AGENDA

CANBY PLANNING COMMISSION

REGULAR MEETING City Council Chambers

October 14, 1991 - 7:30 p.m.

I. ROLL CALL

II. MINUTES

August 12, 1991 August 26, 1991 September 9, 1991

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMUNICATIONS

AMENDMENT TO ZONING ORDINANCE - Section 16.88.160 - a request by Paul Winklesky (Oregon City Physical Therapy Center, P.C.) for amendment to two Code requirements which affect the driveway into the parking lot and the sidewalk with respect to property located on the northeast corner of N. Third Avenue and Ivy Street (Tax Lot 4200 of Tax Map 3-1E-33CA).

V. FINDINGS

VI. NEW BUSINESS

ANN 91-06 - a request by James A. Bergen, Sr. for approval to annex a 2.37 acre parcel (Tax Lot 1700 of Tax Map 3-1E-34BC) to the City of Canby. The site is located at 640 N. Pine Street.

VII. PUBLIC HEARINGS

CPA 91-04, a request by **James A. and Dessie M. Bergen** for a Comprehensive Plan Amendment to change the current land use designation from Light Industrial High Density Residential for Tax Lot 1700 of Tax Map 3-1E-34BC. The applicant ultimately will propose to develop the parcel into residential uses. The site is located at 640 Pine Street.

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.

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.



Oregon City Physical Therapy Center, P.C.

1412 Division Street, Suite A Oregon City, Oregon 97045 503/656-4817

September 18, 1991

Robert Hoffman Planning Director PO Box 930 Canby, OR 97013

Dear Mr. Hoffman:

I am writing to ask for your reconsideration of two code requirements that have recently come to my attention. As you know, I have an option on a lot on the corner of Third and Ivy Streets that is zoned commercial and presently vacant. During the process of developing a site plan to submit for design review, I was informed that your code requirements for this property call for the following: 1) A thirty-two foot driveway into parking lots regardless of the size of the lot; 2) Eight foot sidewalks.

I have several concerns with these requirements. The property I am considering is approximately 90' x 115'. My original site plan, which I thought met code requirements, had a 3150 sq.ft.building and parking for seventeen cars with a 24' driveway and a 5' sidewalk. This allowed for a nice commercial developement, in my opinion, with good landscaping and more than required parking. When you informed me about your recently adopted code requirements for a 32' driveway and 8' sidewalks, it presented many problems. If you hold to the 32' driveway requirement, I cannot build the building I need. The amount of additional space required for the driveway would destroy approximately one-half of the parking spaces. The solution to this problem would be to substantially reduce the size of the building in order to meet the parking requirements. The smaller building would not be adequate for my needs. The 8' sidewalk requirement could be met but it would take one parking space, and it would reduce the landscaping on the Ivy Street side of the building from a 5' area to a 2' area. Again, my option would be a smaller building, but as before, the building would not be adequate for my needs. The sidewalk requirement is even worse in this situation because the entire 8' is inside my property line, which substantially limits what I could build on this property even with the standard 5' requirement.

I feel that my proposed development may help set the tone for commercial development in this area of your city. I feel landscaping is very important to the appearance and softening of commercial property. The 32' driveway and 8' sidewalk requirements could potentially lead to

Paul Winklesky, P.T. Bob Jones, P.T. property development that would have less room for landscaping and more of a parking lot/sidewalk appearance which is visually less pleasant. I do not feel a 24' driveway is unsafe or causes any problem whatever for people to get in and out. It has been a standard for years in very large commercial and even many industrial parking lots. Likewise, a 5' sidewalk would be adequate especially in areas where heavy pedestrian use is not likely. Please reconsider these code requirements to allow for a more reasonable development of the commercial property you have available.

I would be happy to meet with you or members of the Planning Commission to discuss these code requirements.

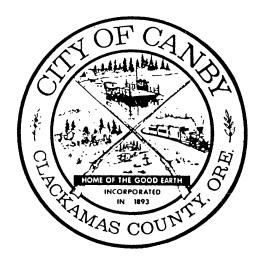
Sincerely,

Paul Amble by

Paul Winklesky, P.T.

PW:dj

cc: Kurt Schrader, Chairman Planning Commission



-STAFF REPORT-

APPLICANT:

FILE NO .:

James Bergen

ANN 91-06

STAFF:

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OWNER:

James Bergen

LEGAL DESCRIPTION:

Tax Lots 1700 Tax Map 3-1E-34BC

LOCATION:

640 N. Pine

DATE OF HEARING:

DATE OF REPORT:

Robert G. Hoffman, AICP,

Planning Director

October 4, 1991

October 14, 1991

COMP. PLAN DESIGNATION:

Light Industrial (currently)

ZONING DESIGNATION:

County Zoning RRFF-5 (will come into City after Annexation as Light Industrial M-1 or R-2 if Comp. Plan Amendment is approved)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to annex a 2.37 acre site, to be developed residentially.

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

II. MAJOR APPROVAL CRITERIA:

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

- A. Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Commission shall give ample consideration to the following:
 - 1. Compatibility with the text and maps of the Comprehensive Plan, giving special consideration to those portions of policies relating to the Urban Growth Boundary.
 - 2. Compliance with other applicable City ordinances or policies.
 - 3. Capability of the City and other affected service-providing entities to amply provide the area with urban level services.
 - 4. Compliance of the application with the applicable section of ORS 222.
 - 5. Appropriateness of the annexation of the specific area proposed, when compared to other properties that may be annexed to the City.
 - 6. Risk of natural hazards that might be expected to occur on the subject property.
 - 7. Effect of the urbanization of the subject property on specially designated open space, scenic, historic, or natural resource areas.
 - 8. Economic impacts which are likely to result from the annexation.
- B. If the proposed annexation involves property beyond the City's Urban Growth Boundary, or if the annexation is proposed prior to the acknowledgement of compliance of the City Comprehensive Plan by the State Land Conservation and Development Commission, the proposal shall be reviewed for compliance with the statewide planning goals.

III. FINDINGS:

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A. Background and Relationships:

There has been action in the recent past on various proposals for this part of the City/County. A new school was recently approved on Territorial. An Adult Foster Care Facility was approved on Territorial and Redwood with a new subdivision immediately to the east on land recently annexed. A new subdivision and annexation was approved just east of Pine Street, along 12th Way. There have been numerous inquiries about annexation in this vicinity. A fairly new subdivision along 13th Place exists north of the site. Otherwise, there are apartments nearby and a mini warehouse nearby. The subject parcel is an island surrounded by the City of Canby. City zoning is R-2, High Density Residential, to the north and west, and M-1 to the South. The Comprehensive Plan Land Use currently is for Light Industry, but the applicant proposes multiple residential use. Pine Street is a collector street. In summary, the subject parcel is an island parcel between apartments and a mini warehouse.

B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement

The notification process and public hearing are a part of the compliance with the adopted policies and process pertaining to Citizen Involvement.

ii. Urban Growth

The property is entirely within the Urban Growth Boundary. It fully meets 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. It is committed to urban development.

> Staff Report ANN 91-06 Page 3 of 15

iii. Land Use Element

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■ 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

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It has been previously discussed in this report, that the subject parcel is located as an island within the City limits of Canby. Urban development activities have been proceeding all around the site. Policy #1 can be met through the use of conditions at the time of development.

Policy #2 is provided for by the proposed R-2 (Intermediate Density Residential) zoning which will apply to the parcel after annexation. Policy #3 will be met by Canby's current service system and concurrent extension of service systems for the proposed development. Policy #4 does not apply, since there are no known natural hazards present. 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.

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

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.

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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. <i>(Not applicable.)</i>
Policy #6-R	Canby shall preserve and, where possible, encourage restoration of historic sites and buildings. (Not applicable.)
Policy #7-R	Canby shall seek to improve the overall scenic and aesthetic qualities of the City.
Policy #8-R	Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.
Policy #9-R	Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.
Policy #1-H	Canby shall restrict urbanization in areas of identified steep slopes. (Not applicable.)
Policy #2-H	Canby shall continue to participate in and shall actively support the federal flood insurance program. (Not applicable.)

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Staff Report ANN 91-06 Page 6 of 15 Policy #3-H

Canby shall seek to inform property owners and builders of the potential risks associated with construction in areas of expansive soils, high water tables and shallow topsoil.

ANALYSIS

The site is Class II type soil, Ladoral Loam. There are no known soil problems related to urban type development. Canby's storm and sanitary sewer procedure will provide protection for ground water and surface water.

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 aggregate, historic, scenic, or aesthetic resources present. The development ordinance will review land division or conditional use, and encourage preservation of some measure of open space, where appropriate. There are no significant fish or wildlife habitat identified, to date. No steep slopes or flood prone land is present.

v. TRANSPORTATION

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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.

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- Policy #4: Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents.
- Policy #5: Canby shall actively work toward the construction of a functional overpass or underpass to allow for traffic movement between the north and south side of town.
- 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.
- Policy #9: Canby shall support efforts to improve and expand nearby air transport facilities.
- Policy #10: Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.

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

<u>ANALYSIS</u>

N. Pine Street is proposed in the Canby Comprehensive Plan as a collector street. It will need to be improved, and sidewalks and curbs provided as part of the development process. The Pine street intersection with Highway 99E is also the entrance to the Fairgrounds, which needs improvements. Clackamas County has not expressed any concerns about this annexation.

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.)

<u>ANALYSIS</u>

All public utilities can be provided from the Logging Road and Pine Street. A new interceptor is available in Pine Street. A water line is available in Pine. Other utilities are also in Pine Street. Some service extensions will be required. We are not aware of any unique problems to serve this area, at this time. We have asked for input regarding any concerns various service providers might have, and will report on any further input we receive. The development will need to participate in the costs of service facility extensions. The City of Canby voters have recently approved a major expansion of school facilities so that school capacity will be available. The new Parks Plan proposes a park to serve the population generally located east of the Logging Road. Storm water will need to be handled on-site.

vii. ECONOMIC

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

Policy #1: Canby shall promote increased industrial development at appropriate locations. (Not applicable.)

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- Policy #2: Canby shall encourage further commercial development and redevelopment at appropriate locations. (Not applicable.)
- Policy #3: Canby shall encourage economic programs and projects which will lead to an increase in local employment opportunities.
- Policy #4: Canby shall consider agricultural operations which contribute to the local economy as part of the economic base of the community and shall seek to maintain these as viable economic operations. (Not applicable.)

ANALYSIS

Development of this site with apartment, as proposed, will 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. (Not applicable since UGB is already adopted and this parcel is within it.)
- 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.

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- Policy #3: Canby shall coordinate the location of higher density housing with the ability of the City to provide utilities, public facilities and a functional transportation network.
- Policy #4: Canby shall encourage the development of housing for low income persons and the integration of that housing into a variety of residential areas within the City.
- Policy #5: Canby shall provide opportunities form mobile home developments in all residential zones, subject to appropriate design standards.

ANALYSIS

This parcel will provide an opportunity for high density housing, since it will be zoned R-2 (or Light Industry [M-1] if the concurrent requested Comprehensive Plan Amendment is not approved.)

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 #4: Canby shall attempt to reduce wasteful patterns of energy consumption in transportation systems.

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

ANALYSIS

Recently constructed housing (or light industry) 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. 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 High Density Residential development (R-2), which permits houses and apartments. The subdivision plan (or light industry) must be reviewed and approved under the Subdivision Ordinanfe or Site and Design Review Ordinance. The City and County have an agreed-upon procedure for handling annexations.

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

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

E. Compliance with the Applicable Sections of ORS 222

This application is being reviewed under the provisions of the Canby Land Development and Planning Ordinance, Chapter 16.84. Action by the City Council will be an advisory recommendation to the Boundary Commission, which has final authority. This property is contiguous with the City limits (being an island), the occupants on the property, and the owners have authorized the applicant to apply.

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

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

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

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

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

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 present on the site. The development ordinance will review details of site development under the Subdivision review process or design review process, to give protection to any detailed resources which may be identified and ensure that needed public facilities and services are available.

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

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

III. CONCLUSION

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Provided that urban level of utility and other services are extended to service the site, staff hereby concludes that the proposed annexation meets the requirements of the standards and criteria included in the Canby Land Development and Planning Ordinance, Section 16.84.040, including consideration of: 1) Comprehensive Plan

Staff Report ANN 91-06 Page 14 of 15 consistency; 2) Compliance with other applicable Codes and Ordinances; 3) Capability to provide urban level of services; 4) Compliance with ORS 222 regarding annexations of contiguous properties; 5) Appropriateness of area for annexation compared to other properties; 6) Risk of natural hazards; 7) Effect of urbanization on designated open space, scenic, historic or natural resource area; and 8) Economic impacts.

IV. RECOMMENDATION

Based upon the findings and conclusions contained in this report (and without benefit of a public hearing), staff recommends approval of ANN 91-06 to the PMALGBC (Boundary Commission) with the following conditions:

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

Exhibits:

- 1. Application
- 2. Tax Map
- 3. Vicinity Map (Aerial Photo)

Staff Report ANN 91-06 Page 15 of 15

) ANNEXATION APPLICATION Free: \$550.00

OWNER	APPLICANT
Name Janes A & Dessie M Bergen	ne James A IBengen SR
Address hHON Dine Add	ress by off prime
C_{11} C	Comby State Or, Zip 97013
SIGNATURE Comp 9 Bergen 81, Pho	ne: 2/16-2.270
Wessie M Bergen	Jame a Bengen UN
DESCRIPTION OF PROPERTY:	
Tax Map 3-1E-34BCTax Lot(s) 1700	Lot Size 2.37AC
ог	(Acres/Sq. PL)
Legal Description, Metes and Bounds (Attach Copy)	
Plat Name Lot	Block
	- -

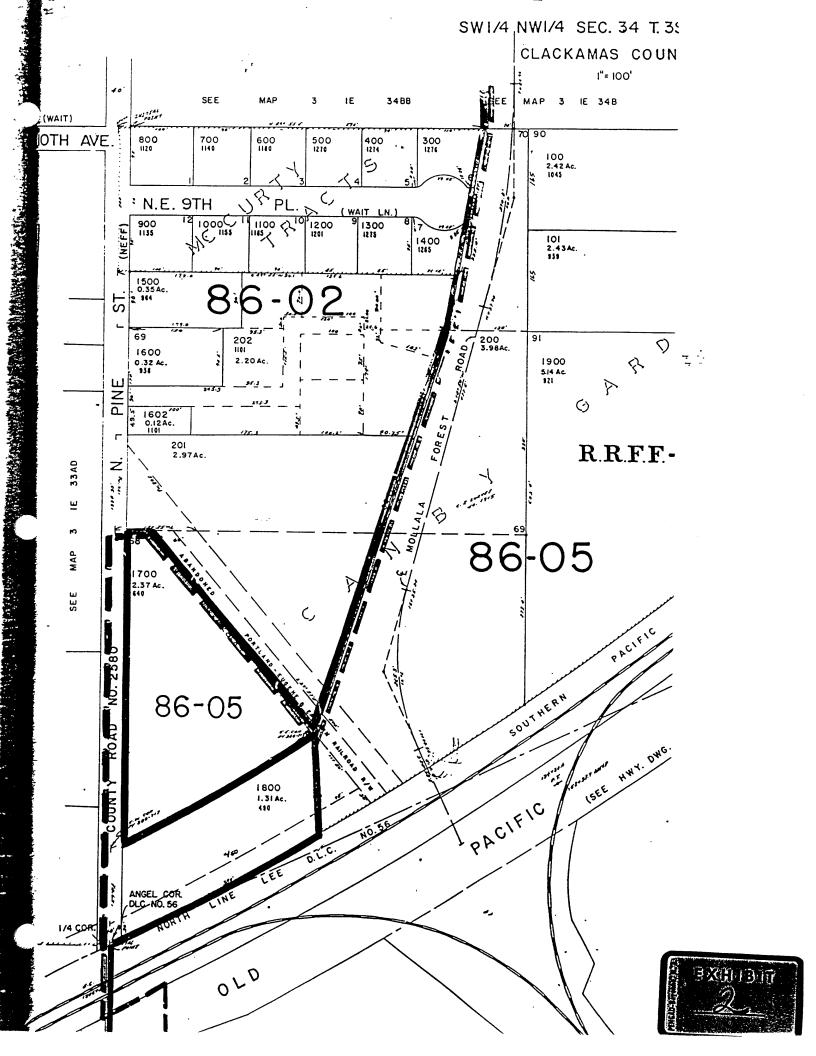
PROPERTY OWNERSHIP LIST

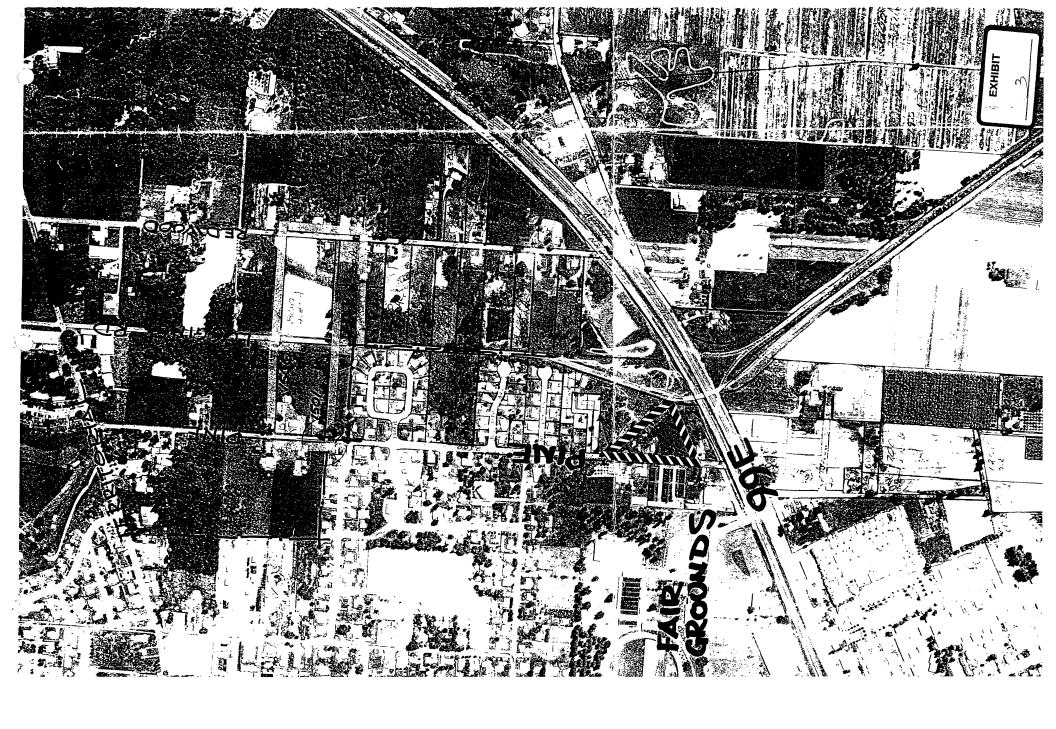
Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property (if the address of the property owner is different from the situs, a label for the situs must also be prepared and addressed to "Occupant"). Lists of property owners may be obtained from 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 $8-1/2 \times 11$ sheet of labels, just as you would address an envelope.

USE

Existing FAM HOME + Existing Structures $1 \pm \Delta M$			MULTI-RES
PROJECT DESCRIPTION			
ZONING <u>REFF-5</u> COMPR PREVIOUS ACTION (if any)	EHENSIVE PLAN DESIGNATIO	NLT. INDUS	>
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Date Receiv Completence	ved ess Date	(SEP 0 9 1991
Pre-Ap Meeting Hearing Date 10-14-91		JH	Y UF CANBY

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





-STAFF REPORT-

APPLICANT:

James Bergen

OWNER:

James Bergen

LEGAL DESCRIPTION:

Tax Lot 1700 of Tax Map 3-1E-34BC

LOCATION:

640 N. Pine

COMP. PLAN DESIGNATION:

Light Industrial (currently)

STAFF:

Robert G. Hoffman, AICP, **Planning Director**

DATE OF REPORT:

October 4, 1991

DATE OF HEARING:

October 14, 1991

ZONING DESIGNATION:

RRFF-5 (County)

APPLICANT'S REQUEST: I.

The applicant is requesting approval of an amendment to the Land Use element of the Comprehensive Plan to propose the area as High Density Residential, rather than Light Industrial Land Use. The total site consists of 2.37 acres.

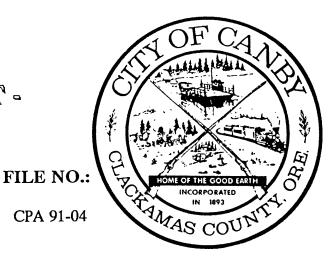
II. APPLICABLE REGULATIONS

City of Canby General Ordinances:

16.88.180 General Standards - Comprehensive Plan Amendments

E. Quasi-Judicial Plan Amendments

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



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

III. MAJOR APPROVAL CRITERIA

This is a quasi-judicial land use application. It is a single parcel affecting a limited area.

16.88.180 - Comprehensive Plan Amendments

E. Quasi-judicial Plan Amendment Standards and Criteria

In judging whether a quasi-judicial plan amendment shall be approved, the Planning Commission and City Council shall consider:

- 1. The remainder of the Comprehensive Plan of the City, as well as the plans and policies of the County, ,State or any local school or service districts which may be affected by the amendment;
- 2. Whether all required public facilities and services exist, or will be provided concurrent with the anticipated development of the area.

IV. FINDINGS:

A. Background and Relationships

- 1. Property Identification:
 - a. The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 1700 of Tax Map 3-1E-34BC. The applicant is requesting amendment of the Comprehensive Plan Land Use from Light Industrial Land Use to High Density Residential. A single family home and garage and shed presently occupy the site.
 - b. The property is located on Pine Street, just north of the railroad and 99E.
 - c. There are existing apartments to the west. A 3-acre vacant tax lot exists to the north. The Timber Lane Apartments exist to the north of this. A storage mini-warehouse exists to the south.
 - d. The parcel is proposed to be annexed to the City and would come into the City under the Comprehensive Plan District classifications for the parcel. On the application for the proposed annexation, the applicant stated the intended use for the property was to be residential development.

2. Site Characteristics

The site is generally flat, with 0-3% slope. The soil is Latourel Loam, a well-drained soil. It is suited for development, but roads and building will need to be designed for the limited ability to support a load. In the summer, irrigation will be needed for urban plantings.

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B. Comprehensive Plan Consistency Analysis

i. Citizen Involvement

This quasi-judicial land use review and hearing process is a major element of Canby's Citizen Involvement process.

ii. Urban Growth

The subject parcel is proposed to be annexed and is within the UGB and thus will be within the city limits. It is appropriate for urban development and meets the intent of the Urban Growth goals and policies. It is a Priority "A" for development, which is the **current**, stage.

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.

Staff Report - CPA 91-04 Page 4 of 18

- 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. (This policy is not applicable.)

<u>ANALYSIS</u>

The triangular tax lot is surrounded on two sides by existing multiple residential land uses and multiple residential zoning. The third side is zoned for light industry and is developed with a mini storage warehouse. The Comprehensive Plan proposed the one side for light industry and the other two sides for multiple residential future land use. The proposed multiple residential land use for the parcel would encourage increasing population and housing on land to be annexed to the City. Utility service is available from Pine, 99E, and the Logging Road, or can be extended to the proposed project, as the development occurs, without overburdening any public facilities or services. None of the site is in an area of risk, in terms of flood hazard or steep slope. The proposed high density of development can be accomplished in such a fashion that it will be compatible with the existing uses, as well as the proposed low density residential development provided detailed review criteria are complied with.

On 2.37 acres, the current light industrial designation in the Comprehensive Plan would, on an average of 15 employees/acre, only permit an industry with 56 employees. With a high density residential designation, the maximum permitted units would number approximately 32.

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The industrial and commercial land section of the Comprehensive Plan on pages 47-50 outlines the rationale for the policy and mapped distribution of industrial and commercial land use.

The Plan states that those charged with Canby's future realized in the 1970's that "changes were needed to make Canby more self-sufficient and less commuter oriented. This meant providing more local employment opportunities. Commitments were made in the form of expansions to the city's water and sewer systems to serve new industrial developments. . . .The siting and sizing of these facilities were done in a manner which would accommodate the industrial development planned in the area southeast of the present city limits."

Upon analysis of existing industry, the planners determined that "This diverse group appears to have little in common, but there are some similarities. They all take advantage of Canby's relatively low electrical rates for industries. Some rely on Canby's rail access. They all rely on Canby's relatively good freeway access for trucking in materials and trucking out finished products. They benefit from Canby's location near both Portland and Salem urban areas without experiencing the drawbacks of locations within those larger cities. They all utilize Canby's work force which contains a mixture of unskilled, semi-skilled, and high skilled workers."

There were hopes to achieve a higher percentage of local people employed in local jobs even though in its role as a service center to considerable outlying population many jobs will be filled by people who live outside the city limits. Ultimately the planners concluded "enough job opportunities are needed to meet the needs of an expanding city and a growing rural work force. As a year 2000 employment objective, the city intends to provide adequate area for a labor force of 10,000 persons. As many as half of that total are likely to live outside Canby."

They also found that the employment densities of existing business in Canby in the 1970's was very low with industrial areas having seven employees per acre while "most urbanized communities will often average more than 20 employees per acre in developed commercial and industrial areas." They expected employment densities to grow and increase but not to reach 20 employees per acre on a community-wide

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basis. Ultimately they used eight employees per acre as the factor to determine the amount of commercial manufacturing land. They used about thirteen employees per acre to determine a need of about 400 acres of light industrial to employ 5,200 people in light industry, and about 21 employees per acre to employ about 2,000 people on 94 acres of heavy industrial land. (These low densities were based on an assumption that Canby would continue to have lower than average employment densities even though full urban services are provided and transportation access is improved.)

Most of this light industrial land was located on the proposed land use map in the southeastern quadrant of the future city boundary outside of the city limits but within the growth boundary. Another large area was located along the western city limits with a small area near the fairgrounds.

The subject parcel of this application is within a relatively small area proposed for light industry and located along a strip of land paralleling the railroad. Presumably this industry was intended to gain advantage from a railroad location. Access to this land from 99E had to cross the tracks by way of N. Pine. More recent experience indicates that modern light industry is truck-oriented rather than rail-oriented. A review of the list of uses defined in the zoning ordinance as light industry will show that few of these industries use rail. Exceptions which might use rail are large food distribution facilities, industries which use <u>large</u> volumes of raw materials or a <u>large</u> lumber yard. More typical light industries are motor freight terminals and warehouses and small metal working shops.

The Metropolitan Boundary Commission is currently considering an annexation across 99E which will include about 70 acres of prime industrial land.

Currently, housing exists to the west and to the north of the subject site. The existing mini storage warehouse has a blank wall adjacent to the subject property with access to Pine. The subject triangular shaped parcel is surrounded on two sides by land already occupied by multiple housing or proposed to be subdivided for multiple housing. Access is

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by way of N. Pine Street. The adjacent parcel to the north is owned by a different owner from the subject parcel. The parcel to the north is about 3 acres and, if added to the subject parcel, could be developed as a good multiple development. If the subject parcel were developed with light industry, the parcel to the north becomes much less developable because of its triangular shape. It would also place light industry in a location with residential development on two sides.

If this proposed Comprehensive Plan Amendment is approved, there would still be 384 acres of Light Industrial land remaining within the Urban Growth Boundary. In addition, Canby would add a needed site for multiple residential development which is well located and readily available.

iv. Environmental Concerns

GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES

TO PREVENT AIR, WATER, LAND AND NOISE POLLUTION

TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS

Policy #1-R-A	Canby shall direct urban growth such that viable agricultural uses within the Urban Growth Boundary can continue as long as it is economically feasible for them to do so.

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

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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 $z \ge 0$ operations and will cooperate with County and State agencies in the review of aggregate removal applications. (This policy is not applicable.)
Policy #6-R	Canby shall preserve and, where possible, encourage restoration of historic sites and buildings. (This policy is not applicable.)
Policy #7-R	Canby shall seek to improve the overall scenic and aesthetic qualities of the City.
Policy #8-R	Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.
Policy #9-R	Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats. (This policy is not applicable.)

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Policy #1-H	Canby shall restrict urbanization in areas of identified steep slopes. (This policy is not applicable.)
Policy #2-H	Canby shall continue to participate in and shall actively support the federal flood insurance program. (This policy is 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. (This : policy is not applicable.)

<u>ANALYSIS</u>

There are no special relative advantages of the site for industry as compared to residential use on the subject parcel when considering water, air, mineral, scenic or open space, historic and land resources. There are no known concerns at this time. The Logging Road is adjacent and may be accessed for pedestrian and bicycle recreation.

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.

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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.

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- Policy #3: Canby shall attempt to improve its problem intersections in keeping with its policies for upgrading or new construction of roads.
- Policy #4: Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents.
- Policy #5: Canby shall actively work toward the construction of a functional overpass or underpass to allow for traffic movement between the north and south side of town. (This policy is 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. (This policy is not applicable.)

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

<u>ANALYSIS</u>

N. Pine is an existing collector street which may need widening at the time of development. Heavy truck movement to access this parcel, if developed as currently planned, would cause problems for the adjacent housing. Clackamas County has not expressed any concerns at this time.

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.

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- Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.
- Policy #2: Canby shall utilize all feasible means of financing needed public improvements and shall do so in an equitable manner.
 - Policy #3: Canby shall adopt and periodically update a capital improvement program for major City projects.
 - Policy #4: Canby shall strive to keep the internal organization of City government current with changing circumstances in the community. (This policy is not applicable.)
- Policy #5: Canby shall assure that adequate sites are provided for public schools and recreation facilities.

ANALYSIS

All public utilities can be provided from N. Pine, 99E, and the Logging Road. Specific design details of a development will need to be formulated at time of development to meet all Canby utility requirements. Other public services are, or can be made available to serve this area, provided services are extended.

vii. Economic

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

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- Policy #1: Canby shall promote increased industrial development at appropriate locations.
- Policy #2: Canby shall encourage further commercial development and redevelopment at appropriate locations. (This policy is not applicable.)
- Policy #3: Canby shall encourage economic programs and projects which will lead to an increase in local employment opportunities.
- Policy #4: Canby shall consider agricultural operations which contribute to the local economy as part of the economic base of the community and shall seek to maintain these as viable economic operations.

<u>ANALYSIS</u>

Clackamas County contracted with Richard Carothers Associates to do an "Industrial Attraction Plan for the City of Canby, Oregon" in 1988.

On page 2 of that Plan, it describes the boundaries found best to promote as the prime industrial development area for Canby. "The 520acre study area, with the exception of a small existing Industrial Zone, lies outside of the city limits; however, all of the site is within the Urban Growth Boundary (UGB). A small 20 acre portion of the study area located to the north of 99-E was not studied for site enhancement at this time due to limited access consideration (the result of the Southern Pacific Railroad running along its entire southern portion). The main study area is bounded on the North by Highway 99-E and S.E. First Avenue, on the South by Township Road and S.E. 13th Avenue, on the West by Pine Street, and on the East by Mulino Road."

The subject parcel was not seen as a necessary area to promote for industrial development. Other areas were seen as more important.

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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. (This policy is not applicable.)
- Policy #2: Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing.
- Policy #3: Canby shall coordinate the location of higher density housing with the ability of the City to provide utilities, public facilities and a functional transportation network.
- Policy #4: Canby shall encourage the development of housing for low income persons and the integration of that housing into a variety of residential areas within the City.
- Policy #5: Canby shall provide opportunities form mobile home developments in all residential zones, subject to appropriate design standards. (This policy is not applicable.)

ANALYSIS

The site could support **up to** 32 dwelling units under the High Density Residential designation. The City of Canby does not have many sites located and zoned property for multiples. This site could add to Canby's small supply of apartment complexes.

ix. Energy Conservation

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- 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 #4: Canby shall attempt to reduce wasteful patterns of energy consumption in transportation systems.
- Policy #5: Canby shall continue to promote energy efficiency and the use of renewable resources.

ANALYSIS

Multiple type units, including duplex-townhouse and apartment-type structures are energy efficient. There are probably no particular energy advantages of residential vs. industrial development.

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

The proposal for amending the Comprehensive Plan is consistent with the policies of the Comprehensive Plan and other government plans. The proposal will be consistent with other elements of the Comprehensive Plan and County Comprehensive Plan and State policies, provided that design of the ultimate development uses the standards of design and conditions are utilized.

C. Public Facilities and Services Availability

Annexation has been applied for and a determination will be needed that the public services and facilities are available or can be made available to adequately meet the needs of the permitted use. Most utility and road service is available and can be provided from Pine Street or via the Logging Road. Additional elementary school service and recreational service may be needed and are proposed to service the area. A new school site at the northern end of N. Pine has been approved as a Conditional Use and a Design Review application for the new school has been approved. Timing of utility service and traffic improvements are critical, as development unfolds.

V. CONCLUSION

Based upon the above analysis, and without benefit of public testimony, staff concludes that Comprehensive Plan consistency and Comprehensive Plan Amendment criteria can be fulfilled, provided public facilities and services are extended concurrent with development, which seems possible at this time.

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VI. RECOMMENDATION

Based upon the findings and conclusions presented in this report, and without benefit of a public hearing, staff recommends that the Planning Commission recommend approval of CPA 91-04 to the Canby City Council.

Exhibits:

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- 1.
- Application Vicinity Map 2.

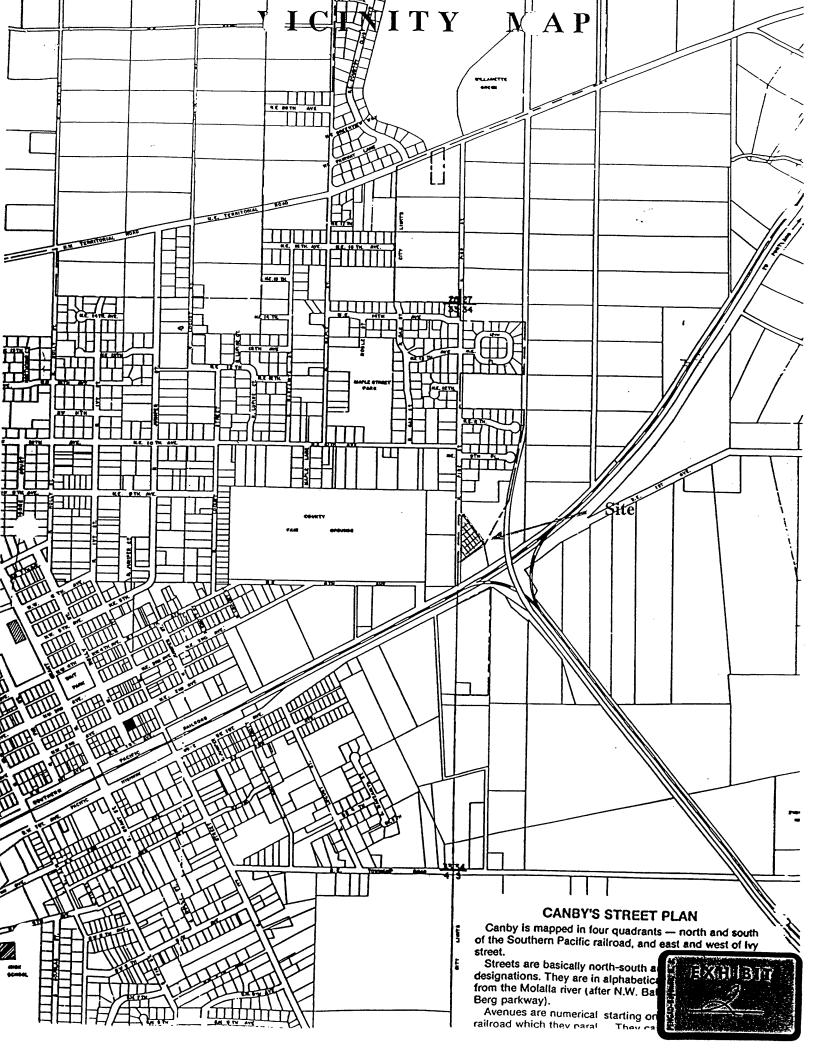
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COMPREHENSIVE PLAN AMENDMENT APPLICATION

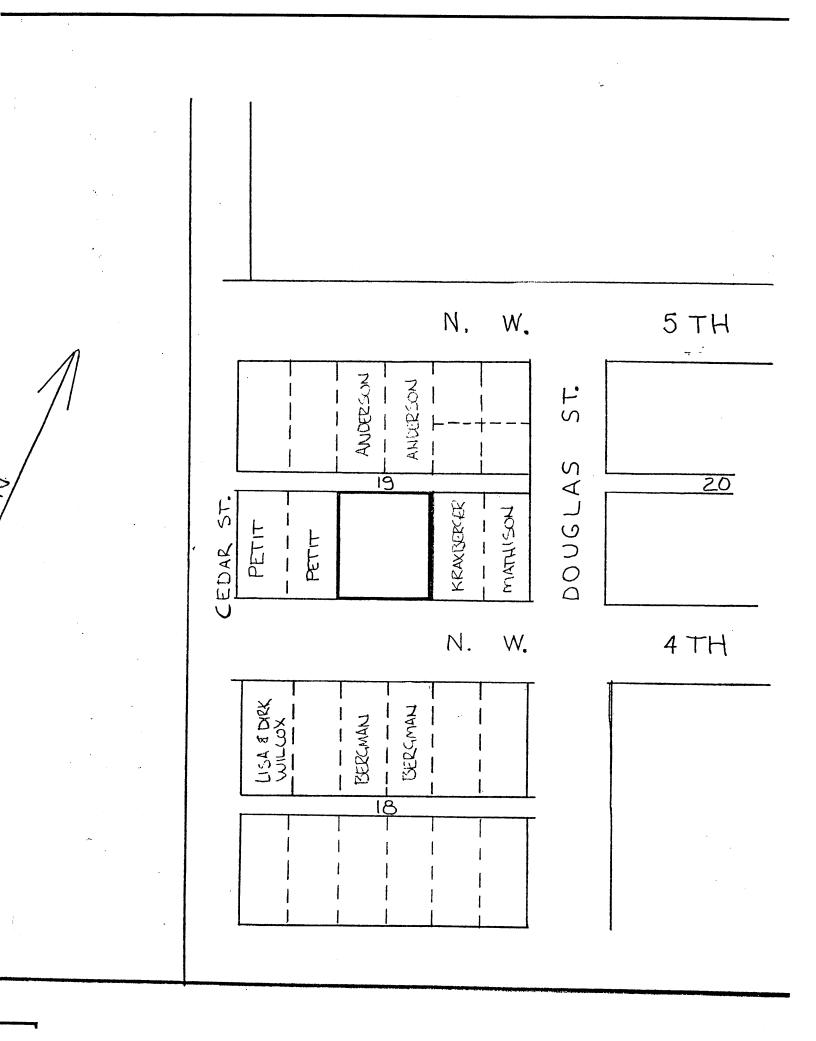
OWNER APPLICANT
Name Campa Berger Dessie MBERSE. Address 640 N.F. 11
City Canfiel State ON Zip 97013 City Canber State 25 Zip 13
SIGNATURE (Comport Brugen & Phone: 266-2270
Dessie A Bergen Forba Bergen 27
DESCRIPTION OF PROPERTY:
Tax Map 3-1E-34BC Tax Lot(s) 1700 Lot Size 2.37 acres.
or
Legal Description, 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 $8-1/2 \times 11$ sheet of labels, just as you would address an envelope.
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* If the applicant is not the property owner, he must attach documentary evidence of his EXHIBIT act as agent in making application.



Sceptember 30, 1991 x1-1 -Dear Mr. Hoffman: appeal the planning commissions decision on my land division/ Variance order #MLP 91-08 I would like to ask you to ask the commission to reconsider. and were penefit the community. Since the time of my hearing I have Opchen with untually are the neighbors, and they are feel it was a good idea. They have written me some short. Statements that I would like to share with the commission, I have also Spent a clot of time in the last few weeks working in the clandscaping such as, truming the shrubs, mawing, weding, + barn dusting. Lo you was recall, the chairman of the commission advised me to look for other methods or information that might be pertinent to this case. There were two others that I explored One was to try to purchase land adjacent to the duplex so that the variance part of This would not be necessary. However,



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Sept. 13, 1991

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Canby Planning Dept Canby, Ore 97013

Dear Sirs:

I am writing to you as a neighbor of the property located at 648 NW 4th St. which porperty I understand is owned by Mike Patterson and that he is trying to get seperated into 2 lots. I do not see any reason that it should not be split. It does not look like it is together now.

Sincerely, Juli Veroy Anderson Dirk Williams & Lisa Wilcox PO Box 594, Canby, OR 97013 503-263-6476

September 4, 1991

Canby Planning Commission 182 North Holly Canby, OR 97013

Dear Commissioners:

We are writing in regard to Mike Patterson's property at 648 NW 4th, which is just across the street from our home. We understand he would like to separate the single family house from the neighboring duplex so that he can sell the house and continue to manage the rental.

The major concern over his request seems to be that one of the resulting lots would be smaller than required by the relevant ordinances. While we generally support the principle of maintaining adequate lot size, we feel that in this case granting a variance would be appropriate and desirable. Our hope is that a new owner would improve and maintain the house, in a neighborhood that is still largely owner-occupied.

There is no architectural continuity between these two structures—they look like two different properties—so there are no aesthetic reasons for preserving them on a single lot.

Thank you for your attention.

Sincerely,

- 2 Jisa

Dirk Williams & Lisa Wilcox

RECEIVED SEP 0 5 1991 CITY OF CANBY

9-2-91

us residents of less NW 4th we have no objection to the partitioning of 1048-50-52 NW 4th.

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PLANNING COMMISSION

TESTIMONY SIGN-IN SHEET

Date: October 14, 1991

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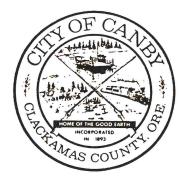


PLANNING COMMISSION

SIGN-IN SHEET

Date: Cctaber 14, 1991

NAME (Please Print)	ADDRESS (Please Print)
Richard Inholt	11889 S. Hew Era K& Diron City OK
Patrick Junholt	11889 S. Hew Ern K& Direan City OK 14158 S Leband H& Orean ER, OK
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• C.T.

PLANNING COMMISSION

SIGN-IN SHEET

Date: FEBRUARY 11, 1991

NAME ADDRESS (Please Print) (Please Print) 8121 S. Sconce Rd av er v n Canl 995 Don 21AS roen 5. CA LOS NW ams an 546 he 5E Towash wt INA 3 SBURC -CL 499 5. C DALLE KNOTT 1D ANRN territorid Rd 2502 E C. ଁ୦