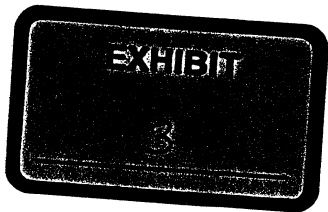
Adequate Public Services will become available through the development

Conditions are needed, as indicated

Adequate public services are not available and will not become available

Signature: Wayne S. Klem

Date: March 3, 1992



CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

DATE: March 12, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, TOM PEARSON (TeL), SEWER, TOM SCHMIT (No. Willamette Telecom), N.W. Nat. Gas, Canby Union H.S. and Elementary School

The City has received ZC 92-01, an application by Mimi Chitty for approval of a zone change from Light Industrial (M-1/PUD) to Medium Density Residential (R-2). The property is located on the east side of N. Baker Street and south of N.W. 6th Avenue (Tax Lot 1002 of Tax Map 3-1E-32).

We would appreciate your reviewing the enclosed application and submitting comments by March 20, 1992 PLEASE. The public hearing is scheduled for April 13, 1992. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

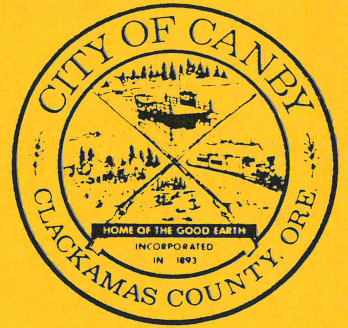
The same comment's ~~made~~ made on the Comprehensive Plan Amendment. Are the same on this report.

- 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 Hester Date: 3-18-92

PLANNING COMMISSION

~~TESTIMONY~~ SIGN-IN SHEET



Date: 4-13-92

NAME (Please Print)	ADDRESS (Please Print)
Ruby Roe	675 N. ASPEN Canby
Barbara Jones	885 NW 6th Canby
Mary Kay Watson	613 N. Birch Canby
MARIROSE N. WOOD	661 NW BAKER, CANBY
FRANKLYN W. WOOD	661 NW BAKER CANBY
Jim Smith	955 NW 6th Ave Canby
Marguerite Cereghino	184 NW 10th
Ray Hudson	630 NW Baker Drive
Gloria Hudson	630 NW Baker Drive
Pat Ewert	596 NW Baker Dr.
Ben Warren	1005 N.W. 6TH Ave.
Jim Warren	1005 NW 6th ave
Clara Abrams	626 NW Birch
Dorothy Knight, Mickel	655 NW Baker Dr
GEORGE E. MICKEL	✓ ✓ ✓ ✓
Fayella Adams	1005 N.W. 6th Pl.
Pam Robinson	Johnson Controls 800 NW 3rd
Steve Adams	885 NW 6th Av
DAVID KRAMAN	5421 Windy Terr. West Linw.
Howard & Eleanor Blessing	751 N BAKER DR 97013

JULIA CHAPIN
GENE CHAPIN
Becky Lehman
Mike Lehman

595 N. CEDAR
595 N. CEDAR
940 N.W. 6th AVE
940 NW 6th AVE

MARK TARA NOZIGEL

935 NW 6th AVE

Judith C. Roth
Gery Roth

311 S. IVY
" " 117

Walter Davis

687 N. ASH ST.

Stan Miller

746 7th AVE

Les & Robee - Dequely
Teresa Myers

725 NW 6th AVE

Tom Myers

995 N W 6th AVE

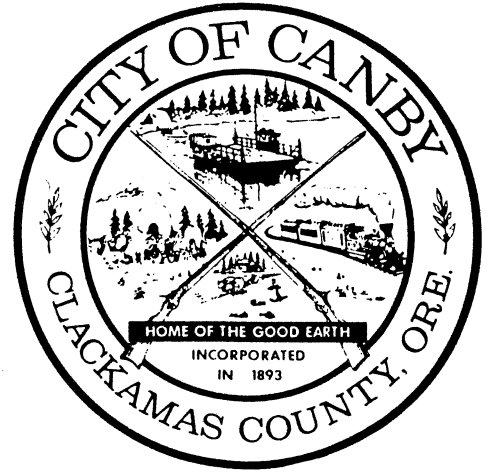
Edward, Ron

995 NW 6th AVE

1418 S.W. 16th

T16ADP. OR
97224

- STAFF REPORT -

**APPLICANT:**

Mimi Chitty
c/o John H. Hammond, Jr.
P.O. Box 648
West Linn, OR 97068

FILE NO.:

CPA 92-01

OWNERS:

Mimi Chitty, Sid Brockley,
John Anicker, & Jim Goodwin

STAFF

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 1002 of Tax Map 3-1E-32D

DATE OF REPORT:

April 3, 1992

LOCATION:

West side of N. Baker Street
and south of N.W. 6th Avenue

DATE OF HEARING:

April 13, 1992

COMP. PLAN DESIGNATION:

Light Industrial (Area of
Special Concern, Letter D)

ZONING DESIGNATION:

M-1 Light Industrial with a
Planned Unit Development
overlay, being considered for
change to Medium Density
Residential (R-2)

I. APPLICANT'S REQUEST:

The applicant is requesting approval of an amendment to the Comprehensive Plan from Light Industrial to High Density Residential of a 3.1 acre parcel to permit construction of a multi-family residential development on this and contiguous parcels.

II. APPLICABLE CRITERIA:

This is a quasi-judicial land use application. It is a single parcel affecting a limited area. In judging whether a quasi-judicial plan amendment shall be approved, the Planning Commission and City Council shall consider:

- A. The remainder of the Comprehensive Plan of the City, as well as the plans and policies of the county, state or any local school or service districts which may be affected by the amendment;
- B. Whether all required public facilities and services exist, or will be provided concurrent with the anticipated development of the area. (Ord. 740, Section 10.8.80, 1984)

III. FINDINGS:

A. Background and Relationships

The subject parcel is located on the east side of N. Baker Street just south of S.W. 6th Avenue. The shape of the subject parcel is unusual in that it is 150' wide and 900' long. The access is from N. Baker Street.

There has been considerable action on the part of the Planning Commission regarding this site and adjacent properties. The current owners of the subject parcel are also the owners of the original parcel, under the name of Canby Industrial Park. The subject parcel was originally part of Tax Lot 1000 (Tax Map 3-1E-32D) and part of the rezoning request from R-1 to M-1 by Globe-Union (now Johnson Controls) in June of 1970. The minutes of the July 1, 1970 Planning Commission public hearing show that a "motion was made . . . to recommend to the City Council that the request for zone change from R-1 to M-1 be allowed, with the exception of the northernmost 150'. This would allow a buffer zone between the M-1 and the existing R-1 zone." The northernmost 150' of this parcel is the subject parcel for which the current application has been made.

At the subsequent hearing with the City Council (July 17, 1970), the applicant stated "If the zone change is approved, it is planned to landscape a 150 foot buffer strip along the north line of the 30 acre plot, . . ." The City Council, at the July 20, 1970 meeting, made a motion "to accept the recommendation of the Planning commission regarding the Globe-Union application for zone change and excluding the northerly 150 foot strip of the property from the M-1 zone."

In both the City Council and Planning Commission motions, as well as Ordinance 528 (the approval of the change to the official City zoning map), there was no mention of a requirement for landscaping of the 150 feet of land now in application. The effect of this action was to leave the subject parcel zoned R-1.

In August of 1972, this parcel was part of Tax Lots 1002 and 1006 (Tax Map 3-1E-32D) under an application for rezoning from R-1 to R-2 (ZC 72-03). The Planning Commission denied the request at the October 24, 1972 meeting. The use of a Planned Unit Development overlay zone was mentioned as a possibility at the meeting. At the January 5, 1973 meeting of the City Council, the Council approved "that the property be rezoned as R-2 in place of R-1. Upon the presentation of guaranty and deed restrictions in future developments of the property in question (approved by the Planning Commission) or the property involved in the Canby Industrial Park would revert to R-1 on March 15, 1973." At the March 14, 1973 meeting of the Planning Commission, the Planning Commission approved the subdivision plan "signed and dated with a provision that 20 feet be deeded to the City from the Westerly side adjacent to Baker Drive and that a 24 foot access be provided and improved to City standards from the east end of property to Cedar St. At such time that this is provided, it is to be presented to the Planning Commission. Motion is concurrent to a 60 day extension to provide access. At such time, the planning commission will again ask for staff reports."

It appears that the provisions of the Planning Commission's condition of approval were not carried out by the applicant, and therefore, the zoning change was invalidated and the zoning of the property remained R-1.

On March 21, 1978 another request for a Comprehensive Plan amendment from Light Industrial to Medium Density Residential (CPA 78-01) and a zone change from R-1 to R-2 was submitted (ZC 78-02). A report dated March 23, 1978 by a consultant for the applicant indicates an "expressed consent of the City in that this property should be developed with multi-family uses. This would provide a buffer between the single family residential uses on the north from the heavy industrial use of Globe Union on the south." (p.6) The following two paragraphs is an excerpt from the same report, p.20:

"Considering the location and dimensions of this parcel of property in relation to the single family dwellings to the north, it would be extremely unfortunate to develop the property with Light Industrial uses. By doing so, any industrial use would be an imposition upon the homes. This is due to the shallow depth of the property and the fact that an industrial road would have to be put through this property, thereby causing not only a visual blight problem, but also heavy truck traffic within very near proximity to single family residential homes. Such development, of course, is not in the public benefit, and the property should therefore not be developed in that manner.

Finally, it is understood that at the time the City of Canby's comprehensive plan was being prepared, this property was considered for use as a buffer between the Light Industrial (Globe Union) Property to the south and the single family residential uses to the north. For some reason that legislative determination at the time of the adoption of the plan was omitted from the adoption. No records can be found to ascertain why this omission occurred. The only manifestation is the final result which is an indication of Light Industrial use for the property. The development of this property as buffer between the 2 diametrically opposed land use types is proper planning, and is therefore, in the public interest."

The Planning Commission, at their April 12, 1978 meeting, denied "the application for amendment of the Interim General Plan because of the following reasons. 1) The applicant did not prove there was a public need. 2) He did not prove the application was in conformance with the fourteen Goals and Guidelines of L.C.D.C. 3) The applicant did not prove there was not other available property in the City of Canby. The Planning Commission then denied the zoning change request "on the basis that it is not in conformance with the Interim General Plan." The City Council, on May 24, 1978, denied the application "for amendment to the City of Canby Comprehensive Land Use Plan." They found: "(a) the proposed amendment is not in compliance with the Interim Comprehensive Land Use Plan, (b) there is not sufficient evidence that there is not other R-2 property available, and (c) the minutes of the City Council meeting of July 17, 1970 indicate that this property within this application be landscaped as a buffer zone and was left as R-1 in Ordinance #528." The minutes do reflect much discussion and concern regarding the allowed uses under the Comprehensive Plan designation of M-1.

It should be noted that the reference to the minutes of the July 17, 1970 City Council meeting do not reflect an acknowledgement by the Council of the applicants offer of landscaping a 150' buffer strip if the request is approved. The request was amended by the City Council, with no mention of landscaping the 150' strip of land. The minutes reflect that the amended approval, keeping

the 150' strip of land as R-1 zone instead of the requested M-1 zone, would provide the necessary buffering.

At a March 9, 1981 joint meeting of the City Council and Planning Commission, a zoning change was granted for the parcel in question from R-1 to M-1/PUD, as a part of numerous other amendments. The change was recorded under Ordinance No. 701, Section 2 (5/6/81). The reasoning for the change was not recorded in the minutes. On the tape of the Planning Commission's February 23, 1981 meeting, the purpose appears to be to bring the zoning map into conformance with the Comprehensive Plan Land Use Map.

With the passage and acknowledgement of the 1984 City of Canby Comprehensive Plan, this parcel was considered an Area of Special Concern, specifically mentioning its use as a buffer between the industrial use of Globe Union to the south and the residential uses to the north, and its zoning classification of M-1/PUD.

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.

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:**

- 4. Area "D" is significant because of its location separating industrial, multiple-family residential, and single family residential areas. Originally intended as a "buffer strip" between conflicting uses, the site remains in private ownership with no known development plans. In order to assure that the development of the site does not conflict with surrounding uses, a review of any proposed design will be necessary. To assure maximum yield to the owner, without creating any undue hardships for residents, M-1/PUD zoning has been applied to the site.**

ANALYSIS

The policies of the Land Use Element that figure most prominently with this application are #1 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 the inherent incompatibility of the industrial use by Johnson Controls to the south and the single-family residential structures to the north. The Comprehensive Plan, in discussing this area of special concern, states that review of any proposed design will be necessary. The purpose of this review is to assure the compatibility of the use and design layout of a development proposal with the surrounding properties. The Planned Unit Development designation allows for a more detailed review, especially

of the compatibility of the proposed use, than is provided for under Site and Design Review. The Planned Unit Development (PUD) overlay is an essential part of the review of any development of the subject parcel. The PUD overlay requirements provide that a proposal be reviewed either as a subdivision or as a conditional use. The approval criteria of these two code sections give special attention to the "compatibility" of adjacent uses.

Conceptually, the use of the property for transitional and buffering purposes could include anything in the spectrum of uses between single-family residential and the light industrial use of a manufacturing plant. The use of the parcel as multi-family residential could provide a transitional use, however, in compliance with Policy #6, a PUD overlay would still be required. Because the proposed comprehensive land use change to High Density Residential could provide a transitional use, the question becomes one of necessity. Under the R-2 (Medium Density Residential) zoning a multiple residential use is allowed as a matter of right, but is also reviewed under Site and Design Review criteria. However, the criteria for Site and Design Review are much less stringent on the issue of compatibility of adjacent uses than the criteria under a PUD overlay.

The City has, through the adoption of the Comprehensive Plan, stated that a certain amount of land designated for Light Industrial use is needed to attain the type of community that is desired. The following was derived from a recent informal survey of vacant City land conducted by City staff. The figures provide a view of the amounts of land currently vacant, and the amounts of land needed to reach the goals of the Comprehensive Plan for Light Industrial and High Density Residential lands respectively.

Use	Goal of the Comprehensive Plan	Amount of Land Used in 1984	Land Needed To Reach Goal	Vacant City Land in 1992 (properly zoned)
Light Industrial	293 acres	91 acres	202 acres	73 acres
High Density Residential	259 acres	200 acres	59 acres	33 acres

Use	% of Needed Land that is currently Vacant	% of Needed Land that is currently Vacant with proposed change
Light Industrial	36%	35%
High Density Residential	56%	61%

These figures indicate that conversion of Light Industrial land to High Density Residential use will not facilitate a proper balance of uses, as outlined by the goals and objectives of the Comprehensive Plan.

Keeping the parcel land use designation as Light Industrial with a Planned Unit Development overlay would provide the owners and neighbors with a wide variety of transitional uses to choose from to make a proper and minimally disturbing transition from single-family residential to the Light Industrial use of a manufacturing plant. It is noted that multi-family residential development is not included as a possible use in this option. The alternative presented by the applicant of reclassifying the Comprehensive Land Use designation is feasible, with the addition of a PUD overlay, but is found unnecessary to reach this Goal.

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.

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 N. Baker Street. The applicant owns an adjoining parcel, zoned Medium Density Residential (R-2), that has frontage along N. Cedar Street. The applicant proposes, with the change in the comprehensive land use designation and zoning classification, to market both parcels together as multi-family residential, thus allowing access from both N. Baker and N. Cedar Streets and the possibility of a through driveway. The conceptual drawings submitted by the applicant for purposes of illustrating a possible layout of a multi-family residential complex shows a through driveway being utilized. If the property remains Light Industrial, access will be required from N. Baker Street, which has been widened up to, but not along the parcel frontage. The access route to Highway 99E would be south along N. Baker Street, then east along N.W. 3rd Avenue, and south along N. Elm Street to the highway. Improvement of N. Baker Street along the subject parcel frontage would be required as part of any development plans, whether it be High Density Residential or Light Industrial. The City has acquired all property to connect N. Baker Street at N.W. 3rd Avenue to S.W. Berg Avenue and Highway 99-E. At the time that this connection is completed, industrial access to the subject parcel will be greatly enhanced.

If the subject parcel were developed as multi-family residential, access should be primarily from N. Cedar Street. N. Baker Street is primarily a street used for industrial purposes and increased residential traffic along an industrial street would be inappropriate. If the property were used for High Density Residential purposes, appropriate steps would also need to be taken to discourage a primary traffic pattern developing from N. Baker Street through the intersection of N. Baker Street and N.W. 6th Avenue. Northbound truck traffic is prohibited beyond the subject parcel.

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, accompanied by a 20-foot easement exist along the southern boundary of the property. There have not been any concerns expressed with servicing this parcel by any of the utility or service providers for either High Density Residential use or Light Industrial use. The parcel is not currently serviced by a sewer line. At the time of development as either High Density Residential or Light Industrial, a main line connection would be required to the existing line along N. Baker Street. The sewer line along N. Cedar Street is at capacity as is the pump station on Knights Bridge Road, which services the N. Cedar Street sewer line.

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 is adjacent to an area that has an established history of industrial use. In two recent Comprehensive Plan amendments (CPA 90-02 and CPA 91-04), the Light Industrial land use designation for two separate areas in the northeastern area of the City, was changed to Low Density Residential and High Density Residential, respectively. In the former case (CPA 90-02), the land designated Light Industrial did not have access to any public road and was surrounded by residential use, not industrial. In the latter case (CPA 91-04), the land designated Light Industrial was surrounded on two sides by High Density Residential and the third side (pie shaped) by a mini-storage facility (Light Industrial).

In the application, the applicants have stated that they have had difficulty in marketing the subject parcel as Light Industrial land. The construction of the connection of N. Baker Street directly to State Highway 99E (and S. Berg Avenue) should enhance the marketability of the subject parcel. If the subject parcel were to change to a residential zoning, the Johnson Controls parcel would have an additional burden to ensure compatibility including an additional buffer area if they should choose to further develop their parcel.

The implementation measure (A) for Policy #1 is to "Protect future industrial areas from encroachment of incompatible uses." As illustrated in the discussion under the Land Use Element, to meet the objectives of Goal #7, it would be appropriate to leave the subject parcel with the land use designation of Light Industrial.

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

While the proposed change in the land use designation of the subject parcel from Light Industrial to High Density Residential would seem to fulfill the objectives of this goal, the implementation measures, specifically regarding Policy #2, do not include the conversion of land in an industrial area for residential purposes as a means to achieve this goal. As illustrated in the discussion under the Land Use Element, there is currently an adequate amount of land designated for High

Density Residential development to retain reasonable progress toward the stated Comprehensive Plan goal without the proposed change. Furthermore, according to the implementation measures of Policy #2, if there is a need for additional High Density Residential land, it should be converted from Low or Medium Density Residential land.

ix. ENERGY CONSERVATION

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

ANALYSIS

From an energy perspective, there does not appear to be any relative advantage of industry versus residential on the subject parcel.

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

In relation only to the objective of Policy #6 of the Land Use element, the proposed change in the land use designation of the subject parcel would be consistent, provided that review of any application for development occurs to

ensure compatibility with adjacent developments. This would be possible with the PUD overlay zone. Without the PUD overlay zone, the application could not be found consistent with the objectives of Policy #6 of the Land Use Element. In terms of the stated Comprehensive Plan goals for the amount of land to be utilized for High Density Residential purposes, the proposed change is unnecessary.

The application is not consistent with Policy #2 of the Economic Element. The subject parcel is an appropriate site for industrial development with the proper review as called for in Policy #6 of the Land Use Element. While the application would provide additional land for multi-family use, in line with the objectives of the Housing Element, the method of providing the additional land is not consistent with both the Housing Element and the Economic Element. The traffic pattern under the proposed change could be of concern, specifically regarding residential traffic on an industrial street and traffic from a multi-residential development on a local residential street, specifically N. Baker at S.W. 6th Avenue. Additionally, there is currently sufficient land available for multi-family housing and the conversion of Light Industrial land to High Density Residential land is not, at this time, warranted.

C. Consistency with Other Plans

State plans and county plans do not seem to place any particular emphasis on development of sites such as the subject parcel for industry or residential. The county hired a consultant to prepare an Industrial Attraction Plan in the late 1980's. That plan emphasized the development of the land designated for industrial use in the Comprehensive Plan to the south and east of the City. At the time of the report, those lands were not annexed to the City. The subject area is already serviced by schools.

D. Other Applicable Criteria

All public facilities and services exist or will be provided concurrent with the development of the area whether the land use designation is Light Industrial or High Density Residential.

IV. CONCLUSION

The proposal to amend the Comprehensive Plan to High Density Residential development rather than Light Industrial development is not necessary to meet the goals and objectives of the Comprehensive Plan and other jurisdictions plans. The use of the land as High Density Residential could provide a transitional use between the

uses of single family residential to the north and the industrial uses to the south. The proposed change would also provide an increase in the land available for multi-family units. However, there is currently sufficient land designated for use as multi-family residential and there are uses allowed under the current land use designation of Light Industrial that would provide adequate buffer between the incompatible uses surrounding the subject parcel. The proposed change in the land use designation from Light Industrial to High Density Residential is not warranted and the proposal is not consistent with the Goals and Policies of the Comprehensive Plan, specifically Policies #1 and #6 of the Land Use Element and Policy #2 of the Economic Element. The applicants have not addressed the approval criteria nor have they presented sufficient proof that the criteria has been met. The applicant's argument that the subject parcel is less marketable as Light Industrial land than as High Density Residential land is not sufficient to satisfy the criteria for change.

V. RECOMMENDATION

Based on the findings and conclusions presented in this report, and without benefit of a public hearing, staff recommends that the application, CPA 92-01, be denied.

EXHIBITS

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

COMPREHENSIVE PLAN AMENDMENT APPLICATION

Fee: \$500.00

OWNER

APPLICANT

Name Mimi Chitty, Sid Brockley, John Anicker & Jim Goodwin c/o John H. Hammond, Jr. Address P.O. Box 648 City West Linn State OR Zip 97068

Name Mimi Chitty c/o John H. Hammond, Jr. Address P.O. Box 648 City West Linn State OR Zip 97068 Phone: (503) 656-1694

SIGNATURE Mimi Chitty

DESCRIPTION OF PROPERTY:

Tax Map T3 R1E S32 Tax Lot(s) 1002 Lot Size 3.1 Acres (Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name Lot Block

PROPERTY OWNERSHIP LIST

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

USE

Existing Vacant Proposed Mutli-Family Residential

Existing Structures None

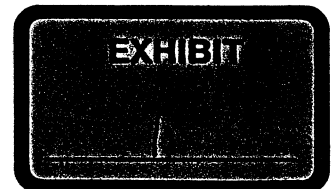
PROJECT DESCRIPTION

Applicants are seeking change in the Comprehensive Plan designation from light industrial to medium density residential to permit construction of multi-family residential development on this and contiguous parcels.

ZONING M-1 PD COMPREHENSIVE PLAN DESIGNATION Light Industrial

PREVIOUS ACTION (if any)

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



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

A tract of land in the S.E. 1/4 of Sec. 32, T. 3 S., R. 1 E., of the W.M., being partly in the Lucious A. Seely D. L.C. No. 57, described as follows: Commencing at the point of intersection of the Nly line of N.W. 5th Avenue with the Wly line of N. Cedar St., in the City of Canby, said point being the most Nly corner of that certain tract of land conveyed to Oscar W. Sturges by deed recorded July 29, 1893 in Deed Bk. 54, p. 4, Deed Records; thence Wly along the Wly extension of the Nly line of said N.W. 5th Ave., 292.88 ft. to the most Wly corner of said Sturges tract and the true point of beginning. Thence NWly parallel to the Wly line of said N. Cedar St., 750.00 ft., more or less, to a point in the NWly line of that certain tract of land conveyed to D. and S. Farm, Inc., by Deed recorded July 31, 1961 in Bk. 590, p. 183, Deed Records, that is S. 63° W. 292.88 ft. from the most Nly corner thereof; thence S. 63° W. along the NWly line of said D. and S. Farm, Inc. tract, 902.22 ft. to an iron pipe at the most Nly corner of that certain parcel conveyed to Edward O. Mueller & Bertha Mueller, recorded July 19, 1935 in Bk. 228, p. 234, Deed Records of Clackamas Co., Oregon; thence S. 26° 25' E. a distance of 1465.33 ft. to an iron pipe at the intersection with the S. line of Third St. in said City of Canby, Extended and, which is also the most Easterly corner of said Mueller tract, thence N. 63° 35' E. along the S. boundary of Third St. Extended, a distance of 885.97 ft. to an iron pipe at the most Southerly corner of said Sturges tract; thence Nly along the Wly line of said Sturges tract, a distance of 742.50 ft. to the true point of beginning.

EXCEPTING THEREFROM that portion conveyed by grantor to Globe-Union, Inc. by deed of even date recorded as Recorder's Fee No. 71-3037 Film Records of Clackamas County, Oregon.

HUTCHISON, HAMMOND, WALSH, HERNDON & DARLING

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
21790 WILLAMETTE DRIVE
P. O. BOX 648
WEST LINN, OREGON 97068

TELEPHONE
(503) 656-1694

FAX
(503) 656-1092

JOHN C. HUTCHISON
HENRY H. HAMMOND, JR.
MICHAEL D. WALSH
ROBERT D. HERNDON
DEANNE L. DARLING
ANDREA J. ANDERLY

February 24, 1992

Canby Planning Commission
City of Canby
182 N Holly
Canby, OR 97013

RE: Justification for Request for Comprehensive Plan Change
from Light Industrial to Medium Density Residential and
Zone Change from Light Industrial Plan Unit Development
(M-1 PD) to Medium Density Residential (R-2) Tax Lot 1002,
Township 3, Range 1E, Section 32
Our File No. 4058.001

Dear Planning Commission Members:

The purpose of this letter is to supply you with information to justify a change in the Comprehensive Plan designation and Zoning Map designation for the subject property. The owners of the property, Mimi Chitty, Sid Brockley, John Anicker, and Jim Goodwin, seek a Comprehensive Plan Map change from limited industrial to medium density residential and a change in the Zoning Map designation from light industrial planned unit development (M-1 PD) to medium density residential (R-2).

I. History and Background.

The property which presently constitutes the Canby Industrial Park was purchased in 1971 by the present owners. Over the succeeding years pieces of the property were sold for industrial uses including property which is now Johnson Controls, Potter Industries and others. When Globe Union, as the predecessor of Johnson Controls, purchased its present site from the applicants, it indicated that it did not desire to purchase what now constitutes the subject parcel as it had no need to utilize the parcel for industrial purposes.

In 1974, the parcel was originally zoned medium density residential. Subsequently, duplexes were approved for the site but not developed. The subject parcel is 3.1 acres in size and has a long and narrow configuration, being 150 feet in width and 801.93 feet in length. A 20 foot water line easement in favor of the Canby Utility Board is located immediately adjacent to the entire southern boundary of the parcel.

In 1984, at the time of the adoption of the Canby Comprehensive Plan, a Comprehensive Plan designation of limited industrial was placed on the property and the zone designation was changed to the present zoning of limited industrial planned unit development (M-1 PD).

Although this parcel has been continually marketed since 1971, the owners have not been able to find a purchaser who would pay the market price for the parcel for industrial purposes. Virtually every other parcel within the Canby Industrial Park has sold long ago. The owners have received several tentative inquires to purchase the property for multi-family purposes.

The subject parcel is immediately contiguous to Tax Lot 1003, also owned by the applicants. This parcel, constituting 1.02 acres in size, is presently already zoned medium density residential (R-2).

II. Public Need and Justification for the Requested Comprehensive Plan and Zone Changes.

At the present time there is a large surplus of vacant, industrially zoned property within the City of Canby and a very limited supply of vacant land zoned medium density residential. The lack of vacant, medium density residentially zoned property has resulted in extremely low vacancy rates for existent multi-family dwellings within the city. There is an urgent need for additional multi-family dwellings to serve city residents.

City wide there are only two small vacant medium density residential sites. The few other underdeveloped medium density residential sites are occupied by existent single family dwellings.

In contrast, the city has an extremely large inventory of vacant industrial properties. The city recently annexed and zoned light industrial approximately 65 acres in the area between Township Road and Highway 99E. The Rinkus parcel has approximately 29 acres of vacant industrial lands. An additional 5 acres is located in the vicinity of the Fair grounds. There are other small scattered industrial zoned parcels in the city including the subject site. The Comprehensive Plan noted that these smaller sites are very difficult to market. Thus the plan states:

"The City, the Chamber of Commerce and local realtors found it difficult to attract industrial buyers to these small sites because of their size and the lack of developed industrial type surroundings." (Canby Comprehensive Plan, Page 51).

The subject site has not been successfully marketed for industrial uses despite continued efforts since 1971. A significant problem associated with its marketing for industrial purposes is its narrow width of 150 feet. This narrow width is accentuated by the fact that the southern boundary of the parcel adjacent to the Johnson Control site has a 20 foot easement in favor of the Canby Utility Board for a major water transmission line. The northerly boundary of the subject site is subject to a minimum 10 foot set back from the existing single family dwellings to the north. The result is a maximum useable width of 120 feet with a length of over 800 feet. The existence of the 20 foot water line easement precludes construction of permanent facilities over the easement area. This would inhibit the extension of existing structural facilities from Johnson Controls onto the subject site.

The 1990 census of the City of Canby documented a total rental vacancy rate for rental houses and apartments of 1.3 percent out of a total 1,096 units. This would equate to approximately 34 vacant units at any one time. We have made contact with the manager of one group of 110 rentals which include 95 multi-family dwellings. They reported a vacancy rate of less than 1 percent. City wide the vacancy rates for multi-family dwellings ranges from 1 to 2 percent. Apartments are vacant only long enough, generally, to clean them before they are reoccupied again.

We have provided the city with a conceptual design for multi-family utilization of the subject parcel in conjunction with multi-family development of Tax Lot 1003 (1.01 acres) and Tax Lot 1090 (.17 acres). A copy of that design is attached. That design reflects a multi-family residential development of approximately 70 units. The 20 foot water line easement is used as a vehicle access way to the multi-family development. The owners do not intend to develop the property themselves, but instead market the property to a developer who would secure the necessary additional development approvals from the city.

Recent land use actions by the city in two other cases have recognized the lack of marketability of isolated light industrial parcels and the desirability of creating additional

vacant residential land within the city. Recently, the City Council approved a zone change from light industrial (M-1) to medium density residential (R-2) for a small parcel in the vicinity of North Pine. Similarly, a five acre parcel northeast of Redwood and 99E was rezoned from M-1 to R-1. Approval of the requested Comprehensive Plan change and zone changes would be in line with those previous decisions.

We are advised that historically the purpose of the designation in 1984 of the subject property as limited industrial planned unit development was to serve as some kind of a buffer between the Johnson Control site and the single family residential dwellings to the north. As the Planning Commission is aware the limited industrial zoning designation in the Canby Land Development and Planning Ordinance is deceptive in that it includes as outright uses a number of industrial uses which would be characterized in other jurisdictions as medium or heavy industrial uses. The designation of the site as subject to the PUD provisions of the code is odd in that the code is very selective about the imposition of PUD standards on parcels. Thus, the code states:

"The Plan Unit Overlay Zone is intended to be applied only to those specific properties which, because of unique characteristics, such as size, shape and location of the parcel are most suitable for development as planned unit developments."
(Section 16.36.010).

There is nothing unique about the site from a planning standpoint. The site because of its long narrow width and the existence of the water line easement in favor of the city is obviously substantially constrained from any kind of industrial use. It is difficult to see how the PUD overlay designation could result in innovative and beneficial industrial development on the subject site. In contrast, we have shown you that the site could be developed for up to 70 multi-family residential dwellings to satisfy a serious need for multi-family residential units within the city. Additionally, the redesignation of the subject property to medium density residential would serve as a substantially more beneficial buffer between the single family residential homes to the north than further industrial development to the very rear lot lines of the single family dwellings.

Canby Planning Commission
February 24, 1992
Page 5

The owners respectively request that you recommend to the City Council the requested Comprehensive Plan Map and Zoning Map changes.

Sincerely,



John H. Hammond, Jr.

JHH\cb

Enclosure (1)
Conceptual Design

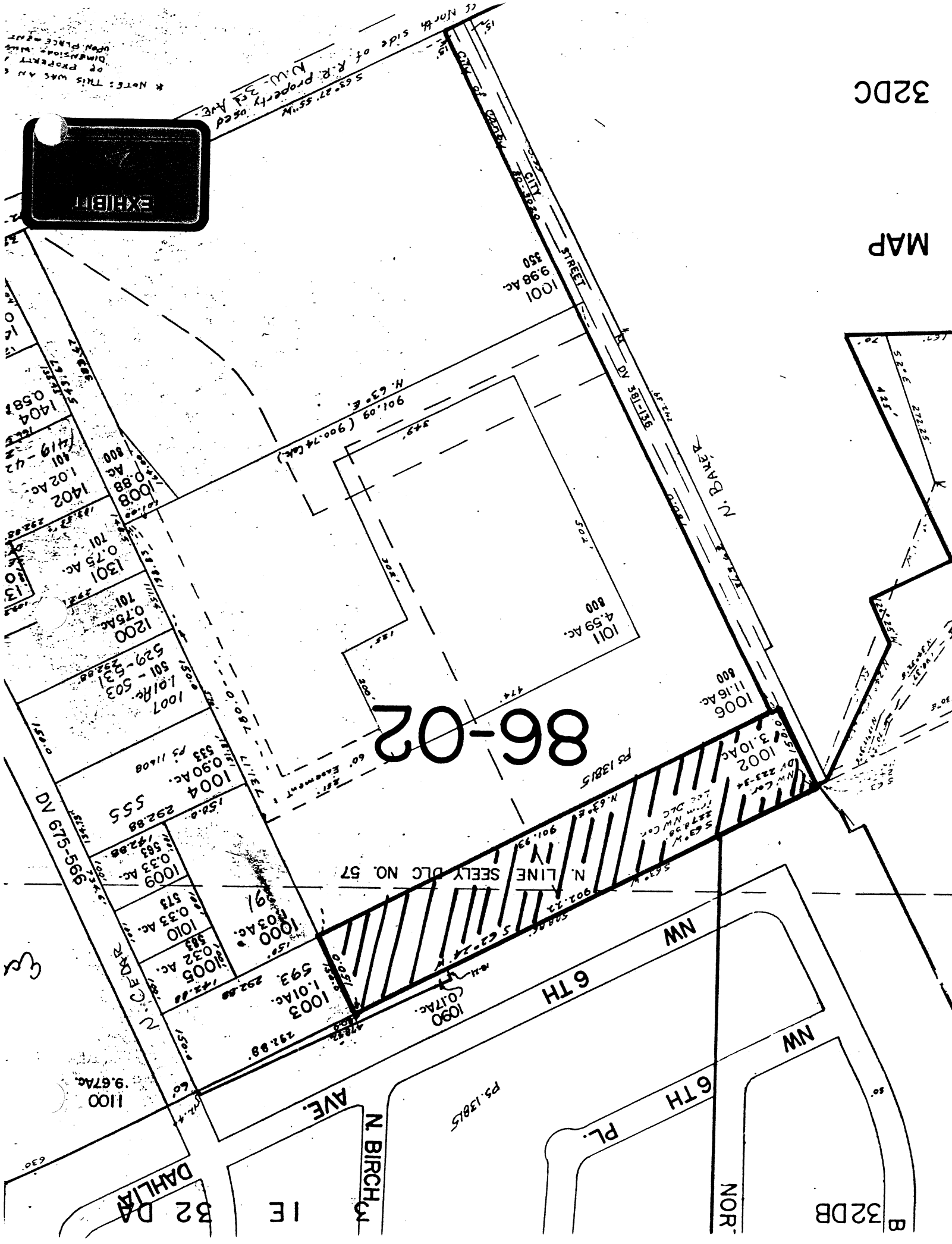
CC: Mimi Chitty
Sid Brockley
John Anicker
Jim Goodwin

32DC

MAP



* NOTE: THIS WAS AN ORIGINAL DIMENSION WITH OPEN PLACE MARK



B 32DB

B2 DA

IE

NOR

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

DATE: March 12, 1992

TO: CUB, PUBLIC WORKS (Roy and Rusty), FIRE, POLICE, TOM PEARSON (TeL), SEWER, TOM SCHMIT (No. Willamette Telecom), N.W. Nat. Gas, Canby Union H.S. and Elementary School

The City has received CPA 92-01, an application by Mimi Chitty for approval of Comprehensive Plan Amendment to change the current land use designation from Light Industrial to High Density Residential for Tax Lot 1002 of Tax Map 3-1E-32. The applicant ultimately will propose to develop the parcel into multi-family residential uses. The property is located on the east side of N. Baker Street and south of N.W. 6th Avenue.

We would appreciate your reviewing the enclosed application and submitting comments by March 20, 1992 PLEASE. The public hearing is scheduled for April 13, 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:

* Multi-family can be made to be a good buffer use between single family and industrial but we should still recognize the sensitivity of this particular site in design and landscaping.

* There has been more interest expressed in this property as a residential use than as an industrial use. However, if Johnson is to lose this piece as a buffer, there may be interest in their part and it could remain vacant if they acquired it.

- 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: M. Lynn J. Klein

Date: March 13/92

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

DATE: March 12, 1992

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

The City has received CPA 92-01, an application by Mimi Chitty for approval of Comprehensive Plan Amendment to change the current land use designation from Light Industrial to High Density Residential for Tax Lot 1002 of Tax Map 3-1E-32. The applicant ultimately will propose to develop the parcel into multi-family residential uses. The property is located on the east side of N. Baker Street and south of N.W. 6th Avenue.

We would appreciate your reviewing the enclosed application and submitting comments by March 20, 1992 PLEASE. The public hearing is scheduled for April 13, 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:

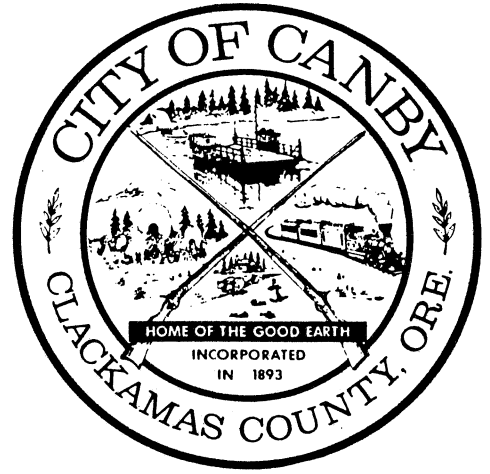
Sewer is NOT available TO Parcel. MAIN Line extension will be needed TO serve this property. TO serve this property, Elevation's would be needed, TO serve this parcel properly.

The most desinable way, is TO Run Service TO N. Baker Dr. The whole ^{parcel} couldn't be served by connecting TO N. Cedar. ALSO Knight's Bridge LIFT STATION is at capacity.

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

Signature: Roy Heater Date: 3-18-92

- STAFF REPORT -



APPLICANT:

Dave Herman
722 Main Street
Oregon City, OR 97045

FILE NO.:

ANN 92-02

OWNER:

D. Anne and Harvey Tofte
371 S.E. 13th Avenue
Canby, OR 97013

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lot 1900
Tax Map 4-1E-3

DATE OF REPORT:

April 3, 1992

LOCATION:

North side of SE 13th Avenue

DATE OF HEARING:

May 6, 1992 (City Council)

COMP. PLAN DESIGNATION:

Low Density Residential

ZONING DESIGNATION:

County Zoning EFU-20 (will come
into City after Annexation as
Low Density Residential R-1)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to annex a 23.62 acre site, to be developed residentially.

II. MAJOR APPROVAL CRITERIA:

The Planning Commission forms a recommendation that the City Council may consider while conducting a public hearing. The City Council then forwards their recommendation to the Portland Metropolitan Area Local Government Boundary Commission (PMALGBC), where a final hearing and decision will be made.

- A. Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Commission shall give ample consideration to the following:
1. Compatibility with the text and maps of the Comprehensive Plan, giving special consideration to those portions of policies relating to the Urban Growth Boundary.
 2. Compliance with other applicable City ordinances or policies.
 3. Capability of the City and other affected service-providing entities to amply provide the area with urban level services.
 4. Compliance of the application with the applicable section of ORS 222.
 5. Appropriateness of the annexation of the specific area proposed, when compared to other properties that may be annexed to the City.
 6. Risk of natural hazards that might be expected to occur on the subject property.
 7. Effect of the urbanization of the subject property on specially designated open space, scenic, historic, or natural resource areas.
 8. Economic impacts which are likely to result from the annexation.
- B. If the proposed annexation involves property beyond the City's Urban Growth Boundary, or if the annexation is proposed prior to the acknowledgement of compliance of the City Comprehensive Plan by the State Land Conservation and Development Commission, the proposal shall be reviewed for compliance with the statewide planning goals. (Not Applicable)

III. FINDINGS:

A. Background and Relationships:

There is some action currently on various proposals for this part of the City/County. A new school is being proposed with the annexation of 20 acres on S. Redwood Street and Township Road located to the immediate northeast of the subject parcel. The Township Village residential development has submitted an application for the fourth phase, and an updated master plan of the eleven phase development, located to the northwest of the subject parcel. The developers of Township Village have indicated that an application for the fifth phase will be submitted in the near future. The seventh and tenth phases adjoin the western border of the subject parcel. A connection of the subject parcel to the Township Village development street system is currently proposed, by the Township Village master plan, as a part of phase ten.

The Comprehensive Plan Land Use designation of the subject parcel is for Low Density Residential. City zoning for the subject parcel would be R-1, Low Density Residential. S.W. 13th Avenue is an arterial street. South Redwood Street is currently proposed to be widened to a point just north of the northeastern corner of the subject parcel at the time of development of the proposed school. The subject parcel is currently zoned EFU-20 (Exclusive Farm Use) and is surrounded by County zoning of EFU-20 (Exclusive Farm Use) to the north and east, GAD (General Agricultural District) to the south, and City zoning of R-1 (Low Density Residential) to the west.

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

Policy #2: Canby shall provide the opportunity for amendments to the urban growth boundary (subject to the requirements of statewide planning goal 14) where warranted by unforeseen changes in circumstances.

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 property is entirely within the Urban Growth Boundary. A 'request for comments' form was sent to Clackamas County. Policy #2 is not applicable as this application does not involve a change in the Urban Growth Boundary.

The subject parcel is in the Priority "A" area for annexation, which is, in general, the area to be annexed into the City first.

The City's sewer capacity is considered to be adequate to service the development of the subject parcel. Currently, the City has capacity to adequately service an additional 250 to 300 residential units. Over the past few years, the new construction rate has been approximately 100 residential units a year. At this rate, the current capacity for adequate service will suffice for 2.5 to 3 years. The sewer plant's treatment capacity is in process of being upgraded, with completion planned for the end of the summer of 1994 (2.3 years). While the City has more residential lots platted than the City's sewer treatment plant has capacity to service, the annexation and subsequent development of the subject parcel will not alter the current market conditions that affect the number of residential units being added to the sewer system annually.

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.

ANALYSIS

The zoning classification of the subject parcel, if annexed to the City, will be Low Density Residential (R-1) in conformance with the Land Use Map and text of the Land Use Element of the Comprehensive Plan. The property immediately adjacent to the west of the subject parcel is currently zoned Low Density Residential (R-1) and has a phased single-family residential development planned. The properties to the north and east are zoned (E.F.U.- Exclusive Farm Use) and the property to the south, across S.W. 13th Avenue is zoned (G.A.D.- General Agricultural District). If any of these properties are annexed into the City, they would be given the zoning classification of Low Density Residential (R-1) in conformance with the Comprehensive Plan. Specific concerns of compatibility between the subject parcel as Low Density Residential and the surrounding agricultural land would be addressed at the time of development of the subject parcel.

With the City's population growing at an annual rate of approximately 4%, there will be a need of approximately 1100 residential units in the next seven years. The Land Use Element of the Comprehensive Plan states a goal of 43% the share of residential units needed for future growth to be furnished by single-family residential structures. The need for single-family residential structures for the next seven years (at a 4% annual growth rate), therefore, will be approximately 480 units.

Currently, there is Low Density Residential zoned land available for approximately 200 single-family residential structures, including scattered individual lots throughout the City. The proposed annexation will provide land for approximately 100 more single-family residential structures. The annexation of the subject parcel is in conformance with the objectives of Policy #2, as this annexation will provide a balance of residential development densities.

Policy #3 will be met by Canby's current service system and concurrent extension of service systems for the proposed development. (See also discussion under "Public Services and Facilities.)

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.

Policy #1-R-B Canby shall encourage the urbanization of the least productive agricultural area within the urban growth boundary as a first priority.

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 subject parcel is currently used as agricultural land. The objectives of Policy #1 are met through the review procedures for specific developments. The subject parcel is in the Urban Growth Management area marked as the first priority for annexation.

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. Canby's storm and sanitary sewer procedure will provide protection for ground water and surface water. The development ordinance will review land division or conditional use, and encourage preservation of some measure of open space, where appropriate. There are no significant fish or wildlife habitat identified, to date. No steep slopes or flood prone land is present.

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.

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

ANALYSIS

S.E. 13th Avenue is proposed in the Canby Comprehensive Plan as an arterial street. S. Redwood Street, as part of the annexation and development plans of a new school on the property to the immediate northeast of the subject parcel, is proposed to be widened. With the development of the subject parcel, continuation of S. Redwood Street would be possible, allowing for better traffic circulation for the school site and for the residential development of the subject parcel. At time of subdivision, dedications will be required for the roadway system, probably including both S.E. 13th Avenue and S. Redwood Street.

A traffic impact study will likely be required, with review of any proposed development. Sidewalks and interior streets will be provided and reviewed under any application for development of the subject parcel.

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

Sewer service is not currently provided for the subject parcel. Major sewer construction will be necessary for any development of the property. Sewer service can be provided from either an extension of the services provided in the Township Village development (from approximately S.E. 7th and S. Pine) or through extension of services down S. Redwood Street, as proposed for the school annexation. Some other service extensions will be required. We are not aware of any unique problems in servicing this area, at this time. We have asked for input regarding any concerns various service providers might have, and will report on any further input we receive. The development will need to participate in the costs of service facility extensions. Storm water will need to be handled on-site. A mini-park is proposed in the Park Plan in a general location east of S. Redwood Street and north of S.E. 13th Avenue. The Parks System Development Charge and Sewer System Development Charge paid at time of building permits will aid in paying to acquire and develop these and other facilities.

vii. Economic

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

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 subject parcel is currently listed as vacant. The potential development of the subject parcel was taken into consideration at the time the Urban Growth Boundary was developed. The prioritization of property to be annexed into the City identified this area as part of the first stage for annexation. Development of this site with single-family residences, as proposed, will provide dwellings for Canby business owners and also provide a few employment opportunities through development, management and maintenance jobs, and also will expand the market for Canby businesses.

viii. **Housing**

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

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

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

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

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

ANALYSIS

The annexation of the subject parcel under the zoning of Low Density Residential is appropriate and in conformance with this element in light of the overall goal stated in the Comprehensive Plan for the amount and type of housing to be developed in the City. As discussed under the Land Use Element analysis, a certain portion of City land is needed for Low Density Residential development. The Comprehensive Plan Land Use Map shows the subject parcel proposed as Low Density Residential.

ix. **Energy Conservation**

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

ANALYSIS

Recently constructed housing will have increased standards for energy efficiency. The subdivision will also be reviewed under the new Solar Ordinance.

C. Conclusion Regarding Consistency with the Policies of the Canby Comprehensive Plan and Compliance with Other Applicable City Ordinances:

Review of the above analysis shows that the annexation is consistent with the policies of the Comprehensive Plan. Development of this parcel after annexation will need to comply with all applicable provisions of the City of Canby Land Development and Planning Ordinance, Building Codes, and other County and State Codes and Regulations. We are not aware, at this time, of any provisions which cannot be met by the development of this site. The site will be zoned for Low Density Residential development (R-1), which permits single-family houses. The subdivision plan must be reviewed and approved under the Subdivision Ordinance. The City and County have an agreed-upon procedure for handling annexations.

D. Capability of the City and Other Affected Service-Providing Entities to Amply Provide the Area With Urban Level Services

We have discussed this aspect under the Public Facilities and Services Element of the Comprehensive Plan. In summary, at this time, there are no unique problems to providing service to this site. We will provide a supplemental report if the service providers report any unusual problems in the future. We believe all Public Facilities and Services are available, or can be made available concurrent with development of this site.

E. Compliance with the Applicable Sections of ORS 222

This application is being reviewed under the provisions of the Canby Land Development and Planning Ordinance, Chapter 16.84. Action by the City Council will be an advisory recommendation to the Boundary Commission, which has final authority. This property is contiguous with the City limits, the owners have authorized the applicant to apply and the property can be served with an urban level of services. Thus, the staff believes the application complies with the requirements of ORS 222.

F. Appropriateness of the Annexation of the specific area proposed, when compared to other properties which might reasonably be expected to be annexed to the City

The previous discussion of the Comprehensive Plan policies regarding Urban Growth, found that the site is located within an area which has been determined to be Priority "A", in an early or first stage for annexation and development. Thus, it is appropriate to consider it for annexation at this time.

G. Risk of Natural Hazards which might be expected to occur on the subject property

No natural hazards have been identified on the subject property. There are no steep slopes, no flood-prone areas, or any major stream corridors.

H. Effect of the urbanization of the subject property on specially designated open space, scenic, historic, or natural resource areas.

There are no designated open space, scenic, historic, or natural resource areas present on the site. The development ordinance will review details of site development under the Subdivision review process or design review process, to give protection to any detailed resources which may be identified and ensure that needed public facilities and services are available.

I. Economic impacts which are likely to result from the annexation

The previous discussion of the Economic policies of the Comprehensive Plan concluded that development of the site as it will be zoned, will provide dwellings for Canby business owners and also provide a few employment opportunities through development, management and maintenance jobs. Urban type potential development will increase land values and tax values.

III. CONCLUSION

Provided that urban level of utility and other services are extended to service the site, staff hereby concludes that the proposed annexation meets the requirements of the standards and criteria included in the Canby Land Development and Planning

Ordinance, Section 16.84.040, including consideration of: 1) Comprehensive Plan consistency; 2) Compliance with other applicable Codes and Ordinances; 3) Capability to provide urban level of services; 4) Compliance with ORS 222 regarding annexations of contiguous properties; 5) Appropriateness of area for annexation compared to other properties; 6) Risk of natural hazards; 7) Effect of urbanization on designated open space, scenic, historic or natural resource area; and 8) Economic impacts.

IV. RECOMMENDATION

Based upon the findings and conclusions contained in this report (and without benefit of a public hearing), staff recommends approval of ANN 92-02 to the PMALGBC (Boundary Commission) with the following understandings:

1. All development and recording costs are to be borne by the developer when the property is developed.
2. All City and service provider regulations are to be adhered to at the time of development.
3. Any large scale development of the property must be preceded by a Subdivision review or Design Review.

Exhibits:

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

ANNEXATION APPLICATION

Fee: \$500.00

OWNER

APPLICANT

Name D. Anne Tofte and Harvey Tofte

Name Dave Herman

Address 371 SE 13th Ave.

Address 722 Main Street

City Canby State OR Zip 97013

City Oregon City State OR Zip 97045

SIGNATURE [Handwritten Signature]

Phone: 656-0513

DESCRIPTION OF PROPERTY:

Tax Map 4S-1E-3 Tax Lot(s) 1900 Lot Size 23.62 Acres
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Lot _____ Block _____

PROPERTY OWNERSHIP LIST

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

USE

Existing Undeveloped Proposed Single-Family Residential (R-1)

Existing Structures None

PROJECT DESCRIPTION

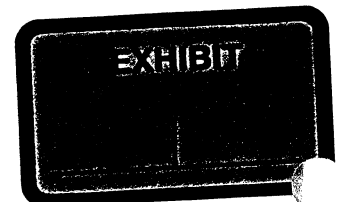
The applicant plans to subdivide the subject property into approximately 110 lots following annexation to the City of Canby. Development is planned to occur during the summer of 1992.

Exist. Proposed

ZONING EFU-20 R-1 COMPREHENSIVE PLAN DESIGNATION Low Density Residential

PREVIOUS ACTION (if any) None

File No. ANN 92-02
Receipt No. _____
Received by _____
Date Received _____
Completeness Date _____
Pre-App Meeting _____
Hearing Date 4-13-92



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

SE Township Rd

3
1801
8.30Ac.

1701
15.65 Ac.
1885

1600
1.72 Ac.
1428

1500
0.64 Ac.
1428

1200
2.94 Ac.
1855

1100
49.94 Ac.
1835

1190
6.82 Ac.

LOT

1800
22.02 Ac.

40.76

1301
3.09 Ac.

1300
2.57 Ac. 1861

LOT

40.87

LOT

1900
23.62 Ac.

2000
39.40 Ac.
1886

900
8.00 Ac.

EFU-20

700
8.63 Ac.

800
0.94
Ac.
1896

SE 13th Ave.

MUNDORF RD

2200
38.11 Ac.

2100
0.69
Ac.
1872

2500
74.33 Ac.
1855

2600
108.44 Ac.
2187

86-0

PF 3159

EXHIBIT

2300
40.46 Ac.

SEE MAP 4 IE 4A

4 IE 4D

REQUEST FOR COMMENTS

95W
4/2/92

DATE: March 25, 1992

TO: C.U.B., FIRE, POLICE, CLACKAMAS COUNTY, [REDACTED] Roy and [REDACTED] SEWER TELEPHONE, N. WILLAMETTE TELECOM, N.W. NATURAL GAS, HIGH SCHOOL, ELEM. SCHOOL, MIKE JORDAN, JOHN KELLEY

The City has received ANN 92-02, an application from Dave Herman (applicant) and Harvey Tofte (owner) for approval to annex a 23.62 acre site which fronts on the north side of S.E. 13th Avenue. The parcel is in a Priority "A" zone. (Tax Lot 1900 of Tax Map 4-1E-3). The property will ultimately be developed as a phased subdivision. This application will come before the Planning Commission on April 13, 1992 for its recommendation to City Council. Please review the enclosed application and indicate any conditions of approval you may wish the Commission to consider (by MARCH 31, 1992) if they recommend approval to the City Council. Thank you.

Comments or Proposed Conditions:

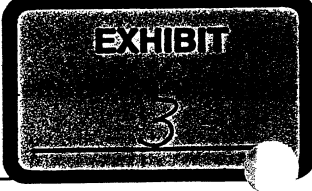
* We presently have (as do most cities) more lots platted than we have in sewer plant reserve capacity. The key factor is our historic and current absorption rate of 100 residential units per year. Our upgraded plant will be operational in 2 yrs 3 or 4 months. This subdivision or annexation will not alter market conditions so our absorption rate will remain fairly constant and we can accommodate that rate and even plan for it.

* The developer will provide all infrastructure to the cities (and service providers) specifications.

* Off-site improvements along 13th may be required or

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development or it will not pass the next ~~the~~ phase of approval.
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

even
downside



Signature: Wayne S. Klem

Date: _____

* If this is to be phased then I would like to see a street pattern and phasing plan.

REQUEST FOR COMMENTS

95w
3/31

DATE: March 25, 1992

TO: C.U.B. (REDACTED) POLICE, CLACKAMAS COUNTY, PUB. WORKS (Roy and Rusty), SEWER, TELEPHONE, N. WILLAMETTE TELECOM, N.W. NATURAL GAS, HIGH SCHOOL, ELEM. SCHOOL, MIKE JORDAN, JOHN KELLEY

The City has received ANN 92-02, an application from Dave Herman (applicant) and Harvey Tofte (owner) for approval to annex a 23.62 acre site which fronts on the north side of S.E. 13th Avenue. The parcel is in a Priority "A" zone. (Tax Lot 1900 of Tax Map 4-1E-3). The property will ultimately be developed as a phased subdivision. This application will come before the Planning Commission on April 13, 1992 for its recommendation to City Council. Please review the enclosed application and indicate any conditions of approval you may wish the Commission to consider (by MARCH 31, 1992) if they recommend approval to the City Council. 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: *George Stark* Date: 3-25-92

REQUEST FOR COMMENTS

75w
5/3:

DATE: March 25, 1992

TO: C.U.B., FIRE, POLICE, CLACKAMAS COUNTY, [REDACTED] and Rusty), SEWER TELEPHONE, N. WILLAMETTE TELECOM, N.W. NATURAL GAS, HIGH SCHOOL, ELEM. SCHOOL, MIKE JORDAN, JOHN KELLEY

The City has received ANN 92-02, an application from Dave Herman (applicant) and Harvey Tofte (owner) for approval to annex a 23.62 acre site which fronts on the north side of S.E. 13th Avenue. The parcel is in a Priority "A" zone. (Tax Lot 1900 of Tax Map 4-1E-3). The property will ultimately be developed as a phased subdivision. This application will come before the Planning Commission on April 13, 1992 for its recommendation to City Council. Please review the enclosed application and indicate any conditions of approval you may wish the Commission to consider (by MARCH 31, 1992) if they recommend approval to the City Council. Thank you.

Comments or Proposed Conditions:

No Sanitary Sewer Available.
MAJOR Sewer CONSTRUCTION is needed FOR ANY development in This AREA.

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

Signature: Roy Hoster Date: March 30, 1992

REQUEST FOR COMMENTS

JSW
3/31/92

DATE: March 25, 1992

TO: C.U.B., FIRE, [REDACTED] CLACKAMAS COUNTY, PUB. WORKS (Roy and Rusty), SEWER, TELEPHONE, N. WILLAMETTE TELECOM, N.W. NATURAL GAS, HIGH SCHOOL, ELEM. SCHOOL, MIKE JORDAN, JOHN KELLEY

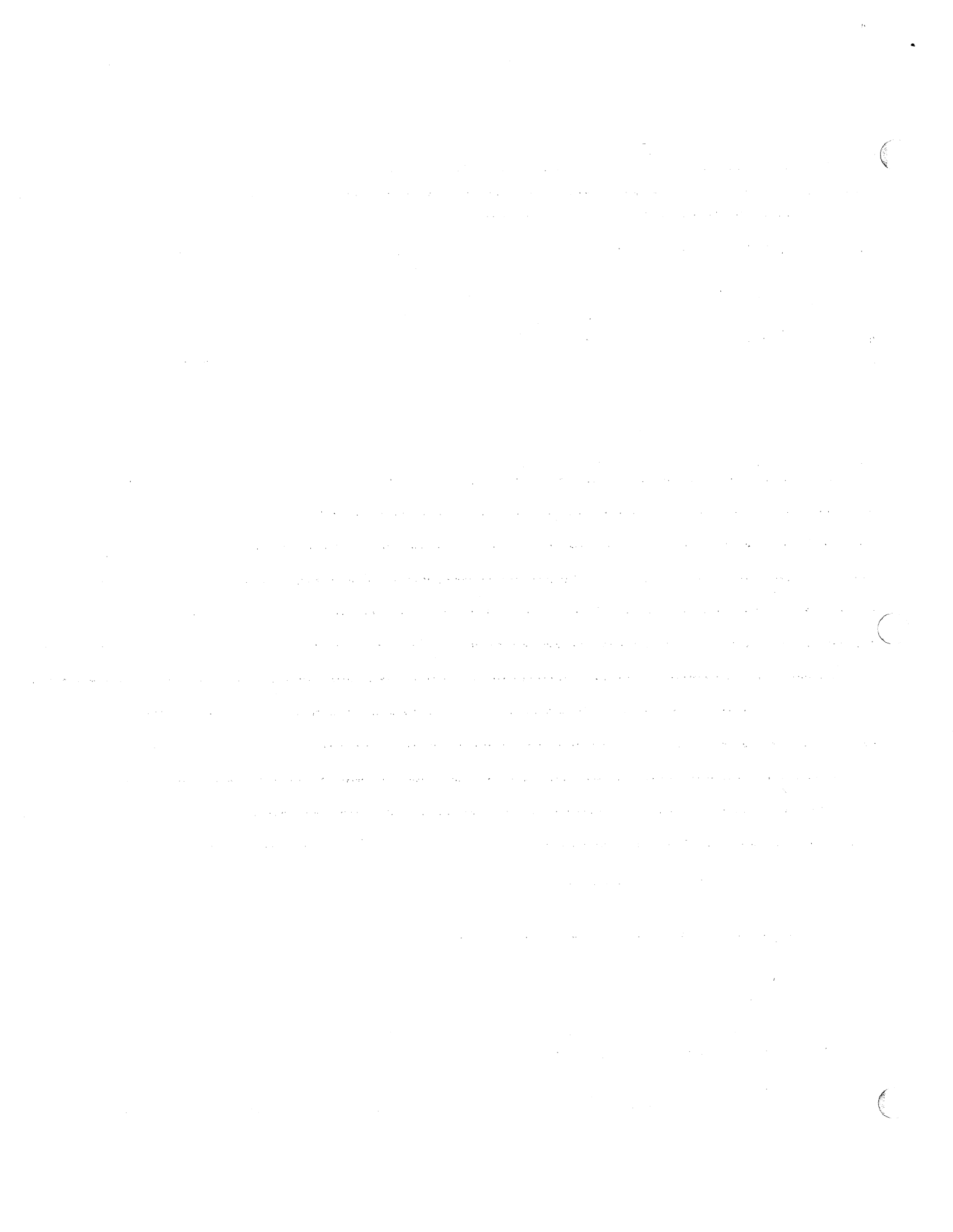
The City has received ANN 92-02, an application from Dave Herman (applicant) and Harvey Tofte (owner) for approval to annex a 23.62 acre site which fronts on the north side of S.E. 13th Avenue. The parcel is in a Priority "A" zone. (Tax Lot 1900 of Tax Map 4-1E-3). The property will ultimately be developed as a phased subdivision. This application will come before the Planning Commission on April 13, 1992 for its recommendation to City Council. Please review the enclosed application and indicate any conditions of approval you may wish the Commission to consider (by MARCH 31, 1992) if they recommend approval to the City Council. Thank you.

Comments or Proposed Conditions:

No comments at this time JSW

- 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: _____



203 S.W. Third Avenue
Canby, Oregon 97013

April 1, 1992

RECEIVED

APR - 2 1992

CITY OF CANBY

TO: CANBY PLANNING COMMISSION

RE: Written testimony in opposition to DR 92-02 concerning a four-plex on a flag lot with entrance from S.W. Third Avenue.

My principal objection to this development is centered around point B of the Major Approval Criteria. This is as follows:

" B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and "

I respectfully submit to you that in my opinion the proposed development is not compatible with the rest of the neighborhood. I have lived in Canby all 54 years of my life. The first 22 years were on Grant Street (about 2 blocks from the proposed site), and for the last 32 years on the property located on the west side of the proposed development. During the 1960's I watched the apartments which are located at 395 S. Ivy being built. One of the four-plex's is on a lot of only 7,800 square feet, which is way below the minimum requirement of 12,500 square feet. Neither of the two four-plex's would meet current building code requirements. There are no other four-plex's anywhere close to the site, and very few (if any) anywhere else in S.W. Canby. The applicant seems to place a great deal of weight on the fact that these illegally sited and sub-standardly built four-plex's are on the south edge of his proposed development. I would suggest that this is very weak criteria to justify his proposed development. Also, the rest of the neighborhood was never allowed to comment on that development through the Planning Commission at that time.

What the applicant does have is a duplex located along the east side of the entire 125 feet of the main part of his lot. This duplex is located on the only other flag lot in the entire neighborhood. If the applicant were to construct a similar one story duplex and fence the lot, I would consider this to be compatible with the rest of the neighborhood. I believe that the rest of the neighbors would feel the same way.

The north and the west side of the proposed development have single family residences. The residence on the north side will always be a single family residence since it is on a 7,000 square foot lot. My wife and I live on the west side on a land-locked lot which is only 80 feet wide. Since we have no access to the back of our property, we will always have a single family residence also.

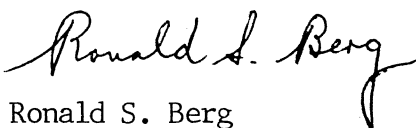
Briefly, I would like to cover several other points, some of which have arisen because we are not given the opportunity to rebut the applicant's rebuttal.

1. The applicant said that my 32 years of residence on the adjoining property had "nothing to do with anything". I believe that it has everything to do with everything. I know the neighborhood and most of the neighbors, I care about the neighborhood and the neighbors, and I would like to continue to live and to someday retire in our present home. On the other hand, the applicant wants to build for the maximum density, sell to an absentee owner, and leave town.
2. The applicant says that he "has no idea what the units would rent for". I would presume that he knows within a narrow range what they will rent for.
3. The applicant said that "they would be rented to professionals". I would suggest that each unit will be rented at the same time to more than one family where English is not spoken, before they will be rented to professionals.
4. Much has been made of the two existing trees which will be preserved. An examination of one of the trees reveals that its trunk is damaged just above ground level and that internal rot is of a magnitude that it will need to be removed in the near future.
5. I disagree with the conclusion on page 12 of the Staff Report that the proposed development is compatible and appropriate. In my opinion it is neither compatible or appropriate.
6. I agree with the police comments which say "This does not look like it would go along with the rest of the neighborhood."

Finally, over the years I have observed what high density has done to the south-east quadrant of our city. I would urge you to avoid letting this happen in southwest Canby also. I firmly believe that this proposed development is pivotal for the future of the southwest section of our city. High densities are increasing our crime rate and reducing our quality of life. I remember years ago when Canby was the Garden Spot of the Willamette Valley. High densities are partly to blame for the loss of this image. Maintaining compatibility of neighborhoods will help our city to regain its former image.

Thank you for your attention to this matter.

Sincerely yours,


Ronald S. Berg

I agree with all of the information presented in the above written testimony.


Evalena E. Berg

3/15/92

Coming down the pike?

New Urban Growth Requirements by June 1993?

Guess what? Canby is a major city according to LCDC standards and requirements.

LCDC concerns:

1. no planned support for development- communities in catch up mode
2. fragmented growth
3. dispersal of development
4. too much auto vs. mass transit and pedestrian
5. density low in cities

Cities to develop PIA areas. Development outside PIA solely the financial responsibility of developer with no City/later development reimbursement.

PIA to include 7 yrs buildable land inventory

Annexation votes will not just be by those to be annexed but include voters of the jurisdiction that the area will be annexed to. Do we feel Metro getting closer and closer?

More minimum performance standards for development (theoretically to avoid unfair competitive advantages granted by some communities to attract development) Big brother taking care of us again. We sure are lucky.

Minimum density of development to be half of the maximum.

New Infill requirements for parcels 5 acres or less.

Model Ordinance for cooperative micro planning of large areas. (Man, these planners have great buzzwords) Goal is to better develop large areas by getting owners and service providers together with long range plans. Carrot for developers is all approvals done up front, 1 unchanging game plan.

Transportation goal to cut car use 20%. Initial recommendations educatory but they really want to (and will if this is seen as ineffective) mandate new requirements for all "cities" over 5000. Guess that means we will have not 1 but 2 empty Trimet buses spewing pollution that local businesses will pay for.

Schools will continue to duck the capacity issue when asked as part of a land use decision. However, various school boards may feel differently and even the school administrators when bond issues fail become more inclined to address their responsibility. No movement of SDC of course.

If you want citizen involvement you must go out and get it. Public forums are a waste if you want to see what the bulk of the community thinks. Be sure to set limits and goals up front or the plan will backfire. Neat idea on getting people to sign up to talk and then picking which neighborhood they should talk in and with whom. Builds common unity.

Water, water, water This is a big issue. Includes sewage, surface, ground, drinking and reusable water. Wetlands may not be suitable to filter drain water even if they are artificially created. Buffers must be minimum of 25 ft. DEQ suggested 100 ft. The standards for communities over 100,000 will be required for all cities.

Kurt Schrader - PCC

Discussion Items from the APA Annual Meeting and Training Session

1. New commissioner packet:

Comp. Plan, Ordinance, Summary of "Land Use Decision Making" and "Planning Commissioner Effectiveness", Resolution no. 469 and 91-01, large map of Canby, large zoning map of Canby, Work program and budget for Planning Dept., copies of pertinent City "subplans" such as CIP document, Park Plan, Solar Ordinance, Design Review Ordinance, etc.

2. TV workshop on APA and census data to share with Commission and community.

3. Set aside inviolate time each month on agenda as priority item to do "PLANNING" either on specific projects, ordinance, or comp. plan.

4. Meet, maybe with Council, to set a "planning" agenda based on our workshop of 3/9/92, Council input, public input? - outline a years work on active planning and stick to it.

5. Help facilitate Council's community outreach by being part of task force that actually goes out in the community to various neighborhood groups and civic organizations - tie to vision process or Comp. Plan Review

6. Annually review how we are doing as a planning commission - set date to do.

7. Meet twice a year with City Council (County) to exchange ideas and assess mutual objectives - set dates.

8. Hand out applicable "standards and criteria" at PC meetings or post on wall.

9. Ex-parte contact: Canby Commissioner responsibility -
should visit site - must declare at meeting
if occurs just declare and give substance
good to get outside information but must declare substance

10. Commissioners express concerns at "Questions of Staff" portion of public hearing so that we do not have to reopen the public testimony portion of the hearing ie. you are concerned about this proposal and air quality after reading the staff report but the applicant, proponents and opponents never bring this up.

11. Clarify time limits and procedures.

12. More time for public notification prior to hearing.
13. Wider radius included in notification process.
14. Longer appeal period - 15 days, 21 days, other
15. Should we address criteria more directly in motion and findings?
16. Have staff prepare written findings in advance on minor or non-controversial items.
17. Encourage ministerial decisions with PC cursory review before issuance.
Items included?
18. Include contributions to anticipated offsite future public improvements as requirements and conditions of approval ie. traffic lights - considerations to include advance funding ordinance, improvement in a Plan, guidelines SDC, set up funds.
19. One continuence only to be granted for additional written testimony to be submitted.

Kurt Schrader
Canby PC chair

OREGON APA CONFERENCE - 1992

PLENARY SESSION

More development has been occurring at the urban fringe than in the urban growth boundary.

There is a lower density build out than originally planned.

The density is lower now in 1970.

Urban fringe development planning is allowing higher density than the land can hold. (Siletz River - Seals Rock, Parrott Mountain: both have limited water availability).

Comments made about the planner's task being to facilitate a more compact development. *** My question regarding this is whether or not it is the planner's job to put in place regulations and development strategies that are not the wishes of the people even though they may reflect sound planning theories. ***

URBAN GROWTH MANAGEMENT

Discussion on the emerging recommendations of the Urban Growth Management project from L.C.D.C.

The intended purpose of the Urban Growth Management Project (UGMP) is to improve the quality and livability of the communities - or to improve the quality of the products of planning.

- "We are not turning out the communities we have planned for"
- communities not at the densities called for in the Comprehensive Plan
 - communities lacking in the public facilities called for.

Overall idea is de-emphasize automobile dependence.

Problems that contribute to under built densities:

1. We are not requiring adequate levels of infrastructure.
2. Fragmented responsibilities for development review.
3. Fragmented development.
4. Dispersed development.
5. Comprehensive Plan tends to be inhospitable to alternative modes of development (such as neo-traditional).

Major Recommendations of the UGMP (see Summary Report)

- 1) Focused public investment - to enable local governments to concentrate their capital improvements
 - a) Facility Master Plans (sewer, water, street, storm drainage)
 - b) Public Investment Area (PIA) - concentration of public facilities. The PIA is the seven-year inventory of buildable land. Cities responsible to provide and service the infrastructure within the PIA. Developers provide the infrastructure needed for the subdivision and the connection of the subdivision to the PIA services. If the Master Plan requires a 20" pipe in the area of connection between the subdivision and the PIA services while the subdivision only requires an 8" pipe, the developer would be required to provide a 20" pipe. Reimbursement to the developers would occur when other developers connected to the pipe.

*** It would appear that this type of set-up would strongly curtail development outside of a PIA. Apparently Salem currently has had much success with this approach. ***
 - c) Capital Improvements Program - prioritize the implementation of full services to an area within the PIA.
 - d) Cooperative agreements - Identifies service providers and transition of services to other providers (i.e. - transition between municipalities).
 - e) Adequate Public Facilities.

Discussion of new annexation methods - See Summary Report

Discussion of Centralization of lead growth management authority

- 1) Alternative approaches.
 - a) Designate a single municipality as a lead agency (since the UGB covers at least 2 municipalities).
 - b) Withholding subdivision approval without annexation and service upgrade.
 - c) Cross-acceptance of approvals. (??)
- 2) Minimum standards
 - a) Providing a 'floor' on the development fees - the idea is to establish a level playing field of development issues for communities. One community wouldn't have a decided advantage over another in inducing growth at the cost of development standards because of development fees.

** How this would work, precisely, is still quite unclear. **

- b) Establish minimum urban services performance standards.

Infill/Redevelopment Strategies

Undeveloped land of 5 acres or more surrounded by developed land - find out why it hasn't been developed and find a strategy to facilitate development.

State would provide demonstration grants and suggested strategies, but basically this is a "do-it-yourself" goal.

Attaching a minimum density as well as a maximum density to urban areas in matching planning efforts to the desires of the Comprehensive Plan.

Cooperative Microplanning

The state would provide a model ordinance that can allow development by right. The land use discretion would be in design not approval of the project. Essentially, the seems to be based on some of California's experience with development agreements.

Land use and transportation

Neo-traditional emphasis - pedestrian and transit emphasis

Goal is to reduce vehicle miles traveled (VMTs) by 20% in 20 years. The goal is considered unrealistic without a change in the development pattern.

An educational handbook describing alternative development patterns is a possibility from the state.

NEO-TRADITIONAL DEVELOPMENT - FROM THE DEVELOPERS VIEWPOINT

Benefits of Neo-traditionalism

- 1) Strong sense of community and place.
- 2) Usable public open space.
- 3) Reduced dependence on the automobile.
- 4) Increased densities.

Key Characteristic

- 1) Housing, Retail, Employment, and Civic activities are all located within the neighborhood.
- 2) Circulation is by a grid system, which allows for a number of travel route alternatives, thus reducing the congestion on any one street. Pedestrian friendly also.
 - a) interconnected system
 - b) no cul-de-sacs
 - c) understandable system - hierarchy
- 3) Neighborhood Centers
 - a) Central Plaza for public use
 - b) Commuter drop-off
 - c) Retail/Office space
 - d) Day Care Center
 - e) Apartments/Senior Housing
- 4) Single-Family Homes
 - a) Reduced setbacks
 - b) Use of alleys
- 5) Auxiliary Units
 - a) increased densities
 - b) mix rental/owner occupied units
 - c) greater variety of ages in any given neighborhood
- 6) Mixed Multifamily Units - increased density

Difficulties

- 1) Financing.
 - a) The development community is primarily motivated by financial gain. Banks have become extremely hesitant regarding financial backing for neo-traditional type developments. There standards which determine financial backing heavily favor traditional styled developments.
 - b) Mixed-use/density increases the overall cost of the project. If there is a marginal profit margin, it ends up pushes the project cost beyond the feasible range.
- 2) Marketing.
 - a) Current market is calling for large lots on cul-de-sacs, and not in proximity to non-residential uses.
 - b) Elderly housing in a mixed-use environment has the highest possibility of succeeding.
 - c) Smaller projects also have a higher chance of succeeding.

ORDINANCE IDEAS TO ENCOURAGE PEDESTRIAN AND TRANSIT-FRIENDLY DEVELOPMENT

Discussion from Oregon Department of Transportation and from the City of Gresham.

City of Ashland

Policy of 'Modal Equity' - considering pedestrian, bicyclist, and transit riders equally with the automobile.

The city has a number of provisions in the zoning that, in small ways, put more emphasis on pedestrian orientation to developments.

Single-Family Residential

- a) Attempting to have a connected street pattern - minimize cul-de-sacs.
- b) For those areas with cul-de-sacs, pedestrian pathways are required.
- c) Sidewalks are always required.
- d) Reducing front yard setback from 20' to 15' for structures except the garage. Porches and awnings can go another 10' closer (within 5' of the property line).

Multi-Family Residential

- a) Sidewalks are always required.
- b) Put the structures toward the street and the parking area in the back. The front entrances are toward the street and sidewalk.

Commercial

- a) Buildings are toward the street, with the parking areas on the side or in the rear (better pedestrian accessibility - don't make the pedestrian walk across the parking lot).
- b) Main entrance toward the street.
- c) Sidewalks are always required.
- d) Walkways in parking lots, with pedestrian scaled lighting. Purpose is to separate the pedestrian (the car occupants after parking the car) and the moving vehicles.
- e) Break up large parking lots into smaller units by landscaping.
- f) Bike parking. 1 bike parking space per 5 car parking spaces, with 50% of the bike parking spaces being covered.
- g) Parking lots cannot exceed the minimum requirements by more than 10% on the surface level. If the required number of parking spaces is 100, there can be no more than 110 on the surface level, additional parking underground or on a second story does not affect this.
- h) Pedestrian plazas, with covered areas, landscaping, art, etc.

- i) The size of commercial buildings is limited to 45,000 square feet, with a width limitation of 300 feet. This allows a 'human scale' to the commercial development - the size of the stores does not dwarf the pedestrian. 10% of the square footage must be used for pedestrian plaza. Cooperative agreements and usage among adjoining stores is encouraged.

Mixed-Use

- Allowing residential by-right if 65% or more of the ground floor is commercial.
- -----

POWER OF CITIZEN INVOLVEMENT

Failures thus far in planning

- 1) short term mandates without heart and soul
- 2) setting lofty goals without foundation
- 3) implementing planner dreams instead of community values
- 4) L.C.D.C. Administrative Rules (lack of public input)
- 5) Too much gotta-do planning instead of wanna-do planning
- 6) We tend to be 'high priest' of planning - we act as if we are all-knowing in planning issues

What is needed

- 1) Citizen control is a necessity for successful long-range projects
- 2) Planners need to facilitate citizen involvement, not lead it.
- 3) Structure is needed to facilitate citizen involvement
- 4) In talking to citizens about any issue use SALR.
 - a) Say - this is what we know, no conclusions presented
 - b) Ask - what do the citizens think ought to be done
 - c) Listen - listen to what they say
 - d) Respond - respond to everything the citizens say, preferably in writing

Other items discussed

- most public input does not represent "the public" as a whole, just a vocal minority.
- public input tends to be of the nature of short-term vision.
- providing a hearing room is not facilitating enough public input, some people are intimidated by the process and either do not articulate their view well or forego the process.

A citizens viewpoint on citizen involvement

- 1) Written response is important.
 - 2) Getting out to the public groups (Kiwanis, Rotary, etc.), allowing them to discuss issues in a forum that they are more comfortable with.
 - 3) Support is important, especially technical support and research time.
 - 4) Empower the citizens with skills for involvement.
 - 5) Provide a channel for future involvement and discussion of the problem that citizens have. If a citizen comes to a public hearing and vents frustration or makes a comment regarding another issue other than the purpose for the hearing, give proper indication that the person can come in to discuss the issue in the future or refer them to the proper person to discuss it with.
- -----

CULTURAL DIVERSITY

This topic specifically revolved around race and ethnicity.

Examples of Institutional Racism

- a) unequal distribution of resources (schools, etc.)
- b) limited services or products - hairstylers in town only know how to do European hairstyles. Products that are only marketable to the dominant group. (I made a point that this is more a result of markets, however, institutional racism could become a factor if the regulations discouraged establishments or services oriented primarily at the minority communities or neighborhoods in the city.
- c) the political and structure is controlled by the dominant group - and that political structure then creates other commissions and committees filled with its members and views (self-perpetuating).
- d) Physical Separation (on the other side of the tracks, highway, or river).
- e) Zoning - other than that mentioned in (b), there is a corollary that strict single-family residential zoning is exclusionary to lower income families. There is also zoning that perpetuates cultural myths or stigmatism, e.g.- liquor stores in certain neighborhoods.
- f) Spotighting - paying more attention to minority enterprises for problems.
- g) Cultural norms that conflict with melting pot mix ideas creates racial tensions. Cultural groups norms are not inclusive in the laws - the dominant group writes the norms and the laws that institutionalizes those norms.

Issues to think about

- 1) Community decision making processes: Are they exclusive?
 - a) overcoming language barriers
 - b) educating the citizenry of the process
 - c) going to a minority group for input - some groups may not come to the public hearing or Planning Commission meeting because of differing cultural norms in dealing with issues.
 - d) understanding differences in perspectives of public involvement among different groups. Low income residential areas tend to rely on neighborhood associations while high income residential areas are more comfortable with the public hearing format.

- 2) Zoning: Does it create barriers and/or perpetuate stereotypes?

- 3) Regulations: Do certain groups benefit more from regulations than other groups?

- 4) Services: Does everyone have reasonable access at the same level of quality?
 - educational opportunities, language barriers, etc.

AICP EXAMINATION WORKSHOP

Discussed various topics on a recent exam. Also discussed various test taking and studying techniques.

Highly recommended the study manual (purchased at the workshop) and a book published by ICMA Training Institute, "The Practice of Local Government Planning," second edition.

Next test will be next May, registration around December or January.

The workshop was brief, but useful in dispelling some of the myths regarding the content of the test. However, the national passing rate is about 55%, Oregon's passing rate is approximately 70%.

FROM
**ANNEXATION AND URBAN GROWTH
MANAGEMENT STUDY**

APPENDICES

Prepared for:

Oregon Department of Land Conservation
and Development

Susan Brody, Director
John C. Kelly, Project Manager
Urban Growth Management Study
1175 Court St., NE
Salem, OR 97310

Prepared by:

Steven C. Gordon, Senior Program Manager
Leonard Bauer, Assistant Planner
Lane Council of Governments
125 E. 8th Avenue
Eugene, OR 97401

Sonny Conder
Tabletop Computations
3805 S.E. Knapp
Portland, OR 97202

Richard Forester, Attorney at Law
900 S.W. Fifth Avenue, Suite 1212
Portland, OR 97204

Peter Watt and Kathryn Harnden
Bureau of Governmental Research
and Service
University of Oregon
P.O. Box 3177
Eugene, OR 97403

Timothy J. Sercombe, Attorney at Law
Harrang, Long, Watkinson, Arnold,
and Laird, P.C.
101 E. Broadway, Suite 400
Eugene, OR 97401

**APPENDIX G. REPORT ON INFRASTRUCTURE DEVELOPMENT,
JURISDICTIONAL FINANCIAL CAPACITY AND ROLE OF SERVICE
DISTRICTS**

**Written by Sonny Conder, Tabletop Computations, and
Richard Forester, Attorney at Law**

Introduction:

This report is divided into several sections. In examining infrastructure development and jurisdictional financial capacity, our analytical approach first defines the types of capital and operating services local government is expected to provide to developable areas. To be useful over a range of actual development proposals, capital and operating services are specified by scale of development - under 50 acres, 50 - 250 acres, and greater than 250 acres. Development here is defined as residential and requisite commercial. Exclusive industrial or community/regional commercial development is not covered.

Secondly, for the cases of development within City boundaries and development outside City boundaries we define and specify the various governments potentially responsible for delivering all or part of a particular service. By specification we mean that a particular government entity is described in terms of legal authority, financial authority, including debt issuance and limitations and fiscal capacity to raise revenue for operations and debt service. Descriptions are limited to those governmental forms having the capacity to deliver essential urban services to developing areas. Ancillary government forms such as weed or weather control districts are not discussed.

Thirdly, based on the inventory of services required for development and the various local government jurisdictions responsible for delivering the services, we perform a set of 5 case studies based on actual existing or proposed developments. These case studies measure such aspects as the scale of the development (size in acres, population, etc.), the services required for appropriate development and the services actually provided by the responsible provider jurisdictions. To the extent feasible these case studies include an analysis of the costs and revenues experienced by the relevant jurisdictions as a result of the development. Case studies were chosen to represent a range of jurisdictional situations. Two are historic infill areas adjacent to, but outside, municipal boundaries; one is a proposed development outside municipal boundaries but to be serviced and annexed by the adjacent City. Another development is a recently completed subdivision within Washington County and a final example is an infill development/redevelopment within the City of Portland.

In section four we focus specifically on the role of large special service districts in growth management within the UGB. For this task we make use of the data collected for previous sections and examine those situations where service districts are integral to growth management and situations where they may be peripheral to growth management. In this task we enumerate actual examples where cities and service districts function effectively in growth management and detail those instances where cities and service district cooperation can be mutually beneficial. We also suggest a number of possible methods such as consolidation and service contracting that can respond to the fiscal and service inequities resulting from urban growth inside and outside municipal boundaries.

We devote the fifth section to an analysis and assessment of the information provided in the previous sections. In this section we relate the case study results to the inventory of necessary development services and provider jurisdictions. We note what services are provided with development and which are not. We then relate service provision adequacies and inadequacies to the various levels of local government charged with service provision responsibilities. Where it appears the inventory of provided services is inadequate, we pinpoint the jurisdictional, development and planning standard or financial authority deficiency that caused it to occur.

So What's the Problem?

Before we start searching through the legal and numerical forest that constitutes the substance of

the local government side of "growth management", we need to establish an understanding of what we are looking for. To do that we define an ideal growth management structure. To the extent that we find less than that, we have a problem which may or may not need fixing.

First the ideal growth management system provides neighborhood and community services necessary for the timely conversion (or redevelopment) of land in designated areas from agricultural (or deteriorated urban) uses to urban uses. Secondly, ideal growth management should be financed efficiently and equitably; meaning that significantly large areas should bear a development cost proportionate to the cost of servicing that area. The amount and incidence of development and service cost should reasonably reflect the conditions of the area and not the particular set of local government institutions delivering urban services in that area. Thirdly, the type and amount of local government capital and operating services provided for development should be reasonably consistent within the Urban Growth Boundary communities. Finally, for all areas designated for development within the UGB every jurisdiction responsible for delivering the necessary services should be designated, available and provided a positive incentive and mandate to provide the services as required.

Findings

In Summary, growth management on Oregon is not working adequately in that it exhibits the following deficiencies:

1. There is a substantial underprovision or non provision of community services as development occurs which results in numerous community facilities operating beyond capacity.
2. There are differing standards within a metropolitan area concerning what facilities and services should be provided, what development should pay for and what should be paid from general taxes. As a consequence, development may occur where short term costs to developer are least; and not where it should be most efficiently located. Individual development on large lots outside the UGB is an extreme example of this.
3. There is no necessary relationship between growth and the growth of revenues necessary to pay for capital facilities and operating services. Consequently, negatively impacted jurisdictions, those that will not have additional fiscal capacity to adequately serve new population, may be reluctant to accommodate appropriate growth levels.
4. There exist areas inside the UGB that are designated for growth and expected to grow, but no one jurisdiction is responsible for providing all the necessary services, none (most significantly cities) appear to have the incentive, and some lack fiscal authority for doing so.
5. There are facility and service level inconsistencies between similar developing areas within the UGB resulting from different types of governments with differing levels of taxing and revenue raising ability, spending and taxing at substantially differing levels.
6. There are mismatches between revenue raising areas of counties and service responsibility areas of counties, which give rise to "subsidies" from some areas to other areas.
7. There is low density development in low tax, low service areas occurring adjacent to high tax, high service areas that consumes the collective public goods provided in the high service area. (i.e., parks, libraries, public safety, roads and streets.)

8. There is overlapping and fragmented jurisdictional responsibility for supplying various capital and operating services necessary for appropriate urban development and no one jurisdiction has exclusive choice and coordination responsibility for selecting appropriate development government and finance mechanisms.
9. The land use planning responsibility of counties does not usually translate into financial and growth management obligation, which tends to be fulfilled by a combination of providers the most significant of which are special districts.
10. Failure of the "growth management system" to provide timely development services can result in areas never achieving the urban densities planned for them.
11. The most significant aspect of local government fragmentation with respect to growth management is that any one local government is prevented from establishing appropriate standards and financing mechanisms necessary for efficient and equitable growth. That is because price competition will result in development gravitating toward those areas with greatest amount of development subsidy and discourage development in those areas charging the full community cost of development.

On the other hand, there are a number of examples where growth management is working adequately, despite the handicaps enumerated above. These results can be attributed to the following:

1. Cities, Counties and Special Districts are unilaterally creating planning, financial and operating agreements to provide the necessary facilities and services.
2. Some local governments are attempting to identify costs of growth and implement development charges commensurate or proportional to the costs imposed by development.
3. Some local governments are doing in depth facilities planning for large geographic areas greater than 250 acres and identifying all the costs, revenues and governmental jurisdiction necessary to supply capital and operating services. These governments are in effect, to the best of their ability, requiring concurrence as pre-requisite to permitting development to occur.

In sum, the above symptoms of dysfunctional growth management result in provision of poor facilities and services, overcrowding of existing services, failure to provide serviced urban land, and growing resistance among local jurisdictions to accommodating growth. We also note isolated instances where local governments are unilaterally addressing these problems; however, such attempts can not be wholly successful without uniform standards for costs and development funding, as shown below.

What is to be done ?

Based on the above findings, Oregon growth management needs to be moved toward the ideal we have just described. Beyond the comprehensive plan and public facility plan requirements, the state needs to establish performance standards for local government in regard to facility development and financing of service necessary for growth. These standards would enumerate the community facilities such as arterials, streets, neighborhood parks, water supply, waste treatment and schools that need to be provided in areas designated for growth. Standards would also include how much of development costs would need to be paid by the development itself and how much by general revenues.

Additionally, there needs to be a standardization of revenue sources, debt capacity, and financing

ability among the jurisdictions delivering similar development services. The methods for paying for capital costs needs to be consistent and fair. Fortuitous accidents of funding, for example the greater capacity of counties to pay for roads in unincorporated areas should not result in development occurring which lacks or does not pay for other key services which we have identified. The land use planning concept of coordination should expand beyond planning to coordination of actual development and urban growth management.

Every area within the UGB should have clearly designated and defined jurisdictional responsibility for growth management necessary to achieve planned urban densities. It shall be the responsibility of the jurisdiction so designated to actually and formally coordinate all aspects of growth management and development services with all capital and operating jurisdictions functioning within the designated area. Legislation is needed to ensure that every participating jurisdiction should have positive financial incentive to participate in development.

To restate our basic premise, assuming that we have streamlined, simplified and coordinated growth management mechanisms, we must acknowledge that to obtain the kind of growth and development actually desired takes active leadership and clear responsibility for the results. That leadership and assumption of risk has to be rewarded, and the clearest reward for good planning and implementation could be an annexation structure that assures that the areas developed to urban level densities will have the fiscal capacity to provide full range of urban services. By annexation we do not mean to suggest that efficient regional or multi-jurisdictional service providers be abandoned. On the contrary, as we document in our study, service districts frequently serve a valuable regional or multi-jurisdictional purpose in an efficient manner and need to be maintained.

**SECTION ONE: INVENTORY OF CAPITAL AND OPERATING SERVICES
NECESSARY FOR DEVELOPMENT**

We have organized the capital and services inventory in three basic ways. These are defined as follows:

Capital services: These consist of the actual physical infrastructure necessary to make land useable for urban densities.

Operating services: These services consist not only of maintenance of capital but of such services as fire, police, planning, k-12 education, etc.

Besides the division of services into capital and operating, we also have arrayed the data by scale of development. We discuss three scales of development. They are as follows:

Less than 50 acres: This is representative of most residential type developments that come "over the counter". In other words, most of the proposed developments that planning officials see are for less than 50 acres and given that they agree with the overall Comprehensive Plan designation are evaluated from the standpoint of the adequacy of a less than 50 acre residential subdivision.

50 - 250 acres: Occasionally developments are proposed of this size. Important here is that developments approaching this size range begin to raise questions of arterial traffic, commercial requirements, school capacity, etc. Significantly, these questions seldom arise in the context of smaller developments.

Greater than 250 acres: Since developments are mainly proposed by developers with one ownership, developments of this size rarely occur owing to the difficulty of raw land assembly. Significantly, it is in regard to proposed developments of this size that most of the questions arise concerning community scale facilities such as schools, arterial streets, developed parks, commercial and community facilities, police and fire protection, water supply and sewage treatment capacity.

Beyond type of development service and scale of development, we also class the data along a third dimension. This amounts to development within a municipal boundary and development outside a municipal boundary but within the UGB. This latter classification makes little difference on the type of physical services required but does have an impact in regards to planning, coordination, financing, fiscal impact and intergovernmental equity issues. These issues in turn speak to the central issue of providing positive incentive to local government to manage development and growth in an efficient manner.

A. CAPITAL SERVICES

Below we have outlined the inventory of services by type and scale. For the moment we have ignored the division between municipal and non-municipal but will return to it in assessing jurisdictional responsibility, fiscal impact and financing authority. In discussing capital facilities for developments of less than 50 acres we also mention associated capital facilities for larger developments. This allows for a more informed perspective about what facilities are included in the typical development proposal and what are not included. Exhibits One and Two, below figure one, summarize the narrative information.

Exhibit One depicts by scale of development and type of facility whether a city, county or special district would be responsible for the facility and if the jurisdiction would provide or require the facility to be provided. These two questions are asked for development inside city limits and for development outside city limits. In the cases where the answer to jurisdiction authority is no, the facility provision question is not relevant. A "yes/yes" means a given government has jurisdiction and it would require the facility be supplied. A "yes/no" means a government has jurisdiction but the facility would ordinarily not be supplied at the scale of development. A question marks means that there is no clear practice or no one knows for sure.

The results presented in Exhibit One indicate that at the scale development most commonly occurs at; it is likely only facilities directly attributable to the development will be supplied. Secondly, it is at this scale of development that responsibility is most likely to reside with one jurisdiction.

As the scale of development increases, Exhibit One indicates that it is likely more community services are required to be provided or paid for. However, it also appears that there is a greater likelihood a more diverse array of governments will have jurisdiction thereby complicating the issues of design standards, financing and cost responsibility. This is acutely true in many rapidly growing area where a number of different government organizations are responsible for providing capital facilities.

Exhibit Two (and Figure One) reflect the cost implications of the pattern demonstrated in Exhibit One. Costs are expressed on a per dwelling unit basis and cover a low - high range. The data are presented by facility type for three scales of development. Notable is that capital facility costs rapidly increase as we move from the scale of most developments up to the community scale. Capital costs of small scale (normal scale actually) run from \$6,000 to \$10,000 per dwelling unit. When you move up to community scale and include the cost of school and developed park and community facilities as well the costs rise to \$13550 - 33800 per dwelling unit.

Significantly, the difference between facility provision as it occurs and the facility requirements of a full community, must be made up in a variety of ways. The most common is temporary undersupply which results in community congestion and overcrowding or in the case of some services land areas that cannot grow to urban densities. Oftentimes, the gap is filled with a combination of federal grants, property tax levies (both serial and G.O. Bond) and diversion of general revenues to capital construction to retrofit underserved areas.

EXHIBIT ONE:

INVENTORY OF CAPITAL FACILITIES GOVERNMENT JURISDICTION AND PROVISION REQUIREMENT

CAPITAL FACILITY BY TYPE AND DEVELOPMENT SPECIAL/DISTRICT SCALE	DEVELOPMENT INSIDE CITY			DEVELOPMENT OUTSIDE CITY		
	CITY	COUNTY	SPEC/DISTRICT	CITY	COUNTY	
ROADS:	JURISDICTION?/FACILITY REQUIRED?			JURISDICTION?/FACILITY REQUIRED?		
LESS THAN 50 ACRES	-----					
RESIDENTIAL STREETS	YES/YES	NO	NO	NO	YES/YES	YES/YES
COLLECTOR STREETS	YES/NO	NO	NO	NO	YES/NO	NO
ARTERIAL STREETS	??/NO	??/NO	NO	NO	YES/NO	NO
50 - 250 ACRES						

RESIDENTIAL STREETS	YES/YES	NO	NO	NO	YES/YES	YES/YES
COLLECTOR STREETS	YES/YES	NO	NO	NO	YES/YES	NO
ARTERIAL STREETS	??/??	??/??	NO	NO	YES/??	NO
GREATER THAN 250 ACRES						
RESIDENTIAL STREETS	YES/YES	NO	NO	NO	YES/YES	YES/YES
COLLECTOR STREETS	YES/YES	NO	NO	NO	YES/YES	NO
ARTERIAL STREETS	??/YES	??/YES	NO	NO	YES/YES	NO

DRAINAGE FACILITIES:

LESS THAN 50 ACRES						
ONSITE RUNOFF	YES/YES	NO	??/??	NO	YES/??	YES/YES
OFFSITE DISPOSAL	YES/??	NO	??/??	NO	YES/??	YES/??
BASIN WATER QUALITY	YES/??	NO	??/??	NO	YES/??	YES/??
50 - 250 ACRES						
ONSITE RUNOFF	YES/YES	NO	??/??	NO	YES/??	YES/YES
OFFSITE DISPOSAL	YES/YES	??/??	YES/YES	NO	YES/YES	YES/YES
BASIN WATER QUALITY	YES/??	??/??	YES/YES	NO	YES/??	YES/YES
GREATER THAN 250 ACRES						
ONSITE RUNOFF	YES/YES	NO	??/??	NO	YES/??	YES/YES
OFFSITE DISPOSAL	YES/YES	??/??	YES/YES	NO	YES/YES	YES/YES
BASIN WATER QUALITY	YES/??	??/??	YES/YES	NO	YES/??	YES/YES

SANITARY SEWERS:

LESS THAN 50 ACRES						
RESIDENT. COLLECTORS	YES/YES	NO	NO	NO	YES/YES	
TRUNKS/PUMP STNS.	YES/NO	NO	YES/NO	NO	NO	YES/NO
WASTEWATER TREATMENT	YES/??	NO	YES/??	NO	NO	YES/??
50 - 250 ACRES						
RESIDENT. COLLECTORS	YES/YES	NO	NO	NO	YES/YES	
TRUNKS/PUMP STNS.	YES/YES	NO	YES/YES	YES/YES	NO	YES/YES
WASTEWATER TREATMENT	YES/??	NO	YES/??	YES/??	NO	YES/??
GREATER THAN 250 ACRES						
RESIDENT. COLLECTORS	YES/YES	NO	NO	NO	YES/YES	
TRUNKS/PUMP STNS.	YES/YES	NO	YES/YES	YES/YES	NO	YES/YES
WASTEWATER TREATMENT	YES/YES	NO	YES/YES	YES/YES	NO	YES/YES

WATER SUPPLY AND DISTRIBUTION:

LESS THAN 50 ACRES						
RESIDENT. DISTR.	YES/YES	NO	NO	YES/YES	NO	YES/YES
TRUNKS/STOR./PMPS.	YES/NO	NO	YES/NO	YES/NO	YES/NO	NO
WATER SUPPLY	YES/NO	NO	YES/NO	YES/NO	NO	YES/NO
50 - 250 ACRES						
RESIDENT. DISTR.	YES/YES	NO	NO	YES/YES	NO	YES/YES
TRUNKS/STOR./PMPS.	YES/YES	NO	YES/??	YES/YES	YES/YES	NO
WATER SUPPLY	YES/??	NO	YES/??	YES/??	NO	YES/??
GREATER THAN 250 ACRES						
RESIDENT. DISTR.	YES/YES	NO	NO	YES/YES	NO	YES/YES
TRUNKS/STOR./PMPS.	YES/YES	NO	YES/??	YES/YES	YES/YES	NO
WATER SUPPLY	YES/YES	NO	YES/??	YES/YES	NO	YES/YES

PARK DEVELOPMENT:

LESS THAN 50 ACRES						
LAND	YES/NO	NO	YES/NO	NO	YES/NO	YES/NO
DEVELOPED PARKS	YES/NO	NO	YES/NO	NO	YES/NO	YES/NO
RECREATION PGMS.	YES/NO	NO	YES/NO	NO	YES/NO	YES/NO

50 - 250 ACRES						
LAND	YES/??	NO	YES/??	NO	YES/NO	YES/??
DEVELOPED PARKS	YES/??	NO	YES/??	NO	YES/NO	YES/??
RECREATION PGMS.	YES/NO	NO	YES/NO	NO	YES/NO	YES/NO
GREATER THAN 250 ACRES						
LAND	YES/YES	NO	YES/YES	NO	YES/NO	YES/YES
DEVELOPED PARKS	YES/??	NO	YES/??	NO	YES/NO	YES/??
RECREATION PGMS.	YES/??	NO	YES/??	NO	YES/NO	YES/??

OTHER COMMUNITY FACILITIES:

LESS THAN 50 ACRES						
FIRE/POLICE/MUNICIPAL	YES/NO	NO	YES/NO	NO	YES/NO	YES/NO
50 - 250 ACRES						
FIRE/POLICE/MUNICIPAL	YES/NO	NO	YES/NO	NO	YES/NO	YES/NO
GREATER THAN 250 ACRES						
FIRE/POLICE/MUNICIPAL	YES/??	NO	YES/NO	NO	YES/NO	YES/??

SCHOOLS:

LESS THAN 50 ACRES						
SCHOOL SITES	NO	NO	YES/NO	NO	NO	YES/NO
SCHOOL CONSTR	NO	NO	YES/NO	NO	NO	YES/NO
50 - 250 ACRES						
SCHOOL SITES	NO	NO	YES/??	NO	NO	YES/??
SCHOOL CONSTR	NO	NO	YES/NO	NO	NO	YES/NO
GREATER THAN 250 ACRES						
SCHOOL SITES	NO	NO	YES/??	NO	NO	YES/??
SCHOOL CONSTR	NO	NO	YES/NO	NO	NO	YES/NO

COMMERCIAL FACILITIES:

LESS THAN 50 ACRES						
NEIGH. COMM/SERV.	YES/NO	NO	NO	NO	YES/NO	NO
50 - 250 ACRES						
NEIGH. COMM/SERV.	YES/NO	NO	NO	NO	YES/NO	NO
GREATER THAN 250 ACRES						
NEIGH. COMM/SERV.	YES/??	NO	NO	NO	YES/??	NO

**EXHIBIT TWO:
APPROXIMATE CAPITAL FACILITY COSTS PER DWELLING UNIT
BY FACILITY AND DEVELOPMENT SCALE**

CAPITAL FACILITY TYPE ACRES	LESS THAN 50 ACRES		50 -250 ACRES		GREATER THAN 250	
	LOW	HIGH	LOW	HIGH	LOW	HIGH
ROADS:						
RESIDENTIAL STREETS	2800	4500	2800	4500	2800	4500
COLLECTOR STREETS	0	0	600	1200	600	1200
ARTERIAL STREETS	0	0	0	0	1000	2300
SUBTOTAL:	2800	4500	3400	5700	4400	8000
DRAINAGE:						
ONSITE/OFFSITE	800	1200	800	1200	800	1200

BASIN WATER QUALITY	0	0	0	0	600	800
SUBTOTAL:	800	1200	800	1200	1400	2000

SANITARY SEWERS:

RESIDENTIAL COLLECTORS		1000	1500		1000	1500
TRUNKS/PUMP STNS.	0	0		750	1200	
WASTEWATER TREATMENT		0	0		0	0
SUBTOTAL:	1000	1500		1750	2700	
					3250	5200

WATER SUPPLY AND DISTRIBUTION:

RESIDENT. DISTR.	2000	2800		2000	2800	
TRUNKS/STOR./PMPS.	0	0		1000	2200	
WATER SUPPLY	0	0		0	0	
SUBTOTAL:	2000	2800		3000	5000	
					3300	6100

PARK DEVELOPMENT:

LAND	0	0		800	1500	
DEVELOPED PARKS	0	0		0	0	
RECREATION PGMS.	0	0		0	0	
SUBTOTAL:	0	0		800	1500	
					1200	5500

OTHER COMMUNITY FACILITIES:

POLICE/FIRE/MUNICIPAL		0	0		0	0
						300

SCHOOLS:

LAND	0	0		0	700	
SCHOOL CONSTRUCTION	0	0		0	0	
SUBTOTAL:	0	0		0	700	
					0	6700

TOTALS:	6600	10000		9750	16800	
					13550	33800

NOTES: ASSUMES RESIDENTIAL DENSITY AS 4 - 5 DWELLING UNITS PER GROSS ACRE.
 SOURCE: MURRAY SMITH ENGINEERING, WRIGHT ENGINEERING, KITTLESON TRAFFIC ENGINEERS, MEANS CONSTRUCTION INDEX, MULTNOMAH COUNTY FARM STUDY, REAL ESTATE RESEARCH CORPORATION'S "COST OF SPRAWL".

Figure One depicts the change in community capital costs with the increase in development scale.

Capital Services Narrative Outline

- I. Capital Services for developments of less than 50 acres. Typically these are the on site infrastructure requirements associated with most developments inside present UGB areas. Depending on circumstances some administering jurisdictions may require more services be considered and provided while other jurisdictions may require less.
 - A. Road services. These are limited to the residential streets within the proposed development and may involve some consideration of a connection to an adjoining arterial or collector street. Typical design standards specify a design speed of 25 mph, total width of at least 24 feet and sidewalks on either side of street as well as street lighting. Unit costs of such facilities not including land, government administration or short term financing run between \$92 and \$145 per lineal ft. depending on exact standards, topography and drainage conditions. Depending on density and layout local road service costs run from \$2800 to 4500 per D. U. Including requisite arterials, collectors and traffic aids in the bill adds another \$1900 - 3500. Total road facilities could run as high as \$8000 per D. U.

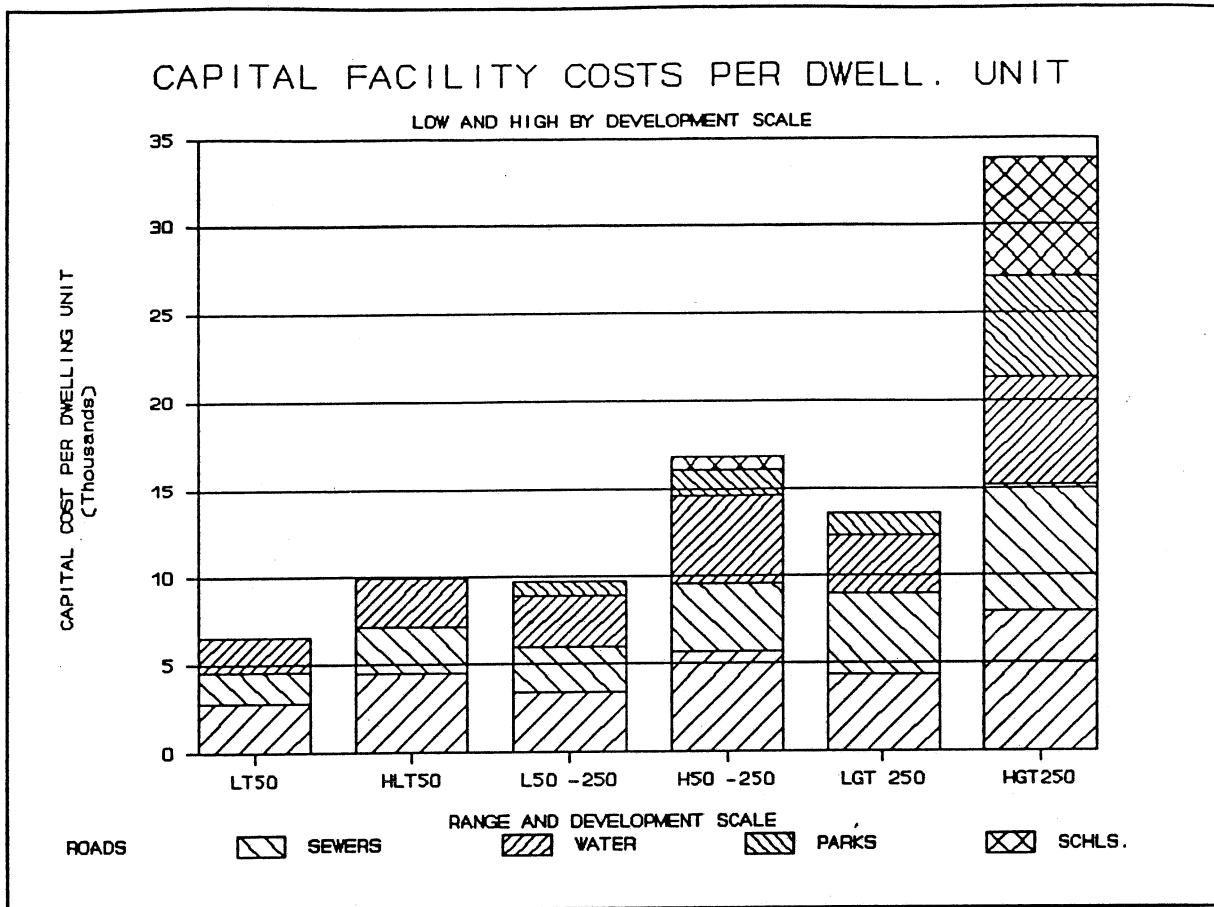


Figure 1: Community capital costs for development increase as the size of the development increases. Small developments seldom recover full community costs thereby undersupplying community level capital services.

1. **Revenue.** Construction cost for residential street services is usually financed by the private lot developer. In some cases construction costs may be financed via a LID Bancroft Bond, the debt service of which is repaid by assessment collected from developed lots.
 - a. Funding procedures are usually the same between cities and unincorporated areas. In some jurisdictions debt restrictions, lack of fiscal authority or administrative expertise may hamper public financing.
- B. **Mass transit.** Not included.
- C. **Drainage services.** These are the storm drainage facilities which may or may not be part of a comprehensive, drainage basin wide program to ameliorate the environmental effects of storm water runoff from urbanized areas. Standards vary from jurisdiction to jurisdiction; with most requiring a combination of sumps/and or inlets and storm drains leading to natural drainage basins or an off site treatment facility. Though environmental protection standards are being increased, at present most jurisdictions rely on a combination of sumps and diversions via drainage pipe into natural drainage ways. In residential subdivisions typical costs for inlets, sumps and drainage pipe are roughly \$ 20 - 30 per lineal ft. of

residential street, amounting to roughly \$800 - 1200 per D. U. These costs presume that storm water is returned to the ground via sumps are dumped into adjacent natural drainage ways. Providing land for drainage can add another \$600 - 800 per D. U. No treatment is assumed.

1. Revenue. In residential subdivisions the developer pays or the construction costs are financed as above. Presently there is no consistent mechanism for financing and debt service on land and construction costs associated with storm water runoff beyond the developed site. Larger jurisdictions usually include a factor for such costs in determining the monthly sanitary sewer service charge.

a. No difference between cities and unincorporated areas.

D. Sanitary sewers. These facilities include the sewer pipe necessary to serve individual lots within a proposed development. In some cases the facilities may include a fee for connecting into existing trunk lines and a fee for use of capacity of the wastewater treatment facility. Where needed, the facilities may include pressure lines and pump stations for pumping sewage. Unit costs have a wide range depending on subsurface conditions, topography and the extent to which a particular jurisdiction has a policy of recovering offsite costs such as trunk lines and waste treatment capacity. Gravity systems within a residential subdivision amount to roughly \$1000 - 1500 per D. U. Offsite trunk lines add another \$750 - 1200 per D. U. and payment for treatment capacity adds \$1500 - 2500 per D. U. Private costs of extending the sewer line to the residence and hooking in to the plumbing system can add another \$2000 to the cost. Total sewer costs on a D. U. basis amount to \$5250 - 7200 per D. U. if all necessary facilities are charged to development. Not charging for treatment capacity and off site facilities reduces costs to \$3000 - 3500 per D. U.

1. Revenue. Construction costs are covered as above for the facilities inside the development.

a. No difference between cities and unincorporated.

E. Water supply and distribution. These facilities in a typical residential subdivision include the water lines in residential streets, fire hydrants, connections to individual property lines and water meters. Water storage, water pumping stations, trunk lines and water supply facilities are rarely if ever directly included. Like sanitary sewers unit costs for water facilities vary considerably depending on topography, subsurface conditions and the degree to which the jurisdiction attempts to capture all water facility costs from initial development. On site residential costs (lines, meters and lot connections) average about \$2000 - 2800 per D. U. depending on density configuration. Major distribution and storage facilities can add another \$1000 - 2200 per D. U. depending on topography and existing capacity. Supply capacity, if charged for, can run from \$300 to as high \$1100 per D. U. (in N. W. metro areas) and private plumbing hook up can add another \$500 - 1000. Consequently total costs can amount to a range from \$3800 to \$7100, given the rare instance where total system costs are charged directly to development.

1. Revenue. Facilities inside the subdivision are paid for as above.

- a. No difference between cities and unincorporated.
- F. Parks. Beyond the donation of land for a neighborhood park site, park development seldom if ever occurs in the context of a development of less than 50 acres. Park size standards vary widely between jurisdictions. Portland provides 1 acre of development park for every 90 persons. West Linn provides 1 acres for every 166 residents. Most urban unincorporated areas provide no developed park service; relying instead on State Parks and parks in adjacent cities. Park development standards and associated costs also vary widely; ranging from lawn and minor landscaping to full landscaping, athletic fields, tennis courts and community centers. Associated costs for park development range from \$25000 to \$500000 per acre depending on development intensity and the degree of volunteer materials and labor involved in development.
- 1. Revenue. No consistent practice. In the cases where parks are included at this scale the developer usually donates the land.
 - a. In cities a park funding mechanism of some sort usually exists. In unincorporated areas without a Park and Recreation Service District no service provision mechanism exists.
- G. Other community facilities. These are principally fire stations, police stations and municipal offices. In the context of a less than 50 acre subdivision they are never included. Standards for police stations and municipal offices are not relevant. Fire Station location standards (to maintain a specific expected maximum response time) vary inversely with size and are further adjusted for physical layout of service area. National rule of thumb standards are 1 station per 10000 people. City of Portland (service population 528,000) uses 1 station per 16000, while the City of West Linn (service area population 17,000) has 1 station per 3500; reflecting its dispersed layout. Fire station/police station costs run about \$70 - 80 per sq. ft.
- 1. Revenue. These facilities are provided by the responsible jurisdiction using general revenues and a variety of financing mechanisms; but most often a G. O. Bond issue and associated property tax levy.
 - a. Cities have a somewhat wider choice of financing and debt service revenue sources than do Counties and Service Districts.
- H. Commercial facilities. Not included. These include such facilities as grocery stores and other facilities that cater to convenience shopping and other high trip frequency activities.
- I. Public schools: Like other community facilities, schools are not considered in developments of under 50 acres. Moreover, within Oregon school facilities are not included regardless of development scale. Most all residential development will add some student demand. Whether the increase in student demand produces a fiscal impact, depends on the capacity conditions of the affected school district. School districts in older developed urban areas typically have excess capacity while districts in rapidly growing areas have no capacity. Up to the present new development has not been expected to pay for additional school facilities. Capital costs for new school facilities average about \$10000 per pupil (does not include classroom equipment or land). Using age - cohort population analysis, a predominately

single family residential development will require a school expansion of roughly . 5 students per D. U. ; thereby yielding a capital cost of \$5000 per D. U. This result holds only for rapidly growing suburban districts with no excess capacity.

1. Revenue. These facilities are paid for via property tax levies spread over the entire school district. Generally, a G. O. Bond issue is used to finance the construction (subject to voter approval) and an associated property tax levy pays off the debt service.

a. No difference between cities and unincorp.

II. Capital facilities for development of 50 - 250 acres. Moving from the individual subdivision to the "neighborhood" level requires consideration of a wider array of capital services than do developments of less than 50 acres. In addition to the capital facilities typically included in smaller proposals we need consider the following:

A. Road services: Neighborhood collector streets and traffic control with connection to arterial street or streets along with assessment of traffic impacts on existing development and street system. Typical neighborhood collector standards are 30 mph, 2 15 ft. lanes with sidewalks and/or bike lane. Costs run about \$150 - 300 per lineal ft. depending on topography and exact design standards. Including facilities at this scale level adds about \$750 - 1500 per D. U. to development costs.

1. Revenue. No consistent financing mechanism. Some jurisdictions will require Systems Development Charge for off site expenses. Some jurisdictions may require developer to finance and pay. Some jurisdictions may upgrade existing roads from general road revenues; other jurisdictions may use property tax levies (either serial or G. O. bond). In development pays options LIDs or Tax Increment Districts are usually used to provide public financing and debt service.

a. Generally Counties have more general road resources than do cities and may be more likely to upgrade existing facilities out of general revenues.

B. Mass transit. At this level some consideration may be given to transit access and station and transfer points and road and traffic controls may be specifically designed to promote transit use. No cost estimate is given.

1. Revenue. No mechanism exists. Jurisdictions may require developer to pay for certain transit related construction costs. This does occur in conjunction with large commercial developments.

a. No difference between cities and unincorp. Transit service districts generally cover both areas and administer transit construction needs.

C. Drainage facilities. Development would likely require collector trunk lines and provision for runoff to go to drainageways, impoundments or sewage treatment. Collector trunk lines cost roughly \$50 - 100 per lineal ft. depending on diameter, topography and soil conditions. Set asides of land for natural drainageways or impoundments require additional area of roughly 500 - 2500 sq. ft. per gross developed acre. Alternatively, storm water can be

treated in a wastewater plant, the same as sewage. Providing, sewage treatment plant capacity for peak storm water inflow is prohibitively expensive and not considered in this exercise.

1. Revenue. No consistent mechanism exists. Designated Water Quality Authorities may include a "surcharge" in the sanitary sewer bill to deal with runoff. Some jurisdictions may require developer to pay costs in the same manner as residentially based facilities. Other jurisdictions use SDCs for off site expenses. In some instances, costs become the responsibility of County road fund ditch maintenance.
 - a. Jurisdiction response to new water quality requirements not well established, so it is difficult to tell if cities and unincorporated areas differ.

- D. Sanitary sewer facilities. Besides facilities noted previously, developments in this range would include trunk lines and pump stations if required. Whether the development would pay for wastewater treatment capacity, depends on the jurisdictional arrangement (ie. whether the administering jurisdiction runs the treatment plant or has a contractual agreement to compensate for use of plant capacity), the policy of the administering jurisdiction, and the excess capacity and fiscal situation of the affected providers at the time of the development proposal.
 1. Revenue. Development may pay a development fee (SDC) for offsite expense and capacity use. Onsite expenses may be paid for directly by developer or financed with LID/Bancroft Bond process. Other jurisdictions finance part of this level of improvements through monthly service charges or G. O. Bond issues paid with a property tax levy.
 - a. No difference between cities and unincorp.

- E. Water supply and distribution. At the intermediate scale trunk lines would likely be included. However, payments for supply capacity and storage would depend on jurisdictional policy and in the case of multiple providers, intergovernmental agreements and relationships.
 1. Revenue. Major facilities onsite are usually paid for as part of development (or LID/Bancroft). Offsite improvements are paid for with SDCs. Some jurisdictions provide financing and supply requisite facilities. Debt service is then recovered in monthly service charges (Portland Water Bureau). Other jurisdictions may use G. O. Bonds in conjunction with property tax to finance these improvements.
 - a. No systematic difference between cities and unincorp.

- F. Neighborhood parks. In many communities a development at this size level would raise the issue of park facilities provided the reviewing jurisdiction provided parks as part of its municipal services.
 1. Revenue. Developer may bear land cost. Park development would be financed with the jurisdiction's general revenues or by a special levy or G. O. Bond issue.

- a. Cities would typically provide this service. Development in the unincorporated area outside a park and recreation district would not include the service.
 - G. Other community facilities. Additional community facilities would not likely be required at this scale level.
 - H. Commercial facilities. Some consideration of commercial facilities may be made at the high end of the range. However, this would depend on the policy of the administering jurisdiction. (For instance, many cities have a policy of supporting existing commercial areas (downtowns) without regard to convenience shopping needs and opportunistic commercial development occurring on arterials beyond their jurisdiction.)
 - I. Schools. At the high end of the range impact on school capacity may be addressed but only if administering jurisdiction incorporates such procedures into its development review process.
 - 1. Revenue. As above.
- III. Developments of greater than 250 acres. Though rare in Oregon, some areas of the country deal with community scale development proposals that may exceed 1000 acres. When considered as a unit, such proposals engender consideration of community services seldom addressed in development proposals of smaller scale. In this context we need keep in mind that twenty 50 acre developments should produce the same array of community facilities and services that one 1000 acre development would.
 - A. Road services. In addition to residential streets and collectors, arterials and major traffic interchanges must be considered. Arterial streets typically have a design speed of 35 mph or higher and consist of 2 to 5 lanes depending on traffic loads. In developments of this scale several traffic interchanges with traffic signals are required at a cost of roughly \$100,000 per interchange. Besides sidewalks, bike lanes/pedestrian ways may also be considered depending on standards and priorities of the administering jurisdiction. Costs depending on facility configuration, topography, etc run from \$300 - 450 per lineal ft.
 - 1. Revenue. As above.
 - B. Mass transit. In communities where mass transit is offered, development at this scale would entail provision for a transit route, bus turnouts (if applicable) and possibly allocation of space for park and ride facilities and/or transfer stations.
 - 1. Revenue. As above.
 - C. Drainage facilities. Requirements would be the same as for an intermediate scale development. However, in a development of this size there would be a greater likelihood that they be addressed and included in the initial development.
 - 1. Revenue. As above.
 - D. Sewage facilities. Development would require all facilities from residential sewers to wastewater treatment capacity.

1. Revenue. As above.
- E. Water supply and storage. Development would include all facilities including water supply and storage.
1. Revenue. As above.
- F. Parks. Would include neighborhood and perhaps a community size park and recreation facility depending on the standards of the administering jurisdiction.
1. Revenue. As above.
- G. Other community facilities. Developments of this size might require construction of a community recreation center, an additional fire station or an additional police patrol precinct depending on community standards and use of existing facilities. Library facilities also may be required for jurisdictions providing that service.
1. Revenue. Costs for these facilities would be paid out of the jurisdiction's general revenues or financed via a G. O. Bond issue repaid via a property tax, a LID, an Economic Improvement District or a Tax Increment District.
 - a. Cities have a wide variety of approaches that are not normally available to unincorporated areas.
- H. Commercial facilities. Developments of this scale require the provision of at least some convenience shopping and perhaps eating and drinking facilities. As the size increases additional commercial facilities including services and general merchandise would be merited.
- I. Schools. Additional school capacity is most likely required. Only in the unlikely case where the impacted School District has a large surplus capacity and development occurs very slowly will the addition of classrooms and perhaps new schools be avoided.
1. Revenue. Same as noted above.

Summary of Capital Findings

The above outline provides a description of the hierarchy of community facilities that must be built as the scale of development increases. Several important concepts and hypotheses with regard to development are implicit in this hierarchy. These can be enumerated as follows:

1. Small incremental development proposals will not automatically provide the full range of capital facilities required for a complete community.
2. The degree to which small scale development satisfies community capital requirements depends on the administering jurisdiction and its relationship with other jurisdictions providing all or part of a community service.

3. As the scale of development increases from less than 50 acres to greater than 250 acres, the likelihood increases that multiple jurisdictions will provide all or part of community capital facilities.
4. Cost per D. U. built increases from \$6600 - \$10000 at the incremental scale to \$12650 - \$21300 at the community scale. These costs do not include the cost of parks, community facilities and schools which typically are provided after development has occurred.
5. Moving from the small scale to the community scale, revenue generating and financing mechanisms for community facilities become more complex, more heterogeneous from area to area and more likely to be discontinuous for any particular community facility.
6. Due to the heterogeneity of fiscal systems, government organizations, government development policies, and administrative responsibility for delivering community level capital facilities, it is unlikely that community capital facilities will be identified, financed and built as required.
7. Developers have a substantial cost savings incentive to develop in small increments thereby minimizing the chances of being required to pay for neighborhood and community level services from development proceeds.

In conclusion, the above collection of findings and hypotheses stimulates a some tentative conclusions to be scrutinized as part of the case studies. One, we would expect that in rapidly developing areas neighborhood and community services would be undersupplied and those that exist over capacity. Two, we would expect that many community services are provided retroactively by all the jurisdiction's taxpayers via G. O. bond levies, serial levies or not provided at all. Three, we would expect development facility provision and financing policies to vary from jurisdiction to jurisdiction depending on jurisdiction size, service scope and policies. Finally, we would expect development inefficiency caused by the resultant development price distortion. Areas expensive to develop will oftentimes be underpriced, while areas efficient to develop will have no services or appear to have high development costs in comparison to areas not providing neighborhood and community level facilities.

B. OPERATING SERVICES

Operating services consist of the maintenance and operation of the capital facilities that are built in conjunction with a particular development and the operating services such as police, fire, and planning that the development stimulates a demand for. Like capital facilities apparent operating service costs vary inversely with scale of development. Small scale development particularly within the boundaries of a larger municipality will have little or no measurable marginal operating cost. However, as the scale of development increases, operating costs increase in a series of stair steps. At some level of development a new fire station will need be added, a new maintenance crew or a new police patrol district established. Consequently, small incremental development proposals generate little thought about changes in operating services while large development proposal generally cause concern about the impact on operating requirements.

Unlike capital facilities, operating services have no explicit linkage between service cost and service revenue. The revenues raised to support operating services are embedded in the revenue systems of the

jurisdictions responsible for delivering the services and not explicitly connected to development. For instance, development occurring within a school district increases demand for education but other than State per pupil aid (25% - 30% of total per pupil operating cost) operating revenues do not increase. Likewise development occurring within a city does not increase property tax receipts.

Consequently, for operating cost increases by scale of development we must enumerate those operating revenues that would be affected for each service. Furthermore, we must differentiate operating revenues in terms of the type of local jurisdiction commonly providing the service.

The outline below deals with operating services by scale of development. Unlike capital facilities it is subdivided by development occurring within a municipality and development occurring in an unincorporated area. This recognizes the considerable difference between operating revenue structures in special districts as opposed to cities. Exhibits Three and Four summarize the outline data.

Exhibit Three is similar to Exhibit One but deals with operating services rather than capital facility provision. The most significant aspect of Exhibit One is that it underscores the multiplicity of governmental jurisdictions that may provide operating services to developing areas both inside and outside of cities. For instance, inside city limit our survey data indicate that only for sewer and water maintenance and planning/general control do cities consistently provide the service. (We know of partial cases where they do not do sewer and water maintenance.) The same holds true for development outside cities. Only in the case of planning/general control do counties usually perform the service. (Here to, they may by agreement contract with cities.) The approaches to operating service provision are diverse and reflect the geographic, economic and institutional milieu of particular developing areas. In Section Four, devoted to Special District operations, we describe how many of these relationships work to provide effective responses to growth management problems.

Exhibit Four underscores the diversity of authority and resultant revenue sources to support local government operations. Without itemizing the details in Exhibit Four we can state that the results of Exhibit Four bode ill for Oregon growth management. On the one hand, there is no relation between many sources of revenue and the operating requirements of governments receiving them. This is particularly true of counties which receive general revenues (property taxes, National Forest Receipts, O & C Receipts, State Motor Vehicle Fees) that originate with all county residents and use all or part of them to fund services exclusively available in unincorporated areas. As we note in the case study Section, Santa Clara - River road and West Medford development was stimulated by County Road building. (East Multnomah County is another example.)

Additionally from Exhibit Four we note that Special Districts are limited to fees or the property tax; more general economic growth related revenue sources are denied them. For business and excise taxes (ie gas tax) this promotes distortion of location decisions on the part of businesses to avoid such taxes. Furthermore, such fragmented authority makes it difficult or impossible for other jurisdictions with the authority to use it. Consequently, small and medium sized cities and even many home rule counties cannot capture part of the value of economic growth to offset service costs. They then become overly dependent on the property tax, which is insensitive to economic growth. We document such a situation for West Linn in regard to the Tanner Creek case study, where community scale development despite low marginal operating costs will not pay for itself.

**EXHIBIT THREE:
INVENTORY OF OPERATING SERVICES BY GOVERNMENT JURISDICTION AND PROVISION
REQUIREMENT**

OPERATING SERVICE BY TYPE SPECIAL/DISTRICT	CITY	DEVELOPMENT INSIDE CITY			DEVELOPMENT OUTSIDE CITY		
		COUNTY	SPECIAL/DISTRICT	CITY	COUNTY	CITY	COUNTY
ROAD MAINTENANCE		YES	YES	NO	NO	YES	YES
SEWER AND WATER MAINTENANCE/OPERATIONS		YES	NO	NO	YES	NO	YES
STORM DRAIN MAINT.	YES	YES	NO		NO	YES	YES
PARK/COMM. FAC. MAINT.		YES	NO	YES	NO	YES	YES
POLICE PATROL	YES	YES	NO		YES	YES	YES
FIRE/EMERG. RESPONSE	YES	NO	YES		YES	NO	YES
PLANNING/GEN CONTROL	YES	NO	NO		NO	YES	NO
SCHOOL OPERATIONS	NO	NO	YES		NO	NO	YES

**EXHIBIT FOUR:
INVENTORY OF MUNICIPAL OPERATING SERVICE REVENUE
SOURCES BY GOVERNMENT JURISDICTION AND PROVISION
REQUIREMENT PER CAPITA BASIS: RANGE LOW TO HIGH
PORTLAND METRO AREA 89 - 90**

OPERATING SERVICE BY TYPE	CITY	COUNTY	SPECIAL DISTRICT
ROAD MAINTENANCE:			
STATE AID	35	55	0
COUNTY ROAD FUND SHARE		5 - 23	NA 0
COUNTY GAS TAX		NA	5 - 14 0
NATIONAL FOREST SHARE		0	1 - 33 0
PROPERTY TAX	0 - 20		0 - 38 15 - 40
UTILITY FEES	0 - 8	0	0
TOTALS:	40 - 86		61 - 140 15 - 40
SEWER/DRAINAGE/WATER MAINTENANCE/OPERATIONS:			
FEES/CHARGES	108 - 146	NA	140 - 179
PROPERTY TAX (NON G.O. DEBT)	0	NA	0
TOTALS:	108 - 146	NA	140 - 179
PARKS/COMMUNITY FACILITIES MAINTENANCE/OPERATIONS:			
PROPERTY TAXES	11 - 20		.30 - .80 28
BUSINESS LICENSE		0 - 4	0 - .20 0
UTILITY FEES	2 - 5	0	0
STATE AID	.5 - 1.75	0	0
FEES/CHARGES	.9 - 7		.20 - 1 13
O & C REV.	0	.0 - .20	0
LOGGING/OTHER EXCISE	0 - 1.30		0 - .20 0
TOTALS:	14.40 - 39.05		.50 - 2.40 41

POLICE PATROL:					
PROPERTY TAX	59 - 104		71 - 80		NA
BUSINESS LICENSE		.5 - 13		0 - 15	NA
UTILITY FEES	9 - 17		0		NA
STATE AID	5 - 8		0 - 2		NA
O & C REV.	0		0 - 2		NA
LODGING/OTHER EXCISE	0 - 3.50		0 - 2		NA
TOTALS:	68.50 - 144.50		71 - 101		NA

FIRE/EMERGENCY RESPONSE:					
PROPERTY TAX	32 - 71		NA		105
BUSINESS LICENSE		.25 - 8		NA	0
UTILITY FEES	5 - 10		NA		0
STATE AID		2.75 - 5		NA	0
O & C REV.	0		NA		0
LODGING/OTHER EXCISE	0 - 2		NA		0
TOTALS:	40 - 96		NA		105

PLANNING/BUILDING:					
PROPERTY TAX	3.80 - 5.14	2.54		NA	
BUSINESS LICENSE		.05 - 1.06	0		NA
UTILITY FEES	1 - 1.50		0		NA
STATE AID	.41 - .50	.15		NA	
O & C REV.	0	1.51		NA	
LODGING/OTHER EXCISE	0 - .29		0		NA
TOTALS:	5.26 - 8.49	4.20		NA	

RANGE of services
\$ Revenue ~~per unit~~ per unit
= 853.63 - 1403.97
(810) + Schools

1991-1992
Canby = \$300 Budget/capita
Total 316.16 - 519.99

NOTES: LISTING DOES NOT INCLUDE 100% OF THE REVENUE SOURCES. FOR INSTANCE, FEES/CHARGES FOR MUNICIPALITY SERVICES ARE OMITTED. ALSO PROPERTY TAXES TO SUPPORT BONDED DEBT ARE OMITTED. BEGINNING BALANCE, INTEREST EARNED, CONTRACTS, ETC. ARE LIKEWISE OMITTED. THE RANGES SHOWN ARE INTENDED TO REPRESENT A REASONABLE "LOW AND HIGH", NOT THE EXTREMES OF THE RANGE.

BUDGETS CONSULTED: CITY OF PORTLAND, CITY OF GRESHAM, CITY OF WEST LINN, MULTNOMAH COUNTY, CLACKAMAS COUNTY, WASHINGTON COUNTY, UNIFIED SEWAGE AGENCY, WOLF CREEK WATER DISTRICT, ROCKWOOD WATER DISTRICT, TUALATIN VALLEY FIRE AND RESCUE DISTRICT, TUALATIN HILLS PARK AND RECREATION DISTRICT SKYLINE CREST ROAD DISTRICT, RAMSEY-WALMER ROAD DISTRICT.

1992-1993
Canby = \$290 Budget/capita

Budgeted 1992-1993
x 2.7 pers/unit = (783.60) cost/unit
CANBY

Operation Services Narrative Outline

IV. Development of less than 50 acres - Cities.

A. Road maintenance - cities. Not generally accounted for. Major cost of street maintenance is for road repaving which may not occur for 20 years. Periodic maintenance such as street cleaning, striping, and minor patching generally adds no measurable work increase for existing crews. Street lighting power and maintenance costs are not negligible but are seldom considered in development increments of this size.

Tax Rate = \$4.68/1000
Taxes 80,000 house = 4.68 x 80 = \$374
Deficit for each new \$80,000 house
783 - 374 = \$409/yr

1. Revenue. Revenue for street maintenance comes from the State Motor Vehicle Fund with the City share (12%) allocated between cities on a per capita basis which is presently \$40 per capita. Some cities share additional revenue from locally imposed County gas taxes. Portland receives an additional \$23 per capita from Multnomah County. Washington County cities likewise share in the Washington County gas tax. Also some cities such as West Linn (a dedicated serial levy) use the property tax to partially fund street maintenance and related services.

- B. Sewer and water maintenance and operations - cities. Not generally accounted for. As for road maintenance the short term marginal cost for developments of this size is negligible.
1. Revenue. Revenue comes from periodic (monthly to quarterly) sewer and water billings usually set at a rate to recover operating and maintenance costs including replacement of existing facilities (not in all cases). In some jurisdictions, notably the City of Portland, water rates and part of the sewer rate includes payment for debt service for financing major system improvements which in other jurisdictions would be financed by development via special assessments or SDC's.
- C. Storm drainage maintenance - cities. Not accounted for at this scale. Normally done by combination of road and/or sewer maintenance crews.
1. Revenue. No explicit operating revenue source exists for storm drainage maintenance at any development scale. Usually it is paid from a combination of road and sewer resources. Some jurisdictions such as Portland include a specific "run off" fee as part of the monthly sewer bill.
- D. Park and other community facility maintenance - cities. Not generally accounted for at this scale.
1. Revenue. Some level of revenue is provided automatically as these operating services are usually paid from City General Funds. Growth in population, assessed value and economic activity associated with the development will provide some increase in General Funds depending on the revenue structure of the particular municipal jurisdiction.
- E. Police patrol/public safety - cities. Seldom accounted for at this level for residential development. Most police patrol districts can be marginally increased without reducing response time. For instance the maximum expected distance added by a 50 acre residential development would be 1/4 mile.
1. Revenue. Same as for park and community facility maintenance. Public safety is paid from City General Funds; so some level of revenue increase is automatic.
- F. Fire suppression/emergency response - cities. Not accounted for at this level. Same comments apply as for public safety.
1. Revenue. Same as for public safety. Paid for by City General Funds.
- G. Planning/general control - cities. Not accounted for at this level. Same as above.
1. Revenue. Same as above.
- H. Schools - cities. Seldom accounted for at this level. K-12 school services are provided by school districts which are normally not included in the development decision making process.
1. Revenue. School districts depend on property taxes for about 60% of their operating

requirements and on State per pupil aid for 30% (10% is miscellaneous). Beyond the 6% increase of the tax base no increase in property tax revenue can be had without a vote of the people regardless of level of development. Consequently, unless schools go to the voters it is likely only 30% of the increased cost (given there is no excess capacity) of providing education will be funded for a given development.

V. Development of under 50 acres - Unincorporated.

- A. Road maintenance - unincorporated. Not considered. In unincorporated areas most road maintenance is performed by County Road Fund crews. (A few special road maintenance districts exist but are insignificant in regard to coverage or actual outlays.)
1. Revenue. County Road Fund revenue comes from State Motor Vehicle Fees (20% of the total) and is apportioned to the Counties on the basis of vehicle registrations. In addition 25% of National Forest gross receipts occurring in subject counties are dedicated to the County Road Funds. Additionally, some counties such as Multnomah and Washington collect gas taxes and share those proceeds with cities.
 - a. For purposes of comparison Clackamas County receives \$51 per capita (unincorp. population) from State Motor Vehicle Fees and \$32 per capita from Mt. Hood Nation Forest receipts for a total of \$83 per capita for maintaining roads within the County's jurisdiction. Clackamas County levies no gas tax or shares revenue with local jurisdictions.
- B. Sewer and water operation and maintenance - Unincorp. Not considered at this level with some exceptions enumerated below. These services are provided by a variety of special districts depending on the service, the jurisdictional complexity (i. e. whether cities are part of the system), and historical accident. In some limited instances, cities may provide limited service on an extraterritorial basis. In cases where cities provide an extraterritorial extension, the fiscal impact and political impact on future annexation procedures is usually considered.
1. Revenue. Sewer and water special districts collect monthly service fees from their direct customers in the same fashion usually as cities do. Their revenue authority is limited to fees and charges but they may have access to the property tax for both operating and capital financing with a vote of the people. I am not aware of any special districts using the property tax for operating purposes but they do have G. O. bond levies.
- C. Drainage maintenance - unincorp. Not considered at this scale. Depending on the density of development, drainage maintenance will be performed by County road crews and sometimes by Service District sewer maintenance crews.
1. Revenue. No specific revenue is collected for drainage maintenance by Counties. Sewer districts can include the cost of drainage maintenance as part of their water quality responsibility.
- D. Park and community facility maintenance - unincorp. Normally not considered. In the rare event the development proposal contains a park site and the development is within a Park

and Recreation District, ownership and maintenance of the facility would be addressed. However, such an occurrence would be very rare. Most commonly the County is the responsible jurisdiction and Counties seldom have a comprehensive policy of neighborhood park provision and maintenance. Few counties provide anything but regional/community parks at a few locations usually in rural areas outside the UGB.

1. Revenue. Parks and Recreation Districts can levy property taxes with a vote of the people (either tax base or serial levies) to provide park services. Counties can use general county revenue to build and operate parks.
- E. Police patrol/public safety - unincorp. Not considered at this level. Police patrol is provided by the County Sheriff in unincorporated areas. In some special circumstances such as a detached development in a remote rural area the Sheriff's office would be involved in evaluating how to service the development.
1. Revenue. County Sheriff service is funded from County general revenues which include property taxes and various license and business fees as well as some intergovernmental sources such as O&C payments (very substantial amounts in many Oregon Counties) and State alcohol and cigarette tax sharing. Some Counties such as Washington County have a specific zone of benefit property tax levy in the unincorporated area to provide Sheriff's patrol to the unincorporated area.
- F. Fire protection/emergency response - unincorp. Not considered unless fire service is provided via contract by another jurisdiction such as an adjoining city. In that instance, the additional workload may generate a contract adjustment. In most instances, fire services are provided via a special district or by a consolidated fire department composed of cities and special districts operating as one unit.
1. Revenue. Fire districts are limited to the property tax to pay for operations. In the case of consolidated departments with cities, cities can use any of their general revenues to pay their share but unincorporated areas are limited to the property tax.
- G. Planning/general control - unincorp. Not considered. Service is provided by the County.
1. Revenue. The County can use its general resources and fees and charges to fund these services.
- H. Schools - unincorp. Not considered. The same comments apply as for development within cities.
- VI. Development of 50 - 250 acres. For this stage of the outline we have combined incorporated and unincorporated since jurisdiction and revenue do not change with development scale. However, as scale increases the jurisdictional relationships become more complex and the need to coordinate among various jurisdictions becomes more important.
- A. Road maintenance
1. Incorporated areas probably would need to account for the increased workload.

2. Unincorporated areas. For county road crews the increase in workload would be proportionally less than in cities, so the impact would be less noticeable.
 3. Revenues are as previously noted.
- B. Sewer and water maintenance
1. In incorporated areas it depends on the size of the jurisdiction. Usually development of this size constitutes a significant increase in billing and maintenance workload.
 2. In unincorporated areas service districts would be noticeably impacted by this size of development. However, the ability of service districts to participate in development decision-making varies depending on their intergovernmental relationship with the development administrative authority.
 3. Revenues do not change.
- C. Drainage maintenance
1. Same comments as for sewer and water.
- D. Park maintenance
1. In incorporated areas development of this scale would require increased neighborhood park acreage and resultant increases in park maintenance and operation.
 2. With the exception of development in a Park and Recreation District, no increase would be noted.
 3. Revenues are as before.
- E. Police patrol/public safety.
1. Incorporated areas development of 50 -250 acres would usually require additional services unless the jurisdiction were quite large. Some service expansion would be likely at the high end of the range.
 2. Unincorporated areas would likely require additional services the same as cities.
 3. Revenues as before.
- F. Fire protection/emergency services.
1. In large incorporated areas or in consolidated fire districts developments of this size can be served without additional expansion.
 2. In unincorporated areas with large or consolidated fire districts such development can be accommodated without additional services. In smaller jurisdictions some service

expansion may be necessary.

3. Revenues as before.

G. Planning/general control

1. In incorporated areas not considered.
2. In unincorporated areas not considered.
3. Revenues are as above.

H. Schools

1. In incorporated areas that are rapidly growing the impacts of development of this scale will likely be assessed. In large jurisdictions with excess capacity this will be of less concern.
2. In unincorporated areas the response should be roughly the same as in cities.
3. Revenues are as previously.

VII. Development of greater than 250 acres. Development of this scale have measurable impacts and be scrutinized in regard to all operating services. There should be no difference between incorporated and unincorporated areas.

Summary of Operating Services

As was the case for capital services, the apparent need for increases in operating services varies directly with the scale of development. More often than not small incremental developments can be accommodated without an apparent increase in demand for operating services. Only in the case of rapidly growing jurisdictions already beyond community service capacity would this not be the case. Also we note that the relationship holds for development in both incorporated and unincorporated areas. Significantly, development in smaller jurisdictions, whether cities or special districts, is likely to require additional services before development in larger jurisdictions. This simply reflects the fact that 50 acres is proportionally a lot more in a 500 acre jurisdiction than it is in a 5000 acre jurisdiction.

In conclusion, there is seldom an explicit link between the operating services required and the operating revenues generated to support them. Though we know that a development of a given size, will require a given amount of service, the operating revenues generated by the development may be far less or far more depending on the local government operating revenue system. Local government operating revenue systems depend in turn on State Law and local Charter and ordinance authority. Two identical developments located in different jurisdictions and requiring the same services may generate entirely different levels of operating revenues.

Related to the above finding is the considerable difference between the revenue systems of cities, counties and special districts. As the data in the outline and exhibits make clear a given service may be provided via several jurisdictional arrangements. It is also clear that this promotes some service provision distortions. For instance, many counties have more revenue available for roads than do cities but have no authority to directly provide for sewers water and fire. Counties also are able to provide public safety but generally use tax revenue from both the incorporated and unincorporated portions to provide service to

only the unincorporated area. Special Districts can provide a number of services to the unincorporated areas but are limited to the property tax for general revenues unlike cities which have a more diverse general revenue base. Consequently, some developing areas may have good roads but no sewer or water; or have adequate police patrol but no parks, full time emergency response, or other community services.

SECTION FIVE: ASSESSMENT OF INFRASTRUCTURE DEVELOPMENT

Growth management on Oregon is not working adequately in that it exhibits the following deficiencies:

1. There is a substantial underprovision or non provision of community services as development occurs which results in numerous community facilities operating beyond capacity.

In Section One we describe how the typical developments provide the community level services necessary for adequate long term growth. In Section Three we provide case study examples that demonstrate this finding. Even in Washington County, a jurisdiction that actively uses system development charges and impact fees, recovery rate is 30% to 40% of the cost of municipal community services. This disparity becomes even larger when school facilities are included. Presently no revenues are collected to provide for school capacity increases.

2. There are differing standards within a metropolitan area concerning what facilities and services should be provided, what development should pay for and what should be paid from general taxes. As a consequence, development may occur where short term costs to developer are least; and not where it should be most efficiently located. Individual development on large lots outside the UGB is an extreme example of this.

Sections One and Two describe how many local jurisdictions become responsible for capital facilities and operating services as the scale of development becomes larger. These sections also point out that the different jurisdictions have different revenue raising mechanisms, financing authority, debt limits, and governance procedures as well as varying standards regarding community capital facility and operating service levels. In sections Three and Four we note the variance in development charges and the type and amount of community facilities provided as development occurs. In one instance, West Medford, we document a vintage development that is in all likelihood uneconomic to be serviced to urban densities.

3. There is no necessary relationship between growth and the growth of revenues necessary to pay for capital facilities and operating services. Consequently, negatively impacted jurisdictions, those that will not have additional fiscal capacity to adequately serve new population, may be reluctant to accommodate appropriate growth levels.

In section Two and in section Three case studies we establish that Oregon law and individual jurisdictions have not provided usable and comprehensive mechanisms to recover revenue from economic activity related to development. In one instance, West Linn's Tanner Creek, we document that with special agreements and complex legal mechanisms jurisdictions may still lack an incentive to manage urban growth area development, because they are unable to insure that they will have adequate operating funds to pay for newly required services, or in the alternative may not be able to guarantee that once developed, the new areas will consent to being annexed.

4. There exist areas inside the UGB that are designated for growth and expected to grow, but no one jurisdiction is responsible for providing all the necessary services, none (most significantly cities) appear to have the incentive, and some lack fiscal authority for doing so.

In section Two and in section Three case studies we again demonstrate that Oregon law and individual jurisdictions lack consistent, usable and comprehensive mechanisms to recover revenue with which to pay for services requirements resulting from economic activity related to development. In West

Linn's Tanner Creek, we document that with special agreements and complex legal mechanisms jurisdictions may still lack an incentive to manage urban growth area development, because it can guarantee that it will acquire tax base sufficient to service projected population.

5. There are facility and service level inconsistencies between similar developing areas within the UGB resulting from different types of governments with differing levels of taxing and revenue raising ability, spending and taxing at substantially differing levels.

Exhibits three and four of section One illustrate the difference in revenue systems among the jurisdictions responsible for delivering urban services. In addition we discuss in the narrative the substantial service differences between developing areas for police, fire and parks.

6. There are mismatches between revenue raising areas of counties and service responsibility areas of counties, which give rise to "subsidies" from some areas to other areas.

In exhibit four, the section One narrative and case studies for Santa Clara and West Medford, we document that counties receive considerable general revenues based on the entire county area to provide service available only in the unincorporated areas. County spending for roads and police patrol in particular has stimulated partial urban development in advance of comprehensive urban service availability.

7. There is low density development in low tax, low service areas occurring adjacent to high tax, high service areas and consumes the collective public goods provided in the high service area. (i.e., parks, libraries, public safety, roads and streets.)

Our case studies demonstrate this for West Linn's Tanner Creek, Santa Clara River Road and West Medford.

8. There is overlapping and fragmented jurisdictional responsibility for supplying various capital and operating services necessary for appropriate urban development and no one jurisdiction has exclusive choice and coordination responsibility for selecting appropriate development government and finance mechanisms.

In section Two we identify many legal entities responsible for delivering urban services. In the case studies we identify how these entities actually operate with respect to development.

9. The land use planning responsibility of counties does not usually translate into financial and growth management obligation, which tends to be fulfilled by a combination of providers the most significant of which are special districts.

As we demonstrate throughout the study, urban services in urban growth areas are delivered primarily through special districts and cities, mostly special districts. Except for roads and police the counties do not assume responsibility for the provision of other urban level services. We also note the general absence of coordination agreements between counties and special districts implementing counties' comprehensive plans for these areas.

10. Failure of the "growth management system" to provide timely development services can result in areas never achieving the urban densities planned for them.