

A G E N D A

CANBY PLANNING COMMISSION

REGULAR MEETING
City Council Chambers

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

I. ROLL CALL

II. MINUTES

April 13, 1992

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMUNICATIONS

V. FINDINGS

DR 92-02 - Wildflower (four-plex)

VI. NEW BUSINESS

ANN 92-03, an application by Dave Nelson of to annex a 2.37 acre parcel located at the end of S. Elm Street into the City of Canby (Tax Lots 1200 and 1300 of Tax Map 4-1E-4C).

VII. PUBLIC HEARINGS

DR 92-03, an application by Dan Anderson (applicant) and Marlon Financial Services (owner) for approval of a Site and Design Review application for the construction of a 5-unit apartment complex on a 15,180 square foot parcel on the southwest corner of S.E. 3rd Avenue and Knott Street (Tax Lot 8200 and 8300 of Tax Map 3-1E-33DC).

CUP 92-04 - an application by Dave Nelson for a Conditional Use approval of a proposed 5-unit manufactured home park at the end of S. Elm Street (Tax Lot 1300 of Tax Map 4-1E-4C).

SUB 92-01, an application by Regan Enterprises for approval of Phase 4 of Township Village. The subdivision application requests approval for 19 residential lots on 4.9 acres. The site is located south of Township Road, east of N. Ivy Street, and west of S. Lupine. (Tax Lot 600 [part] of Tax Map 4-1E-4A).

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 Mlhata, Vice-Chair
John Zieg
Tamara Maher

Wade Wiegand
Laurie Gustafson
Henry Fenske



MEETING TIMELINES AND PROCEDURES

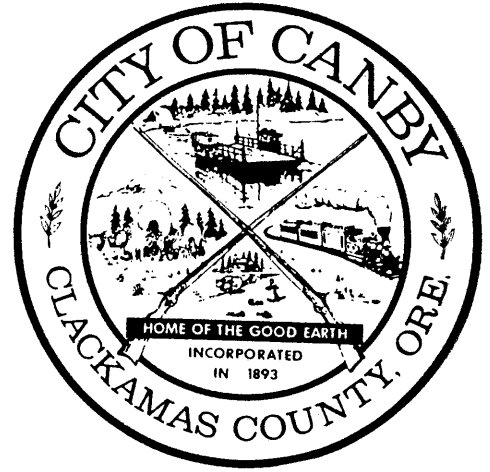
- *In order not to restrict any person from testifying but, rather, to encourage everyone to do so, the Canby Planning Commission shall try to adhere as closely as possible to the following timelines:*

*Applicant (or representative[s]) - not more than 30 minutes
Proponents - not more than 10 minutes
Opponents - not more than 10 minutes
Rebuttal - not more than 20 minutes*

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

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





- STAFF REPORT -

APPLICANT:

David Nelson

FILE NO.:

ANN 92-03

OWNER:

David Nelson

STAFF:

Robert G. Hoffman, AICP,
Planning Director

LEGAL DESCRIPTION:

Tax Lots 1200, 1300
Tax Map 4-1E-4C

DATE OF REPORT:

April 16, 1992

LOCATION:

South end of S. Elm Street

DATE OF HEARING:

April 27, 1992

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 2.37 acre site, to be developed as a 5-lot manufactured home park.

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. (Annexation Law)
 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.

III. FINDINGS:

A. Background and Relationships:

There has been action in the recent past on various proposals for this part of the City/County. The area to the north of the site has recently been developed as a mobile home park (Elmwood). Village on the Lochs Manufactured Home Park (I), located to the southwest, has recently been approved for building and grading with a number of conditions.

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement

The notification process and public hearing which will be done as part of this annexation process, are a part of the compliance with the adopted policies and process pertaining to Citizen Involvement.

ii. Urban Growth

The property is almost entirely within the Urban Growth Boundary. It meets most of the intent of Canby's Goals and Policies regarding the Comprehensive Plan Urban Growth Chapter, provided that all necessary urban services are available. This will be discussed later in this report. The site is a Priority "A" for development, which is the first stage to be developed. A small portion of the site is along the slope of the Mollala River Embankment and is not proposed to be developed. This part of the site would not be within the Urban Growth Boundary which ends at the top of the slope, while the property goes to the bottom of the slope. The developer is considering dedication of the slope area to the City, so the City could coordinate its protection and add it to its recreation and open space land.

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.

ANALYSIS

It has been previously discussed in this report that the subject parcel is located southwesterly of Canby City limits. Urban development activities have been proceeding nearby. Policy #1 can be met through the use of conditions at the time of development.

Policy #2 is provided for by the proposed R-1 (Low Density Residential) zoning which will apply to the parcel after annexation, following the Land Use proposal of the Comprehensive Plan for the site. Policy #3 will be met by Canby's current service system and concurrent extension of service systems for the proposed development. These extensions will be provided to develop Phase I of Village on the Lochs, and thus will be available to serve this area. Policy #4 will apply in the steep slope portion of the site but that area is proposed for protection through possible dedication to the City. Policy #5 will be followed since the property will be zoned consistent with the Comprehensive Plan designation, as part of the annexation process and any development will need to follow the Canby Land Development and Planning Ordinance requirements. The site will be zoned R-1, with the

steep slope portion with a Hazard Overlay to protect it. Policy #6 deals with unique areas and the subject property is not indicated as part of the Special Areas discussion in the Comprehensive Plan.

iv. **Environmental Concerns**

GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.

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

TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

- Policy #1-R-A** Canby shall direct urban growth such that viable agricultural uses within the Urban Growth Boundary can continue as long as it is economically feasible for them to do so. *(Not applicable.)*
- Policy #1-R-B** Canby shall encourage the urbanization of the least productive agricultural area within the urban growth boundary as a first priority. *(Not applicable.)*
- Policy #2-R** Canby shall maintain and protect surface water and groundwater resources.
- Policy #3-R** Canby shall require that all existing and future development activities meet the prescribed standards for air, water and land pollution.
- Policy #4-R** Canby shall seek to mitigate, wherever possible, noise pollution generated from new proposals or existing activities.

- Policy #5-R** Canby shall support local sand and gravel operations and will cooperate with County and State agencies in the review of aggregate removal applications. *(Not applicable.)*
- Policy #6-R** Canby shall preserve and, where possible, encourage restoration of historic sites and buildings. *(Not applicable.)*
- Policy #7-R** Canby shall seek to improve the overall scenic and aesthetic qualities of the City. *(Not applicable.)*
- 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 #1-H** Canby shall restrict urbanization in areas of identified steep slopes.
- Policy #2-H** Canby shall continue to participate in and shall actively support the federal flood insurance program. *(Not applicable.)*
- Policy #3-H** Canby shall seek to inform property owners and builders of the potential risks associated with construction in areas of expansive soils, high water tables and shallow topsoil. *(Not applicable.)*

ANALYSIS

Most of the site is Class II type soil, Latoural Loam. There are no known soil problems related to urban type development for this portion of the site. Canby's storm and sanitary sewer procedure will provide protection for ground water and surface water. The portion of the site which is steep slope is Xerochripts and Haploxerolls, very steep slope. Hazard of water erosion is severe. Runoff is rapid. Timber and wildlife habitat exists. Setbacks from the edge of the slope are needed to protect development from slumping. There is a drainfield on part of

the site to serve the adjacent home. Building, health and other Code regulations will protect against other types of pollution. Policies #1-R-A, 1-R-B, 5R, 6R and 7R do not apply, since there are no known agricultural, aggregate, historic, scenic, or aesthetic resources present. The development ordinance will require review of land division or conditional use, and/or design review, and encourage preservation of some measure of open space, where appropriate. There are no significant fish habitat identified, to date, although a stream exists at the base of the embankment, at the southerly edge of the subject property.

v. **Transportation Element**

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

ANALYSIS

As part of the previous action on the Village on the Lochs (I) project, Elm Street was approved to be extended as a public road. It will need to be improved, and sidewalks and curbs provided as part of the development process. A Traffic Impact Analysis has previously been submitted and found no off-site improvements were needed. Five additional homes will not significantly affect its conclusions. There are conditions of approval of the earlier phase, which still need to be met. Annexation will aid in meeting these conditions.

vi. **Public Facilities and Services**

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

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

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

- Policy #3: Canby shall adopt and periodically update a capital improvement program for major City projects. *(Not applicable.)*
- Policy #4: Canby shall strive to keep the internal organization of City government current with changing circumstances in the community. *(Not applicable.)*
- Policy #5: Canby shall assure that adequate sites are provided for public schools and recreation facilities. *(Not applicable.)*

ANALYSIS

All public utilities can be provided from S. Elm Street. Both a new interceptor and a water line is available. Other utilities are also available. Service extensions will be required. 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. The City of Canby voters have recently approved a major expansion of school facilities. The new Parks Plan proposes a bike path along the embankment, as part of a park along the Mollala River to serve Canby. This annexation could help to fulfill this proposal if the applicant dedicates the slope to the City.

The Public Works Director has stated previously that the City has capacity at the treatment plant for 250-300 additional dwelling units. The annexation will add to the supply of land for development, but not affect the market directly. The Stipulated Final Order, once approved, will remove this constraint.

Staff will report any concerns which may, in the future, be raised by service providers. The Public Works supervisor and the Fire Marshal have stated no specific problems exist in serving the development.

If the annexation were to occur, the zoning would be R-1, Low Density Residential. If the manufactured home park was **not** built, the land could support a maximum of less than 5 single family homes.

vii. **Economic**

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

ANALYSIS

Development of this site with 5 manufactured homes, as proposed, could provide residences for Canby business owners and employees, and also will provide a few employment opportunities and expand the market for Canby businesses.

viii. Housing

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

Policy #1: Canby shall adopt and implement an Urban Growth Boundary which will adequately provide space for new housing starts to support an increase in population to a total of 20,000 persons.

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. *(Not applicable.)*

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

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

ANALYSIS

This parcel will provide an opportunity for manufactured housing. Since it will be zoned R-1, Low Density Residential, it could also be developed with regular housing. The Comprehensive Plan, on page 45 assumed 2,018 of 5,198, or almost 40%, of the proposed homes would

be manufactured homes, thus helping to meet future housing needs. Canby has not begun to meet this need and most new housing exceeds \$100,000 per unit. This development would provide for 5 additional needed units.

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.

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

Review of the above analysis will show that the annexation is consistent with the policies of the Comprehensive Plan, provided that conditions deal with the slope area. 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 manufactured home parks as a Conditional Use. The plan must be reviewed and approved under the Conditional Use Ordinance and Site and Design Review Ordinance (or under the Subdivision Ordinance, if developed residentially). 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 property owner has applied for annexation. There are no residents. Thus, the provisions of ORS 222 have been met.

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", 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

The steep slope area is proposed to be dedicated to the City and the City will protect it. Development will be required to set back from the edge of the slope. No other natural hazards have been found.

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

The previous discussion of the Comprehensive Plan policies (particularly the Environmental Concerns Element) concluded that there are no designated open space, scenic, historic, or natural resource areas that will be adversely affected by this annexation provided that the slope is given protection. The development ordinance will review details of site development under the Subdivision review process, the Conditional Use process and Design Review process, to give protection to any detailed resources 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 a manufactured home park 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.

J. Annexations involving property beyond the growth boundary.

The annexation shall be consistent with State goals. The portion of the subject parcel located outside the Urban Growth Boundary is the slope of the Mollala River embankment. State Goals 2, 4, 5, 6, 7, 8, 12 and 14 are involved. The annexation would help accomplishment of these goals if the land is protected. The applicant is proposing dedication of the slope to the City for preservation as open space. A new access road is being built along the east and southern edge to access property at the base of the embankment. The County has approved of the road construction where it will be on County land. The City will maintain it over its entire length.

III. CONCLUSION

Based upon the previous discussion and provided that urban level of utility and other services are extended to service the site, and provided the slope is given protection, 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; 8) Economic impacts; and 9) for portions outside the Urban Growth Boundary, consistency with State Goals.

IV. RECOMMENDATION

Based upon the findings and conclusions contained in this report (and without benefit of a public hearing), staff recommends approval of ANN 92-03 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 Conditional Use and Design Review application. If the land is not developed as a manufactured home park, Subdivision review will be necessary.
4. The slope area which is outside the Urban Growth Boundary, shall be given special protection as a Hazard Area, not developed in intense urban use and dedicated to the City of Canby as open space, recreation, and for other public purposes.

Exhibits:

1. Application
2. Tax Map
3. Vicinity Map (Aerial Photo) (too large to reproduce)
4. Various reports from service providers

ANNEXATION APPLICATION

Fee: \$500.00

OWNER

APPLICANT

Name DAVID A. NELSON

Name DAVID A. NELSON

Address 25610 SW Mt Rd

Address SAME

City WEST Linn State OR Zip 97068

City _____ State _____ Zip _____

SIGNATURE [Signature]

Phone: 638-5537

DESCRIPTION OF PROPERTY:

Tax Map 4 IE 4~~AC~~ Tax Lot(s) 1300, 1200 Lot Size 2.37
(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 RESIDENTIAL/COMMERCIAL Proposed LOW DENSITY RESIDENTIAL
Existing Structures SHOP & HOUSE

PROJECT DESCRIPTION

VILLAGE ON THE LOCHS II. A 5 LOT LONG TERM LEASE MANUFACTURED HOME PARK

ZONING EPD-20 COMPREHENSIVE PLAN DESIGNATION LOW DENSITY RESIDENTIAL
PREVIOUS ACTION (if any) NONE

File No. ANN92-03
Receipt No. 1808
Received by lv
Date Received 3-26-92
Completeness Date _____
Pre-App Meeting _____
Hearing Date 4-27-92



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

PMALGBC FORM #1

PETITION FOR

Annexation to the City of Canby

OR

Withdrawal from the City of _____

To: PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION

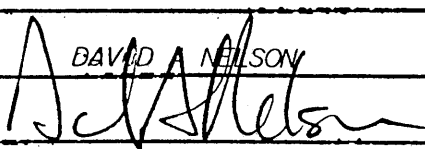
We, the undersigned, constitute at least the owners of one-half the land area of the property described in Exhibit A.

We desire to be (annexed to the) OR (~~withdrawn from the~~) City of _____

A map is attached, marked Exhibit B showing the affected territory and its relationship to the present City boundaries.

The (annexation) OR (~~withdrawal~~) constitutes a minor boundary change under the boundary commission act and should therefore be considered by the Boundary Commission, and after study a Final Order should be entered by the Boundary Commission.

PETITION SIGNERS

SIGNATURE OF LEGAL OWNER(s)	ADDRESS	Tax Lot Numbers		
		Lot#	a1/4-1/4	1/4 Sec Twp R
<i>DAVID NELSON</i> 	<u>25610 SW MT. RD</u> <u>West Linn, OR 97068</u>	<u>1200</u> <u>1300</u>	<u>SW SEC 4E</u>	<u>T4S R1E WM</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

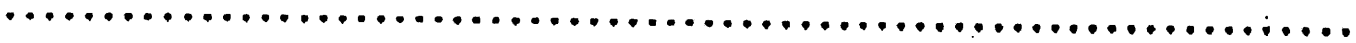
PMALGBC FORM #3

CERTIFICATION OF PROPERTY OWNERS OF
AT LEAST ONE-HALF LAND AREA

I hereby certify that _____ name on the attached petition are owners of property as identified by the tax lot described in the petition.

These signatures represent at least one-half of the land area within the annexation or withdrawal area described in this petition.

NAME Carol Maier
TITLE Cartographer
DEPARTMENT Assessment & Tax
COUNTY OF Clatsamas
DATE 3-12-92



PMALGBC FORM #4

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I certify that the description of property included within the attached petition has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME Carol Maier
TITLE Cartographer
DEPARTMENT Assessment & Tax
COUNTY OF Clatsamas
DATE 3-12-92

PMALGBC FORM #6

BOUNDARY CHANGE DATA SHEET

1. EXISTING CONDITIONS IN AREA TO BE ANNEXED OR WITHDRAWN

A. Land Area: Acres 2.37 or Square Miles _____

B. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal).

One and onehalf acres is flat with one home site at about elevation 160 feet.
There is a 1 1/2 : 1 slope down to elevation 100feet on the south end of the property.

C. Describe land uses on surrounding parcels. Use tax lots as reference points.

North: Mobile home park

East: 2 small (5+Ac) farms w/ single family dwellings

South: Pasture land

West: Single family home on 1+ Ac.

D. Existing Land Use:

Number of single-family units 1 Number of multi-family units 0

Number commercial structures 0 Number industrial structures 0

Public facilities or other uses none

What is the current use the land proposed to be annexed:

Single family residential

- E. Total current year Assessed Valuation \$ 100,470,000
- F. Total existing population 0

II. REASON FOR BOUNDARY CHANGE

A. ORS 199.462 of the Boundary Commission Act states: "When reviewing a boundary change, a boundary commission shall consider economic, demographic, sociological projections pertinent to the proposal, and past and prospective physical developments of land that would directly or indirectly be affected by the proposed boundary change." Considering these points, please provide the reasons the proposed boundary change should be made. Please be very specific. Use additional pages if necessary. (This information is often quoted in the Staff Report, so be thorough and complete.)

See Attachment #1

B. If the property to be served is entirely or substantially undeveloped, what are the plans for future development? Be specific. Describe type (residential, industrial, commercial, etc.), density, etc.

Residential, manufactured home park-5spaces for about 1 acre of developable area

III. LAND USE AND PLANNING

- A. Is the subject territory to be developed at this time? Yes
- B. Generally describe the anticipated development (building types, facilities, number of units).

5 manufactured rental home sites with garages or carports. (see attached)

C. If no development is planned at this time, will approval of this proposal increase the development potential of the property? If so, please indicate in terms of allowable uses, number of units).

N/A

D. Does the proposed development comply with applicable regional, county or city comprehensive plans? Please describe.

Yes. Residential (City of Canby comp plan page 69)

E. What is the zoning on the territory to be served? Currently EFU

F. Please indicate all permits and/or approvals from a City, County, or Regional Government which will be needed for the proposed development. If already granted, please indicate date of approval and identifying number:

Approval	Project File #	Date of Approval	Future Requirement
Metro UGB Amendment	<u>no</u>	<u> </u>	<u> </u>
City or County Plan Amendment	<u>no</u>	<u> </u>	<u> </u>
Pre-Application Hearing (City or County)	<u>no</u>	<u> </u>	<u> </u>
Zone Change (City or County)	<u>no</u>	<u> </u>	<u> </u>
Preliminary Subdivision Approval	<u>no</u>	<u> </u>	<u> </u>
Final Plat Approval	<u>no</u>	<u> </u>	<u> </u>
Land Partition	<u>no</u>	<u> </u>	<u> </u>
Conditional Use	<u> </u>	<u> </u>	<u>yes</u>
Variance	<u>no</u>	<u> </u>	<u> </u>
Sub-Surface Sewage Disposal	<u>no</u>	<u> </u>	<u> </u>
Building Permit	<u> </u>	<u> </u>	<u>yes</u>

Please submit copies of proceedings relating to any of the above permits or approvals which are pertinent to the annexation.

G. Can the proposed development be accomplished under current county zoning? Yes _____ X _____ No.

If No,---has a zone change been sought from the county either formally or informally. Yes _____ X _____ No.

Please describe outcome of zone change request if answer to previous questions was Yes. _____

N/A

H. Is the proposed development compatible with the city's comprehensive land use plan for the are?

Yes X No _____ City has no Plan for the area _____ Has the proposed development been discussed either formally or informally with any of the following? (Please indicate)

City Planning commission yes _____ City Planning Staff yes _____

City Council yes _____ City Manager yes _____ Please describe the reaction to the proposed development from the persons or agencies indicated above.

All see that this use is compatable with surrounding manufactured home parks and the city needs this type of housing to balance their inventory of housing

I. If a city and/or county-sanctioned citizens' group exists in the area of the annexation, please list its name and address of a contact person.

none

IV. SERVICES AND UTILITIES

A. If the reason for the annexation or withdrawal is to obtain specific municipal services such as water service, sewerage service, fire protection, etc., please indicate the following:

- 1. Proximity of facilities (such as water mains, sewer laterals, storm drains, etc.) to the territory to be annexed. (Please indicate location of facilities--for example: 8" water main in Durham Rd. 500' from east edge of territory). Please indicate whose facilities they are and whether in fact these facilities will be the ones actually providing service to the area. If the facilities belong to another governmental entity, explain the agreement by which they will provide the service and what the city's policy is on subsequent withdrawal and/or compensation to the other unit.

See attachment #3

- 2. The time at which services can be reasonably provided by the city or district. upon annexation

- 3. The estimated cost of extending such facilities and/or services and what is to be the method of financing. (Attach any supporting documents.)

All services to the development will be made and financed by the developer. Exact cost are not known at this time.

- 4. Availability of the desired service from any other unit of local government. (Please indicate the government.)

City of Canby

B. If the territory described in the proposal is presently included within the boundaries of any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved.

City	<u>UGB of Canby</u>	Rural Fire Dist.	<u>#62</u>
County Service Dist.	<u>no</u>	Sanitary District	<u>no</u>
Hwy. Lighting Dist.	<u>no</u>	Water District	<u>no</u>
Grade School Dist.	<u>Canby</u>	Drainage District	<u>no</u>
High School Dist.	<u>Canby</u>	Diking District	<u>no</u>
		Park & Rec. Dist.	<u>no</u>

C. If any of the above units are presently servicing the territory (for instance, are residents in the territory hooked up to a public sewer or water system), please so describe.

Fire and Emergency services

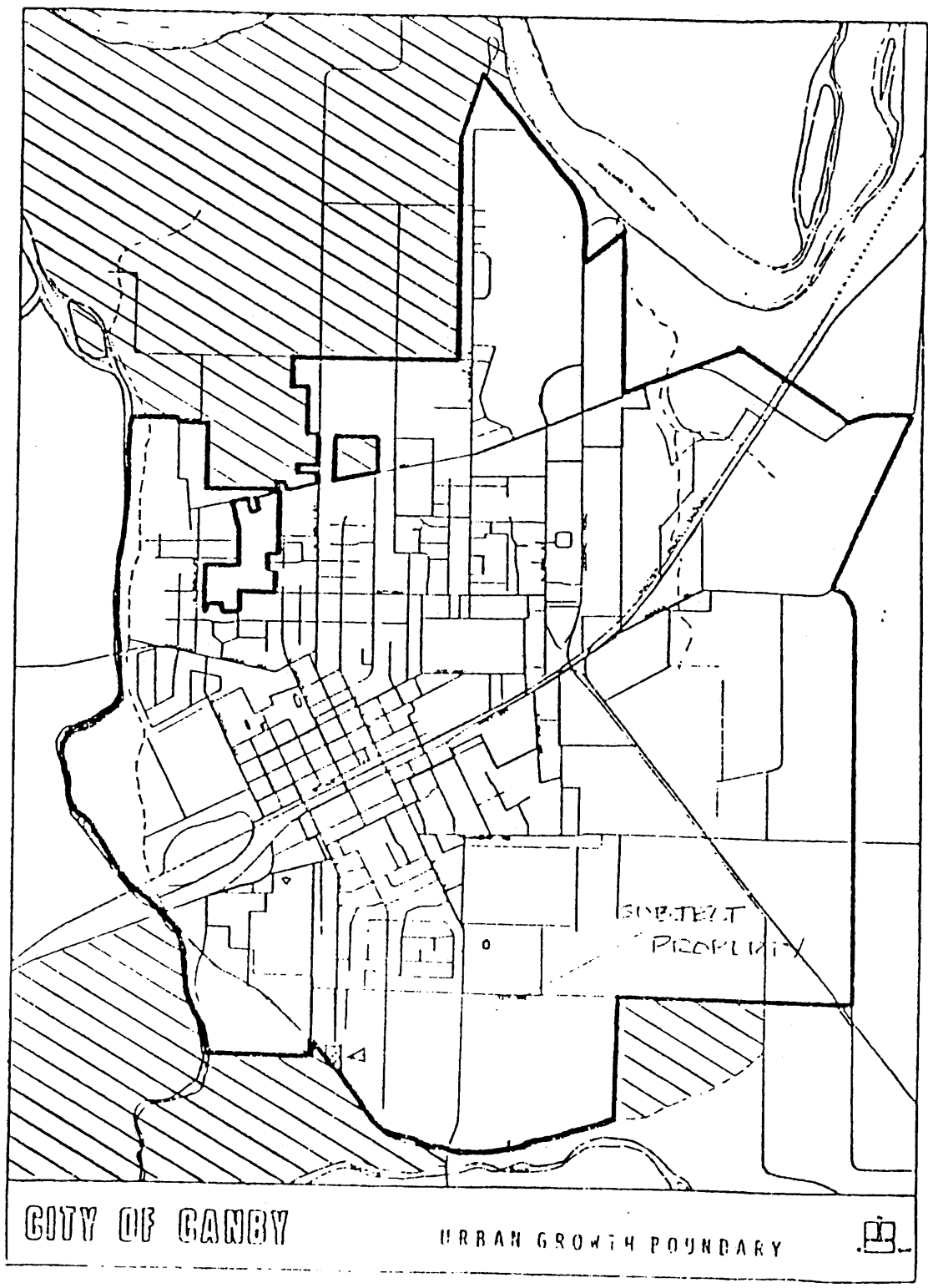
APPLICANT'S NAME David A. Nelson

MAILING ADDRESS 25610 SW Mountain Rd
West Linn, OR 97068

TELEPHONE NUMBER 503-638-5537 (Work)
same (Res.)

LOCAL REPRESENTATIVE REPRESENTING R. Roger Reif of Reif & Reif
273 N. Grant St.
Canby, OR 97013

DATE: 2-11-92



CITY OF GANBY

URBAN GROWTH BOUNDARY



PROPERTY IDENTIFICATIONS FOR COMMUNITY MAP

NO.	TAX LOT	OWNER/ADDRESS	ZONING	CURRENT USE
13	S.4 1E 4C 1790	JOHN & SANDE TORGESON 26940 S. Bolland Rd. Canby, Oregon 97013	R-1-H	MINING & AGRICULTURE
5	S.4 1E 4C 1900	DAC INCOME REALTY FUND 9171 Wilshire Blvd. #600 Beverly Hills, CA 90210	R-1.5	MOBILE HOME PARK
6	S.4 1E 4C 1201	ARTHUR & KATHERINE ERICKSON 1625 S. Elm Canby, Oregon 97013	EFU-20	RESIDENTIAL
8	S.4 1E 4C 1401	<i>DORNEYA CAROL</i> [REDACTED] BECK <i>1655</i> [REDACTED] S. Fir Canby, Oregon 97013 or P. O. Box 846 Canby, Oregon 97013	EFU-20	RESIDENTIAL & AGRICULTURE
9	S.4 1E 4C 1500	JOHN & HADINE BECK 1715 S. Fir Canby, Oregon 97013 or P. O. Box 846 Canby, Oregon 97013	EFU-20	RESIDENTIAL & AGRICULTURE

ATTACHMENT #1

REASON FOR BOUNDARY CHANGE

A manufactured housing park is proposed for this parcel. This development is part of a larger project that is situated on a parcel that has always been within the city limits (see exhibit A). The extension of Elm street that crosses through this property connects to the rest of the total project.

The comp plan (1984, pg 35) shows that this property is a priority 'A' for annexation. The plan states that to meet the LCDC Goal 10 (housing) that 40% of all low density housing in the acres to be annexed will be mobile/modular. The comp plan anticipated about 274 acres to be utilized this way at a density of 6.8 units per acre. Our proposed development will be an addition to the city's mobile/modular (lower cost housing alternative) housing. Few units have been added since the comp plans inception.

According to a recent Oregonian newspaper article dated 2/1/90 (see exhibit C), the average Portland area home is priced a \$113,000, requiring \$52000 of annual income. In our development, a family with just \$24,000 annual income can qualify for a similarly sized manufactured home. Current new developments in Canby are at the Portland area average and above. In order for Canby to comply with LCDC Goal 10 (housing), it needs housing as provided in our development.

Currently South Elm Street is being developed through the subject property with city sewer, water, and power in anticipation of future development on this site and to serve the recently approved manufactured home park to the Southwest of the subject parcel. Upon annexation the Elm street roadway will be dedicated to the City.

ATTACHMENT #3

WATER

A 10" water main is in S. Elm Street adjacent to the proposed development (see exhibits) The city has a utility board which provides water which they get from the Molalla River and from subsurface springs. In 1985 the board completed approximately 3.5 million dollars of improvements to the water system. A number of lines in the city were upgraded and a new storage facility of 2.4 million gallons was added to the existing 2.2 million gallons and 4.5 million gallon reservoirs. These improvements are expected to accommodate a city population of 20,000 people. The applicant is aware that there are connection charges and a systems development charge for residential connections.

SEWER

There is an eight inch sewer line in S. Elm St. to the property. The applicant is aware of sewer connections fees and a user fee for residential use. The City's sewage treatment plant is nearing its capacity, although it has not had difficulty meeting DEQ waste discharge permits except when there has been heavy rainfall. The city is currently in the process of expanding the plant. The design is underway and funding for construction is to come out of a sinking fund or bonds currently being secured.

GAS

There is a Northwest Natural Gas line at the corner of Ivy Street and 13th Street. The extension of gas line is a likely occurrence.

ELECTRICITY

The Canby Utility Board, a local municipal utility, provides service to the existing home on this property and will continue to provide service.

OTHER SERVICES

The City is within the Canby Rural Fire District No.62. When annexed, the firefighting and all ambulance service would be provided by a local department located at 2nd and Grant Streets in Canby. They are presently equipped with four engines, two tankers, a rescue vehicle and ambulance. Average response time is four to five minutes. In addition, parks, library services, police and other municipal services are provided by the City.

'Average' family can't buy house

□ In most U.S. cities, including Portland, the typical household falls short of the qualifying income

By JUDY ROOKS

of The Oregonian staff

The "average" family no longer can qualify for a conventional loan on an average-priced home in most U.S. cities, including Portland. They are cut out of the market because housing prices are rising more quickly than income, a Texas-based financial services company says.

Portland also has some of the nation's fastest-rising home prices, reports Lomas Mortgage USA of Dallas. "Portland is one of the hot markets now for housing," said Brian Bragg, editor of the Lomas housing research report.

Portland-area families do come closer than the national average to meeting the income levels needed to buy a home, however, according to Lomas calculations.

Lomas figures the average Portland-area household fell \$1,100 short of the annual income needed to purchase an average-priced home in 1989.

To buy an average Portland home, priced at \$113,100, Portlanders needed to make \$42,500 annually to qualify for a 30-year, fixed-rate mortgage with a 20 percent down payment, according to Lomas. The annual average household income was \$41,400.

In other cities, the gap is wider.

The average U.S. household falls \$4,300 short of the income needed to purchase an average home, Lomas says. To qualify for the average U.S. home, priced at \$142,400, an annual income of \$49,900 is needed.

Last year, according to Lomas calculations, the average U.S. home price rose 8.4 percent, while the average household income increased just 4.8 percent.

Of the 28 metropolitan areas whose prices Lomas tracks, five had average home prices out of reach of average households in 1988, vs. 12 in 1989.

Only one other metropolitan area, Dallas-Fort Worth, beat Portland's rate of increase in home prices. Portland's average home price jumped 15.5 percent from 1988 to 1989, Lomas reports. Dallas-Fort Worth prices increased 17 percent.

Portland just missed the dubious distinction of being among the top 10 "least affordable" cities for housing in the Lomas study. It came in at No. 11.

Each of the other West Coast metropolitan areas Lomas tracked, including Seattle-Tacoma, made that top 10 list.

San Diego was rated the least affordable in the nation. Los Angeles ranked the second least affordable, followed by New York at No. 3 and San Francisco at No. 4.

Bragg notes, however, that California gains have slowed. "Prices, I think, are hitting a ceiling there," he says.

The San Francisco Bay area had the nation's highest average home price in 1989, at \$217,400. The Los Angeles area came in second at \$204,500.

Pittsburgh, at \$85,200, and Tampa-St. Petersburg, Fla., at \$99,300, had the lowest average prices

EXHIBIT "D" PROPOSED DEVELOPMENT



property line

EXISTING SOUND WALL

S. ELM

DRAINFIELD EASEMENT

4

5

3

2

1

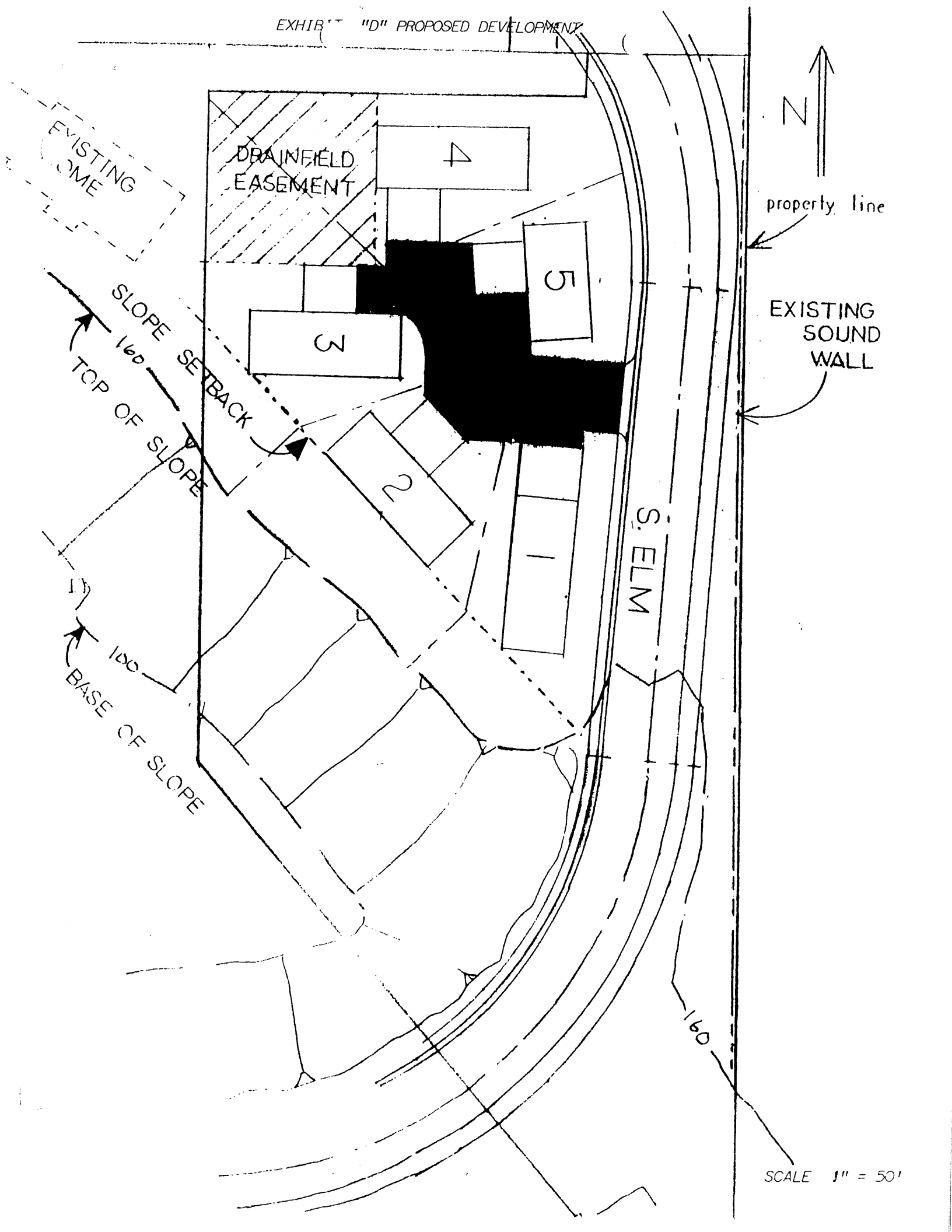
EXISTING SLOPE

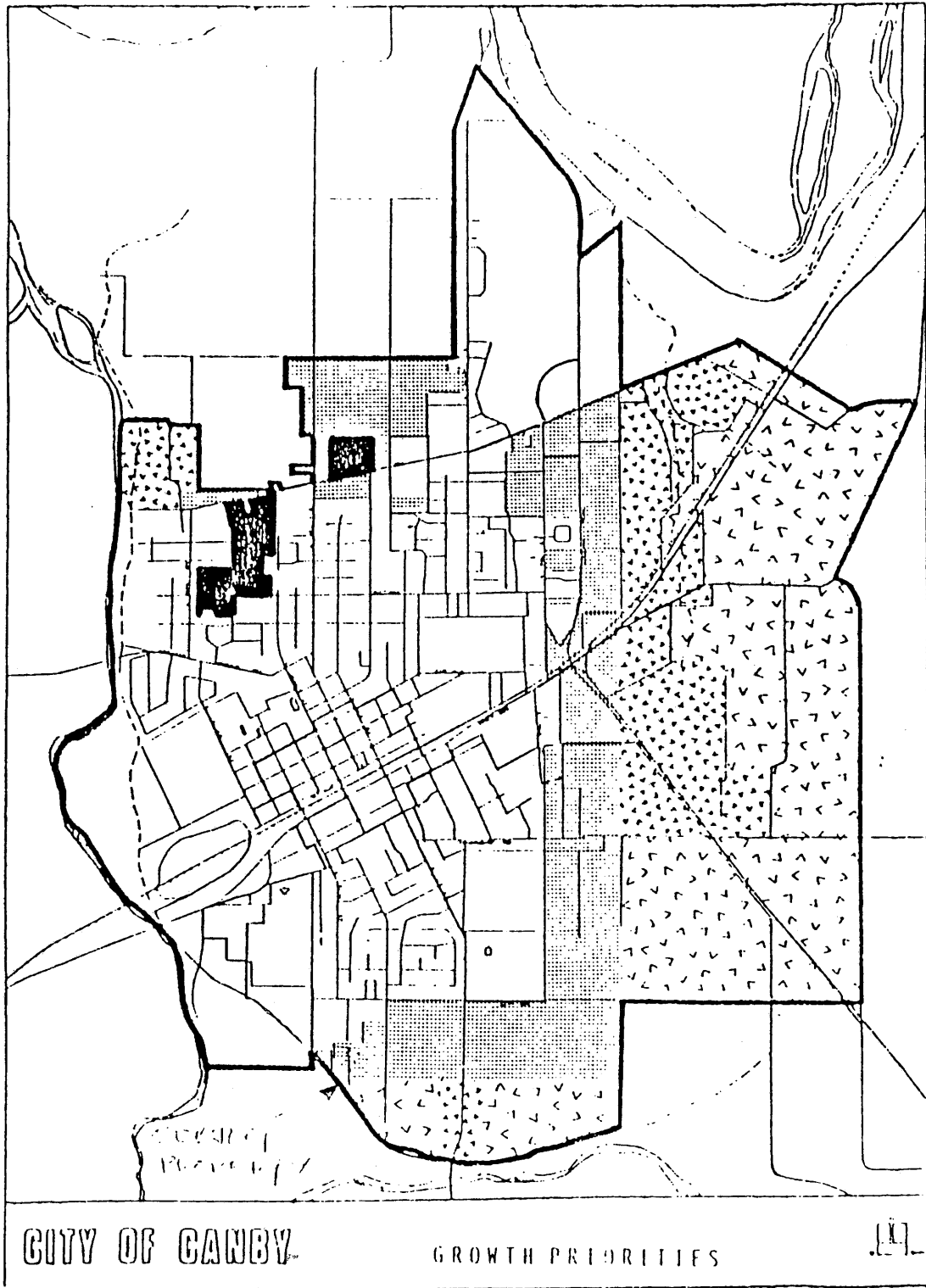
SLOPE SETBACK
100




TOP OF SLOPE

100
BASE OF SLOPE

SCALE 1" = 50'





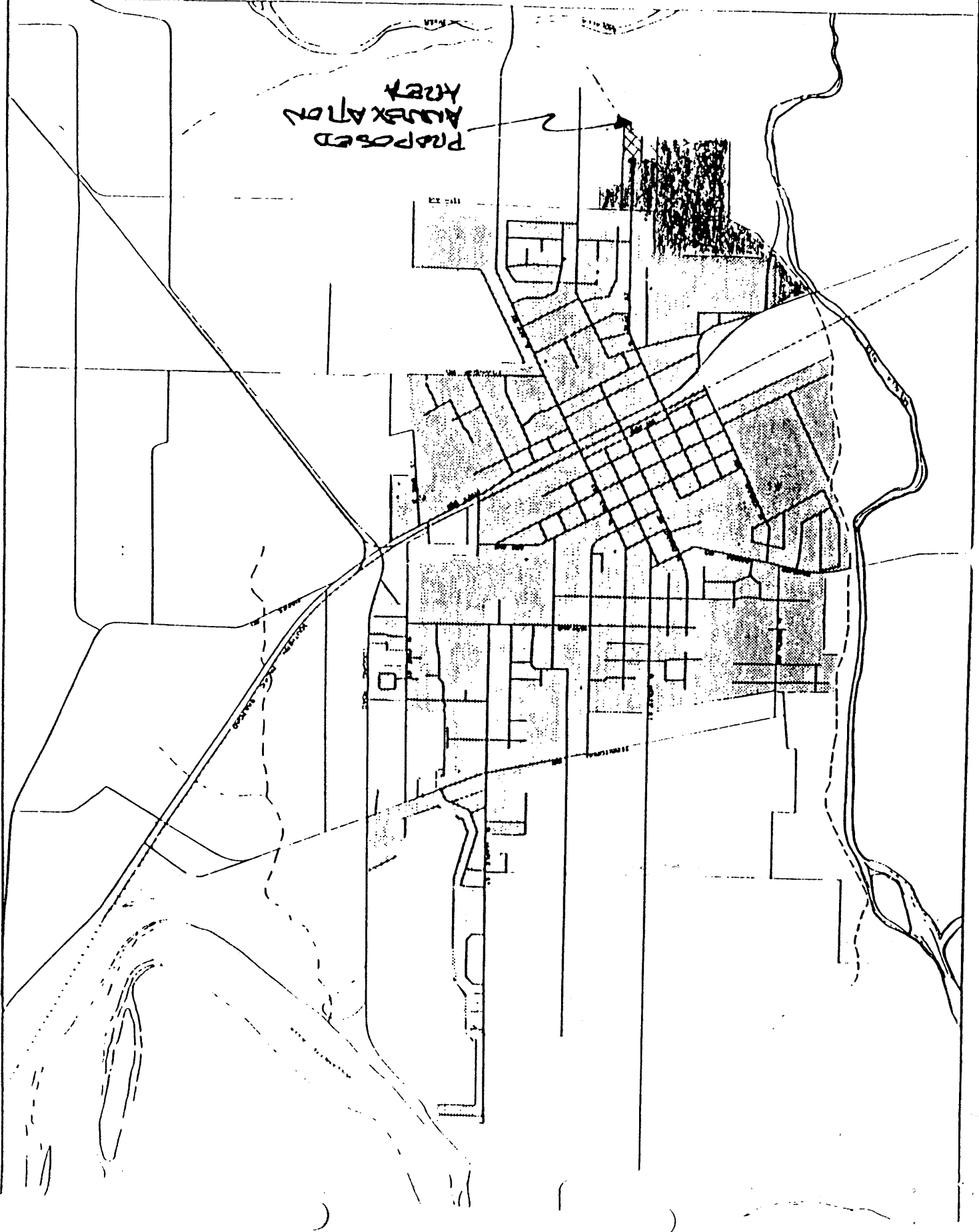
- PRIORITY "A" 
- PRIORITY "B" 
- PRIORITY "C" 

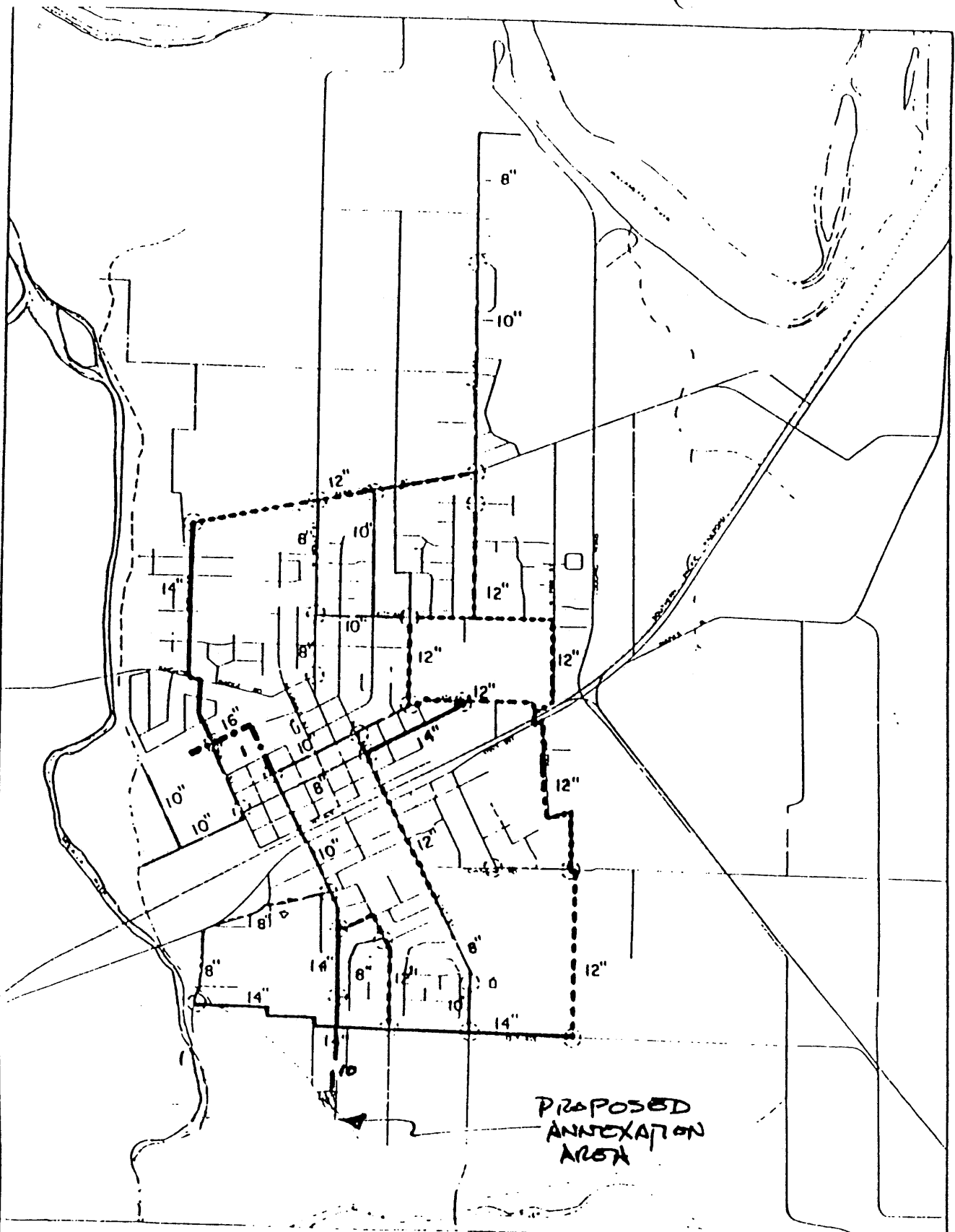
NOTE: The locations shown on this map are generalized. More specific information can be gained from the official land use map on file in City Hall.

CITY OF GANBY

SEWER SERVICE AREA

111





CITY OF CANBY

WATER MAINS 8 INCHES AND LARGER

1911

LEGEND

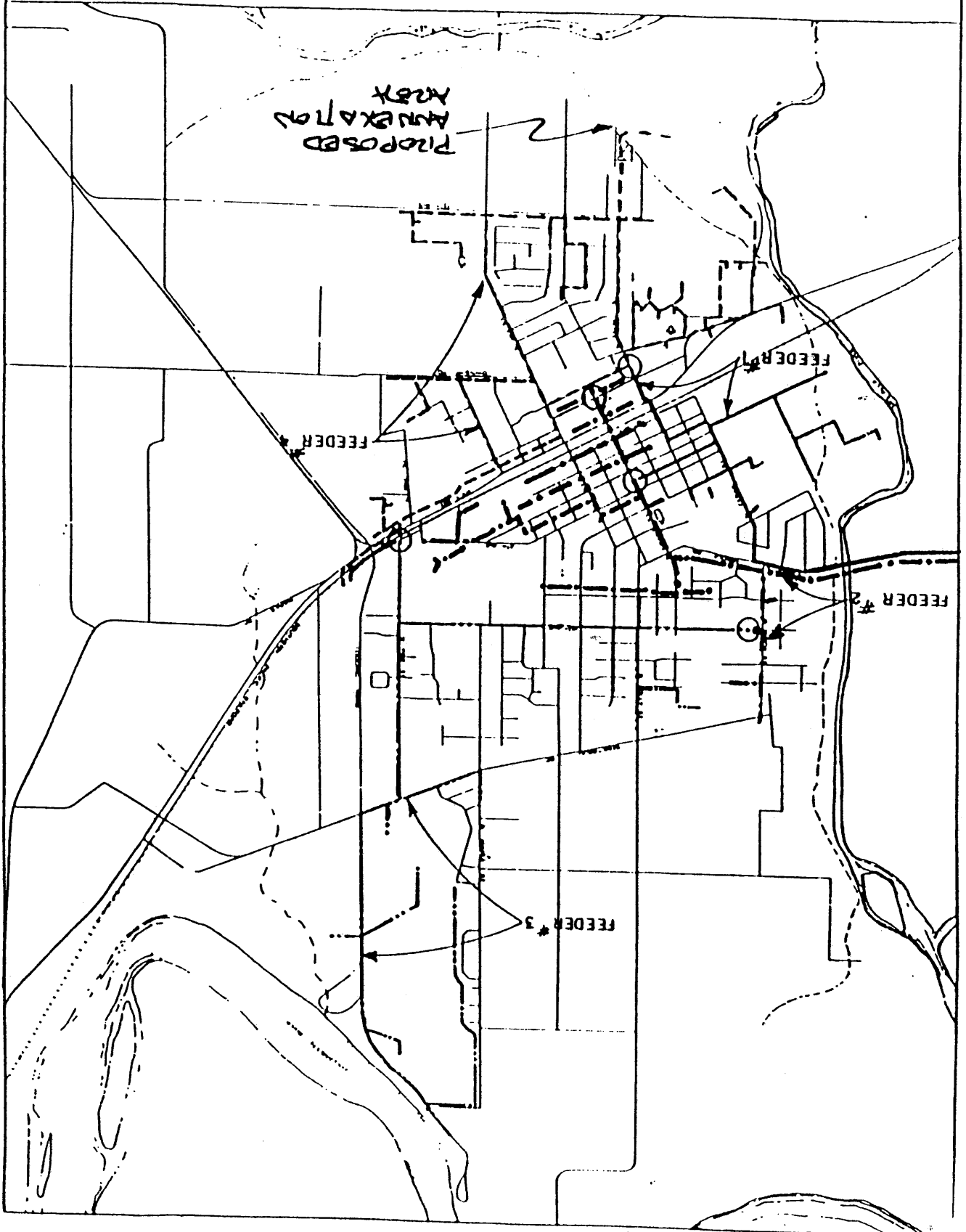
—	8"
- - -	10"
· · ·	12"
— · —	14"
— · · —	16"

- 1 FEEDER
- 2 FEEDER
- 3 FEEDER
- 4 FEEDER

LEGEND

ELECTRICAL DISTRIBUTION FEEDERS

CITY OF GAMBAY



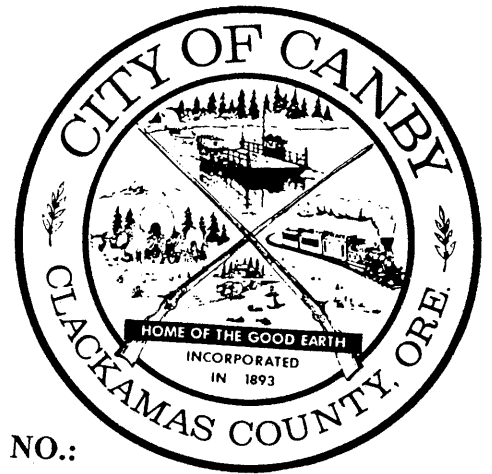
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 LINGEL DWAYNE L MYR]01/92 AREA]Q314 JV]08915-91 MTG]0000
 &NOLA A RMV-LND] RMV-BLD] FPA]
 *NELSON DAVID A ACR] .01 UT2] SQ FT]
 25610 SW MOUNTAIN RD AYB] EYB] OBS] CONST]
 WEST LINN OR 97068 LAND 120 BLD FPLV
 -----LEGAL DESCRIPTION----- TRUE MKT 120 REA T
 #SN 0784133 ASD LND 120 ASD BLD ASD FPV
 ZONED EXCLUSIVE FARM USE DESCRIPTION TAX YR CURRENT EXEMPT TAXABLE
 #CL 100-000-00-03-87-21 ASSESSED 120 120 120
 ***** FIREPATROL
 CORR #77-10 FP ACRES
 ORD 174 TRI-MET 91-92

EXEMPTIONS ZFY
 SALE]12/91 PRICE] 114000 INS]92-00757 V CO A
 AST ACTIVITY]01/22/92 PCR]N *INTERESTED OWNERS*]

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 LOC] 1619 S ELM ST CTY]CA LEV] 086005 KEY] 1002185
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 LINGEL DWAYNE L MYR]01/92 AREA]Q314 JV]08915-91 MTG]0000
 &NOLA A RMV-LND] RMV-BLD] FPA]
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 ***** FIREPATROL
 CORR #77-10 FP ACRES
 ORD 174 TRI-MET 91-92

EXEMPTIONS ZFY
 SALE]12/91 PRICE] 114000 INS]92-00757 I CO A NOVC 04/09/90
 LAST ACTIVITY]01/22/92 PCR]N *INTERESTED OWNERS*]

- STAFF REPORT -



APPLICANT:

Dan Anderson
733 SE 1st
Canby, OR 97013

FILE NO.:

DR 92-03

OWNER:

Marlon Financial Services
7225 SW 13th
Portland, OR 97219

STAFF:

James S. Wheeler
Assistant Planner

LEGAL DESCRIPTION:

Tax Lots 8200 and 8300
of Tax Map 3-1E-33DC

DATE OF REPORT:

April 16, 1992

LOCATION:

Southwest corner of
S.E. 3rd Avenue and
S. Knott Street

DATE OF HEARING:

April 27, 1992

COMP. PLAN DESIGNATION:

High Density Residential

ZONING DESIGNATION:

R-2 Medium Density
Residential

I. APPLICANT'S REQUEST:

The applicant is requesting approval of a Design Review Application to construct a five-plex residential building. The total site is approximately .35 acres, or approximately 15,180 square feet.

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

II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

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

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

III. MAJOR APPROVAL CRITERIA

Site and Design Review

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

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

IV. FINDINGS:

A. Background and Relationships:

The immediate surrounding uses include apartment complexes, condominiums, and single-family residential structures. The apartments are located east and northeast across S. Knott Street, and north across S.E. Third from the subject parcel; the condominiums are immediately to the west, adjoining the subject parcel; and the single-family residential structures are located immediately to the south, adjoining the subject parcel, to the east across S. Knott Street and to the north, across S.E. Third Avenue.

The parcel immediately to the south of the subject parcel has been using a strip of land approximately 12' wide and 90' long from S. Knott Street. The applicant has stated that the owner of the adjacent parcel has been made aware of the correct property boundary, and of the proposed use of the subject parcel.

Set in 12' from the south property line, and aligned east to west, is a line of evergreen trees. In consideration of the use of backyard space for the proposed five-plex, and for solar access, the trees are proposed to be removed.

There is a strip approximately 7' wide between the subject parcel and S.E. Third Avenue, owned by Marlon Financial Services, the same owners of the subject parcel. This strip is a portion of the parcel adjoining the subject parcel 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 #3: Canby shall discourage the urban development of properties until they have been annexed to the city and provided with all necessary urban services.

ANALYSIS

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

iii. LAND USE ELEMENT

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

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

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

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

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

ANALYSIS

The proposal is a five-plex residential building. It is to be located on a flat site. The Comprehensive Plan identifies this area as a High Density Residential. The zoning classification for the subject parcel is Medium Density Residential (R-2), which is equivalent to the Comprehensive Plan Designation of High Density Residential. The surrounding land use is a mixture of single family and multi-family residential structures. A five-plex residential building will be compatible with the surrounding land use.

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

iv. ENVIRONMENTAL CONCERNS

GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.

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

TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

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

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

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

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

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

ANALYSIS

On-site disposal of storm water will be necessary. State and Local Code regulations will require the development to meet standards to prevent air, water, and noise pollution. The proposal will have minimal affect on the open space since the site is less than one acre in size.

v. **TRANSPORTATION CONCERNS**

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

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

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

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

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

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

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

ANALYSIS

Access for the five-plex is proposed to be from S.E. Third Avenue. Off-street parking will be provided for on-site. A sidewalk will be needed for the property frontage along S.E. Third Avenue and along S. Knott Street. An easement will be needed to secure the access for the proposed development across the 7' strip of the adjoining property.

vi. PUBLIC FACILITIES AND SERVICES

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

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

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

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

ANALYSIS

All public facilities are available for the proposal with adequate capacity. A new elementary school and additions have been proposed to be built on Township Road and the High School has recently received approval of a project that will provide expanded capacity. The capacity of the City's sewer system has been discussed under the Land Use Element. Police, Fire, Water, Electric, and Natural Gas services have adequate capacity to service this project. The City requires a park system development fee for all new residential units that is utilized in expanding and maintaining the City's park system. As stated under the Transportation Element, sidewalks will be needed along both S.E. Third Avenue and S. Knott Street. A handicap ramp will be needed for the sidewalk at the corner of S.E. Third Avenue and S. Knott Street.

vii. **ECONOMIC**

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

(Not Applicable)

viii. **HOUSING**

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

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

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

ANALYSIS

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

ix. **ENERGY CONSERVATION**

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

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

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

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

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

ANALYSIS

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

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

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

D. Evaluation Regarding Site and Design Review Approval Criteria

1. Part IV - Section 2, No. 2

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

The total site is approximately 15,180 square feet (15,000 square feet minimum, is required). Based on this figure, 2,277 square feet of landscaping is required. The applicant is proposing approximately 6,600 square feet of landscaping (43%), with approximately 2000 square feet of the landscaping consisting of bark (30%). The maximum percentage of bark landscaping allowed for credit is 30%.

2. Part IV - Section No. 11

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

C. It will not hinder solar access considerations.

The trees proposed to be kept or planted are not positioned in such a way as to inhibit the solar access of the subject parcel or any adjacent parcel.

3. Parking

The parking requirement is 2 spaces per dwelling unit. Thus, 10 parking spaces are required. A total of 10 parking spaces are indicated on the plan. Originally, 12 parking spaces were proposed. A landscape plan revision was submitted to protect the existing locust tree. Two parking spaces were eliminated to allow for more pervious surface to surround the existing locust tree. Minor changes in parking area will be mentioned in the Landscape Plan discussion to follow. (6.b)

4. Access

Access for passenger vehicles to the five-plex is from S.E. 3rd Avenue. An easement for access across the adjoining property will be necessary to secure access from S.E. Third Avenue.

5. Architecture

Lap siding will be used on the north and east sides of the residential structure (facing the streets). The colors are proposed to be Buttercup Beige for the body and Bronze Buckeye for the trim.

6. Other Aspects

a. Utilities

Utilities are available in the vicinity. The sewer lines are located in both S.E. Third Avenue and S. Knott Street. The service providers have not indicated that there would be any problem in servicing this proposal.

b. Landscaping

The landscaping includes a large area covered by grass, four new trees along the west side of the residential structure, numerous shrubs and flower beds, surrounded by bark dust, encompassing the residential structure, and the existing locust tree in front of the residential structure. The height of the shrubs range from 1' to 15'.

The applicant has submitted a revised landscape plan that affords better protection to the existing locust tree. Further temporary protection will be needed during construction, such as fencing off the tree and landscaped area within the tree's drip line.

The following modifications to the landscaping plan should be considered by the Planning Commission:

- 1) The landscaped area surrounding the existing locust tree is proposed to include bark dust. This area would be more suitable for use by the residents of the five-plex, aesthetically and practically, with a grass covering in place of the proposed bark dust.
- 2) The shape of the landscaped area around the existing locust tree should be altered to allow for a more convenient and safe use of the parking lot. The southeast corner of the landscaped area should be indented toward parking space #2, thus allowing a vehicle to park without make a wide swing around the landscaped area. The southern boundary of the landscaped area should be even across the concrete walk out to the western edge. This would provide both a less confusing parking configuration for spaces #10 and #11, and a full width concrete walk for its full length.

- 3) In the original landscape plan, the applicant proposed 10' to 15' high shrubs along the west side of the trash dumpster. In a revision that included three additional trees in between the trash dumpster and S. Knott Street, the shrubs were excluded. Retention of the shrubs in the landscape plan would provide proper and needed visual screening of the trash dumpster.
- 4) The sidewalk that will be required along S.E. Third Avenue will leave only a 2' strip of land between the sidewalk and the parking lot. Landscaping of this strip, however slight it is, would be appropriate to provide a visual, as well as a physical separation between the street and sidewalk, and the parking lot of the development.

c. Density and yards and height

R-2 zoning permits multi-family residential dwellings with minimum lot size of 5000 square feet for the first dwelling, plus 2,500 square feet for each additional unit, or 15,000 square feet for a five-plex. The 15,180 square foot lot is sufficient. All yard requirements are met. The two story five-plex is less than the 35 foot maximum height limit.

V. CONCLUSION

Some minor changes in the landscaping plan for the proposed development should be considered by the Planning Commission. If the Planning Commission finds that the changes suggested in this report, and/or finds that other changes are necessary, a revised landscape plan, including the changes, should be submitted prior to the final order. Provided that the Commission is satisfied with proposed landscaping, and considering the previous analysis and following recommended conditions, staff hereby determines that the five-plex and related site development described in the application and accompanying materials is in conformance with the standards of this and other applicable ordinances; the design is compatible with the design of other developments in the vicinity; and, the location, design, size, and materials of the exterior of the structure will be compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.

Further, staff concludes that, with approval conditions:

1. the proposed use of the site is consistent with the applicable requirements and policies of the Comprehensive Plan and the development ordinance;

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

V. RECOMMENDATION:

Based upon the application and drawings submitted, facts, findings and conclusions of this report, and without the benefit of a public hearing, staff recommends that the Planning Commission approve DR 92-03, with conditions, for a residential five-plex. Furthermore, staff recommends approval of DR 92-03 with the following conditions:

1. Sidewalks shall be installed along S. Knott Street for the full length of the property boundary, and along S.E. Third Avenue equivalent to the full length of the property boundary.
2. A handicap ramp shall be installed for the sidewalk at the intersection of S.E. Third Avenue and S. Knott Street.
3. The landscape plan shall include the following changes:
 - a. the landscaped area surrounding the existing locust tree shall have a grass covering;
 - b. the southeast corner of the landscaped area around the existing locust tree shall be indented toward parking space #2, and the southern boundary of the said landscaped area shall be straight across the concrete walk to the western edge of the landscaped area;

- c. the shrubs proposed in the original landscape plan for the eastern edge of the trash dumpster shall be retained; and,
 - d. the two foot strip of land in between the sidewalk along S.E. Third Avenue and the parking area shall be landscaped with small shrubs and bark dust.
3. A revised landscape plan shall be submitted to the City Planner for review and approval for consistency with required changes.
 4. The tree identified for preservation shall be protected by fencing specified by a qualified arborist, nurseryman or landscape architect. The fencing shall be at the perimeter of the identified landscape area within the drip line of the preserved tree.
 5. A copy of an easement for access to the subject parcel from S.E. Third Avenue shall be provided to the Canby Planning Department.

Exhibits:

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

SITE AND DESIGN REVIEW APPLICATION

Fee: \$250

OWNER

APPLICANT

Name Marlon Financial Services

Name Dan Anderson

Address 7225 SW 13th Ave

Address 733 SE 1st

City PORTLAND State OR Zip 97219

City Canby State OR Zip _____

SIGNATURE [Signature]

Phone: 266-6861

for Marlon Financial Services

DESCRIPTION OF PROPERTY:

Tax Map 31E33DC Tax Lot(s) 8200,8300 Lot Size 15,180 sq ft.
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Lot _____ Block _____
SEE ATTACHED

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 LOT ^{High density Residential} Proposed 5 unit apartment

Existing Structures NONE

Surrounding Uses High density Resid zone - Many Apartments in Area

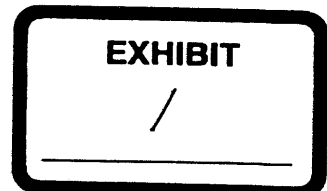
PROJECT DESCRIPTION

TO CONSTRUCT A 5-UNIT APARTMENT, PARKING LOT NECESSARY FOR COMPLETE "OFF STREET" PARKING, COMPLETE LANDSCAPING INCLUDING FLOWER BEDS, SHRUBS, LAWN AND SMALL TREES. THE PROPOSED PLOT PLAN ALLOWS A LARGE EXISTING TREE ON THE PROPERTY TO REMAIN AND BE INCORPORATED INTO THE LANDSCAPE.

ZONING R-2 COMPREHENSIVE PLAN DESIGNATION _____

PREVIOUS ACTION (if any) _____

File No. DR ~~111~~ 92-02
Receipt No. 1807
Received by SW
Date Received 3-25-92
Completeness Date _____
Pre-App Meeting _____
Hearing Date 4-27-92



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

Marlon Financial Services

The proposed development of the SW corner of SE 3rd Ave. and Knott will include the following:

1. Construction of a 5 unit multifamily dwelling. Construction to be energy efficient Super Good Cents complete with vinyl windows and zonal heat. Lap siding will be used on street elevations, (North and East walls).
2. 12 Space asphalt parking lot, necessary for complete "Off Street" parking. Parking areas will also include drains, stripes, and extruded curbs. A concrete sidewalk 6 feet wide will separate the two parking areas and allow for easy access to building.
3. Complete landscaping of site will include flower beds, low maintenance, slow growing shrubbery, small trees, and lawn (see list). The proposed site plan will also allow a very old but healthy tree to remain and be incorporated into the overall outcome of the development.

Exterior Colors:

Buttercup Beige - Body G-70

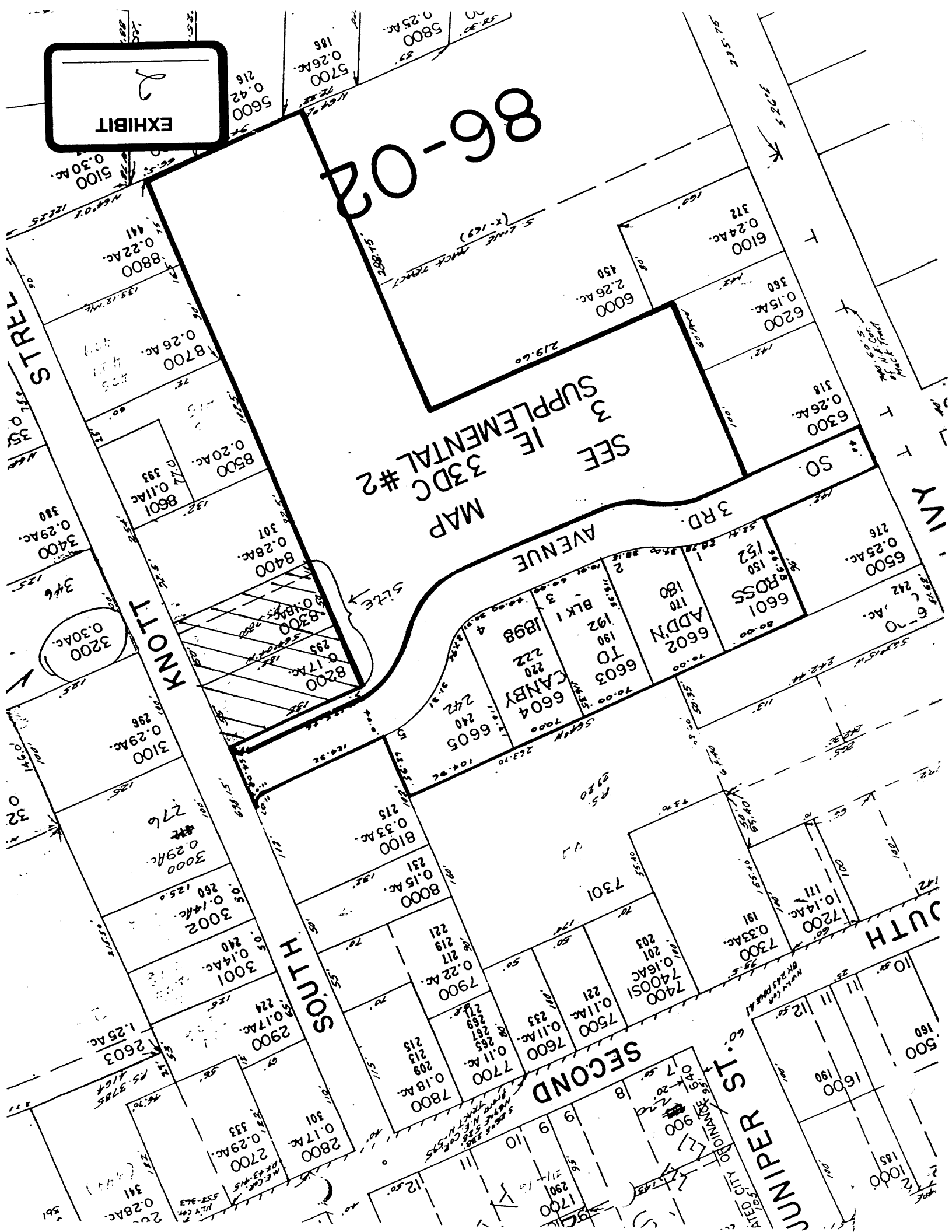
Bronze Buckeye - Trim G-71

Fuller O'Brien

EXHIBIT 2

86-02

SEE 3 SUPPLEMENTAL MAP #2



STREET

3RD AVENUE

SOUTH

SECOND

UNIVERSITY

6TH

7TH

8TH

9TH

10TH

11TH

12TH

13TH

14TH

15TH

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LEGAL DESCRIPTION

PARCEL 1: Part of the Philander Lee D.L.C. No. 56 in Section 33, Township 3 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Southeast corner of a tract of land deeded to V. L. Mack by Philander Lee by deed recorded in Book "X" page 169, Deed Records; thence South 64° West, along the Southeasterly boundary of the said V. L. Mack tract, 165 feet to a point on the Easterly boundary of the Randall tract described in Book 90, Page 440, Deed Records; thence North 26° West along the Easterly boundary of said Randall tract 254 feet to the true point of beginning; thence South 63° 30' West along the Northerly boundary of the Kate Spulak tract, as established by boundary line agreement recorded in Book 217, page 435, Deed Records, 132 feet to a point in the Westerly boundary of said Randall tract; thence South 26° East along said Westerly boundary 50 feet to the most Westerly corner of a tract conveyed to A. J. Foster, et ux, by deed recorded March 7, 1962 in Book 599, page 548, Deed Records; thence North 63° 30' East 132 feet, along the Northerly boundary of said Foster tract to the most Northerly corner thereof; thence North 26° West 50 feet to the true point of beginning.

PARCEL 2: Part of the Philander Lee D.L.C. No. 56 in Section 33, Township 3 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

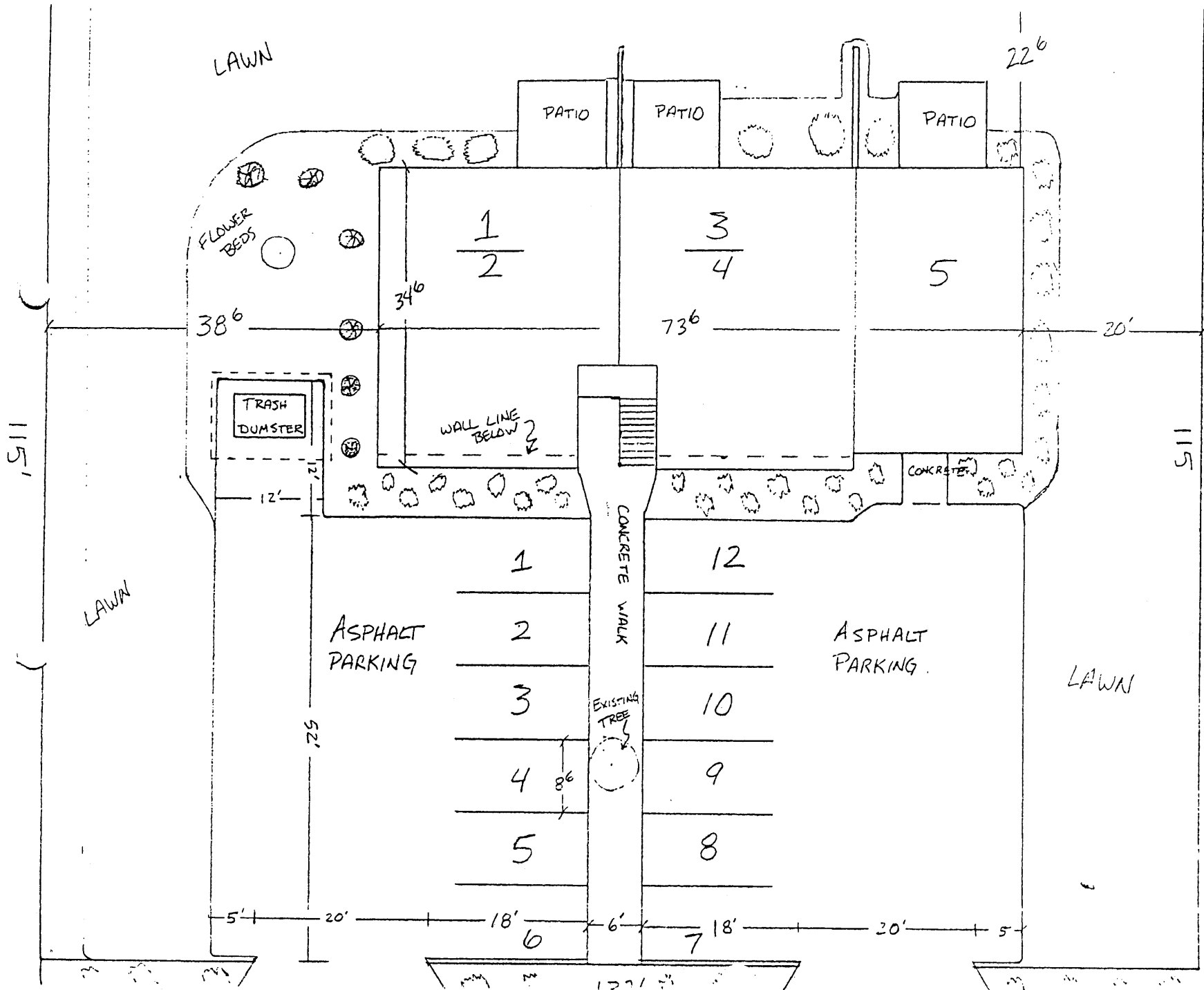
Beginning at the most Northerly corner of a tract of land conveyed to A. J. Foster, et ux, by deed recorded March 7, 1962, in Book 599, page 548, Deed Records; thence South 26° East along the Easterly line of said tract, 10 feet; thence South 63° 30' West 132 feet to a point on the Westerly line of said tract; thence North 26° West along the Westerly line of said tract, 10 feet to the most Westerly corner thereof; thence North 63° 30' East 132 feet to the point of beginning.

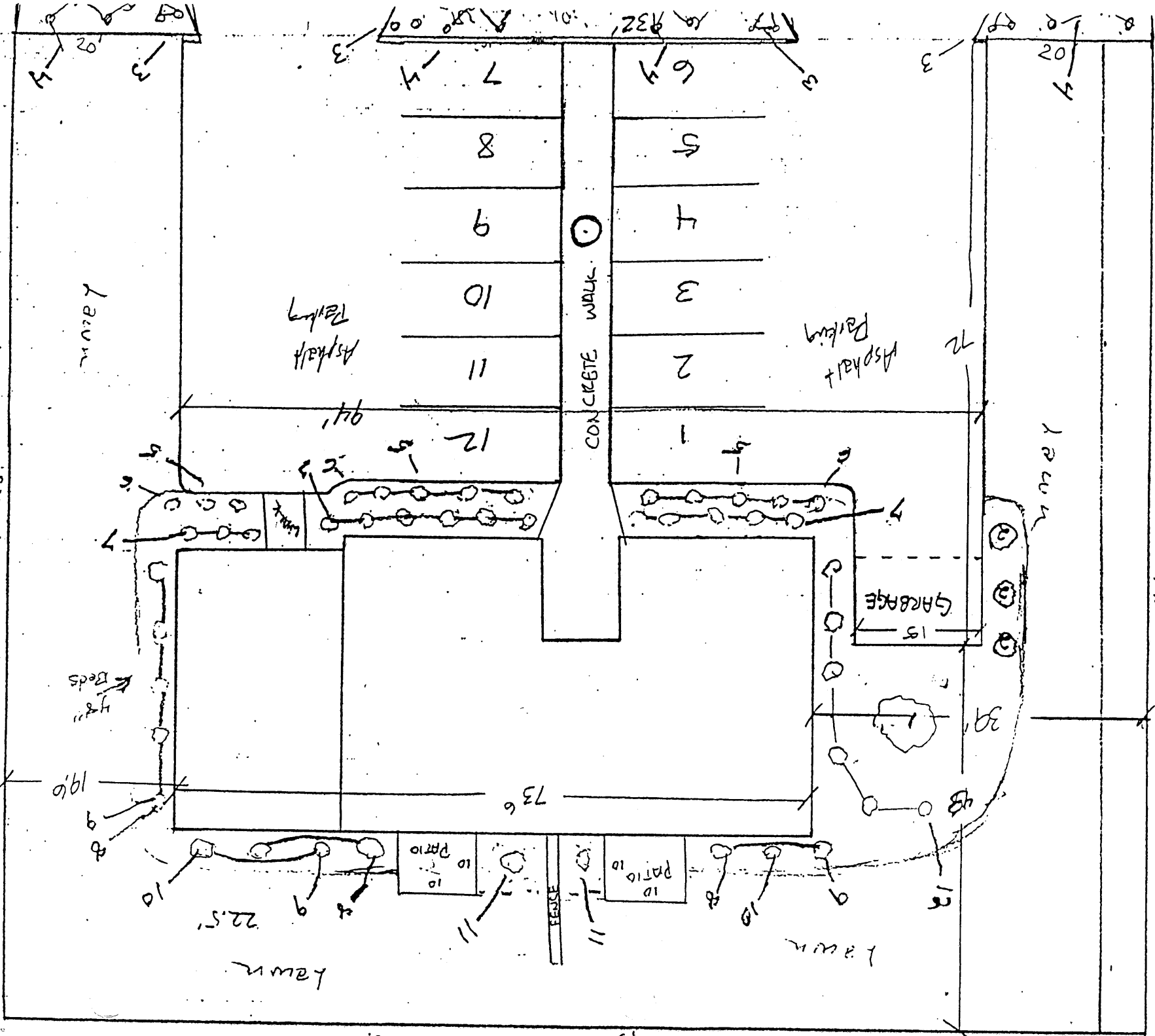
PARCEL 3: Part of the Philander Lee D.L.C. No. 56, in Section 33, Township 3 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point 165 feet South 64° West from the Southeast corner of a tract of land conveyed to Victor L. Mack by Philander Lee, et ux, by deed recorded January 16, 1884, in Book X, page 169, Deed Records; thence North 26° West along the Easterly boundary of the Randall tract described in Book 90, page 440, Deed Records, 254 feet to the Northeasterly corner of the Kate Spulak tract as established by boundary line agreement recorded in Book 217, page 435, Deed Records; which corner is the true point of beginning of the tract to be described; thence South 63° 30' West along the Northerly boundary line of the Kate Spulak tract 132 feet; thence North 26° West 55 feet; thence North 63° 30' East 132 feet to Easterly line of that tract of land conveyed to Harriet Spulak by deed recorded April 27, 1925, in Book 178, page 325, Deed Records; thence South 26° East 55 feet to the true point of beginning.

EXHIBIT

3





KNOTT

132

#1 on plan
#1

1 Liquidambar styraciflua 5-6' 25' high x 20' wide

#2 or

3 Thuja oc Goldspot 5-6' 15' high x 15' wide

6 Thuja oc Emerald 30-36" 10' high x 3' wide

#3

2 Jun Blue Star lg 2' high x 3' wide

#4

6 Cotoneaster dammeri lg lf lg 1' high x 5' wide

#5

10 Skimmia female lg 1 1/2' high x 1 1/2' wide

#6

3 Skimmia male lg 1 1/2' high x 1 1/2' wide

#7

13 Azalea lg 4' high x 4' wide

#8

3 Rhodendron Cunningham white 24" FP 5' high x 5' wide

#9

6 Rhodendron Anah Kraske 24" FP 5' high x 5' wide

#10

4 Pieris japonica 3g 4' high x 4' wide

#11

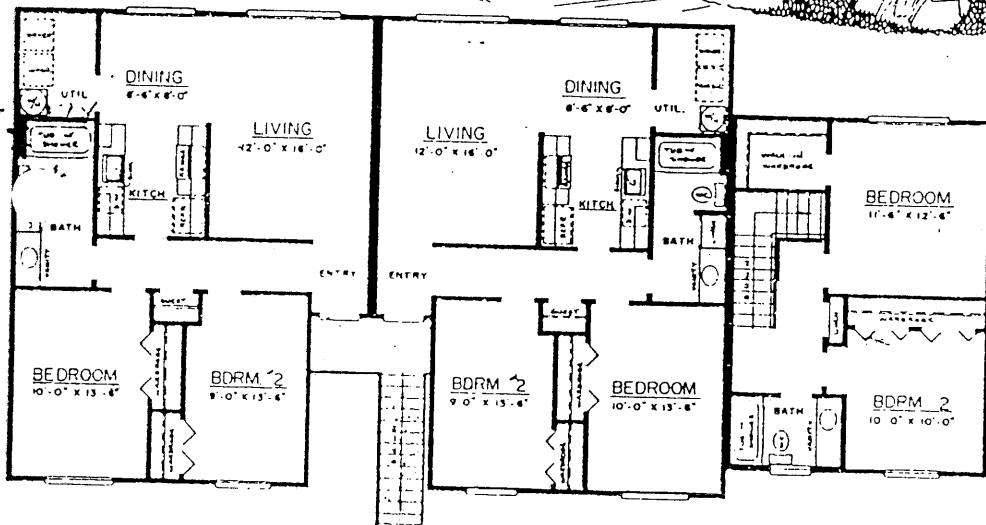
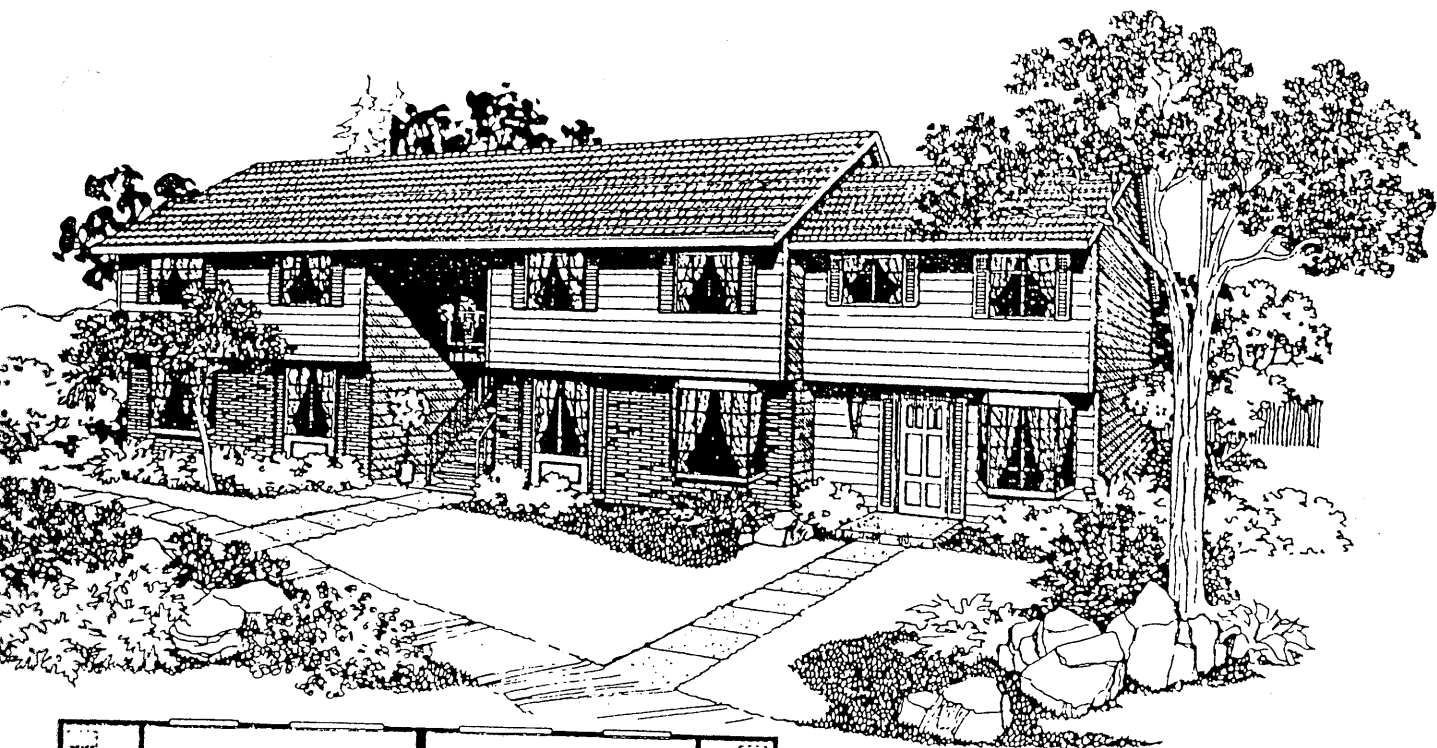
4 Camellia japonica lg 5' high x 5' wide

#12

6 Photinia fraseri 5g 5' high x 4' wide

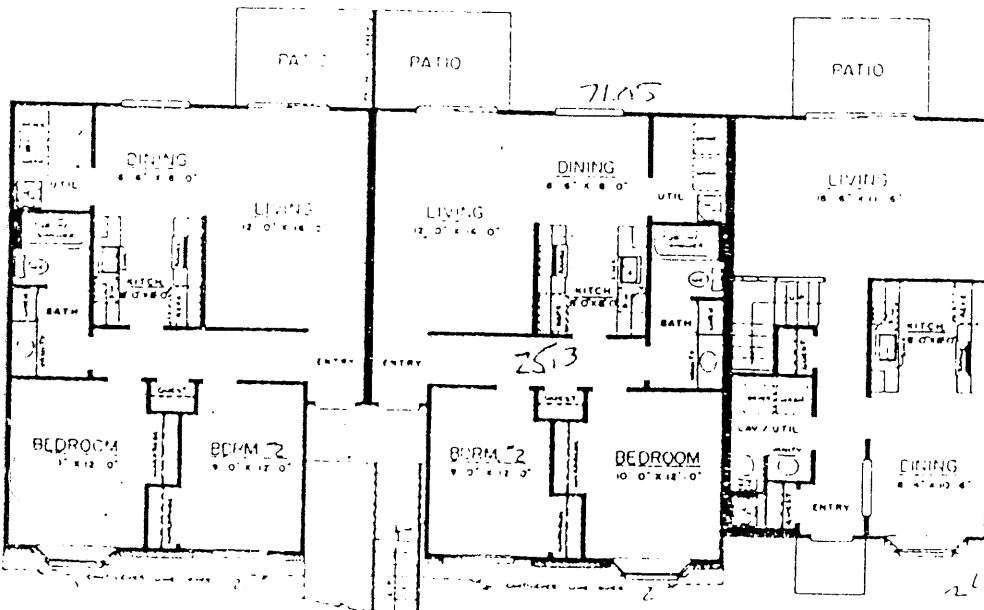
#13

3 Green Leaf Maple Trees Start small, get large



27886 SQ. FT.
EACH UPPER UNIT
11724

5 PLEX F524TS
— 73'-6" WIDE
— 34'-6" DEEP



841 SQ. FT.
EACH LOWER UNIT

2.9
1111 SQ. FT.
TOWNHOUSE UNIT

L.M. BR
1304 S
PORTLA
(503) 24

EXHIBIT
5

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

9203
4/1/92

DATE: March 27, 1992

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

The City has received DR 92-03, an application by Dan Anderson for approval of Site and Design Review application for the construction of a 5-unit apartment complex on a 15,180 square foot lot located on the southwest corner of S.E. 3rd Avenue and Knott Street (Tax Lots 8200 and 8300 of Tax Map 3-1E-33DC).

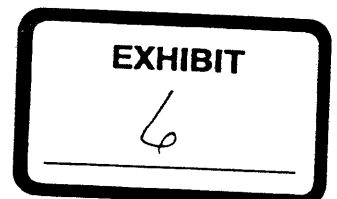
We would appreciate your reviewing the enclosed application and submitting comments by April 8, 1992 PLEASE. The public hearing is scheduled for April 27, 1992. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

The PLAN doesn't define sidewalk, Along S. Knott & S.E. 3rd. ALSO a Handicap Ramp will be needed at corner of 3rd & Knott. The existing Tree will not survive, being surrounded by concrete and asphalt. A Tree of that size will need open space from drip line INTO MAIN TRUNK. IF THIS CAN'T be MAINTAINED, Remove Tree.

A more detailed Plan is needed for clarification of application

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



Signature: Roy D. Heater

Date: April 1, 1992

RECEIVED
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CITY OF CANBY

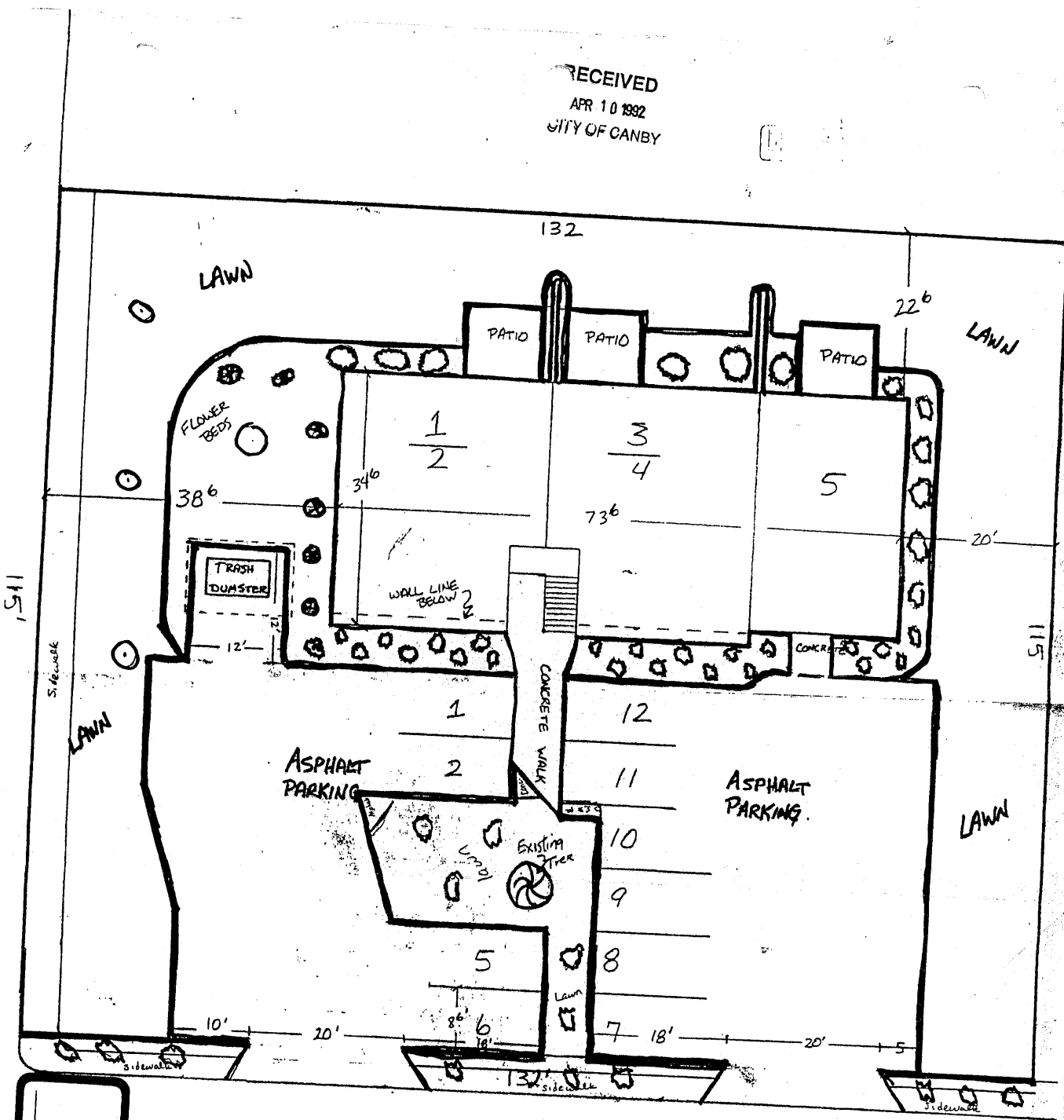
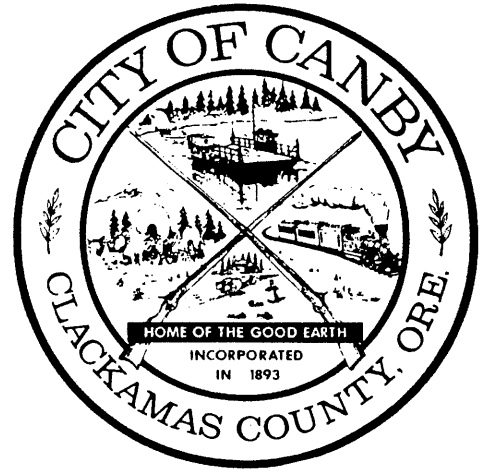


EXHIBIT
7

SE 3RD AVE.

- STAFF REPORT -



APPLICANT:

David Nelson

FILE NO.:

CUP 92-04

OWNER:

David Nelson

STAFF:

Robert G. Hoffman, AICP,
Planning Director

LEGAL DESCRIPTION:

Tax Lot 1300
Tax Map 4-1E-4C

DATE OF REPORT:

April 16, 1992

LOCATION:

South end of S. Elm Street

DATE OF HEARING:

April 27, 1992

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 2.37 acre site, to be developed as a 5-lot manufactured home park. This application involves the Conditional Use application for the "park."

II. MAJOR APPROVAL CRITERIA:

This is a quasi-judicial land use application. In judging whether or not a Conditional Use Permit shall be approved, the Planning Commission shall find that the following criteria are either met, can be met by the application of conditions, or are not applicable:

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.
- E. The proposed park design meets the requirements of Chapter 16.44 of the Municipal Code regarding Mobile Homes and Trailers, and Chapter 16.40, Hazard Overlay Zone, which provides for flood protection and protection of fish and wildlife and tree protection. Tree cutting plan and grading plan approval is required.

III. APPLICABLE REGULATIONS

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

• **City of Canby Municipal Code**

- 15.12 Flood Hazard Protection
- 15.12.170 Manufactured Housing Units (relative to flooding)
- 15.12.180 Floodways
- 16.04.387 Manufactured Home - Manufactured Housing Unit (def)
- 16.04.400 Mobile Home Park (definition)
- 16.04.640 Urban Growth Boundary (UGB) (def)
- 16.10 Off-Street Parking and Loading
- 16.16 R-1, Low Density Residential Zone, especially 16.16.020(K)
- 16.40 Hazard Overlay Zone (H), especially 16.40.010, 16.40.018, 16.40.020, 16.40.030, 16.40.050
- 16.42 Signs
- 16.44 Mobile Homes and Trailers, especially 16.44.020(A-E) and 16.44.030(A.1.), (C-J)
- 16.46 Access Limitations, especially 16.46.010(A.3, B, C)
- 16.50 Conditional Uses
- 16.64 Subdivision Design (while not required, this section gives a sense of the type of standards Canby has been seeking within other large developments)
- 16.86 Street Alignments
- 16.88 General Standards and Procedures, especially A1, A2, C, 16.88.090 and 16.88.130.

WAIVERS: The applicant has asked for "variances" in a number of cases relating to required fences. The Commission may modify requirements to meet specific site requirements.

IV. FINDINGS:

A. Background and Relationships:

There has been action in the recent past on various proposals for this part of the City/County. The area to the north of the site has recently been developed as a mobile home park (Elmwood). Village on the Lochs Manufactured Home Park (I), located to the southwest, has recently been approved for building and grading with a number of conditions. A simultaneous annexation proposal is being considered for the subject parcel.

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement

The notification process and public hearing which will be done as part of this annexation process, are a part of the compliance with the adopted policies and process pertaining to Citizen Involvement.

ii. Urban Growth

The property is almost entirely within the Urban Growth Boundary. It meets most of the intent of Canby's Goals and Policies regarding the Comprehensive Plan Urban Growth Chapter, provided that all necessary urban services are available. This will be discussed later in this report. The site is a Priority "A" for development, which is the first stage to be developed. A small portion of the site is along the slope of the Mollala River Embankment and is not proposed to be developed. This part of the site would not be within the Urban Growth Boundary which ends at the top of the slope, while the property goes to the bottom of the slope. The developer is proposing dedication of the slope area to the City, so the City can coordinate its protection and add it to its recreation and open space land.

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.

ANALYSIS

It has been previously discussed in this report that the subject parcel is located southwesterly of Canby City limits. Urban development activities have been proceeding nearby. Policy #1 can be met through the use of conditions at the time of development.

Policy #2 is provided for by the proposed R-1 (Low Density Residential) zoning which will apply to the parcel after annexation, following the Land Use proposal of the Comprehensive Plan for the site. Policy #3 will be met by Canby's current service system and concurrent extension of service systems for the proposed development. These extensions will be provided to develop Phase I of Village on the Lochs, and thus will be available to serve this area. Policy #4 will apply in the steep slope portion of the site but that area is proposed for protection through dedication to the City. Policy #5 will be followed since the property will be zoned consistent with the Comprehensive Plan designation, as part of the annexation process and any development will need to follow the Canby Land Development and Planning Ordinance requirements. The site will be zoned R-1, with the steep slope portion with a Hazard Overlay to protect it (if that portion is annexed). Policy #6 deals with unique areas and the subject property is not indicated as part of the Special Areas discussion in the Comprehensive Plan.

iv. Environmental Concerns

GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.

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

TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

Policy #1-R-A Canby shall direct urban growth such that viable agricultural uses within the Urban Growth Boundary can continue as long as it is economically feasible for them to do so. *(Not applicable.)*

Policy #1-R-B Canby shall encourage the urbanization of the least productive agricultural area within the urban growth boundary as a first priority. *(Not applicable.)*

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

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

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

Policy #5-R Canby shall support local sand and gravel operations and will cooperate with County and State agencies in the review of aggregate removal applications. *(Not applicable.)*

Policy #6-R Canby shall preserve and, where possible, encourage restoration of historic sites and buildings. *(Not applicable.)*

- Policy #7-R** Canby shall seek to improve the overall scenic and aesthetic qualities of the City. *(Not applicable.)*
- 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 #1-H** Canby shall restrict urbanization in areas of identified steep slopes.
- Policy #2-H** Canby shall continue to participate in and shall actively support the federal flood insurance program. *(Not applicable.)*
- Policy #3-H** Canby shall seek to inform property owners and builders of the potential risks associated with construction in areas of expansive soils, high water tables and shallow topsoil. *(Not applicable.)*

ANALYSIS

Most of the site is Class II type soil, Latoural Loam. There are no known soil problems related to urban type development for this portion of the site. Canby's storm and sanitary sewer procedure will provide protection for ground water and surface water. The portion of the site which is steep slope is Xerochripts and Haploxerolls, very steep slope. Hazard of water erosion is severe. Runoff is rapid. Timber and wildlife habitat exists. Setbacks from the edge of the slope are needed to protect development from slumping. There is a drainfield on part of the site to serve the adjacent home. Building, health and other Code

regulations will protect against other types of pollution. Policies #1-R-A, 1-R-B, 5R, 6R and 7R do not apply, since there are no known agricultural, aggregate, historic, scenic, or aesthetic resources present. The development ordinance will require review of land division or conditional use, and/or design review, and encourage preservation of some measure of open space, where appropriate. There are no significant fish habitat identified, to date, although a stream exists at the base of the embankment, at the southerly edge of the subject property.

v. Transportation Element

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

ANALYSIS

As part of the previous action on the Village on the Lochs (I) project, Elm Street was approved to be extended as a public road. It will need to be improved, and sidewalks and curbs provided as part of the development process. A Traffic Impact Analysis has previously been submitted and found no off-site improvements were needed. Five additional homes will not significantly affect its conclusions. There are conditions of approval of the earlier phase, which still need to be met. Annexation will aid in meeting these conditions.

vi. Public Facilities and Services

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

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

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

Policy #3: Canby shall adopt and periodically update a capital improvement program for major City projects. *(Not applicable.)*

Policy #4: Canby shall strive to keep the internal organization of City government current with changing circumstances in the community. *(Not applicable.)*

Policy #5: Canby shall assure that adequate sites are provided for public schools and recreation facilities. *(Not applicable.)*

ANALYSIS

All public utilities can be provided from S. Elm Street. Both a new interceptor and a water line is available. Other utilities are also available. Service extensions will be required. 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. The City of Canby voters have recently approved a major expansion of school facilities. The new Parks Plan proposes a bike path along the embankment, as part of a park along the Mollala River to serve Canby. This annexation could help to fulfill this proposal if the applicant dedicates the slope to the City.

The Public Works Director has stated previously that the City has capacity at the treatment plant for 250-300 additional dwelling units. The annexation will add to the supply of land for development, but not affect the market directly. The Stipulated Final Order, once approved, will remove this constraint.

Staff will report any concerns which may, in the future, be raised by service providers. The Public Works supervisor and the Fire Marshal have stated no specific problems exist in serving the development.

If the annexation were to occur, the zoning would be R-1, Low Density Residential. If the manufactured home park was **not** built, the land could support a maximum of less than 5 single family homes.

vii. Economic

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

ANALYSIS

Development of this site with 5 manufactured homes, as proposed, could provide residences for Canby business owners and employees, and also will provide a few employment opportunities and expand the market for Canby businesses.

viii. Housing

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

Policy #1: Canby shall adopt and implement an Urban Growth Boundary which will adequately provide space for new housing starts to support an increase in population to a total of 20,000 persons.

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. *(Not applicable.)*

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

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

ANALYSIS

This parcel will provide an opportunity for manufactured housing. Since it will be zoned R-1, Low Density Residential, it could also be developed with regular housing. The Comprehensive Plan, on page 45 assumed 2,018 of 5,198, or almost 40%, of the proposed homes would be manufactured homes, thus helping to meet future housing needs. Canby has hardly begun to meet this need and most new housing exceeds \$100,000 per unit. This development would provide for 5 additional needed units.

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.

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

Review of the above analysis will show that the proposed Conditional Use application is consistent with the policies of the Comprehensive Plan, provided that conditions deal with the slope area. Development of this parcel 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 manufactured home parks as a Conditional Use. The plan must be reviewed and approved under the Conditional Use Ordinance and Site and Design Review Ordinance (or under the Subdivision Ordinance, if developed residentially).

D. Zoning Consistency Analysis

The proposed use, a manufactured home park, is a conditional use in the R-1 zone, which includes a Hazard Overlay Zone for part of the site, as defined in Code Chapter 16.40. Under the Hazard Overlay Zone regulations, a mobile home park is also a Conditional Use. Section 16.40.030 states that the Planning Commission shall require full compliance with the Federal Flood Insurance Programs; proof of base floor elevations at least one foot above base flood levels, and may impose special conditions to mitigate or minimize hazards to life and property (the City must also determine adequate erosion control and whether watercourses are affected). The applicant proposes dedication of the steep slope area to the City for open space, and building in the upper area well above the flood plane. The application does not address erosion control during construction or after regrading. This should be a condition of any approval. In conversation with the Planning staff on October 4, 1990, the applicant stated that the creek along the base of the embankment flows all year round from springs and ground seepage. With dedication to the City of the slope area, and a drywell system for storm water, this should protect the slope and creek.

1. Hazard Overlay Zone - Special Protection Policies (Section 16.40.040)

The proposed manufactured home park application does **not** provide any **specific** plans for protecting wildlife, trees, fish, or other vegetation during or after construction, other than dedication of the slope area to the City. A setback of at least 30 feet is proposed from the edge of the slope. Detailed work on an adjacent site shows this is adequate.

2. Mobile Home Trailer Parks Approval Criteria Consistency Analysis (Chapter 16.44)

A. 16.44.020 - Plot Plans - Evaluation

A preliminary plot plan has been submitted, but is not dimensioned. Home sites are indicated. Streets and private drives are indicated. Two-car garage parking areas are indicated. The location of homes and garages are indicated. Garages are to be built on-site. Storage will be in the garages. Slope area is indicated and proposed for dedication to the City for street and open space purposes.

B. 16.44.030 - Standards and Criteria - Evaluation

Maximum Density

The R-1H district permits up to 7 units per acre. With 5 units on approximately 2.4 acres, the proposal meets the density standard.

Setback Regulations

The setback standards between units and to the edge of property are all met, except the required 25 feet distance to the public street. A slight adjustment of unit placement will be required.

Access Requirements

Section 16.46 requires a 20 foot drive for the units, which is provided. The main street access is only via the Elm Street extension, which has the required County approvals.

Paths/Sidewalks

Sidewalks are proposed for all roadways, but the cross-sections supplied indicate only sidewalks on one side of the main road. Since this needs to be a public road, sidewalks on both sides are required. Widths are not indicated.

Separation

The application text indicates that at least 15 feet of separation will be provided between individual units and permanent buildings.

Patio Area

A 150 square foot patio is needed for each site, to be constructed after the unit is sited. This is not discussed.

Playgrounds and Open Space

An area of over one-half acre is proposed to be dedicated as public open space, and an additional private recreation area will be available at the base of the hillside.

Landscaped Space

A landscape plan has been submitted, but has not been reviewed at this time. The type of vegetation and bottom treatment and maintenance of the slope areas is not indicated at this time. A Site and Design Review will be required at a later time.

Boundary Fencing

The required perimeter fence is being proposed on the eastern edge as a masonry wall, but a waiver is requested for other boundaries without adequate justification. The current overgrown trees on the western edge should be trimmed back and fenced with a sight-obscuring fence. The driveway on the northern edge should be fenced, but need not be sight-obscuring. The edge of the slope and the creek need not be fenced.

Other

The remaining sections, 16.44.040 and 16.44.110, are not applicable since these provisions are not being requested by the applicant.

Special Conditions

The Commission may wish to require additional conditions if approval is considered, as indicated in the recommendations section of this report, to be consistent with Phase I.

3. Conditional Use - Conformity to Approval Criteria - Section 16.50.010

- a. Consistency with Comprehensive Plan and Other Applicable Policies

See previous discussion and other sections of this report.

- b. Site Characteristics - Suitability

Staff has previously discussed the slope area. The upper flat area has no problems for development. The site appears to be adequate to support 5 units. The existing septic drainfield is

proposed to be protected. Lots of approximately 4,000 square feet, up to 9,800 square feet, are proposed - an average of 7,500 square feet.

c. Public Facilities and Services Availability

We are assured by the appropriate utility company and City Engineer, that public facilities and services exist nearby the site and can be extended to service the site.

d. Impact on Surrounding Area

The applicant proposes an 8 foot masonry wall along the eastern edge and dedication of the needed public roadway and slope area. The neighbor living in the single family home to the west is concerned about impact on his home. A major barrier is needed to separate uses. Elmwood Mobile Home Park is located to the north and farm land, to the south. Except for the home, no major impacts are foreseen.

V. CONCLUSION

The staff has given full consideration to the applicable criteria and concludes that the application meets these requirements, provided a series of conditions of approval are included.

VI. RECOMMENDATION

Based upon the application, foregoing staff analysis, and without benefit of a public hearing, but contingent upon approval of the annexation by the Boundary Commission, and not effective until such action, staff recommends approval of CUP 92-04 with the following conditions:

1. Prior to occupancy, the slope area shall be offered for dedication to the City for recreation, open space and other public purposes.
2. The conditions of approval of the building permit, B.P. # 4266, for CUP 90-06, shall be implemented so far as they affect this application, including, but not limited to:

- a. dedication and construction of the road right-of-way;
 - b. roadway, walkway and bike path design;
 - c. protection of slope.
3. The proposed 8-foot sound barrier wall, of concrete block or masonry, along the eastern property is approved; however its design shall be reviewed and approved by the Planning Director for compatibility with the entryway character and impact on the livability of the surrounding homes.
 4. The required sight-obscuring fence along the top of the embankment is hereby **waived** to allow views of the lower areas. However, the vegetation along the western lot line shall be trimmed and a sight-obscuring "good neighbor" fence provided. Such fence design is **not** to include a chain link fence with spaced wood slats, since this is not considered "sight-obscuring."
 5. All construction related to the home sites shall be set back at least 30 feet from the edge of the bank, unless a recognized geotechnical engineer certifies different dimensions based on site specific information, and the City Engineer approves such certification.
 6. Construction on top of Ellickson's drainfield is not permitted until the home served by such field is connected to a City sewer.
 7. A Site and Design Review approval is required.
 8. A drywell system for storm water shall be provided, designed to the requirements of the Director of Public Works.
 9. Erosion control, during construction, shall follow the Erosion Control Plans Technical Guidance Handbook dated November, 1989, as amended (current edition January, 1992).

10. The applicant shall provide a waiver of remonstrance for any traffic control improvements which may be needed at the intersection of S.W. 13th and S. Ivy Street.
11. A set of mobile home park operating rules and regulations shall be provided and shall be reviewed and approved by the City Attorney for consistency with City regulations and the conditions of this land use approval. These rules shall include, but not be limited to, maintenance, and use of open space, recreation areas, and recreational vehicle storage and other storage areas and landscape treatment of lot areas.
12. An operating plan and facility plan for postal service, school bus service, and fire service shall be provided with approvals supplied to the City of Canby from the respective service authority.
13. Two parking spaces shall be provided on each lot.
14. Included with the Site and Design Review submission materials, a fully dimensioned final plan including any proposed phasing shall be provided indicating full compliance with Canby regulations for mobile home parks, particularly, but not limited to Chapter 16.44 and 16.46. This plan shall indicate, but is not limited to, all utility easements, lighting, sidewalks, public areas, open space areas, any proposed trails, and mobile home and garage placement "envelopes." The proposed manufactured homes to be located along Elm Street extension shall be set back from the curb a minimum of 25 feet, as required by Section 16.44.030(C). A 150 square foot patio area shall be indicated for each unit.
15. Full-time, on-site management staff shall be available.
16. Prior to occupancy, all construction improvements shall be completed, accepted by the City, and as-builts submitted.
17. All single-wide models shall be a minimum of 800 square feet. All double-wide models shall be a minimum of 1,000 square feet. No units shall have

metal exterior sides or roof. All units shall have skirting or perimeter foundations attached at the time of occupancy.

18. All units must meet all HUD requirements, and accessory structures must meet OSSC requirements. Curbs and three (3) foot sidewalks shall be installed along the internal private driveway, as determined by the Public Works Director.

19. Each mobile home lot shall meet the following specifications:
 - a. The area for mobile home, storage areas, garage and driveway shall not exceed 2400 square feet (or 50% of lot area whichever is larger).

 - b. Any deck area or patio area shall total no more than 500 square feet.

 - c. The balance of the mobile home lot (i.e., at least 1600 square feet) shall consist of seventy (70%) percent (i.e., at least 1200 square feet) green vegetation and the remaining thirty (30%) percent may be in bark dust.

 - d. All landscaping for each mobile home lot shall be completed and inspected by the Planning Director within ninety (90) days of occupancy. A landscaping deposit or performance bond, in the amount of \$250 for each mobile home shall be provided to the City by the park management or the developer upon issuance of the Mobile Home Set-up Permit. This deposit shall be returned upon completion of the landscaping. If the applicant for the Mobile Home Set-up Permit fails to complete the landscaping within ninety (90) days, or as soon thereafter as prudent landscape practice allows within the next landscape season (as specified above), said deposit or performance bond shall be forfeited to the City and used by the City to complete landscaping, and the City shall subsequently proceed to process a notice of infraction as provided by Development Code.

 - e. Each mobile home lot shall have a minimum of three (3) inches of organic material tilled into the soil for all areas set aside for green vegetation or such other site preparation as recommended by the landscape architect.

- f. Each mobile home shall utilize applicable HUD, FHA and VA tie-down and foundation standards.

- 20. The developer shall provide each tenant with a list of recommended low maintenance plant species that are appropriate for existing soil. Additionally, a list shall be provided which indicates less harmful pesticides and fertilizers for each recommended plant species. These lists shall be prepared by a licensed Landscape Architect.

- 21. All mobile home exteriors, individual lots, and common areas shall be kept in good repair and be maintained in a safe, neat, clean and attractive condition.

Exhibits:

- 1. Application
- 2. Vicinity Map

CONDITIONAL USE APPLICATION

Fee: \$300.00

OWNER APPLICANT
 Name David A. Nelson Name David A. Nelson
 Address 25610 SW MT RD Address same
 City West Linn, State OR Zip 97068 City _____ State _____ Zip _____
 SIGNATURE [Signature] Phone: 638-5537

DESCRIPTION OF PROPERTY:

Tax Map 4 1E 4 30 Tax Lot(s) 1300 Lot Size 2.44
 (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 Residential Proposed Residential

Existing Structures House, Shop

PROJECT DESCRIPTION

Remove existing structures and construct a 5 unit manufactured home park as
of the previously approved Village on the Lochs project

ZONING EFU COMPREHENSIVE PLAN DESIGNATION Residential

PREVIOUS ACTION (if any) none

File No. CU P 92-04
 Receipt No. 1809
 Received by lv
 Date Received 3-26-92
 Completeness Date _____
 Pre-App Meeting _____
 Hearing Date 4-27-92



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

CONDITIONAL USE REQUEST

VILLAGE ON THE LOCHS II

DISCUSSION OF CRITERIA FOR CONDITIONAL USE:

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

The plan does conform to the City's comp plan for low density residential. Five manufactured homes sites are proposed for long term lease on 2.42 acres (area varies slightly because of the south boundary being a meandering creek). There is approximately 1.1 acres of flat area west of Elm Street. The current use is residential with commercial/light industrial (machine shop on site has grandfather rights with Clackamas County).

The majority of the property is within the urban growth boundary. The comp plan indicates the UGB is along the top of the hillside. It is proposed that Elm Street extension be dedicated to the city along this property including all property from the west side of Elm Street to this property's east boundary. The hillside area will be proposed for park land dedication.

The comp plan indicates this property is priority 'A' for residential development. The City has recently annexed priority 'B' land for residential development indicating the need for residential land is great. The comp plan indicates a population of 20,000 by the year 2000. The current growth trends indicate that this is currently happening and to maintain an inventory of five to seven years of vacant land for building sites as the City desires, additional lands need to be developed, especially affordable housing that this proposal contains.

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

Only the flat area of this property is proposed to be developed. It lends itself well to the proposed creative layout of homes proposed, versus a more traditional "line up" of homes. Only double wides and triple wides will be allowed. Space is available for up to a double car garage or carport. Outbuildings of any kind are not allowed. The exteriors of the homes will be of wood or wood-like material. No metal roofing will be allowed. All conditions will be identical to Village on the Lochs I as approved.

Only one driveway onto Elm Street is proposed and it will have more than adequate sight distance both ways on Elm. Ground covers or grass will be the only thing allowed in the line in sight area, and the ground will be sloped as necessary.

The following setbacks were observed when laying out the homes:

1. 15 foot from home to interior property line.
2. 15 foot between enclosed structures.
3. 2:1 slope from base of hillside.
4. 25 foot from Elm Street to structure.
5. No structures over neighbor's drain field

Variations are requested for perimeter treatment. To protect the view to the south no fencing is proposed, similar to Ceder Ridge. Adequate landscape material exists along the west and north sides to separate the project from the adjacent property which is the same as the proposed project, a small home. A fence exists along the north side of the driveway into the existing home to the west of this property. No fence can be placed along Elm Street in order to maintain required sight distances. Along the east side of Elm Street a seven foot sound wall is proposed to isolate Becks (John and Rodney) from potential road noise per an agreement with the Beck's. The wall will be concrete or concrete block. The wall will be constructed when work starts on the previously approved phase.

This proposal ties our previously approved manufactured home project into the existing park, Elmwood. The homes proposed are of about the same size as the existing home to the west, and are on comparable sized lots. The sound wall will isolate any future development to the east from this development, although a future street connection from Elm to the east is provided.

A monument sign to direct people into the Village on the Lochs I and II is proposed to be located adjacent to Elm Street just as you enter the project from the north. This will be a concrete sign about 14 feet long and 18 inches high, set on an 18 inch landscape berm. Provisions for indirect lighting will be included.

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

The Elm Street extension as a public roadway was approved previously for service to Village on the Lochs I. This feeder street provides excellent service to S. 13th which is designated as a main arterial/by pass. No streets, private or public are proposed. There will be a single private driveway to serve all homes.

Sewer and water service exist in Elm Street. There is adequate capacity to serve five more homes in the existing system for both sewer and water.

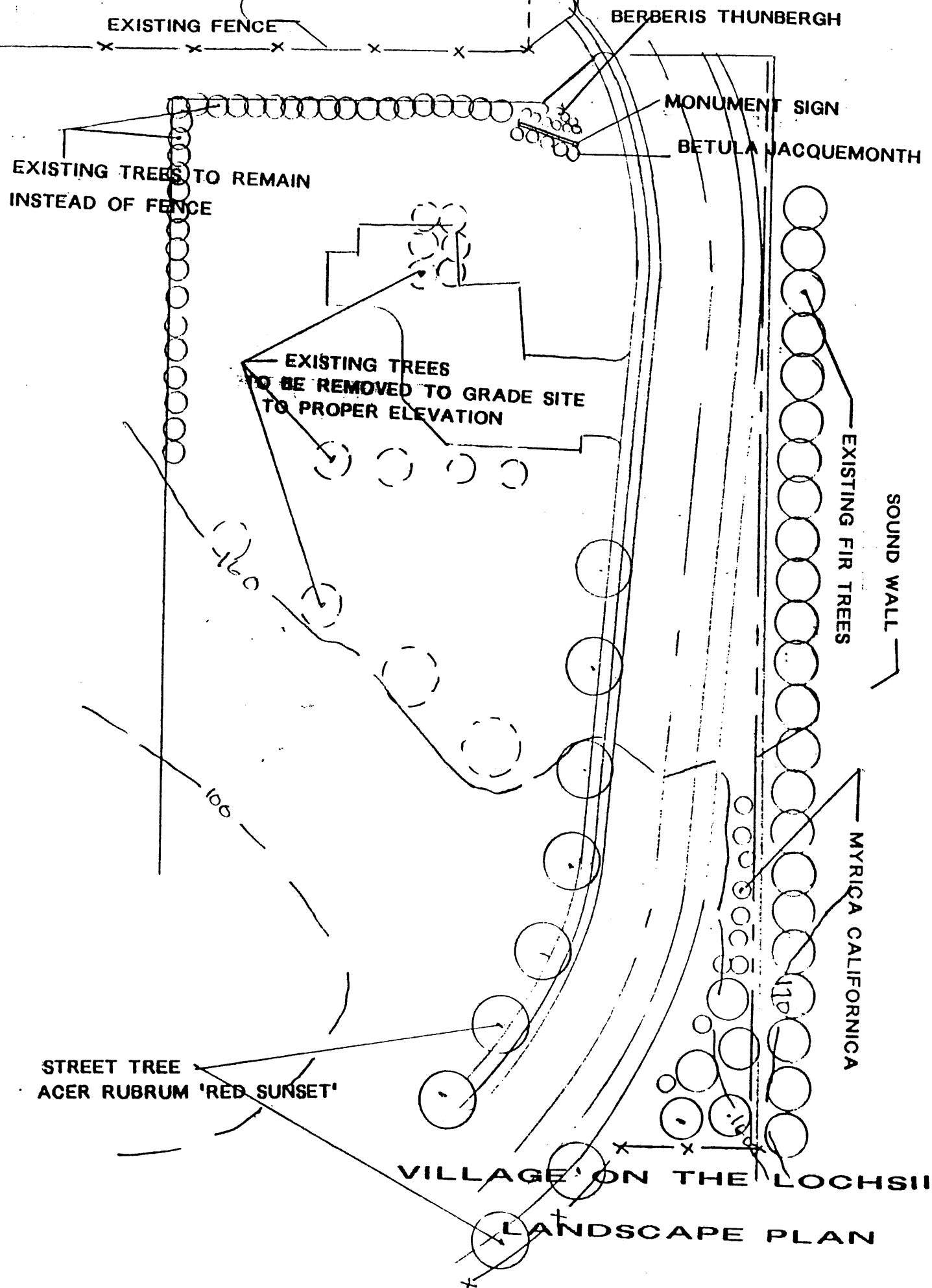
Power will be provided by CUB, and natural gas is available, if desired, from Northwest Natural Gas. Phone service and cable TV can be provided by the local provider.

Emergency services are currently provided by the local fire and rescue district. A fire hydrant will be provided adjacent to Elm Street for this project. Street lighting is proposed for Elm Street which will become part of the City system.

Tri-Met bus service is available within walking distance at the corner of 13th and Elm. The senior center is within a short distance as well as the community pool. No playground area is proposed as the lots are of sufficient size that it is not required. Schools are close at hand. Looking at a similar community, Wilsonville, there are only 31 children for 270 spaces so there will probably be minimal impact on the schools. Even though, expansion is planned for the high school and grade school.

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

The proposed development is between two manufactured housing parks, Elmwood to the north and Village on the Lochs I to the south and west. The existing home just to the west of this project will be of similar character as the new homes proposed and on similar sized lots. The small farm property to the east will be isolated by a sound wall. It is anticipated this land will be smaller lots with residential at some time in the future. This is undoubtable one of the highest and best uses for the land and is very compatible with the surroundings. In fact, approval will eliminate the current goal exception use of commercial/light industrial.



EXISTING FENCE

BERBERIS THUNBERGH

MONUMENT SIGN

BETULA JACQUEMONTII

EXISTING TREES TO REMAIN
INSTEAD OF FENCE

EXISTING TREES
TO BE REMOVED TO GRADE SITE
TO PROPER ELEVATION

EXISTING FIR TREES

SOUND WALL

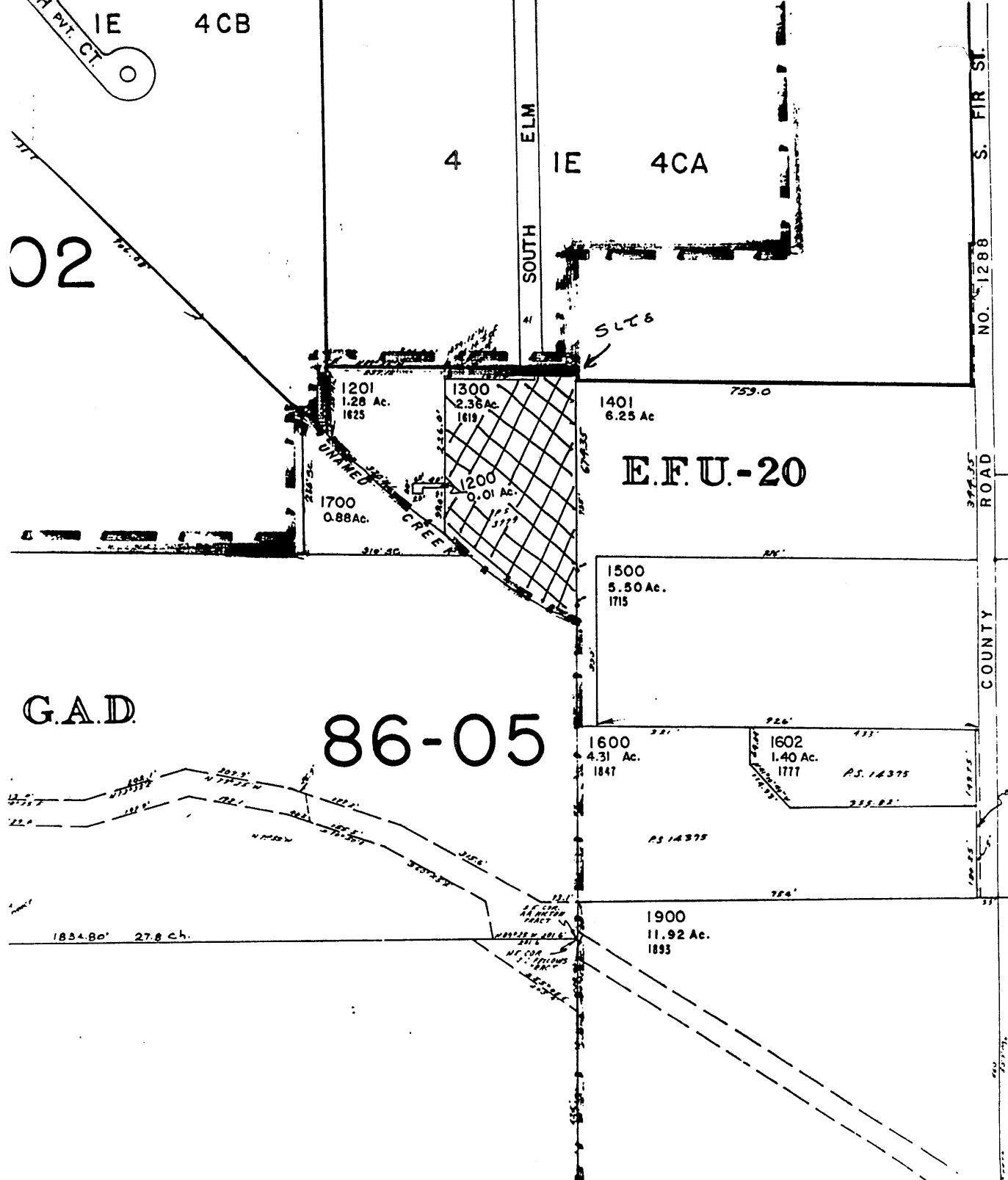
MYRICA CALIFORNICA

STREET TREE
ACER RUBRUM 'RED SUNSET'

VILLAGE ON THE LOCHS II

LANDSCAPE PLAN

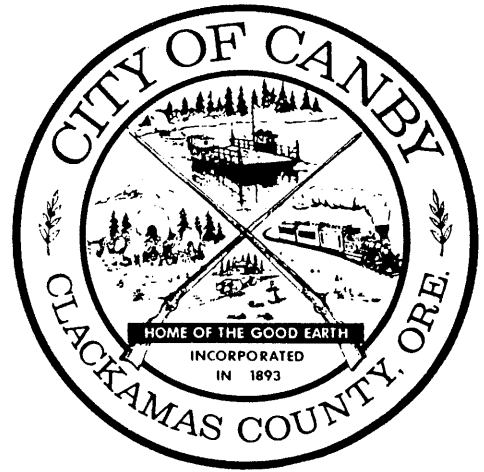
scale 1"=50'



SEE MAP 4) 4D

EXHIBIT
2

- STAFF REPORT -



APPLICANT:

Regan Enterprises

FILE NO.:

SUB 92-01

OWNER:

Regan Enterprises
31151 S. Needy Road
Canby, OR 97013

STAFF:

Robert G. Hoffman, AICP,
Planning Director

LEGAL DESCRIPTION:

Tax Lot 4800 (portion) of
Tax Map 4-1E-4AA

DATE OF REPORT:

April 17, 1992

LOCATION:

South of S.E. Township Road,
just east of S. Knott Street

DATE OF HEARING:

April 27, 1992

COMP. PLAN DESIGNATION:

Medium Density Residential

ZONING DESIGNATION:

R-1 (Low Density Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval of a 19-lot residential subdivision on 4.9 acres. A revised Master Plan for the larger Township Village area has also been submitted. Nineteen single family lots are proposed, varying in size between 7,560 and 11,050 square feet.

II. APPLICABLE CRITERIA:

A. City of Canby Code Section 16.62.020

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

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

B. Other Applicable Policies and Regulations:

■ City of Canby Comprehensive Plan:

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

■ City of Canby General Ordinances:

- | | |
|-------|---|
| 16.10 | Off-Street Parking and Loading |
| 16.16 | R-1 Low Density Residential Zone |
| 16.42 | Signs |
| 16.46 | Access Limitations |
| 16.60 | Major and Minor Partitions (Subdivisions)
(especially 16.64, Subdivision Design) |
| 16.86 | Street Alignment |
| 16.88 | General Standards |

III. FINDINGS:

A. Background and Relationships

The subject parcel was a part of previous considerations by the Planning Commission. Rezoning to R-1.5 for an adjacent site of 8.5 acres was approved, but the request for rezoning the remainder of the site of 33.4 acres was denied. The remainder of the original site remains R-1, and the subject parcel is part of this remainder. Phases I, II and III of the Township Village development for the area have received approvals for subdivision with a number of conditions. A master site plan for Township Village underwent review and received tentative approval. A revised master site plan has been submitted with the present application. The final Order for Phase III included the following first condition, with staff comments noted in parenthesis.

1. The proposed Master Plan shall be modified as follows, prior to submitting the Phase IV application:
 - a. To provide a connection of Knott Street to the loop road northwest of the western end of 7th Avenue. (This has been provided for in the Master Plan and in Phase IV.)
 - b. A pedestrian connection to Philander Lee Elementary School shall be provided from Township Village. Such modifications shall be reviewed and approved by the Planning Director. (These have been provided for in the Master Plan.)
 - c. Walkways shall be provided within the subdivision and, perhaps, to the school grounds, including the consideration of low level lighting and some sort of fencing, as determined by the Director of Public Works with the developer. (These have been provided for in the Master Plan, but not in the proposed Phase IV of the subdivision.)
 - d. That some Knott Street westerly extension be addressed in the Master Plan. (This has been provided for in the Master Plan and Phase IV.)
 - e. That fencing be confined to around the school area only. (This is not discussed by the applicant.)

- f. That the sewer be placed within the collector street indicated in the Master Plan. (This has been provided for in Phase II - see below.)

B. Comprehensive Plan Consistency Analysis

- i. **Citizen Involvement** - not applicable

- ii. **Urban Growth**

The subject parcel is entirely within the Urban Growth Boundary and within the City limits. The priority of the site is "committed to urbanization."

- iii. **Land Use Element**

The Comprehensive Plan Land Use Element indicates the parcel as appropriate for Low Density Residential. The zoning of the parcel is consistent with this pattern, with the parcel zoned R-1, Low Density Residential. The intent of Special Area "I" of the Comprehensive Plan has been met through annexation and zoning of the general area. The Planning Commission denied the change from R-1 to R-1.5 for the subject parcel. Development as urban residential remains. The subject subdivision is one step in that process.

- iv. **Environmental Concerns**

The site is generally flat and the slope is very gradual. The predominant soil is Latourell Loam, a deep well-drained soil with Class I capability rating. The site has been in Christmas Tree production. The area is suitable for urban residential development. It is possible to design methods and facilities to provide adequate protection of the air, water and land resources and to mitigate against any noise. The southeast portion of the City does not have adequate sewer capacity to handle all the area indicated within the Urban Growth Boundary. A major sewer route has been determined and initiated to serve this part of the City. Also, a collector road is needed to provide a connection between local areas and their arterials. The collector is being provided through Pine Street, a 50' right-of-way with a 40 foot pavement, being constructed with each phase of development. The proposed revised area Master Plan provides for this collector via S. Pine, between Township

and 13th Avenue. The new sewer collector will be provided for in each phase within this new right-of-way. A temporary connection has been provided on 7th Avenue (extended to the west), and north on Knott.

v. Transportation Element

The Transportation Element Goal,

"To develop and maintain a transportation system which is safe, convenient and economical."

This is accomplished through the City's Capital Improvement Program and use of the Land Development Ordinance to prevent creation of dead-end streets, without adequate connections or turnarounds. As part of development programs, new streets are to be programmed and constructed, making adequate provision of collectors and arterials. Also, adequate sidewalks and a pedestrian pathway system should be provided. The subject subdivision provides for a desirable local street pattern which will discourage through traffic. Adequate sidewalks should be provided. The developer has requested approval to build a "four foot sidewalk, constructed 2.5 feet back of the curb similar to Phase II." The proposed phase connects to the present street system via S.E. 7th Avenue. Currently, Knott Street dead-ends on the northwestern corner of the site. A provision for extension is made in the proposed subdivision. Safe school access must be provided for the needs of children and other pedestrians, and should be provided between phases. These show on the Master Plan, but the walkway connection of the two parts of S.E. 7th Place has not been indicated on the Subdivision Plan. Modification of the proposed roadway connection may be needed to the Tofte property, to the east of Phases VII and X, as its design unfolds.

vi. Public Facilities and Services:

This element stresses the need to ensure adequate provision of public facilities and services. One of the annexation provisions affecting this parcel provides for "adequate and significant allocations for park and open space as part of the revised Township Village Master Plan." The developer states, as part of his application:

"PARK LAND DONATION: Park land donation, as agreed to during development of Phase 3, is shown on the Master Plan."

Condition #19 of the Phase III approval reads as follows:

19. Conditional donation will be made along the school's eastern boundary, approximately six acres, subject to a fair city ordinance with formulas going into effect for park land dedication within one year, and the Planning Commission will vigorously encourage any and all other subdivisions between now and the time the ordinance takes effect to dedicate similar park land.

The City adopted a Parks Systems Development Charge within the described time frame.

On January 28, 1992, the Regans signed the following agreement with the City:

"IT IS AGREED that if Regan Enterprises, or its successors in interest, dedicates approximately six (6) acres of land referred to in the Conditions of Approval for Township Village III (SUB 90-02), dated November 15, 1990, within one (1) year from the date of this agreement, the City of Canby will refund to any person who previously paid a Systems Development Charge to the City for parkland development on a lot in Township Village, the full amount the person originally paid at the time their building permits was issued."

At this date, the agreed upon area has not yet been dedicated.

Regarding other site facilities and improvements, the developer states in his application:

IMPROVEMENTS: Improvements will be in accordance with City of Canby Land Development and Planning Ordinance No. 740. We are requesting approval for a four foot sidewalk to be constructed 2.5 feet back of the curb similar to Phase 2. Construction will be in accordance with City of Canby and Canby Utility Board Standards.

WATER AND SEWER: City water and sewer is available and will be extended by the developer.

The Director of Public Works has stated that the City has capacity for 250-300 additional dwelling units. The new expanded treatment plant will be available in the fall of 1994, or 2.3 years. Building permits have recently been issued at the rate of about 100 per year. The 19 lots will add to the supply of lots, but will not directly affect the **market** for houses. Full build-out of Willow Creek (89), Cedar Ridge (75), North Pine Addition II (17), Lillian's Meadow, Wildflower Properties, would put a serious dent in this available capacity, but they have not been occupied at a rapid rate. A stipulated final order has been applied for by the City which, on approval by DEQ, will remove any serious restrictions on capacity until the additional treatment plant capacity is available.

Sewer and water service is available either from Knott or 7th Place.

The service providers have been surveyed and report no problems. Staff will report on any additional concerns we may receive.

STREET LIGHTING: Developer shall provide street lighting in accordance with City standards.

TELEPHONE, CABLE, GAS AND ELECTRIC: Available and will be extended by the utility.

The School district has requested that pedestrian pathways be provided to the Philander Lee Elementary School "as soon as possible." Currently, children from Township Village must walk on Township Road or 13th Avenue and Ivy Street. No sidewalks are available for much of the distance. The Master Plan has been modified to propose direct pedestrian access from Township Village to the school, as a part of Phase VIII.

vii. Economic Element

Since this application is for residential development, this element does not apply.

viii. Housing Element

GOAL: To provide for the housing needs of the citizens of Canby.

The Housing Element, Policy No. 2, states that a gradual increase in housing density is to be encouraged. Policy No. 3 states that housing construction needs to be coordinated with provision of utilities, facilities and transportation. This subdivision proposal will aid Canby in meeting its Housing Goal and Policies through the provision of 19 well-designed, single-family lots, well served by utilities, public facilities and transportation.

ix. Energy Conservation Element

The Solar Access Standards for new development requires that a new development assure at least eighty (80) percent of the lots have a north-south dimension of 90 feet or more, and have a front lot line that is oriented within 30 degrees, or a true east-west axis. Additionally, the Planning Commission "shall reduce the percentage of lots that must comply . . ." (16.95.050). The reduction in the required percentage of complying lots occurs when any of a number of conditions occur. The following condition has bearing on the Township Village Phase IV subdivision application, and on subsequent phases of the Township Village development project:

Existing road patterns must be continued through the site or must terminate on-site to comply with applicable road standards or public road plans in a way that prevents given streets or lots in the development from being oriented for solar access. [16.95.050(A)(1)(c)]

A total of 79% of the lots in Phase IV of the Township Village development project meet the basic requirements. The street pattern that exists in Phases I and II, which were developed prior to the adoption of the Solar Access Ordinance, and the shape of the parcel caused some constraint on design to achieve Solar Access. Also, the need to provide for the connection to Knott Street, is such that a higher percentage of lots that comply with Solar Access requirements is not possible. Thus, Phase IV meets the requirements of the Solar Ordinance and the 1% exception should be allowed (1 lot).

With the submission of the subdivision plans for Phase IV, the applicant also submitted a "Master Plan" of the overall layout of the Township Village development. Review of this "Master Plan" under the Solar Access Ordinance shows that some solar access lot design changes could be made, including possible revisions to the layouts of Phases V, VII, IX and X. The configuration of the land proposed to be developed in Phase X makes compliance of this Phase to the Solar Access Ordinance requirements difficult. The land is relatively narrow and oriented north-south. This configuration is caused by the proposed dedication of 6 acres of parkland adjacent to the school site (Lee).

C. Development Code Consistency Analysis:

1. Section 16.62.020 - Standards and Criteria

• **Conformance with Comprehensive Plan**

The foregoing discussion described the subject subdivision, master plan, and their relation to applicable Comprehensive Plan Goals and Policies. Basically, the proposed subdivision is consistent with the policies of the Comprehensive Plan, provided certain conditions are required to be met as indicated in the staff recommendation.

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

This is the object of this entire staff report. Staff has not found any requirements that will not be met, provided the proposed conditions are met.

• **Design and Lot Arrangement - The overall design shall be functional in terms of sites, utility easements and access, without hindering adjacent development.**

The revised Master Plan provides for solar access, a collector street connecting the area to Township Road and 13th Avenue and other parts of the subdivision, without unduly encouraging traffic on local streets. The lots of the subdivision are of adequate size and shape to encourage adequate design of single family homes. Utility easements should be provided, as requested. Adequate roadway connections are made to encourage adjacent land development and connection to Knott Street.

2. Section 16.64 - Subdivision Design Standards

Streets - Streets have been designed to meet City standards. They are designed to provide for the ultimate collector street on Pine, while not encouraging excess traffic on residential streets. Connection to Knott Street is provided for.

Blocks - Generally, the block designs, sizes, topography, lengths, and shapes are well suited to the site and provide an adequate framework for lot design.

Easements - All necessary easements will be provided by the developer.

3. Section 16.64.040 - Lots

Lots have been designed to meet standard subdivision practices and are appropriate for the site.

4. Section 16.64.050 - Public Open Space

The developer has proposed dedication of park land in their Master Plan. The Systems Development Charge Ordinance is now operational.

5. Section 16.64.060 - Grading of Building Sites

The developer must follow all procedures referred to in this section as is the case in all subdivision work. The County now has in place, and will require, an erosion control plan.

6. Section 16.64.070 - Improvements

The developer will need to follow all the development procedures of this section, as is the case in all subdivisions.

IV. CONCLUSION

The application, including the Master Plan for Township Village, meets the full intent of the Comprehensive Plan and applicable City Codes, provided that certain conditions are incorporated and implemented.

V. RECOMMENDATION

Based on the findings and conclusions presented in this report, and without benefit of a public hearing, staff recommends approval of SUB 92-01 (Township Village IV), with the following conditions:

1. Full-width barricades shall be placed, at the developer's expense, at the end of the new streets which are planned to be extended later.
2. Any necessary utilities shall be constructed to the specifications of the service-provider.
3. Utility easements shall be provided and are to be twelve (12) feet along all streets and exterior parcel lines. Exterior lines of the subdivision adjacent to other platted subdivisions with easements, and easements along all interior lot lines, are to be six (6) feet wide off of each lot, for a total of twelve (12) feet.
4. "As-built" drawings shall be submitted to the City within sixty (60) days of completion.
5. Street name and traffic control signs shall be provided at the developer's expense. This shall include "dead end" signs for the end of the streets and "Stop" street signs, where required by the Director of Public Works.
6. A one foot "plug" shall be provided at the end of the dead ended streets to prevent access to the west and south until platted or developed.
7. The final plat shall reference this land use application - City of Canby, File No. SUB 92-01, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits requested subsequent to the date of this approval.
8. The final plat mylars must contain, in the form specified, all information necessary to satisfy all matters of concern to the County Surveyor, or his authorized Deputy, including, but not necessarily limited to, various matters related to land surveying, land title, plat security, and plat recordation.
9. Curbs and sidewalks shall be provided along all street frontages. While building setbacks are normally required to be measured from the property line, in situations where the sidewalks are built on private property, the driveways and parking areas shall be designed to provide a minimum of 19 feet of parking area between the sidewalk and the face of the garage (or some equal outdoor parking provided on-site).

10. No more than four lots in each block shall have the same house designs.
11. A walkway connection shall be provided connecting Phase IV to Lupine and 7th Place, as shown on the Master Plan.
12. Erosion-control during construction shall be provided by following the recommendations of the "Erosion Control Plans Technical Guidance Handbook," by Lori Faku and Rick Raety, dated November 1989, as revised (currently January, 1991).
13. The stormwater disposal system shall be reviewed and approved by the Public Works Director, including appropriate drywells.
14. The proposed Master Plan should be **reconsidered** by the developer for revision prior to submittal of Phase V, indicating a higher percentage of solar access lots, by connecting 8th and 9th Streets and also considering the Tofte property "Master Plan" and connection to the new elementary school at Redwood and 10th.

Exhibits:

1. Application
2. Tentative Plat
3. Master Plan
4. Responses from Service Providers

SUBDIVISION APPLICATION

Fee: \$300 + \$10/lot

OWNER

APPLICANT

Name Regan Enterprises

Name Regan Enterprises

Address 31151 S. Needy Rd.

Address _____

City Canby State OR Zip 97013

City _____ State _____ Zip _____

SIGNATURE *folegan*

Phone: 651-3749

DESCRIPTION OF PROPERTY:

Tax Map 4S1E Sec 4A Tax Lot(s) A portion of 600 Lot Size 4.9 Ac.
4AA 4800 (Acres/Sq. Ft.)

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Lot _____ Block _____

PROPERTY OWNERSHIP LIST

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

USE

Existing Vacant Proposed Residential

Existing Structures None

PROJECT DESCRIPTION

Owner proposes 19 residential lots on 4.9 acres. See tentative plat for Narrative.

ZONING R-1 COMPREHENSIVE PLAN DESIGNATION H-1

PREVIOUS ACTION (if any) _____

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



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

Wilhelm Engineering, Inc.

Civil Engineering & Land Surveying

546 S.E. Township Road

WEI

Planning - Land Development

Canby, Oregon 97013

503-266-6168

Construction Management


March 27, 1992

Mr. Bob Hoffman
City of Canby
182 N. Holly
Canby, OR 97013

Dear Mr. Hoffman:

Transmitted with this letter are 18 copies of a revised Master plan for Township Village, 18 copies of the tentative plat for Township Village Phase 4, one subdivision application and check in the amount of \$ 490.00. We will have the notification list to you early next week. Please put the tentative plat of Township Village Phase 4 on the next available planning commission agenda.

Sincerely,


George H. Wilhelm, P.E., P.L.S.

Encl.:

CANBY PLANNING DEPARTMENT
REQUEST FOR COMMENTS

DATE: March 30, 1992

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

The City has received SUB 92-01, an application by Regan Enterprises for approval of a 19-lot subdivision, Phase 4 of Township Village. The property is located south of Township Road, east of S. Ivy Street and west of S. Lupine Street. (Tax Lot 600 [part] of Tax Map 4-1E-4A).

We would appreciate your reviewing the enclosed application and submitting comments by April 6, 1992 PLEASE. The Planning Commission will hold a public hearing on April 27, 1992 to consider this application. Please indicate any conditions of approval you may wish the Commission to consider if they approve the application. Thank you.

Comments or Proposed Conditions:

Location of Fire hydrants are approved as shown on Plat. Water main for Phase 4 to be connected to main off of South Lupine st. to continue looped system in development.
Address numbers for dwellings shall be displayed on front of homes before occupancy is allowed.

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

Signature: Jack Stark

Date: March 31, 1992

EXHIBIT

4

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: March 30, 1992

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

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- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

Signature: Gary Hyatt Date: 4/2/92

CANBY PLANNING DEPARTMENT REQUEST FOR COMMENTS

DATE: March 30, 1992

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

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We would appreciate your reviewing the enclosed application and submitting comments by April 6, 1992 PLEASE. The Planning Commission will hold a public hearing on April 27, 1992 to consider this application. 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 STREET System of This Addition should be realigned, so S. Knott can be attached as recommended in File Sub.-85-04. Deadend streets are a maintenance problem for property owners and the city. They cannot be cleaned or maintained as should be. IF a plan cannot be designed on STREET continuation of this Addition, it should be denied. All underground utilities are ended on S. Knott, they are in place for the expansion of 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 Wester Date: April 2, 1992

File Attached