

# A G E N D A

## CANBY PLANNING COMMISSION REGULAR MEETING City Council Chambers

August 26, 1991 - 7:30 p.m.

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I. ROLL CALL

II. MINUTES

August 12, 1991

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMUNICATIONS

V. FINDINGS

VI. PUBLIC HEARINGS

**MLP 91-07**, a request by Patrick S. Harmon to divide a .45 acre parcel into two lots containing 8,323 and 7,290 square feet, respectively. The property is located to the rear of 610 S. Ivy Street (Tax Lot 600 of Tax Map 4-1E-4AB). **Continued from August 12, 1991.**

**MLP 91-08/VAR 91-01**, a request by Mike Patterson for approval of a minor land partition to partition an 11,500 square foot parcel into two parcels, approximately 6,300 and 5,100 square feet, respectively. The applicant is requesting the variance due to deficiencies in lot size and width. The property is located on N.W. 4th Avenue, between Douglas and Cedar (Tax Lot 4700 of Tax Map 3-1E-33CB).

**CUP 91-06**, an application by Canby Medical Clinic, Inc. for approval to classify an existing conforming structure in an R-1 zone, to a conditional use. The proposed construction will consolidate two entrances and three separate waiting rooms into one entrance and two centralized waiting rooms. A staff lounge will be relocated from a windowless basement, and added to the rear of the building. In addition, the Clinic will be able to make some long overdue repairs to a leaking roof and address other long-term maintenance items. This proposal will not add traffic to the area. The site is located at 1185 S. Elm Street (Tax Lot 7300 of Tax Map 4-1E-4BD).

VII. DIRECTOR'S REPORT

VIII. ADJOURNMENT

The City of Canby Planning Commission welcomes your interest in these agenda items. Please feel free to come and go as you please.

Kurt Schrader, Chair  
Linda Mihata, Vice-Chair  
John Zieg  
Tamara Maher

Wade Wiegand  
Robert Westcott  
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*

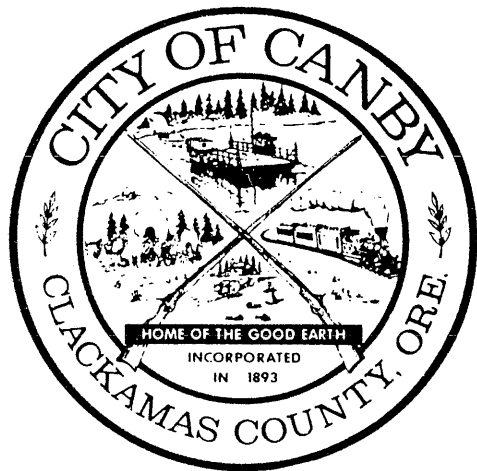
*Proponents - not more than 10 minutes*

*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.





**- STAFF REPORT -**

**APPLICANT:**

Mike Patterson

**FILE NO.:**

MLP 91-08/VAR 91-01

**OWNER:**

Mike Patterson

**STAFF:**

Robert G. Hoffman, AICP  
Director of Planning

**LEGAL DESCRIPTION:**

Tax Lot 4700 of  
Tax Map 3-1E-33CB

**DATE OF REPORT:**

August 26, 1991

**LOCATION:**

648-652 N.W. 4th Avenue

**DATE OF HEARING:**

August 26, 1991

**COMP. PLAN DESIGNATION:**

High Density Residential

**ZONING DESIGNATION:**

R-2, Medium Density Residential

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval to divide an 11,500 sq. ft. parcel into two parcels containing approximately 6,300 and 5,100 square feet, respectively. Also, the applicant is requesting a variance due to deficiencies in lot size and width, in order to sell the structures individually, rather than as a single lot.

## II. APPLICABLE CRITERIA:

This is a quasi-judicial land use application. In judging whether a Minor Partition should be approved, the Planning Commission must consider the following standards:

- A. Conformance with the text and the applicable maps of the Comprehensive Plan;
- B. Conformance with all other requirements of the land development and planning ordinance;
- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of the adjacent properties;
- D. No minor partitions shall be approved where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to City standards is not necessary to insure safe and efficient access to the parcels;
- E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

The Planning Commission may authorize variances from the requirements of the Municipal Code only upon determination that **all** of the following conditions are present:

- 1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the City and within the same zone. These exceptional or extraordinary circumstances result from tract size or shape, topography or other circumstances over which the owner of the property has no control; and
- 2. The variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the City and within the same zone; and

3. Granting this variance will not be materially detrimental to the intent or the purposes of the City's Comprehensive Plan or the land development and planning ordinance; and
4. Granting this variance will not be materially detrimental to other property within the same vicinity; and
5. The variance granted is the minimum variance which will alleviate the hardship; and
6. The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives, acting in deliberate violation of these or other City regulations.

### **III. OTHER APPLICABLE CRITERIA**

- A. 16.56 General Provisions (for land divisions)
- B. 16.60 Major or Minor Partitions
- C. 16.62 Subdivisions - Applications

### **IV. FINDINGS:**

#### **A. Location:**

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 4700 of Tax Map 3-1E-33CB. The property consists of approximately 11,500 square feet, with 100 lineal feet of frontage along N. W. 4th Avenue. The area of the block is zoned R-2, Medium Density Residential. The Downtown Business District is one block to the southeast; 500 feet to the west is an industrial district and, between them, is an apartment area (along Douglas). The Eccles School is one block to the north.

The lot is currently occupied by a single-family house addressed as 648 N.W. 4th Avenue and a two-family structure addressed as 652 N.W. 4th Avenue. In most respects, there is room for adequate yards if the minor partition is granted. Homes

also occupy the parcels on each side and rear of the proposed lot and across N.W. 4th Avenue. The Lot has 100 feet of frontage on N. W. 4th. A mixture of single family homes and small apartments exist nearby. The two story, 2-unit, apartment was built in 1978, adjacent to the one family home which was built in 1961.

**B. Conformance with the Text and Maps of the Comprehensive Plan and Other Ordinances:**

1. The Canby Comprehensive Plan map shows the general area of the subject property located in a High Density Residential District, as are all adjacent parcels.

**Comment:** Land division as proposed, would be consistent with this designation, provided the variance is allowed. This would permit selling the two existing structures **individually**.

2. The Residential Lands Policy No. 2 (page 140, Canby Comprehensive Plan) states the following:

**POLICY NO. 2: CANBY SHALL ENCOURAGE A GRADUAL INCREASE IN HOUSING DENSITY AS A RESPONSE TO THE INCREASE IN HOUSING COSTS . . .**

**IMPLEMENTATION MEASURES:** Continue to allow for a variety of lot sizes within residential zones with the overall **average** equaling the minimum square footage requirement. (emphasis added)

**Comment:** Land division, as proposed, would help to implement this policy and implementation measures. Given the location of the existing houses, and zoning pattern, the two lots are considered feasible. The single family house would be located on a lot greater than that required by the ordinance and the two family structure would be located with the required parking and yard requirements, but would be located with less than the required lot size and frontage. The total square footages involved are sufficient for the two structures. Thus, the **average** minimum square footage requirement is met.

**C. Compliance with All Other Applicable City Ordinances:**

1. Section 16.60.030 of the Canby Municipal Code requires all public facilities and services be available, or made available through the development of the property.

**Comment:** The parcels are already served, since the houses are already occupied.

2. **Street/Traffic**

The two parcels front on N.W. 4th Avenue and have parking to the rear, off an alley.

**D. Overall Design of Parcels**

The partition as proposed will result in the creation of two rectangular lots consisting of approximately 6,300 and 5,100 square feet, respectively.

The subject property is generally flat, with room for the buildings, parking, and required setbacks and yards. The parcel is zoned R-2, Medium Density Residential, and each parcel is large enough to provide the required development space and yards.

**E. Compliance with Variance Approval Criteria**

1. **Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the City and within the same zone. These exceptional or extraordinary circumstances result from tract size or shape, topography, or other circumstances over which the owners of the property have no control.**

The original parcel is 100 x 115 feet, or 11,500 square feet, large enough to allow construction of the two structures under the ordinance, both in terms of total square footage and front footage. These two structures legally exist and apparently were legally constructed, originally. The current owners have no control over the fact that the first structure was built too close to the original lot line of 50 x 115. The existence of the two structures is a fact. Whether the current owner should be permitted to sell each structure individually is the current question. Other properties in this vicinity do not have this circumstance, but can be sold individually.

2. **The variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the City and within the same zone.**

Other owners of structures in this vicinity can sell their structures individually. Granting the variance requested would give the applicant the same right.

3. **Granting of this variance will not be materially detrimental to the intent or purposes of the City's Comprehensive Plan or the land development and planning ordinance.**

Staff is of the opinion that the basic intent of the Comprehensive Plan and Planning Ordinance would not be violated. Everything would remain the same, physically. If either structure were destroyed, any new structures would need to meet ordinance requirements at that time.

4. **Granting of this variance will not be materially detrimental to other property within the same vicinity.**

There would be no physical change under the proposal, if granted. Property in the vicinity would not be materially affected.

5. **The variance requested is the minimum variance which will alleviate the hardship.**

The variance requested is from minimum frontage and minimum lot size requirements. The lot with the two-family home requires 7,500 square feet and 60 feet of frontage. If granted, it would have approximately 5,100 square feet of area and 43 feet of frontage. The lot with the single family home requires 5,000 square feet and 60 feet of frontage. If granted, it would have approximately 6,300 square feet of area and 53 feet of frontage. The current lot is 100 feet wide and 11,500 square feet of area. If not divided, the ordinance requires it to be 10,000 square feet and 60 feet wide. In order to allow selling the two structures on separate lots, the current parcel needs to be divided. The proposal would provide all required setbacks and yards and parking. This could not be done if the current lot were to revert to the original platting of two 50 x 115 foot lots. The proposal is the minimum to alleviate the hardship.



6. **The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives, acting in deliberate violation of these or other City regulations.**

The current situation was not created by the current owner, who purchased the property under contract, in 1990, from Mr. Patterson's grandparents. The building permit for the two family home was signed by Mr. Patterson's mother in December 1977, and the original building permit for the single family home was signed by an Albert Scott. No laws were violated as far as staff can determine. The current situation appears to be legal. There is no evidence that there was any "deliberate violation of regulations." However, the Building Official, Bob Godon, who signed the building permit for the two family home, has stated that the Pattersons were told, at that time, that they would not be able to sell the duplex individually, or divide the property because it would be too small.

## V. CONCLUSION

1. Staff finds that the partition and variance request is in conformance with the Comprehensive Plan and the Municipal Code, provided the Planning Commission determines that the "hardship" was not created by the applicant, his employees or relatives, acting in deliberate violation of these or other City regulations.
2. Staff concludes that the overall design of the proposed partition will be compatible with the area and will provide adequate building area for the provision of public facilities and services for two structures for three families.
3. Staff concludes that the partition will have adequate frontage on a public street to insure safe and efficient access for two structures, particularly since parking space is off the alley. However, the parking pad in the front yard should be removed.
4. Staff concludes that all necessary public services will become available through the development of the property, to adequately meet the needs of the proposed land division, provided that conditions deal with easements and sidewalk needs.

## VI. RECOMMENDATION

Based upon the findings and conclusions in this report, the information submitted by the applicant, and the additional information contained in the file (and without benefit of public hearing), staff recommends approval of MLP 91-08/VAR 91-01, subject to the following conditions:

1. The applicant shall prepare a final partition map. The final partition map shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
2. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department. The property dimensions shall be approximately 57 x 115 and 43 x 115, providing at least the required 7 foot sideyards for each structure.
3. A final partition modified to illustrate the conditions of approval, shall be submitted to the Director of Public Works for review and approval. The final partition shall reference this land use application -- City of Canby, Planning Department, File No. MLP 91-08/VAR 91-01.
4. All monumentation and recording fees shall be borne by the applicant.
5. The parking pad in front of the duplex shall be removed and a curb built to replace it. A sidewalk shall be provided prior to approval of final partition.

### Exhibits:

1. Application
2. Site Plan

VARIANCE APPLICATION

Fee: \$300.00

OWNER

APPLICANT

Name MIKE PATTERSON

Name Some

Address 1913 STILLMEADOW DR

Address

City ORRORNCITY State OR Zip 97045

City State Zip

SIGNATURE

Phone: 266-5874

DESCRIPTION OF PROPERTY:

Tax Map 3-1E-33CB Tax Lot(s) 4700 Lot Size 11,500 SQ FT (Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name Lot 344 Block 19

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 Proposed

Existing Structures 1 - Duplex 1 - House

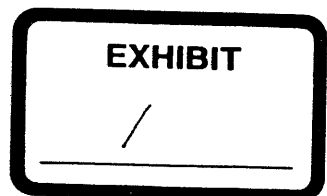
PROJECT DESCRIPTION

I would like to vary the width and frontage, + square footage required for dividing two structures on one lot. to one structure per lot. existing existing

ZONING R-2 COMPREHENSIVE PLAN DESIGNATION

PREVIOUS ACTION (if any)

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



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

My name is Mike Patterson and I am

trying to divide a piece of property I own.

It is lots 3 & 4 block 19 in Cahy.

Right now the lot is 100 FT wide and

115 FT deep with a house sitting on the

north side and a duplex sitting on the

South. I purchased this property with

these structures on it and they already

have a natural division to them due to

the landscaping. The property meets

all requirements set forth in an R-2 zoning

except for two: ① the road frontage and

② the total square footage of land on the

proposed duplex lot.

there for I would like to address

the six standards and criteria for

applying for a variance.

The first standard is the "exceptional

or extraordinary circumstances must apply

to the property that generally do not apply

to other properties such as tract size

or shape, that the owner has no control

over" This is my problem, there is

more than enough required space between

both structures but because of the location

of the structures by drawing a line between

them the duplex comes a few feet short

of road frontage and total square footage

The second standard which states

"The variance is necessary to assure that the

applicant maintains substantially the same

Mike Curran

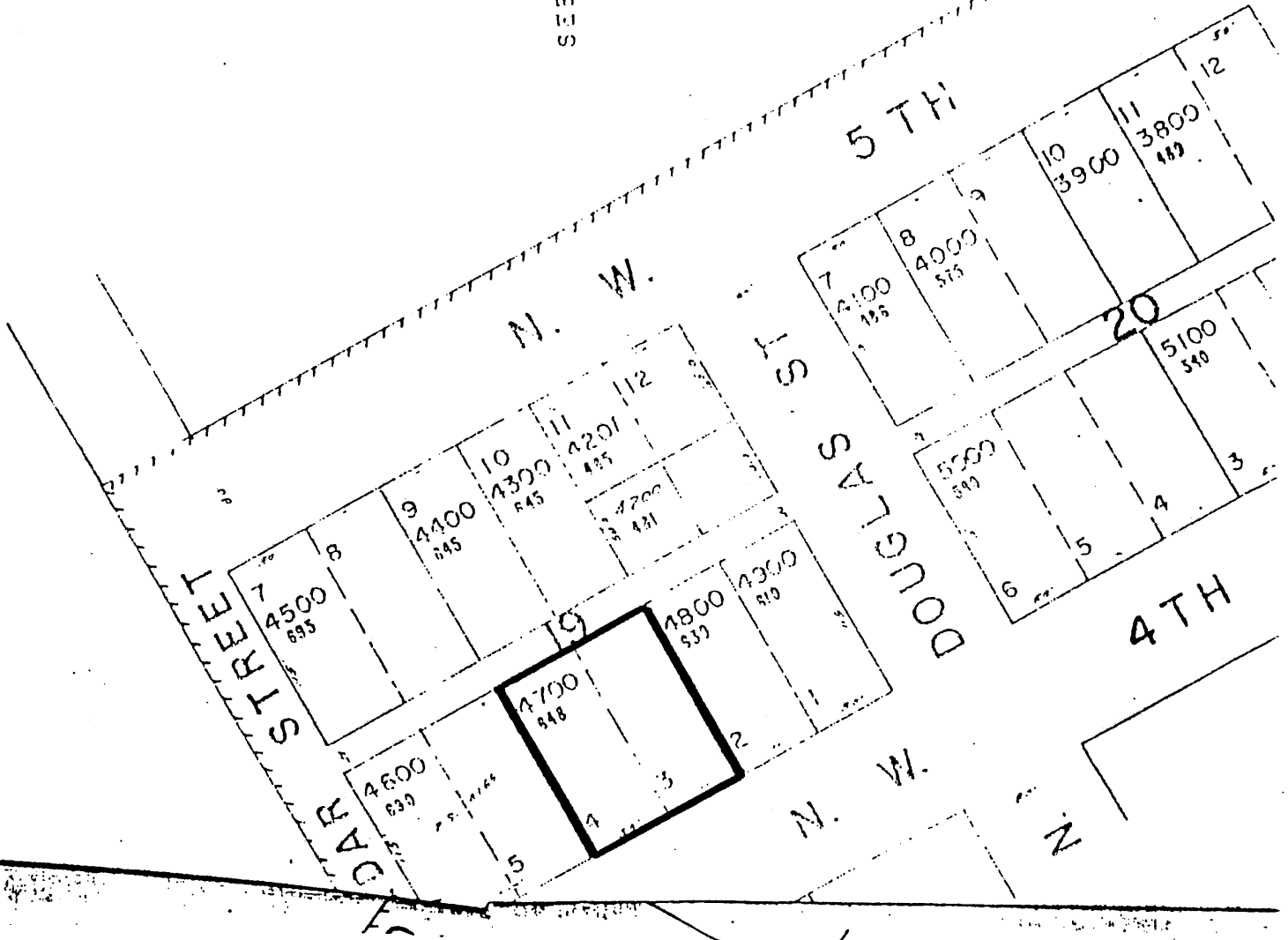
Sincerely,

property rights as the owners of other properties" is fulfilled because I don't think what I propose would affect any rights. The third standard which states "The granting of this variance will not be materially detrimental to the city's comprehensive plan." I feel is fulfilled because the proposed division is already on the city's comprehensive plan map. The fourth standard which states "Granting of this variance will not be detrimental to other properties in the vicinity" is fulfilled since we are not planning on changing anything physically. The fifth standard states that "the variance requested is the minimum to alleviate the hardship" which is all I am asking for. The sixth standard states that "the unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant" are fulfilled because I purchased the property exactly how it is and have built nothing. This concludes the six standard criteria of applying for a variance. Once again I would just like to draw a line between two structures that have been there for several years and I appreciate your time in considering the matter.


SEE MAP 3 1E

NE. CO  
D.L.C. P.

6/20/88



T3S R1E Sec 33 C  
TL 04700

**CHICAGO** 

"This plat is for your aid in locating your land with reference to streets and other parcels. While this plat is believed to be correct, the company assumes no liability for any loss occurring by reason of reliance thereon."

No. C-69947  
CHICAGO TITLE INSURANCE COMPANY  
1001 S.E. SUNNYSIDE ROAD  
CLATSOPAS, OREGON 97015



CLIENT: WILLAMETTE SAVINGS & LOAN - MILWAUKIE

DICK LOVE LAND SURVEYS

LOAN APPLICANT: PATTERSON  
650 & 632 N.W. 4th AVE. "CANBY" ORE. 656-4915

220 Abernathy Lane  
Gladstone, Oregon 97027

LEGAL DESCRIPTION: LOTS 3 & 4 Block 19, "CANBY"

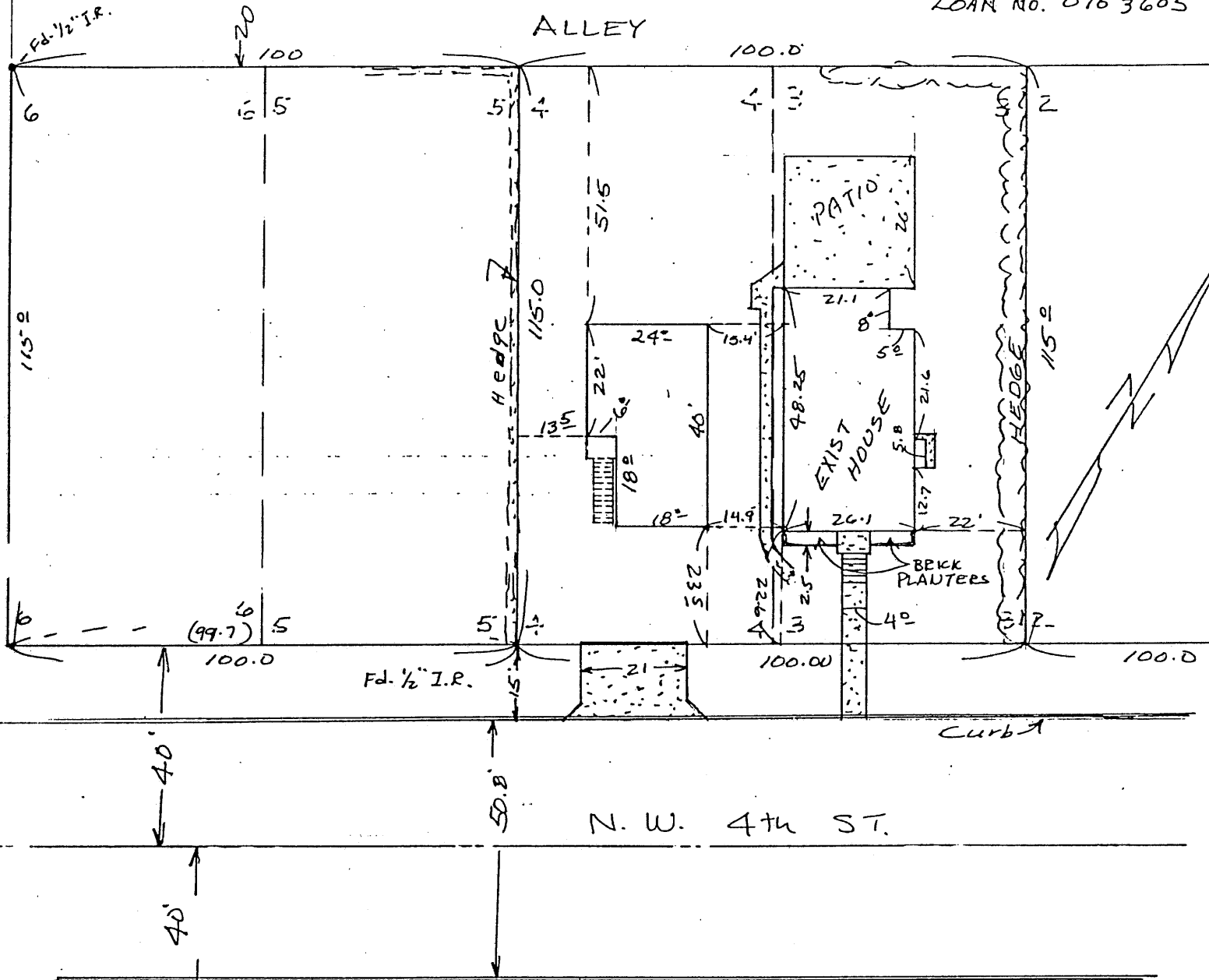
SCALE: 1" = 30'

DATE: 2-20-78

JOB NO: M-1895

ATTENTION:

LOAN No. 0103605



I hereby certify that I have checked the above named property and I find the improvements situated thereon to be on the property in question and that they do not overlap or encroach on the property lying adjacent thereto, unless otherwise noted. This certificate is made at the request of and for the exclusive use of the client named above.

*Richard S. Love*  
Richard S. Love  
Reg. No. 747

EXHIBIT  
2

CONTRACT—REAL ESTATE

THIS CONTRACT, Made this 10th day of April, 1990, between Francis E. Patterson and Wayve E. Patterson, hereinafter called the seller, and Michael E. Patterson and Stacey E. Patterson, hereinafter called the buyer,

WITNESSETH: That in consideration of the mutual covenants and agreements herein contained, the seller agrees to sell unto the buyer and the buyer agrees to purchase from the seller all of the following described lands and premises situated in Clackamas County, State of Oregon, to-wit:

Lots 3 and 4, Block 19, Canby, in Clackamas County, Oregon

THIS DOCUMENT IS RECORDED AS AN ACCOMADATION BY CHICAGO TITLE INSURANCE AND MAINTAINS NO RESPONSIBILITY AS TO THE EFFECT OR PROVISIONS OF THIS DOCUMENT

for the sum of Ninety Thousand Three Hundred Dollars and no/100 Dollars (\$ 90,300.00) (hereinafter called the purchase price) on account of which n/a Dollars (\$ 0.00) is paid on the execution hereof (the receipt of which is hereby acknowledged by the seller); the buyer agrees to pay the remainder of said purchase price (to-wit: \$ 90,300.00) to the order of the seller in monthly payments of not less than Nine Hundred Eleven Dollars and 90/100 Dollars (\$ 911.90) each, Made in 2 payments, one payment of \$600.00 to F.E. & W.E. Patterson and one payment direct to Willamette S&L in amount of \$311.90 payable on the 10th day of each month hereafter beginning with the month of May, 1990, and continuing until said purchase price is fully paid. All of said purchase price may be paid at any time; all deferred balances of said purchase price shall bear interest at the rate of 9 per cent per annum from April 10th, 1990 until paid, interest to be paid monthly and \* in addition to the minimum being included in the monthly payments above required. Taxes on said premises for the current tax year shall be prorated between the parties hereto as of the date of this contract.

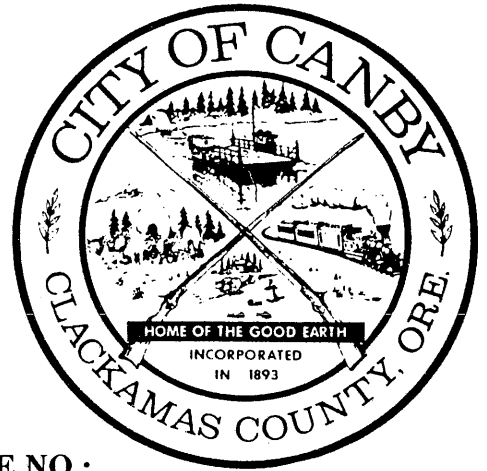
The buyer warrants to and covenants with the seller that the real property described in this contract is (A) primarily for buyer's personal, family or household purposes. (B) for an organization or (even if buyer is a natural person) is for business or commercial purposes.

The buyer shall be entitled to possession of said lands on April 10th 1990 and may retain such possession as long as

CHICAGO TITLE INSURANCE 3-910208



**- STAFF REPORT -**



**APPLICANT:**

Canby Medical Clinic, Inc.  
1185 S. Elm Street

**FILE NO.:**

CUP 91-06

**OWNER:**

Canby Medical Clinic, Inc.  
(Lynn A. Kadwell, MD, President)

**STAFF:**

Robert G. Hoffman, AICP,  
Planning Director

**LEGAL DESCRIPTION:**

Tax Lot 7300 of  
Tax Map 4-1E-4BD

**DATE OF REPORT:**

August 16, 1991

**LOCATION:**

1181 S. Elm Street, near  
S.W. 11th Avenue

**DATE OF HEARING:**

August 26, 1991

**COMP. PLAN DESIGNATION:**

Low Density Residential

**ZONING DESIGNATION:**

R-1 (Low Density Residential)

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval of a Conditional Use application for an addition to an existing structure previously permitted as a Conditional Use in an R-1 area. The property is located on South Elm Street, near S.W. 11th Avenue. The total site is approximately 91,400 square feet.

## II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

- 16.10 Off-Street Parking and Loading
- 16.16 R-1 Low Density Residential Zone
  
- 16.50 Conditional Uses
- 16.88 General Standards

- **City of Canby Comprehensive Plan:**

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

## III. MAJOR APPROVAL CRITERIA

### **16.50.010 Authorization to Grant or Deny Conditional Uses**

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

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
  
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.

- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

#### IV. FINDINGS:

##### A. Background and Relationships:

A previous application to the Planning Commission concerned approving the original structure for a Clinic at this location as a Conditional Use in an R-1 zone. It was approved in 1970. The permitted uses at that time were substantially the same as the present ordinance. Expansion was permitted later.

The surrounding properties are a church to the south, a senior convalescent home to the north, *single family homes across Elm Street*, and the *high school playfield* to the rear. The rear portion of the tax lot is not developed.

##### B. Comprehensive Plan Consistency Analysis

###### i. Citizen Involvement

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

###### ii. Urban Growth

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

###### iii. Land Use 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

The proposed minor expansion is of a publicly sponsored and approved community facility which has existed at this location for many years. The intensity of activity is not expected to increase with this expansion. It is surrounded on three sides by institutional uses and has operated in a compatible fashion for many years, as far as staff can determine.

#### iv. ENVIRONMENTAL CONCERNS

- 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 - none on site.*)

- 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 - none on site.)*
- 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. *(None known or affected.)*
- Policy #7-R** Canby shall seek to improve the overall scenic and aesthetic qualities of the City.
- Policy #8-R** Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.
- Policy #9-R** Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats. *(Not applicable.)*

- Policy #1-H** Canby shall restrict urbanization in areas of identified steep slopes. *(Not applicable - none on site.)*
- Policy #2-H** Canby shall continue to participate in and shall actively support the federal flood insurance program. *(Not applicable - none on site.)*
- 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

Minor expansion of the clinic at this site will need to meet the City and State requirements for sanitation, air, water and land pollutants. Storm water will need to be handled on-site. No noise problems have been identified. The soil is Canderly Sandy Loam, 0 to 3% slopes, which is a well-drained soil suited to urban type development.

#### v. **TRANSPORTATION**

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

**Policy #1:** Canby shall provide the necessary improvement to City streets, and will encourage the County to make the same commitment to local County roads, in an effort to keep pace with growth. *(Not applicable.)*

**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. *(Not applicable.)*

- Policy #3:** Canby shall attempt to improve its problem intersections in keeping with its policies for upgrading or new construction of roads. *(Not applicable.)*
- Policy #4:** Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents. *(Not applicable.)*
- Policy #5:** Canby shall actively work toward the construction of a functional overpass or underpass to allow for traffic movement between the north and south side of town. *(Not applicable.)*
- Policy #6:** Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.
- Policy #7:** Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.
- Policy #8:** Canby shall work cooperatively with the State Department of Transportation and the Southern Pacific Railroad Company in order to assure the safe utilization of the rail facilities. *(Not applicable since Territorial is a local and County road, not a State road.)*
- Policy #9:** Canby shall support efforts to improve and expand nearby air transport facilities. *(Not applicable.)*
- Policy #10:** Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis. *(Not applicable at site level of analysis.)*

**Policy #11:** Canby shall work with private developers and public agencies in the interest of maintaining the transportation significance as well as environmental and recreational significance of the Willamette River. *(Not applicable.)*

**Policy #12:** Canby shall actively promote improvements to State highways and connecting County roads which affect access to the City.

### ANALYSIS

South Elm Street is proposed in the Comprehensive Plan as a collector street. Widening is not expected. Right-of-way is 60 feet. A sidewalk along S. Elm Street is not present but should be available.

## 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. *(Not applicable.)*

**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

Since the clinic already exists, it is already served. Public facilities also already exist.

## vii. ECONOMIC

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

### ANALYSIS

The clinic will provide services to Canby's residents and provide a number of jobs. This will support Canby's businesses. It will not directly affect Canby's economy.

## viii. HOUSING

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

### ANALYSIS

The expanded clinic will continue to provide service to Canby's residents and thus will provide support to the residential areas and housing. It will not directly affect Canby's housing.

**ix. ENERGY CONSERVATION**

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

**ANALYSIS**

The State has rules which encourage energy conservation through design and construction methods.

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

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

**C. Evaluation Regarding Conditional Use Approval Criteria**

**1. Comprehensive Plan Consistency**

The previous discussion determined the proposal's relation to Comprehensive Plan consistency. The clinic expansion is found to be consistent with the policies of the Comprehensive Plan.

**2. Site Suitability**

The site is over 91,000 square feet in size and is rectangular in shape, with over 200 feet of frontage and over 400 feet of depth, which is more than adequate for a clinic of the proposed size and proposed shape. Sixty-four parking spaces are provided, although only 36 are required.

### **3. Availability of Public Services and Facilities for the Site**

Utility and public safety facilities and services are available and currently serve the facility. Extensions of service and facilities will not be needed.

### **4. Compatibility with Surrounding Uses**

The proposed expansion of the clinic will have a substantial setback in all directions, with landscape treatment at all edges. The height of the building will be less than the allowed 2-1/2 stories and 35 foot maximum allowed. The parking areas will be more than 90 feet from adjacent dwellings. Thus, it is the professional opinion of the staff that the proposed clinic expansion and related development 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. It is a minor expansion. It will consolidate two entrances and three separate waiting rooms into one entrance and two centralized waiting rooms. A staff lounge will be made more liveable. The roof will be repaired and maintenance provided.

## **IV. CONCLUSION**

Considering the previous analysis, staff hereby recommends that the proposed expansion of the Canby Clinic, 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 other developments in the vicinity.

Further, staff concludes that:

1. the proposed use of the site is consistent with the applicable requirements and policies of the Comprehensive Plan and the development ordinance;
2. the characteristics of the site are suitable for the proposed use;
3. that all required public facilities and services exist to adequately meet the needs of the proposed clinic expansion; and

4. the proposed use will not alter the character of the surrounding areas in such a way as to substantially limit or preclude the uses allowed.

**V. RECOMMENDATION:**

Based upon the application and drawings submitted, facts, findings and conclusions of this report, staff recommends that the Planning Commission approve CUP 91-06.

**Exhibits:**

1. Application for Conditional Use and Vicinity Map

## Canby Medical Clinic Conditional Use Application

The purpose of this Conditional Use Application is to classify an existing structure and use in an R-1 zone to a conditional use. Canby Medical Clinic was built in 1970 by the Canby Community and then purchased back, over time, by the physicians in practice there today.

The proposed Canby Medical Clinic remodel is a project which will help improve efficiency at the Clinic, while having negligible impact upon the surrounding neighborhood. The proposed construction will consolidate two entrances and three separate waiting rooms into one entrance and two centralized waiting rooms. A staff lounge will be relocated from a windowless basement and added to the rear of the building. In addition, the Clinic will be able to make some long overdue repairs to a leaking roof and address other long term maintenance items.

The Clinic, an existing use, is situated in an R-1 zone. Although built before the introduction of the City of Canby Land Development and Planning Ordinance, the existing structure and proposed remodeling both comply with all yard setbacks and height and story restrictions. The yard setbacks are greater than required if this were a commercial zone abutting a residential zone.

Conditional uses allowed today in this zone include churches, nursing homes and associated care centers, hospitals, and other developments as approved by the Planning Commission that would ordinarily be found in this zone. The Canby Medical Clinic is bounded on three sides with non-residential structures and by S. Elm Street on the fourth. To the north is a nursing home and to the south, the Church of the Latter Day Saints. Canby Union High School and playing fields are to the west. No residential property is directly abutting this property. All of these structures have been built prior to the adoption of the development guidelines.

This proposed project will not change any use or bring any additional traffic into the neighborhood. S. Elm Street is a collector street already serving a large number of properties. Twenty-eight parking stalls are required for the existing clinic under the new ordinance; 36 are required for the proposed remodel. The clinic presently has 64 spaces at its disposal. Parking lot access is at mid-block and is fully paved.

The size, one-story building scale and style currently blends with the neighborhood. The large Elm Street frontage with its lawn presents a pleasant open space for the neighborhood. The density of this use is actually less than if this property were divided into residential building lots. If this property were developed to the fullest allowed by the existing zoning, and each new dwelling were to have two automobiles, 20 to 26 would be entering this area at all times of the day. If the divided lots were built upon, assuming 2,000 square foot homes with a two-car garage, the building to land ratio of a 7,000 square foot lot would be about 37% coverage. The existing structure covers about 6% of the site; the proposed structure about 8%. The Clinic is about one-quarter as dense as a residential development would be with traffic occurring during working hours only.

The proposed addition will not require any additional public facilities or services. This project will not alter the existing character of the surrounding area and does not prevent the surrounding area from being developed into single family residences which are consistent with the zone.

**EXHIBIT**

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Although not intending to be a full service medical facility, the Clinic does have its own laboratory, x-ray facilities and cast room. The functions this facility could provide in an emergency are beneficial to this neighborhood and serve important public interests.

The Canby Medical Clinic was built by the community for the community it still serves. The proposed remodeling now requires classifying this community member as a conditional use. The remodeling plans are minimal, the net effect upon the community will be negligible and the completed structure will comply with all physical requirements for this zone.

LK









