

A G E N D A

CANBY PLANNING COMMISSION

REGULAR MEETING City Council Chambers

July 8, 1991 - 7:30 p.m.

I. ROLL CALL

II. MINUTES

June 10, 1991
June 17, 1991
June 24, 1991
June 26, 1991

III. CITIZEN INPUT ON NON-AGENDA ITEMS

IV. COMMUNICATIONS

V. FINDINGS

CUP 91-02 - Eccles Elem. Additions
CUP 91-03 - Lee School Portable
CUP 91-04 - Knight School Portable

VI. PUBLIC HEARINGS

SOLAR ACCESS ORDINANCE

ZC 91-01, a request by H.O.P.E. (Housing and Outreach Project for the Elderly). The applicant is requesting approval of a zone change from R-1 (Low Density Residential) to R-1.5 (Intermediate Density Residential). The property is located on the southwest corner of S.W. 13th Avenue and S. Ivy Street (Tax Lot 800 of Tax Map 4-1E-4A).

CUP 91-05/PUD 91-01, a request by H.O.P.E. (Housing and Outreach Project for the Elderly) for conditional use approval use approval to construct a Planned Unit Development which would include 138 independent living units, 30 low rise independent living units, 210 congregate housing units, a health care and nursing facility as well as a community center. The community center will house an auditorium, chapel, bank, activity rooms, swimming pool and convenience store. The grounds will have 2.0 acres of mini-parks, as well as tennis courts and several thousand feet of walking trails. The property is located on the southwest corner of S.W. 13th Avenue and S. Ivy Street (Tax Lot 800 of Tax Map 4-1E-4A).

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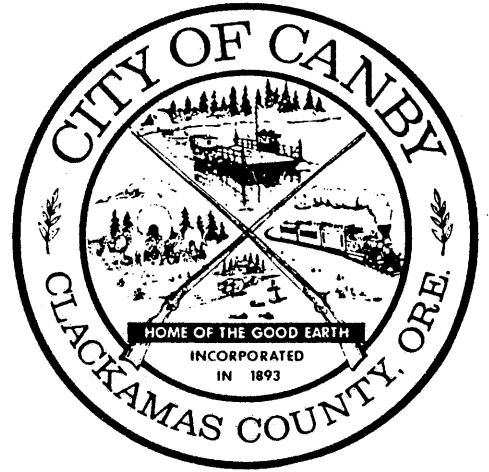
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- S T A F F R E P O R T -



APPLICANT:

Housing and Outreach Project
for the Elderly (H.O.P.E.)

FILE NO.:

ZC 91-01

OWNER:

R. D. Birkemier

STAFF:

Robert G. Hoffman, AICP,
Planning Director

LEGAL DESCRIPTION:

Tax Lot 800 of
Tax Map 4-1E-4D

DATE OF REPORT:

June 28, 1991

LOCATION:

N.W. 13th Avenue and S. Ivy

DATE OF HEARING:

July 8, 1991

COMP. PLAN DESIGNATION:

Medium Density Residential

ZONING DESIGNATION:

R-1
(Low Density Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to rezone the site to R-1.5, Intermediate Density Residential. The total site is 32.57 acres.

II. FINDINGS

A. Background and Relationships

1. The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 800 of Tax Map 4-1E-4D. The applicant is requesting amendment of the zoning from R-1 to R-1.5, with a PUD overlay and a Conditional Use for the health care facility.
2. The property measures approximately 1,130 feet by 1,255 feet and consists of approximately 32.57 acres.
3. The property is located southwest of the Ivy Street and 13th Avenue intersection.

B. Site Characteristics

1. The parcel is generally made up of gently sloping terrain. The property drops in elevation towards the south southeast, with the lowest elevation along the southern property line. The entire 32.57 acre parcel is currently an older filbert orchard.
2. There are existing residences to the north. The City Swim Center and Adult Center are located immediately northeast of the 13th Avenue/Ivy Street intersection.
3. The parcel has been recently annexed to the City and, more recently, the Comprehensive Plan was amended to change the current land use designation from Low Density Residential to Medium Density Residential.
4. The intended use for the property is senior citizen housing.

III. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

16.54 Amendments to the Zoning Map

- **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

IV. MAJOR APPROVAL CRITERIA

- 1. **Amendments to the Zoning Map**

- 16.54.040 - Standards and Criteria**

In judging whether or not the zoning map should be amended or changed, the Planning Commission and City Council shall consider:

- A. The Comprehensive Plan of the City, giving special attention to Policy 6 of the Land Use Element and implementation measures therefor, and the plans and policies of the County, state and local districts in order to preserve functions and local aspects of land conservation and development;
 - B. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

2. 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 was recently annexed. It is located within the Urban Growth Boundary and 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 the development and meets the intent of the Urban Growth goals and policies.

iii. Land Use Element

GOAL: To guide the development and uses of land so that they re 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 building the use and development of these unique areas. *(This policy is not applicable).*

Analysis:

The proposed project is entirely surrounded by existing residential land uses and farm and urban "community" facilities, including the swimming pool, adult center and schools. The Comprehensive Plan proposes residential use along the west side of Ivy Street, and public use, commercial, and residential along the east side of Ivy Street. These are developments which are residentially compatible. The proposed development would increase population and housing on land recently annexed to the City. Utility service is available or can be extended to the proposed project, as the development stages unfold, without overburdening any public facilities or services, according to reports from the relevant service providers. This is so, provided current plans are implemented. Monies have been spent, this fiscal year, on a relief sewer for this part of the City. It is now available to receive flow. None of the site is in an area of risk, in terms of flood hazard or steep slope. The proposed medium 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.

With a full range of levels of care and health care and community center service, the applicant feels that 378 units are needed for an economically sound facility. With the current medium density residential Comprehensive Plan Land Use designation and the senior citizen bonus, the maximum permitted units would number approximately 420. Under the PUD provisions and with a careful design, including recreation and community facilities, this density could be increased by 15%. The current zoning of R-1 would only permit about 160 units of housing, and with a senior citizen bonus, only 240 units. Thus, an intermediate density zoning designation would be sufficient to encourage a senior citizen development of the type proposed, but the current low density designation would not allow it. The current Comprehensive Plan designation would permit rezoning to R-1.5, Intermediate Density Residential. Staff is of the professional

opinion that the zoning and development ordinance provisions have sufficient criteria to ensure that a residential development on a site of this size, with an R-1.5 Intermediate Density Residential designation, can be accomplished in such a way that it is a reasonable development, while still protecting the adjacent existing residential and institutional developments, as well as the low density development potential of the adjacent farm areas. The height would be limited to a maximum of 2-1/2 stories, or 35 feet, whichever is less (the same as low density development).

The applicant is also proposing 2 acres of mini-parks as well as other outdoor activity areas which include a tennis court and several thousand feet of walking trails.

In terms of a location for senior citizens, the immediate area has a swimming pool and a senior citizen center nearby. The site will have access by two arterials. Utility services are, or will be, available as stages develop. It is one of the few thirty acre parcels available within the UGB and within the current City limits.

iv. Environmental Concerns

GOALS: To Protect Identified Natural and Historical Resources.

To Prevent Air, Water, Land and Noise Pollution.

To Protect Lives and Property From Natural Hazards.

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

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

Policy #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. *(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.)*
- 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.)*

Analysis::

Agricultural use of the property can continue until development occurs on each stage, which will be timed to meet market absorption. The site is Class I-type soil and has been used as a filbert orchard. The site is occupied by older trees, which are in the last phase of their life cycle and not of timber quality. There are no known other concerns relative to air, water, noise or land pollution associated with this proposal. A storm water system will be needed, probably utilizing dry well systems. Ground water retention may be needed to meet new State standards.

Policy #5-R, 6-R, 9-R or 1-H to 3-H are not applicable since no known aggregate or historic resources, hazard areas or wildlife habitat areas are affected by the proposal. Policy #7-R and 8-R are implemented through the campus type development under consideration, including landscape treatment, as proposed in the PUD/Senior Citizen aspects of this application.

As a PUD development, the proposal will provide at least 10% of recreation and open space. The building coverage of the site is only twenty-two (22%) percent (or 312,125 square feet). Mini-parks consist of 90,640 square feet, or 2.08 acres. Also included is several thousand feet of walking trails, common areas and a community center.

v. Transportation

GOAL: To Develop and Maintain a Transportation System Which Is Safe, Convenient and Economical.

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

- Policy #2:** Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the City's growth needs.
- Policy #3:** Canby shall attempt to improve its problem intersections in keeping with its policies for upgrading or new construction of roads.
- Policy #4:** Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents.
- Policy #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.

Analysis::

Ivy Street and 13th Avenue are delineated in Canby's Comprehensive Plan, as "Arterials." They will need to be widened in the right-of-way. They are both designated truck routes and must meet County and City construction standards.

The development will meet the requirements of the police and fire agencies. As proposed, there would be a total of 378 dwelling units, a health service and community service center, with access to both 13th Avenue and Ivy Street. Transportation Policies #5, 8, 9 and 10 do not apply. A traffic study is also enclosed as part of this application. It does not indicate any serious problems needing resolution, but the City is exploring how to get a traffic light for the 13th Avenue/Ivy Street intersection.

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.

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 13th Avenue and Ivy Street, as evidenced by Mr. Tatone's engineering report, which is attached. Specific design details will meet all Canby utility requirements. No public land dedication is being offered. However, land is being made available for public use (approximately 2.08 acres). H.O.P.E. has expressed desire to maintain the facilities in order to make sure the standard of quality that they expect, is maintained. As a senior citizen development, there are ample walking areas and areas set aside for open space, picnicking, flower gardens, etc.

No public land dedication or payment or gift have been proposed as a part of the project at this time. The open space area is proposed as a private greenway, to be maintained by the development. Other public services are, or can be made available to serve this area, provided services are extended. The Pine Street sewer will ultimately be needed to provide service to southeast Canby and relieve southwest Canby service. The relief sewer just completed in Township, between Ivy and Knott, will provide capacity for at least Phase I development.

vii. Economic

GOAL: To Diversify and Improve the Economy of the City of Canby.

Policy #1: Canby shall promote increased industrial development at appropriate locations. *(This policy is not applicable.)*

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.

Analysis:

The entire project area is proposed in the Comprehensive Plan and Development Ordinance for residential development. The senior citizen housing sites will provide opportunities for homes for Canby residents. It will add to the supply of needed senior citizen homes and service facilities. This type of facility will provide major employment opportunities for Canby residents. The filbert orchard is not an urban-type use and has been determined to be in the last phase of its life cycle.

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 area has recently been annexed to the City as a residential development site. Furthermore, the Comprehensive Plan designation has recently been changed from Low Density Residential to Medium Density Residential. The proposed ultimate development will consist of 378 units of housing and service facilities for senior citizens. These have been determined by the State to be a needed type of housing. The applicant has described this number of units as being the needed level for an economically feasible development with a number of different levels of care and service facilities. H.O.P.E. has estimated that the development costs for 276 units (land, sewer, electrical, water, construction costs, sprinkler fire protection, landscaping, permits and fees) is \$90,575.00. If the increase in density were granted, the cost would be \$66,135.00. If the increased density was not granted, the project would not be viable, nor feasible to the type of occupant that H.O.P.E. desires to have, according to the application. The project proposes use of the Planned Unit Development and Senior Citizen features to encourage clustering of the higher density housing and to provide some additional variety to Canby's available senior citizen housing supply.

Canby has a higher proportion of senior citizens than the surrounding cities and many senior-related facilities have waiting lists, according to seniors at a recent discussion with the Planning Director. The need is expected to increase as we move into the future because of the shape of the current population pyramid and forecasts.

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::

The site is within walking distance of downtown. It is across the street from the senior center and is available to be served by Tri-Met. Many of the development units have a solar orientation. Multiple type units, including duplex-townhouse and apartment-type structures are energy efficient.

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

Based on the above analysis, staff finds that the ultimate proposal is consistent with, or can, with conditions, be made 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. Rezoning from R-1, Low Density Residential, to R-1.5, Intermediate Density Residential, is explicitly permitted under the Medium Density Residential Comprehensive Plan policies on page 61 of the Comprehensive Plan. The site is **not** included as a unique or special area under the Comprehensive Plan Land Use Policy #6.

C. Public Facilities and Services Availability

Annexation has recently been accomplished and a determination was made at that time, 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 would need to be from 13th Avenue or Ivy Street and can be provided in phases. Additional elementary school service and recreational service will not be needed. Timing of utility service and traffic control devices is critical, as development of the south side unfolds. The applicant's engineer, Ron Tatone, has given a preliminary determination of how utilities can be extended to serve the site. His report is attached.

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.

VI. RECOMMENDATION

Based upon the findings and conclusions presented in this report, staff recommends that the Planning Commission recommend approval of ZC 91-01 to the Canby City Council.

Exhibits:

1. Application
2. Ron Tatone's letter regarding Sewer Service

ZONE CHANGE APPLICATION

Fee: \$500.00

OWNER

APPLICANT

Name R. D. Birkemeier

Name Housing and Outreach Project for the Elderly (H.O.P.E.)

Address 21943 S. Hwy 99E

Address 3522 Hoodview Drive

City Canby State OR Zip 97013

City Hubbard State OR Zip 97032

SIGNATURE *R. D. Birkemeier*

Phone: 503-982-4630

Project Coordinator: Leo Schlegel
503-585-5453

DESCRIPTION OF PROPERTY:

Tax Map 4-1E-4A Tax Lot(s) 800 Lot Size 32.57 acres
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Lot _____ Block _____

PROPERTY OWNERSHIP LIST

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

USE

Existing Low Density Residential Proposed Medium Density Residential

Existing Structures One small maintenance shed at the southwest corner.

PROJECT DESCRIPTION

This project has been master planned to include 138 independent living units, 30 low rise independent living units, 210 units in a congregate housing unit, a health care and nursing facility as well as a community center. The community center will house an auditorium, chapel, bank, activity rooms, swimming pool and convenience store. The grounds will have 2.0 acres of mini-parks as well as tennis courts and several thousand feet of walking trails.

ZONING R1 COMPREHENSIVE PLAN DESIGNATION Medium Density Residential

PREVIOUS ACTION (if any) _____

File No. _____

Receipt No. _____

Received by _____

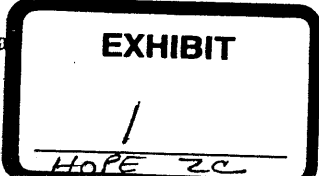
Date Received _____

Completeness Date _____

Pre-Ap Meeting _____

Hearing Date _____

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



AREAS FOR
USES ONLY

SEE MAP 4 1E 4A

1" = 200'
8800

9000

CEN. SEC.

800
32.57 Ac.

300
2.60 Ac.
1300

200
10.15 Ac.

100
11.17 Ac.
371

S. FIR ST.

SUBJECT
PROPERTY

NO. 1288

NO. 10
RD. MKT.

400
0.73 Ac.
1440

500
1.69 Ac.
1490

600
1.65 Ac.
1550
1554

700
4.84 Ac.
1592

86-05

900
3.00 Ac.

1000
1.00 Ac.

1101
0.40 Ac.

1200
12.48 Ac.

1100
0.39 Ac.

1700
14.51 Ac.

1400
0.87 Ac.
1701

1300
1.83 Ac.
1712

1500
1.47 Ac.
1735
1791

1600
1.93 Ac.
1841

2100
28.87 Ac.
1956

ROAD

COUNTY

EFU-20



ZAROSINSKI-TATONE ENGINEERS, INC.

STRUCTURAL—CIVIL—WATER AND SEWERAGE SYSTEMS

PHONE (503) 235-8795

3737 S.E. EIGHTH AVENUE

PORTLAND, OREGON 97202

DONALD J. ZAROSINSKI, P. E.

RONALD G. TATONE, P. E.

January 16, 1991

Mr. Frank E. Morris
10992 South Toliver Road
Molalla, Oregon 97038

Re: H.O.P.E. site
Canby, Oregon

Dear Mr. Morris:

This is in response to the request by telephone from Mr. Kim Arbuckle regarding a statement relating to availability of public facilities for the above referenced site.

The following statements are findings based on investigation of existing city records to serve the H.O.P.E. campus master plan.

A. PUBLIC FACILITIES AND SERVICES

Determination was made at the time of annexation of the subject site that public services and facilities are available or could be made available for development of the subject site.

1. Sanitary Sewer

The city's sewage collection system master plan when implemented would serve the subject site by trunk sewer "E". This plan depends on trunk "E" extension in S.E. 13th Ave. east of South Ivy Street.

The existing flows in the sewer line in South Ivy Street surcharges the line during periods of peak flow.

The city proposes to divert the sewage flow on South Ivy Street south of S.E. 4th Ave. to a new line to be constructed in S.E. 4th Ave. The new line would connect to an existing sewer line in South Knott Street that would flow north to the sewer main in Highway 99E.

This diversion together with the southerly extension of the existing line in South Ivy would allow gravity flow for the project site frontage on South Ivy Street. The frontage served would be limited to a depth of approximately 450 feet.



EXHIBIT

2

The middle group of duplex units may be served by gravity by extending a lateral south from the existing sewer line in S.W. 13th Ave.

The southerly extension of the existing sewer line in South Fir Street commencing at S.W. 13th Ave. would serve the Health Facilities, Mid Rise Independent living and duplex units in the northwest corner of the subject site.

Our findings conclude that the subject site may be served by gravity. This service is dependent on the South Ivy Street diversion at S.E. 4th Ave.

When trunk "E" of the city's sewage master plan is constructed sewage flow in South Ivy would be diverted to the east at S.W. 13th Ave.

It is proposed that on site sanitary sewer lines would be privately maintained by H.O.P.E. Properties.

2. Water System

(a) Supply

The city's distribution system maintains pressure from ground level reservoirs through variable speed pumping units. One of the city's three reservoirs is located on S.W. 13th Ave. less than 1000 feet from the project site.

A 14 inch water main is located in S.W. 13th Ave. for the entire frontage of the site. This main is reinforced with a 12 inch main in South Fir Street from 13th Ave. north and a 10 inch is in South Ivy Street from 13th Ave. north.

The existing distribution system will be extended in South Ivy and South Fir for the full depth of the site.

It is proposed to connect the new 12 inch main in South Fir and the new 10 inch main in South Ivy with a connecting 10 inch main.

The new mains with looped connection will provide fire flow demand. Mains proposed on site for fire protection will be located in easements along designated access ways.

Final design plans may further enhance fire protection by providing sprinkler systems within the major buildings.

The subject site is located contiguous to two major arterials. The north frontage is contiguous to S.W. 13th Ave. The east boundary is contiguous to South Ivy St. Each of the arterial existing right-of-way will require further dedication.

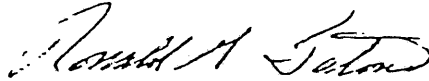
The west boundary of the site is contiguous to South Fir Street. This right-of-way will require additional dedication.

The campus master plan intends to assure adequate access for emergency vehicles. The adjacent public right-of-ways will be constructed to conform with city standards and safety and convenience for the general public.

Should you require additional information or representation please contact me at your earliest convenience.

Sincerely,

Zarosinski-Tatone Engineers, Inc.

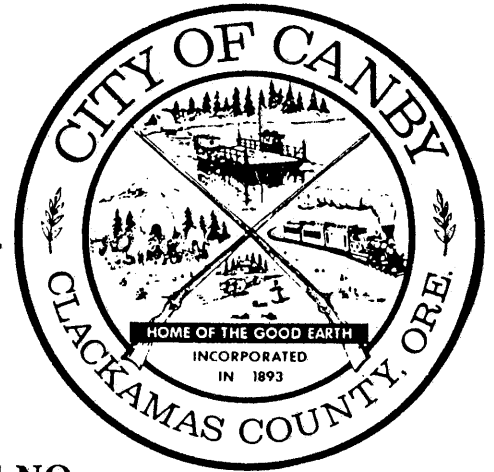


Ronald G. Tatone, P.E.

RGT/mjb

cc: Kim Arbuckle

- S T A F F R E P O R T -



APPLICANT:

H. O. P. E.
(Housing and Outreach Project for the Elderly)

FILE NO.:

CUP 91-05/
PUD 91-01
(Sr. Citizen)

OWNER:

R.D. Berkmeir

STAFF:

Robert G. Hoffman, AICP,
Planning Director

LEGAL DESCRIPTION:

Tax Lot 800 of
Tax Map 4-1E-4D

DATE OF REPORT:

June 28, 1991

LOCATION:

13th Avenue and So. Ivy Street

DATE OF HEARING:

July 8, 1991

COMP. PLAN DESIGNATION:

Medium Density Residential

ZONING DESIGNATION:

R -1 (Low Density Residential)
Being considered for R-1.5 (Intermediate
Density) under separate application

I. APPLICANT'S REQUEST:

The applicant is requesting approval of a Planned Unit Development (as a Conditional Use under R-1.5 zoning, for occupancy by Senior Citizens or Handicapped). The total site consists of 32.57 acres.

II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

- 16.50 Conditional Use
- 16.70-16.76 Planned Unit Development Regulations
- 16.08 General Provisions
- 16.10 Off-Street Parking and Loading
- 16.82 Special Housing Projects for the Elderly or Handicapped

- **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. BACKGROUND AND RELATIONSHIPS

1. **Property Identification:**

- a. The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 800 of Tax Map 4-1E-4D. The applicant is requesting amendment of the Comprehensive Plan Land Use from Low Density Residential to Medium Density Residential. It has been a filbert orchard for many years and contains 32.57 acres.
- b. The property is located southwest of the Ivy Street and 13th Avenue intersection.
- c. There are existing residences to the north. The City pool and Adult Center are located immediately northeast of the 13th Avenue-Ivy Street intersection.

- d. The parcel was recently annexed to the City and came into the City under the Comprehensive Plan District classifications for the parcels and was zoned accordingly. On the application for annexation, the applicant stated the intended use for the property was to be senior citizen housing. The Comprehensive Plan has recently been revised to propose the site as Medium Density Residential Land Sse.
- e. The current application states that the ultimate intended use of the site is a "Planned Unit Development for the Elderly."
- f. In an accompanying application, the applicant has requested rezoning to R-1.5. Later, as a part of the review of each phase of the application, the applicant will be seeking approval under the Site and Design Review Ordinance.

2. Site Characteristics

The site is generally flat, with 0-3% slope. The soil is Latourel Loam, a well-drained soil. It has been used as a filbert orchard. 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.

IV. MAJOR APPROVAL CRITERIA

16.50 Conditional Use (Approval Criteria)

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.

Planned Unit Development:

In judging whether a PUD should be approved, the Planning Commission must consider the following:

16.70.010 General Provisions

Planned Unit Developments may constitute a subdivision involving unique design methods or the development of a single tract without property divisions. Where proposed as a subdivision, the regulations of Division IV, as well as the requirements of this division, shall apply. Where proposed as an overall development of a single tract without property division, a Planned Unit Development shall be considered a conditional use in any zoning district.

16.70.020 Purpose

- A. The purpose of this division is to prescribe the procedures for the development of a planned unit project or subdivision. It is also the purpose of this division to enable the development of planned unit projects or subdivisions in order to permit a degree of flexibility and diversification in the use of land through grouped buildings or large-scale land planning and the arrangements of specific structures and open spaces within such development. For these reasons and to permit the accomplishment of this purpose, the provisions of this division are superimposed upon the regulatory provisions of Divisions III and IV.
- B. It is therefore the purpose of a Planned Unit Development, as the term is employed in this title, of permitting the development of land in a manner which would be as good as, or better than, that resulting from the traditional lot by lot development while generally maintaining the same population density and area coverage permitted in the zone in which the project is located. A Planned Unit Development will also permit flexibility in design, placement of buildings, use of open spaces, circulation facilities, off-street parking areas and the best utilization of site potentials characterized by special features of geography, topography, size, location or shape.

16.76.010 Minimum Requirements

The minimum requirements for a residential Planned Unit Development shall include the following two items:

- A. A minimum of ten percent of the gross area of the development shall be devoted to park and recreational purposes except in the case of conversions of existing rentals to unit ownership, where the Planning Commission may permit a lesser requirement if it is found that adequate recreation facilities exist for the units.
- B. The average area per dwelling unit shall not be less than that allowed within the zoning district in which the subdivision is located. The average area shall be calculated by dividing the number of dwelling units into the gross area of the total land development, minus that area occupied by streets. Except, however, that the Commission may grant a density bonus of not more than fifteen percent to Planned Unit Developments where it is found that unique, beneficial design features (such as solar efficiency, recreation facilities, or other community assets) warrant such a bonus. The Commission shall clearly state its findings in support of granting or denying a requested density bonus.

16.76.020 General Requirements (for PUDs)

Prior to development, application shall be made to the Commission for site approval for all or any portion of the proposed development. Where only a portion of the development is submitted for approval, a master plan shall also be submitted indicating the intended layout for the total development. The form of the application shall follow the requirements and be subject to the standards and criteria of a subdivision or conditional use permit, depending upon whether the proposed development involves the division of property. Additional to the information which is otherwise required, the applicant shall submit accurate information on all of the following which may be applicable:

- A. Any areas proposed to be dedicated or reserved for public parks, schools, playgrounds, or otherwise dedicated or reserved for public purposes;
- B. Other undedicated open space set aside for the use of the residents of the development in common. Access and types of access for the open space area or areas shall be shown;

- C. A general land use plan for the proposed subdivision indicating the areas to be used for various purposes;
- D. Types of dwellings and site locations thereof;
- E. Proposed locations of off-street parking areas with dimensions;
- F. Pedestrian walks, malls and other trails, both public and private. The Commission may require a complete circulation plan if warranted by the size and type of development;
- G. The stages to be built in progression, if any;
- H. The location of adjacent utilities intended to serve the development and a layout of the utilities within the development;
- I. Table showing the density and lot coverage of the overall development;
- J. Such other pertinent information as the Commission may require in order to make necessary findings on the site approval.

16.76.030 Standards and Criteria

Additional to the standards and criteria listed in Divisions III and IV which are applicable to Planned Unit Development, the following standards and criteria shall apply:

- A. The site approval as acted upon by the Commission shall be binding upon the developer and variations from the plan shall be subject to approval by the Commission.

- B. All land within the Planned Unit Development may be subject to contractual agreements with the City and to recorded covenants providing for compliance with the City's requirements.
- C. The development of the property in the manner proposed will be in keeping with the requirements of this title, other than those provisions allowing for special treatment of PUDs.
- D. The plan for the proposed development shall present a unified and organized arrangement of buildings and service facilities.
- E. The development must be designed so that the land areas and buildings around the perimeter of the project do not conflict with the adjoining properties. The Commission may establish special conditions for the perimeter of the development to minimize or mitigate potential conflicts.
- F. Each Planned Unit Development shall be a complete development considering all previous requirements. The Commission may in addition require the inclusion of facilities such as special curbs, sidewalks, streetlights, storm drainage, sanitary sewers, underground power and telephone lines, landscaping and adequate easements for utilities.
- G. Land which is not intended for physical development, such as buildings or street uses, may be required to remain in open space usage perpetually. Maintenance of such open space areas shall remain the responsibility of the individual owner or owners' association, in a manner outlined in the by-laws of such association.
- H. The manner in which any open space or park and recreational area are to be maintained shall be presented along with the preliminary copy of the proposed owners' association by-laws and contractual agreements shall be submitted with the preliminary subdivision. In the case of an individual owner, the Commission may impose special requirements to assure long-term maintenance.
- I. The Planning Commission may, and in the case of single story or townhouse structures, shall, require the separation of utilities from one unit to the next.

- J. In reviewing an application for the conversion of existing residential units to condominiums, the Commission shall utilize the general standards as are applied to the new construction of Planned Unit Developments. A proposed conversion which is not found to meet the standards customarily applied to Planned Unit Developments will not be approved.

- K. In reviewing an application for the conversion of existing residential units to condominiums, the Planning Commission shall consider the vacancy rates of multiple-family rental units throughout the City at the time of the application. It is the intent of the City to assure that there is at least one suitable rental unit available and vacant for each unit converted to condominium ownership.

16.76.040 Exceptions (for PUDs)

- A. In considering a proposed Planned Unit Development project, the approval thereof may involve modifications in the regulations, requirements and standards of the zoning district in which the project is located so as to appropriately apply such regulations, requirements and standards to the development. Modification of the lot size, lot with, and yard setback requirements may be approved by the Commission at the time of the approval of the tentative subdivision plat or conditional use permit.

- B. Building height shall conform to the zoning district in which the development is located.

- C. Off-street parking and off-street loading requirements shall be pursuant to Division III.

Special Housing Projects for the Elderly or Handicapped

Chapter 16.82.010 Generally

- A. The Planning Commission may permit the development of special housing projects for the elderly or handicapped, subject to the provisions of this chapter.

- B. It is recognized that the elderly and handicapped often have special housing needs and frequently cannot afford conventional housing. In order to reduce costs, densities may be increased beyond those normally allowed by zoning and parking requirements may be reduced if normal requirements are found to be unnecessary for the type of development proposed.
- C. Special emergency response or fire safety requirements may be imposed in order to assure public safety in these unique developments.

16.82.020 Applicability

The conditions of this chapter are intended to be applied to either condominiums or rental type developments which meet the criteria of housing for the elderly or handicapped.

16.82.030 Standards and Criteria for Review

In reviewing an application for a special housing project for the elderly or handicapped, the Commission shall utilize the standards and criteria which are applicable to other Planned Unit Development proposals, requiring either a conditional use permit or a subdivision approval, depending on whether the development involves the division of property.

16.82.040 Modification of Standards

The standards normally applied to a Planned Unit Development may be modified by the Commission in the case of special housing projects for the elderly or handicapped, provided that specific findings of fact are entered in support of such modifications. The Planning Commission may:

- A. Increase the permitted density by not more than fifty percent of that normally allowed within the zone;
- B. Decrease the amount of required parking by not more than sixty percent of that normally required;

- C. Decrease the area required for outdoor recreation, if sufficient area is provided for open space and if indoor recreation facilities are provided;
- D. Increase the amount of permitted lot coverage by not more than ten percent of that normally required;
- E. Require special emergency access drives, fire hydrants, or other improvements which are intended to ensure the safety of the residents;
- F. Impose such special conditions of approval as are deemed to be necessary to minimize any adverse impacts of a higher density development upon surrounding properties.

16.82.050 Higher Than Normal Densities

Special housing projects for the elderly or handicapped, where densities higher than normally permitted by zoning are requested, shall be encouraged only in locations which are near commercial services.

16.82.060 Restrictions on Occupancy

The Commission shall require adequate assurance that any development proposed under the conditions of this chapter will be restricted to occupancy by the elderly, handicapped, or such caretakers as may be necessary.

V. EVALUATION RELATED TO APPROVAL CRITERIA:

A. 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 was recently annexed. It is located within the Urban Growth Boundary and within the City limits. It is appropriate for urban development. It is a Priority "A" for the development and meets the intent of the Urban Growth goals and policies. Rezoning to an R-1.5 Intermediate Density Residential Zoning District is the subject of another application pending at this time.

iii. Land Use Element

GOAL: To guide the development and uses of land so that they re 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 building the use and development of these unique areas. (*This policy is not applicable*).

Analysis:

The proposed project is entirely surrounded by existing residential land uses and farm and urban "community" facilities, including the swimming pool, adult center and schools. The Comprehensive Plan proposes residential use along the west side of Ivy Street, and public use, commercial, and residential along the east side of Ivy Street. These are developments which are residentially compatible. The proposed development would increase population and housing on land recently annexed to the City. Utility service is available or can be extended to the proposed project, as the development stages unfold, without overburdening any public facilities or services, according to reports from the relevant service providers. This is so, provided current plans are implemented. Monies have been spent, this fiscal year, on a relief sewer for this part of the City. It is now available to receive flow. None of the site is in an area of risk, in terms of flood hazard or steep slope. The proposed medium 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.

With a full range of levels of care and health care and community center service, the applicant feels that 378 units are needed for an economically sound facility. With the current medium density residential Comprehensive Plan Land Use designation and the senior citizen bonus, the maximum permitted units would number approximately 420. Under the PUD provisions and with a careful design, including recreation and community facilities, this density could be increased by 15%. With an intermediate density zoning designation, as proposed in an accompanying application, it would be sufficient to encourage a senior citizen development of the type proposed, but the current low density designation would not allow it. The current Comprehensive Plan designation would permit rezoning to R-1.5, Intermediate Density Residential. Staff is of the professional opinion that the zoning and development ordinance provisions have sufficient criteria to ensure that a residential development on a site of this size, with an R-1.5 Intermediate Density Residential designation, can be accomplished in such a way that it is a reasonable development, while still protecting the adjacent existing residential and institutional developments, as well as the low density development potential of the adjacent farm areas. The height would be limited to a maximum of 2-

1/2 stories, or 35 feet, whichever is less (the same as low density development).

The applicant is also proposing 2 acres of mini-parks as well as other outdoor activity areas which include a tennis court and several thousand feet of walking trails.

In terms of a location for senior citizens, the immediate area has a swimming pool and a senior citizen center nearby. The site will have access by two arterials. Utility services are, or will be, available as stages develop. It is one of the few thirty acre parcels available within the UGB and within the current City limits.

iv. Environmental Concerns

GOALS: To Protect Identified Natural and Historical Resources.

To Prevent Air, Water, Land and Noise Pollution.

To Protect Lives and Property From Natural Hazards.

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

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

Policy #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. *(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.)*
- 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.)*

Analysis:

Agricultural use of the property can continue until development occurs on each stage, which will be timed to meet market absorption. The site is Class I-type soil and has been used as a filbert orchard. The site is occupied by older trees, which are in the last phase of their life cycle and not of timber quality. There are no known other concerns relative to air, water, noise or land pollution associated with this proposal. A storm water system will be needed, probably utilizing dry well systems. Ground water retention may be needed to meet new State standards.

Policy #5-R, 6-R, 9-R or 1-H to 3-H are not applicable since no known aggregate or historic resources, hazard areas or wildlife habitat areas are affected by the proposal. Policy #7-R and 8-R are implemented through the campus type development under consideration, including landscape treatment, as proposed in the PUD/Senior Citizen aspects of this application.

As a PUD development, the proposal will provide at least 10% of recreation and open space. The building coverage of the site is only twenty-two (22%) percent (or 312,125 square feet). Mini-parks consist of 90,640 square feet, or 2.08 acres. Also included is several thousand feet of walking trails, common areas and a community center.

v. **Transportation**

GOAL: To Develop and Maintain a Transportation System Which Is Safe, Convenient and Economical.

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

- Policy #2:** Canby shall work cooperatively with developers to assure that new streets are constructed in a timely fashion to meet the City's growth needs.
- Policy #3:** Canby shall attempt to improve its problem intersections in keeping with its policies for upgrading or new construction of roads.
- Policy #4:** Canby shall work to provide an adequate sidewalks and pedestrian pathway system to serve all residents.
- Policy #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.

Analysis:

Ivy Street and 13th Avenue are delineated in Canby's Comprehensive Plan, as "Arterials." Thirteenth Avenue will need to be widened in the right-of-way. They are both designated truck routes and must meet County and City construction standards. Fir Street will also need to be widened.

The development will meet the requirements of the police and fire agencies. As proposed, there would be a total of 378 dwelling units, a health service and community service center, with access to both 13th Avenue and Ivy Street. Transportation Policies #5, 8, 9 and 10 do not apply. A traffic study is also enclosed as part of this application. It does not indicate any serious problems needing resolution, but the City is exploring how to get a traffic light for the 13th Avenue/Ivy Street intersection.

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.

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 13th Avenue and Ivy Street, as evidenced by Mr. Tatone's engineering report, which is attached. Specific design details will meet all Canby utility requirements. No public land dedication is being offered, except for street widening. However, land is being made available for public use (approximately 2.08 acres). H.O.P.E. has expressed a desire to maintain the facilities in order to make sure the standard of quality that they expect, is maintained. As a senior citizen development, there are ample walking areas and areas set aside for open space, picnicking, flower gardens, etc.

No public land dedication or payment or gift for recreational purposes have been proposed as a part of the project at this time. The open space area is proposed as a private greenway, to be maintained by the development. Other public services are, or can be made available to serve this area, provided services are extended. The Pine Street sewer will ultimately be needed to provide service to southeast Canby and relieve southwest Canby service. The relief sewer just completed in Township, between Ivy and Knott, will provide capacity for at least Phase I development.

vii. Economic

GOAL: To Diversify and Improve the Economy of the City of Canby.

Policy #1: Canby shall promote increased industrial development at appropriate locations. *(This policy is not applicable.)*

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.

Analysis:

The entire project area is proposed in the Comprehensive Plan and Development Ordinance for residential development. The senior citizen housing sites will provide opportunities for homes for Canby residents. It will add to the supply of needed senior citizen homes and service facilities. This type of facility will provide major employment opportunities for Canby residents. The filbert orchard is not an urban-type use and has been determined to be in the last phase of its life cycle.

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 area has recently been annexed to the City as a residential development site. Furthermore, the Comprehensive Plan designation has recently been changed from Low Density Residential to Medium Density Residential. The proposed ultimate development will consist of 378 units of housing and service facilities for senior citizens. These have been determined by the State to be a needed type of housing. The applicant has described this number of units as being the needed level for an economically feasible development with a number of different levels of care and service facilities. H.O.P.E. has estimated that the development costs for 276 units (land, sewer, electrical, water, construction costs, sprinkler fire protection, landscaping, permits and fees) is \$90,575.00. If the increase in density were granted, as proposed in an accompanying application, the cost would be \$66,135.00. If the

increased density was not granted, the project would not be viable, nor feasible to the type of occupant that H.O.P.E. desires to have, according to the application. The project proposes use of the Planned Unit Development and Senior Citizen features to encourage clustering of the higher density housing and to provide some additional variety to Canby's available senior citizen housing supply.

Canby has a higher proportion of senior citizens than the surrounding cities and many senior-related facilities have waiting lists, according to seniors at a recent discussion with the Planning Director. The need is expected to increase as we move into the future because of the shape of the current population pyramid and forecasts.

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:

The site is within walking distance of downtown. It is across the street from the senior center and is available to be served by Tri-Met. Many of the development units have a solar orientation. Multiple type units, including duplex-townhouse and apartment-type structures are energy efficient.

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

Based on the above analysis, staff finds that the ultimate proposal is consistent with, or can, with conditions, be made 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. Rezoning from R-1, Low Density Residential, to R-1.5, Intermediate Density Residential, as proposed in an accompanying application, is explicitly permitted under the Medium Density Residential Comprehensive Plan policies on page 61 of the Comprehensive Plan. The site is **not** included as a unique or special area under the Comprehensive Plan Land Use Policy #6.

B. Conditional Use Approval Criteria Evaluation:

1. Comprehensive Plan Evaluation

The previous section determined that the proposal is consistent with the Comprehensive Plan policies.

2. Site Characteristics

The site is relatively flat, over 32 acres in size, is rectangular, located on major streets, is located near the Adult Center and near the Canby Swim Center. The proposed 378 units for senior citizens will be developed in a planned total community to include 138 independent living units, 30 low rise independent living units, 210 units in a congregate housing unit, a health care and nursing facility, as well as

community center, and 2 acres of mini-parks, tennis courts and walking trails. Given the purpose of the development, to provide for up to 6 levels of care for seniors on one site, the proposal does appear to be of appropriate design suitable for the site. The Filbert Orchard is expected to be retained and cleared only to accommodate each Phase, as developed.

C. Evaluation of PUD Approval Criteria

1. "A minimum of 10% of the gross area of the development shall be devoted to park and recreational purposes. . ."

The total development is 32 acres and the plan proposes over 2 acres in mini park-like development in peripheral locations around the edges of the development, including playground equipment, benches, gardens, horse-shoe pits, water features and a significant trail/walkway system. Additional outdoor sitting areas are proposed and a Community Center is also proposed. Roof-top sitting areas have also been described to staff, to capture the sun and significant views of Mt. Hood. Much of this space and these amenities will be available to the public, but H.O.P.E. proposes to keep control of them and retain ownership and maintenance responsibilities. Canby's recently adopted Parks Plan proposes a Mini-Park and bicycle path in this vicinity of the City.

2. The property measures approximately 1,130 by 1,255 feet, or about 1,418,150 square feet. Right-of-way dedication of about 36,400 square feet will be required. Thus, the gross area, minus the streets, amounts to about 1,381,750 square feet. If the property is rezoned to R-1.5 (Intermediate Density Residential), the minimum lot area is 6,000 square feet for the first unit, plus 4,000 square feet for the remaining units. Therefore, 344 units would be permitted without any bonus for Design or Senior Citizen occupancy. The proposal is for 378 units, including a Community Center, a health facility, trails and recreation space. A 15% bonus could be given if the Commission found that "unique, beneficial design features" warrant such a bonus. This would add 51 units to the maximum allowed of 344, for a total of 396. Thus, the proposed 378 units could be permitted even without considering the possible increase of up to 50%, when the proposed project is considered under the provisions of a "Special Housing Project for the Elderly or Handicapped."

Phase I, as proposed in the northeastern corner of the site, would include 48 attached single family units on about 246,000 square feet of the site. This would easily be allowed in R-1.5 zoning, which would permit up to 60 units without any bonus consideration.

Phase 2, as proposed, includes 48 single family attached and 40 congregate care units and 60^ of the proposed Community Center. This portion of the site is 273,200 square feet, but does not include the required parking lot for the congregate living. Once the phase is amended to include adequate parking area, Phase 2 could not be approved if evaluated as a single unit and without bonuses or Senior Citizen project density increases. As a part of the total site PUD, the more intense health facilities, independent living facilities and congregate living facilities can be permitted, if averaged in with the lower density development. Clearly, the applicant is not trying to avoid the zoning requirements, but is proposing to build much of the lower density in the first phases.

Phase 1 and Phase 2 (including the needed parking space), considered as one unit, would be permitted under the R-1.5 zoning without major density bonuses. It is this averaging feature, allowed by a PUD, that makes this type of development feasible. Without a PUD, this type of development could not be approved.

Design and Site Review will be required for each Phase. Thus, more details will be available at a later point.

A general land use plan is proposed, indicating how the conditional use/PUD is currently conceived. Details will change somewhat as each Phase is reviewed under Design Review. Types of dwellings and other facilities are indicated on the H.O.P.E. Campus Master Plan. Off-street parking areas and amounts of spaces are indicated and summarized in a table on a detailed drawing. Public and private walks are indicated throughout the site and appear to be functional. Phase 1 (1992-1997) and Phase 2 (1997-2002) are indicated and will be reviewed in detail under the Design Review ordinance. The utilities will be brought to the site and will follow a plan designed by Mr. Tatone, and agreed to by each service provider. They will be built phase-by-phase.

Staff is of the professional opinion that the plan, as presented, is a unified and organized arrangement of buildings and services. As designed, the project should not conflict with adjoining properties. The proposed maintenance building located in the southwest corner of the project may need further buffering, but this will be reviewed in detail with Phase 1, as part of the Design Review process.

Land should be dedicated as part of this application for all street widenings. According to Section 16.76.030(I), the utilities need to be separated for each unit in the single story buildings. Except for the maintenance building, all other buildings are set back more than the ordinance requires for yards and, in fact, substantially more. There is an internal roadway system designed in the "Radburn Scheme" such that no one needs to cross a road to reach the health or community center facilities. The parking areas for the single family units all have a turnaround at the end of each court. Staff is of the opinion that this is appropriate, but the turnarounds should be clearly signed to prevent parking in them. There is sufficient guest parking provided and each unit has parking space available. The Fire Marshal is satisfied with the proposal with regard to circulation. It has been modified to fit the City's fire service needs.

Review of Approval Criteria for Special Housing Projects for the Elderly or Handicapped

The regular standards and criteria which are applicable to other Planned Unit Developments are to be utilized in developments proposed for the Elderly and Handicapped. We have just discussed these above. In addition, the Commission may:

1. Increase permitted density by not more than 50%.
2. Decrease the amount of required parking by not more than 60%.
3. Decrease the area of required outdoor recreation.
4. Increase the amount of permitted lot coverage.
5. Require special provisions for safety.
6. Impose special conditions to avoid adverse impacts on surrounding properties.

The applicant has requested treatment as a Special Housing Project for the Elderly or Handicapped primarily to reduce the amount of required parking. Two spaces per unit are required for single family, duplexes and apartments, in addition to guest parking. The applicant proposes a total of 684 spaces for 378 units and the community center and health facility. Almost 500 spaces are

proposed for the apartment and duplex units, or 1.32 spaces per unit. Fifty-five spaces are proposed for the community center and 103 spaces for the health facility. These parking amounts are well within the standards allowed by the ordinance. Each unit will have its own parking space nearby, with guest and overflow parking close by. Parking for employees and visitors is proposed near each facility to be served. The amounts proposed are sufficient to handle the need.

The Community Center will have a retail establishment available to serve the convenience-goods needs of the residents and there are also commercial establishments along Ivy and in the downtown Canby area (which is located less than one mile away).

The Commission should approve of this proposal for occupancy by the elderly, handicapped, or such caretakers as may be necessary, since the plan is clearly designed for their use and this has been a major factor considered in this staff review.

D. Public Facilities and Service Availability

The Adult Center has indicated an ability to service the residents of the site for each phase. Police and Fire already service the area and have submitted input with regard to site design. In his report (which is attached), the project engineer, Ron Tatone, has indicated how utility service can be provided for each phase. For a development of this size, utility service needs to be carefully phased to avoid capacity constraints. This is being reviewed with each service provider. Traffic control devices will be needed as the development unfolds.

E. Affect on Surrounding Areas

The development is an entire residential community. The edges of the area will have buffer treatment with landscaping and adequate parking included. The height of buildings will be limited to 2-1/2 stories, or 35 feet, whichever is less. Appropriate roadway widths will be dedicated and half-street improvements provided. Thus, staff is of the professional opinion that the development, as proposed, will not alter the character of the surrounding residential, institutional, or farm areas, in a manner which substantially limits or precludes the use of surrounding properties for the uses permitted, which are basically low density residential uses.

Annexation has recently been accomplished and a determination was made at that time, 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 would need to be from 13th Avenue or Ivy Street and can be provided in phases. Additional elementary school service and recreational service will not be needed. Timing of utility service and traffic control devices is critical, as development of the south side unfolds. The applicant's engineer has given a preliminary determination of how utilities can be extended to serve the site.

VI. CONCLUSION

Based upon the application and above findings and analysis, staff concludes that the approval criteria for Conditional Use, Planned Unit Development and Special Housing for the Elderly and Handicapped have been met, provided that approval is conditioned to cover some concerns.

VII. RECOMMENDATION

Based upon the findings and conclusions presented in this report, and without benefit of a public hearing, staff recommends that the Planning Commission approve CUP 91-05/PUD 91-01 for occupancy by Elderly and Handicapped, with the following conditions:

1. Each phase is to be applied for under the then current Site and Design Review Ordinance and procedures.
2. This approval is for the entire 32 acre site as a general Master Plan for guiding development. It should **not** be interpreted in each of its details, but as a framework for future detailing under Design Review.
3. With the proposed Design Review for each Phase, or at the end of each 5-year period, the Commission shall review progress and evaluate the need to make any changes to this approval. This action should not be interpreted as an approval for an unlimited time period.
4. Utility easements shall be provided to the satisfaction of the utility and service-providers and may include, but not be limited to, 12 foot easements on the entire perimeter of the site.

5. Road right-of-way dedications, as proposed on Fir Street and 13th Avenue, shall be accomplished prior to approval of Phase 1.
6. Phase 2 shall be adjusted to include an area sufficient as parking areas for the Congregate Living and Community Center.
7. A waiver of remonstrance shall be required for any needed traffic improvements related to the project development on 13th or Ivy and, in particular, but not limited to, the proposed traffic light at the intersection of 13th Avenue and Ivy Street.
8. Fire service facilities shall be installed and be operational, as required by the Fire Marshal. Road service to the complex shall be maintained throughout all construction periods to ensure adequate fire equipment access. Detailed locations of hydrants shall be reviewed and approved by the Fire Marshal and finalized as a part of the Design and Site Review process.
9. Occupancy of the site under this Conditional Use/PUD approval is limited to the elderly, handicapped, or such caretakers as may be necessary, and as defined in the National Fair Housing Act.
10. Half-street improvements, including sidewalks, curbs, bike paths, and street pavement shall be a part of each phase and provided prior to, or at the time of construction of that phase.

Exhibits:

1. Application
2. Ron Tatone's Engineering Report - letter
3. Traffic Analysis Report (including Aerial Photo)
4. H.O.P.E. Campus Master Plan (8-1/2"x11")
5. H.O.P.E. Campus Master Plan (including Sewer and Water Plan)
6. H.O.P.E. Campus Master Plan (including Project Data)
7. H.O.P.E. Campus Master Plan (indicating Phase 1 and Phase 2)

CONDITIONAL USE APPLICATION

Fee: \$300.00

OWNER

Name R. D. Birkemeier
Address 21943 S. Hwy 99E
City Canby State OR Zip 97013
SIGNATURE _____

APPLICANT

Name Housing and Outreach Project for the
Elderly (H.O.P.E.)
Address 3522 Hoodview Drive
City Hubbard State OR Zip 97032
Phone: 503-982-4630

Project Coordinator: Leo Schlegel
503-585-5453

DESCRIPTION OF PROPERTY:

Tax Map 4-1E-4A Tax Lot(s) 800 Lot Size 32.57 acres
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Lot _____ Block _____

PROPERTY OWNERSHIP LIST

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

USE

Existing Low Density Residential ~~Adposed~~ Medium Density Residential

Existing Structures One small maintenance shed at the southwest corner.

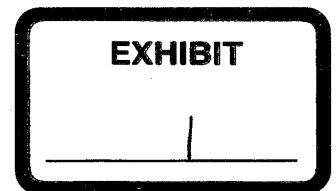
PROJECT DESCRIPTION

This project has been master planned to include 138 independent living units, 30 low rise independent living units, 210 units in a congregate housing unit, a health care and nursing facility as well as a community center. The community center will house an auditorium, chapel, bank, activity rooms, swimming pool and convenience store. The grounds will have 2.0 acres of mini-parks as well as tennis courts and several thousand feet of walking trails.

ZONING RI COMPREHENSIVE PLAN DESIGNATION Medium Density Residential

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.

OWNER

APPLICANT

Name R. D. Birkemeier
Address 21943 S. Hwy 99E
City Canby State OR Zip 97013
SIGNATURE _____

Housing and Outreach Project for
Name Elderly (H.O.P.E.)
Address 3522 Hoodview Drive
City Hubbard State OR Zip 97032
Phone: 503-982-4630

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DESCRIPTION OF PROPERTY:

Tax Map 4-1E-4A Tax Lot(s) 800 Lot Size 32.57 acres
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USE

Existing Low Density Residential Proposed Medium Density Residential

Existing Structures One small maintenance shed at the southwest corner.

PROJECT DESCRIPTION

This project has been master planned to include 138 independent living units, 30 low rise independent living units, 210 units in a congregate housing unit, a health care and nursing facility as well as a community center. The community center will house an auditorium, chapel, bank, activity rooms, swimming pool and convenience store. The grounds will have 2.0 acres of mini-parks as well as tennis courts and several thousand feet of walking trails.

ZONING R1 COMPREHENSIVE PLAN DESIGNATION Medium Density Residential

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.

Casco, Oregon
March 22, 1921

County Planning Commission
County, Oregon

Dear Sir:

As owners of property with
an address N.O. H.E. Corporation
apply for Planned amount of one
acre on 22.57 acres at
13th and 2nd St.

Respectfully

Richard D. Birkham
Margaret Birkham

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

ZONE CHANGE TO R-1.5 WITH A PUD OVERLAY.

Quasi-Judicial Zone Amendment.

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

1. The Comprehensive Plan of the City, giving special attention to Policy 6 of the Land Use Element and Implementation Measures thereof, and the plans and policies of the County, State or any local 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 development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

CONDITIONAL USE APPLICATION FOR HEALTH FACILITY.

The applicant is requesting that there not be an automatic revocation after one (1) year since it is anticipated that it will be several years before construction of the health facility is actually constructed. (Canby Development Code 16.88.090)

In judging whether to approve a Conditional Use, the commission shall find that the following criteria are either met or can be met by the observance of conditions:

1. 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.
2. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
3. All required public facilities and services exist to adequately meet the needs of the proposed development.
4. 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.

I. FINDINGS:

A. Background and Relationships.

1. Property Identification.

a. The subject property is identified on the Clackamas county Assessor's Map as Tax Lot 800 of Tax Map 4-1E-4A. The applicant is requesting amendment to the zone to be R-1.5 with a PUD overlay and a Conditional Use for the health care facility.

b. The property measures approximately 1,130 feet by 1,255 feet and consists of approximately 32.57 acres.

c. The property is located southwest of the Ivy Street and 13th Avenue intersection.

B. Site Characteristics.

a. The parcel is generally made up of gently sloping terrain. The property drops in elevation towards the south southeast, with the lowest elevation along the southern property line. The entire 32.57 acre parcel is currently an older filbert orchard.

b. There are existing residences to the north. The City pool and Adult Center are located immediately northeast of the 13th Avenue Ivy Street intersection.

c. The parcel has been recently annexed to the city and more recently the comprehensive plan was amended change the current land use designation from Low Density Residential to Medium Density Residential.

d. The intended use for the property is senior citizen housing.

C. 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 was recently annexed and is therefore within the UGB and 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 the development and meets the intent of the Urban Growth goals and policies.

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 building the use and development of these unique areas. (This policy is not applicable).

ANALYSIS

The proposed project is entirely surrounded by existing residential land uses and farm and urban "community" facilities, including the swimming pool, adult center and schools. The Comprehensive Plan proposes residential use along the west side of Ivy, and public use, commercial, and residential along the east side of Ivy Street. These are developments which are residentially compatible. The proposed development would increase population and housing on land recently annexed to the City. Utility service is available or can be extended to the proposed project, as the development stages unfold, without overburdening any public facilities or services, according to reports from the relevant service providers. This is so, provided current plans are implemented. Monies are expected to be spent, this fiscal year, on a relief sewer for this part of the City. None of the site is in an area of risk, in terms of flood hazard or steep slope. The proposed medium 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 32.6 acres, the current low density residential designation in the Comprehensive Plan would only permit about 160 units of housing, and with a senior citizen bonus the maximum would be 240 units (or 276, with a PUD bonus). With a full range of levels of care and health care and community center service, the applicant feels that 378 units are needed for an economically sound facility. With a medium density residential designation and the senior citizen bonus, the maximum permitted units would number approximately 420. Under the PUD provisions and with a careful design, including recreation and community facilities, this density could be increased by 15%. Thus, a medium density Comprehensive Plan Land Use Designation would be sufficient to encourage a senior citizen development of the type proposed, but the current low density designation would not allow it.

The applicant is also proposing 2.08 acres of mini-parks as well as other outdoor activity areas which include a tennis court and several thousand feet of walking trails.

In terms of a location for senior citizens, the immediate area has a swimming pool and a senior citizen center nearby. The site will have access by two arterials. Utility services are, or will be, available as stages develop. It is one of the few thirty acre parcels available within the UGB and within the current City limits.

iv. Environmental Concerns.

GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES

TO PREVENT AIR, WATER, LAND AND NOISE POLLUTION

TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS

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

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

Policy #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. (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).

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).

ANALYSIS

Agricultural use of the property can continue until development occurs on each stage, which will be timed to meet market absorption. The site is Class I-type soil and has been used as a filbert orchard. The site is occupied by older trees, which are in the last phase of their life cycle and not of timber quality. There are no known other concerns relative to air, water, noise or land pollution associated with this proposal. A storm water system will be needed, probably utilizing dry well systems. Ground water retention may be needed to meet new State standards.

Policy #5-R, 6-R, 9-R or 1-H to 3-H are not applicable since no known aggregate or historic resources, hazard areas or wildlife habitat areas are affected by the proposal. Policy #7-R and 8-R are implemented through the campus type development under consideration, including landscape treatment.

As a PUD development, the proposal provides at least (10% of recreation and open space). The building coverage of the site is only twenty-two (22%) percent (or 312,125 square feet). Many parks consist of 90,640 square feet or 2.08 acres. Also included is several thousand feet of walking trails, common areas and a community center.

v. Transportation.

GOALS: TO DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM WHICH IS NOT SAFE, CONVENIENT AND ECONOMICAL.

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

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

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

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

Policy #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 in 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.

ANALYSIS

Ivy Street and 13th Avenue are delineated in Canby's Comprehensive Plan, as "Arterials". They will need to be widened in the right-of-way. They are both designated truck routes and must meet County and City construction standards.

The development will meet the requirements of the police and fire agencies. As proposed, there would be a total of 378 dwelling units, a health service and community service center, with access to both 13th Avenue and Ivy Street. Transportation Policies #5, 8, 9 and 10 do not apply. A traffic study is also enclosed as part of this application.

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.

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 13th Avenue and Ivy Street, as evidenced by Mr. Tatone's report. Specific design details will meet all Canby utility requirements. No public land dedication is being offered. However, land is being made available for the public's use (approximately 2.08 acres). H.O.P.E. desires to maintain the facilities in order to make sure the standard of quality in which they expect is maintained. As a senior citizen development there are ample walking areas and areas set aside for open space, picnicking, flower gardens, etc.

vii. Economic

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

Policy #1 Canby shall promote increased industrial development at appropriate locations. (This policy is not applicable).

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.

ANALYSIS

The entire project area is proposed in the Comprehensive Plan and Development Ordinance for residential development. The senior citizen housing sites will provide opportunities for homes for Canby residents. It will add to the supply of needed senior citizen homes and service facilities. This type of facility will provide major employment opportunities for Canby residents. The

filbert orchard is not an urban-type use and has been determined to be in the last phase of its life cycle.

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 area has recently be annexed to the City as a residential development site. Furthermore, the Comprehensive Plan designation has recently been changed from Low Density Residential to Medium Density Residential. The proposed ultimate development consists of 378 units of housing and service facilities for senior citizens. These have been determined by the State to be a needed type of housing. The applicant sincerely believes that the number of units are the needed level for an economically feasible development with a number of different levels of care and service facilities. H.O.P.E. has estimated that the development costs for 276 units (land, sewer, electrical, water, construction costs, sprinkler fire protection, landscaping, permits and fees) is \$90,575.00. If the increase in density were granted the cost would be \$66,135.00. If the increased density was not granted the project would not be viable nor feasible to the type of occupant that H.O.P.E. desires to have. The project proposes use of the Planned Unit Development and Senior Citizen features to encourage clustering of the higher density housing and to provide some additional variety to Canby's

available senior citizen housing supply.

Canby has a higher proportion of senior citizens than the surrounding cities and many senior-related facilities have waiting lists. The need is expected to increase as we move into the future because of the shape of the current population pyramid and forecasts.

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

The site is within walking distance of downtown. It is across the street from the senior center and is available to be served by Tri-Met.

ED FOR ONLY

1" = 200'

88C

900

SEE MAP 4 1E 4A

S.W. 13 TH. AVE

GEN. SEC.

800
32.57 Ac.

300
2.60 Ac.
1300

200
10.15 Ac.

100
11.17 Ac.
371

S. FIR ST.
NO. 1288

SUBJECT PROPERTY

400
0.73 Ac.
1440

500
1.69 Ac.
1490

600
1.65 Ac.
1550
1554

700
4.84 Ac.
1592

86-05

M-K-T RD. NO. 10

900
3.00 Ac.

1000
1.00 Ac.

1101
0.40 Ac.

1100
0.39 Ac.

1200
12.48 Ac.

1700
14.51 Ac.

1400
0.87 Ac.
1701

1500
1.47 Ac.
1735
1791

1300
1.83 Ac.
1712

1600
1.93 Ac.
1841

2100
28.87 Ac.
1958

ROAD
COUNTY

E.F.U.-20

REIF & REIF

ATTORNEYS AT LAW
273 N. GRANT STREET
CANBY, OREGON 97013

RAYMOND R. REIF
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MARVIN O. BOLLAND
OF COUNSEL

TELEPHONE
(503) 266-3456

FAX
(503) 266-8555

June 20, 1991

Mr. Robert Hoffman
Planning Director
City of Canby
182 North Holly Street
Canby, Oregon 97013

Re: H.O.P.E. Corporation,
Application for zone change with
a PUD Overlay and Conditional Use

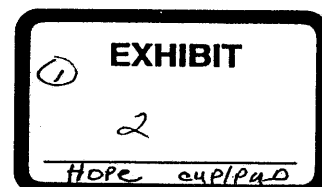
Dear Bob:

This letter is being written pursuant to our recent telephone conference concerning the above described application of H.O.P.E. Corporation. I have talked with a member of the architectural firm employed by H.O.P.E. Corporation. I understand that they have talked with you and they will have the information that you requested to you by June 24, 1991. The information includes:

1. Information concerning the horizontal and vertical dimensions of all buildings.
2. Additional information on parking. As you are aware, I previously submitted to you a letter (dated June 17, 1991) which requested that the provisions of Section 16.82 of the Development Code be applied in determining the number of parking spots.
3. Information concerning set backs and yard requirements.

I understand that the architects talked with you by telephone and I believe that we all understand your concerns and can meaningfully respond to them by June 24, 1991.

In addition you requested some information concerning the staging of the project. That information is being worked out by H.O.P.E. and its architects. I understand that this information will be submitted by the 24th as well.

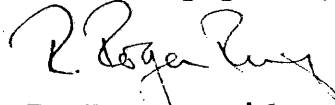


Mr. Robert Hoffman
June 20, 1991
Page 2

Finally, I understand that you were requesting some additional information for the record concerning the public facilities and services. I am enclosing a copy of a letter dated January 16, 1991, from Zarosinski-Tatone Engineers concerning these services. This letter was part of our application on the amendment to the comprehensive plan. I am requesting that it be enclosed as part of the record for this application. Based upon our discussions I am of the opinion that you felt that the letter was sufficient; however, if there is any other additional information you require please do not hesitate to contact me.

Thank you for drawing these matters to our attention. We appreciate the professionalism in which you are handling this application.

Sincerely yours,



R. Roger Reif

ROG/sk
Enclosure
cc: H.O.P.E. Corporation



ZAROSINSKI-TATONE ENGINEERS, INC.

STRUCTURAL—CIVIL—WATER AND SEWERAGE SYSTEMS

PHONE (503) 235-8795

3737 S.E. EIGHTH AVENUE

PORTLAND, OREGON 97202

DONALD J. ZAROSINSKI, P. E.

RONALD G. TATONE, P. E.

January 16, 1991

Mr. Frank E. Morris
10992 South Toliver Road
Molalla, Oregon 97038

Re: H.O.P.E. site
Canby, Oregon

Dear Mr. Morris:

This is in response to the request by telephone from Mr. Kim Arbuckle regarding a statement relating to availability of public facilities for the above referenced site.

The following statements are findings based on investigation of existing city records to serve the H.O.P.E. campus master plan.

A. PUBLIC FACILITIES AND SERVICES

Determination was made at the time of annexation of the subject site that public services and facilities are available or could be made available for development of the subject site.

1. Sanitary Sewer

The city's sewage collection system master plan when implemented would serve the subject site by trunk sewer "E". This plan depends on trunk "E" extension in S.E. 13th Ave. east of South Ivy Street.

The existing flows in the sewer line in South Ivy Street surcharges the line during periods of peak flow.

The city proposes to divert the sewage flow on South Ivy Street south of S.E. 4th Ave. to a new line to be constructed in S.E. 4th Ave. The new line would connect to an existing sewer line in South Knott Street that would flow north to the sewer main in Highway 99E.

This diversion together with the southerly extension of the existing line in South Ivy would allow gravity flow for the project site frontage on South Ivy Street. The frontage served would be limited to a depth of approximately 450 feet.



EXHIBIT ③

2

The middle group of duplex units may be served by gravity by extending a lateral south from the existing sewer line in S.W. 13th Ave.

The southerly extension of the existing sewer line in South Fir Street commencing at S.W. 13th Ave. would serve the Health Facilities, Mid Rise Independent living and duplex units in the northwest corner of the subject site.

Our findings conclude that the subject site may be served by gravity. This service is dependent on the South Ivy Street diversion at S.E. 4th Ave.

When trunk "E" of the city's sewage master plan is constructed sewage flow in South Ivy would be diverted to the east at S.W. 13th Ave.

It is proposed that on site sanitary sewer lines would be privately maintained by H.O.P.E. Properties.

2. Water System

(a) Supply

The city's distribution system maintains pressure from ground level reservoirs through variable speed pumping units. One of the city's three reservoirs is located on S.W. 13th Ave. less than 1000 feet from the project site.

A 14 inch water main is located in S.W. 13th Ave. for the entire frontage of the site. This main is reinforced with a 12 inch main in South Fir Street from 13th Ave. north and a 10 inch is in South Ivy Street from 13th Ave. north.

The existing distribution system will be extended in South Ivy and South Fir for the full depth of the site.

It is proposed to connect the new 12 inch main in South Fir and the new 10 inch main in South Ivy with a connecting 10 inch main.

The new mains with looped connection will provide fire flow demand. Mains proposed on site for fire protection will be located in easements along designated access ways.

Final design plans may further enhance fire protection by providing sprinkler systems within the major buildings.

(b) Distribution

Water distribution for domestic and landscape purposes for the duplex units is proposed to be supplied through a master meter connected to the 14 inch main in S.W. 13th Ave.

Separate meters for domestic use will be installed for the Congregate living building, Health Facilities building and Mid Rise Independent living building.

3. Electrical Distribution

Canby Utility Board administers and maintains the electrical distribution system for the city. Power purchased from Bonneville Power Administration (BPA) is supplied to city through overhead and underground transmission lines.

The subject site has available primary and secondary power to its boundaries ready for service.

New power lines on site will require an all inclusive easement for installation and maintenance.

Separate metering for each duplex living unit is proposed. Individual metering for the Community Center, Mid Rise Independent living, Health Facilities and Congregate living will be installed for each building.

4. Telephone and Cable T.V.

Telephone communications is installed and administered by Canby Telephone Association.

Cable T.V. is administered and installed by North Willamette Telecom.

Where practical telephone and T.V. lines will be installed in the same trench as electrical distribution lines.

These lines will require an all inclusive easement for installation and maintenance.

5. Transportation

The transportation element goal to be obtained as outlined by the Comprehensive Plan adopted by the city should be a system safe, convenient and economical.

The subject site is located contiguous to two major arterials. The north frontage is contiguous to S.W. 13th Ave. The east boundary is contiguous to South Ivy St. Each of the arterial existing right-of-way will require further dedication.


The west boundary of the site is contiguous to South Fir Street. This right-of-way will require additional dedication.

The campus master plan intends to assure adequate access for emergency vehicles. The adjacent public right-of-ways will be constructed to conform with city standards and safety and convenience for the general public.

Should you require additional information or representation please contact me at your earliest convenience.

Sincerely,

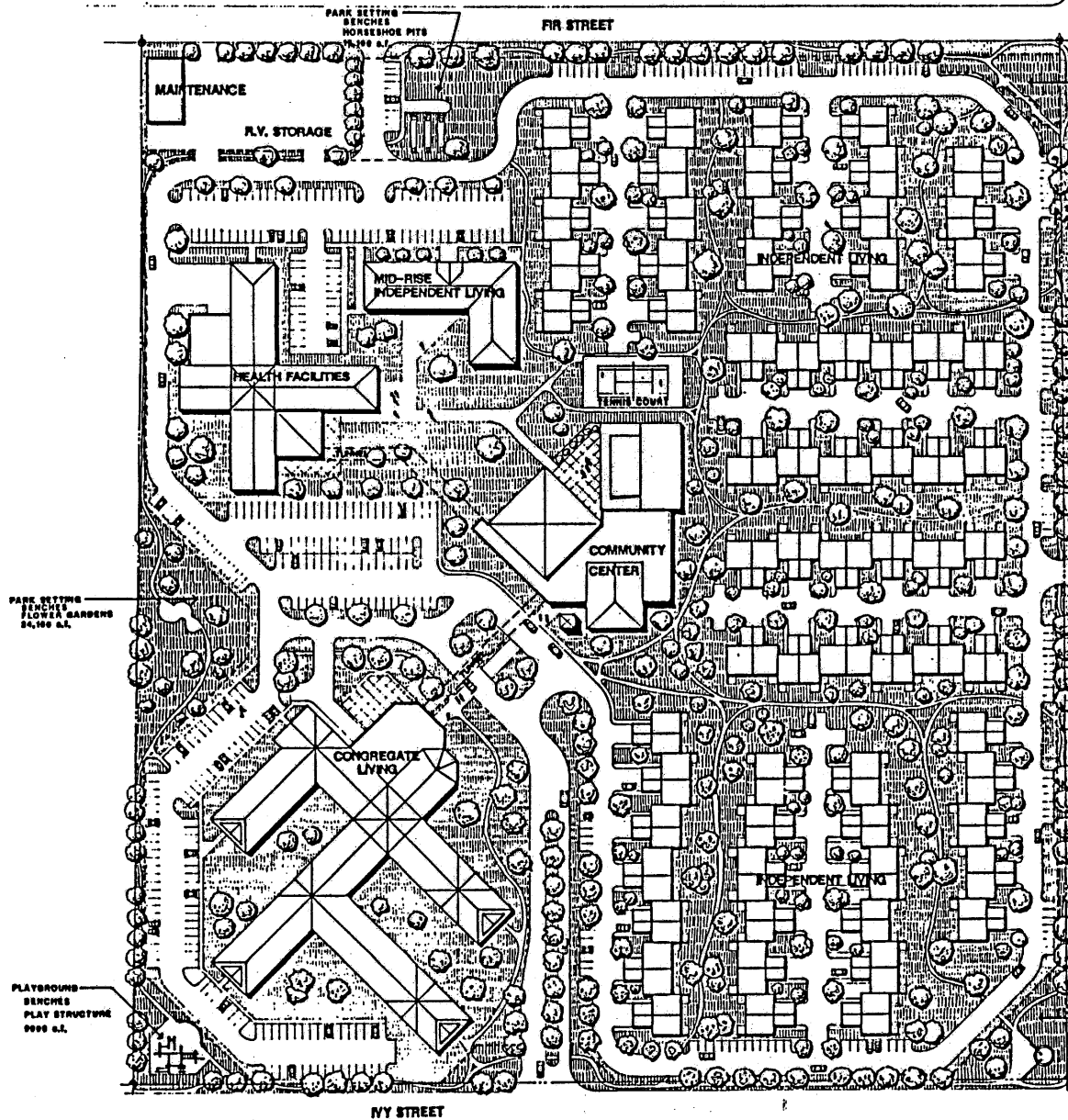
Zarosinski-Tatone Engineers, Inc.



Ronald G. Tatone, P.E.

RGT/mjb

cc: Kim Arbuckle



PARK SETTING
BENCHES
FLOWER GARDENS
6900 S.F.

PROJECT DATA :

PROJECT AREA : 32.87 ACRES (1,416,740 S.F.)
BUILDING COVERAGE OF LOT : 312,183 S.F.
PERCENTAGE OF BUILDING AREA : 22%
TOTAL NUMBER OF UNITS : 276
PROJECT DENSITY : 11.06 UNITS/ACRE

PROJECT UNIT TYPES :

INDEPENDENT LIVING UNITS : 100
MID-RISE INDEPENDENT LIVING UNITS : 36 (122,000 S.F.)
HEALTH FACILITIES : 92,000 S.F.
CONGREGATE LIVING UNITS : 276 (104,000 S.F.)
COMMUNITY CENTER : 30,000 S.F.

PARKING DIMENSIONS :

STANDARD PARKING STALL : 8'-0" X 10'-0"
COMPACT PARKING STALL : 6'-0" X 10'-0"
TYPICAL AISLE : 24'-0"

PUBLIC PARK AREAS :

96,649 S.F. (2.20 ACRES)

PARK SETTING
BENCHES
FLOWER GARDENS
24,100 S.F.

PLAYGROUND
BENCHES
PLAY STRUCTURE
9000 S.F.

WALKWAY CONNECTING
PERIMETER PARK AREAS

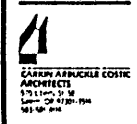


H.O.P.E. CAMPUS MASTER PLAN

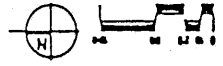


PARK SETTING
BENCHES
WATER FEATURE
9000 S.F.

JOB NO.
DATE
DRAWN
REVISIONS



7
 EXHIBIT
 RE COPY/PAD



HOPE CAMPUS MASTER PLAN

CAMPUS MASTER PLAN

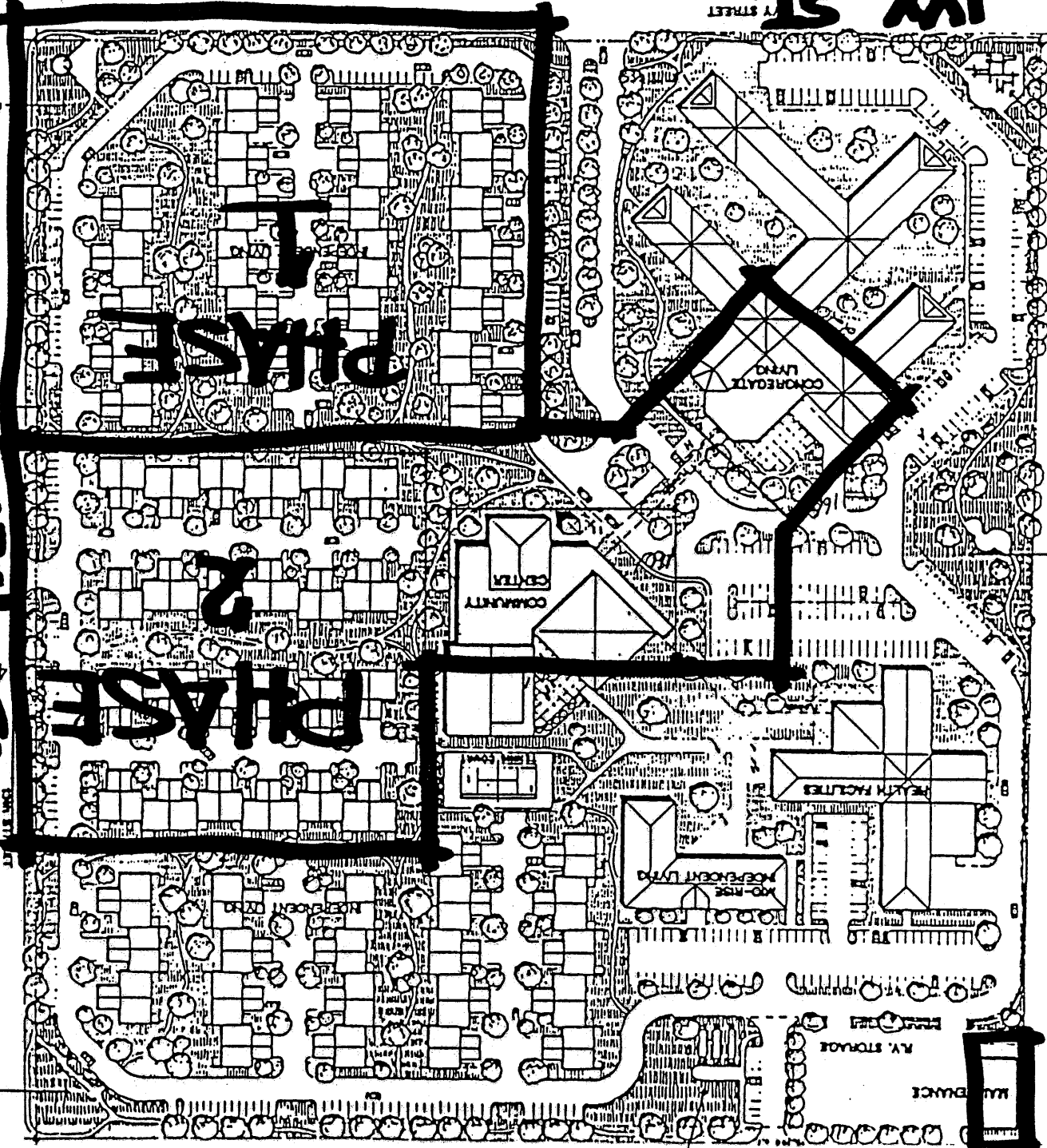
Phase Two: 1997-2002
 48 single family units
 40 congregate units
 60% community center

Phase One: 1992-1997
 48 single family units
 maintenance building

PHASE DEVELOPMENT SCHEDULE:
 Phase One: 1992-1997
 48 single family units
 maintenance building
 Phase Two: 1997-2002
 48 single family units
 40 congregate units
 60% community center

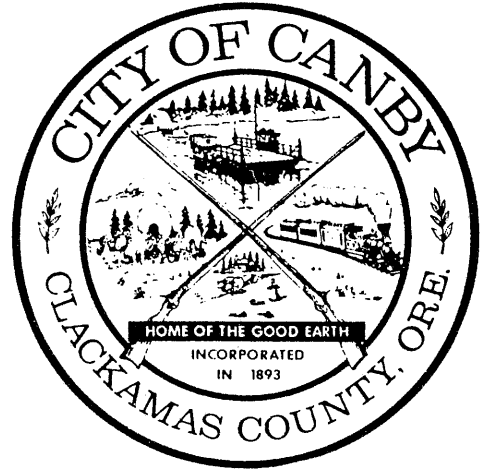
15th St.

14th St.



Part of Phase 1

- STAFF REPORT -



APPLICANT:

Hot Off The Press, Inc.

FILE NO.:

DR 91-03

OWNER:

Hot Off The Press, Inc.

STAFF:

Robert G. Hoffman, AICP,
Planning Director

LEGAL DESCRIPTION:

Tax Lot 1602 of
Tax Map 3-1E-32DC

DATE OF REPORT:

June 28, 1991

LOCATION:

West end of Third Avenue,
near the Molalla River bank
(1270 N.W. Third Avenue)

DATE OF HEARING:

July 8, 1991

COMP. PLAN DESIGNATION:

Light Industrial

ZONING DESIGNATION:

M-1 (Light Industrial)

I. APPLICANT'S REQUEST:

The applicant is requesting approval of a Design Review Application to construct a 5,000 square foot office building. The property is located at the west end of Third Avenue, overlooking the Molalla River embankment. The total site is approximately 1.66 acres.

II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

- 16.10 Off-Street Parking and Loading
- 16.32 M-1 - Light Industrial Zone
- 16.88 General Standards

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

- **City of Canby Comprehensive Plan:**

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

III. MAJOR APPROVAL CRITERIA

Site and Design Review

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

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

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

IV. FINDINGS:

A. Background and Relationships:

The site and applicant previously received building permit approval for an office building and warehouse on the site, just prior to the effective date of the Site and Design Review Ordinance. The warehouse has been built and is occupied. The original office building was redesigned, located differently, and was expanded in size. Thus, the site and building must now be reviewed under the ordinance.

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.

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.**

ANALYSIS

The proposal is an office building to serve a warehouse. The office building is located on a flat site with views overlooking the Molalla River embankment and forested area. The Comprehensive Plan identifies this area as a Light Industrial area with a Hazard Area and R-1 area in the area below the bank to the west. The immediate surrounding area, adjacent to the site, is zoned industrial.

iv. ENVIRONMENTAL CONCERNS

The environmental character of the area will be preserved. The new office is set back from the edge of the slope and no changes to the slope have been proposed.

v. TRANSPORTATION CONCERNS

Access to the site is by way of S.W. Third Avenue and no problems are apparent. Parking is being provided.

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.

ANALYSIS

Public Facilities and Services are available to service the site and the services are already provided.

vii. ECONOMIC

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

ANALYSIS

The office would provide jobs and income for Canby and support the Canby business community.

viii. HOUSING

GOAL: TO PROVIDE FOR THE HOUSING NEEDS OF THE CITIZENS OF CANBY. *(Not applicable)*

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. These rules will be adhered to.

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

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

C. Evaluation Regarding Site and Design Review Approval Criteria

1. Part IV - Section 2, No. 2

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

The total site is approximately 1.66 acres. The previously approved and recently constructed warehouse exists and occupies at least one-quarter of the site. The embankment will be left in its natural state.

Landscaped area is shown on the site plan. In the professional opinion of staff, it is appropriate for the location and site, which is an "industrial area. The natural area and proposed landscaping far exceeds the requirements.

2. Parking and Loading

The parking requirement is 3.5 spaces per 1,000 square feet of office space. Since there are approximately 5,000 square feet of building space, 18 parking spaces would be required. The old ordinance required one parking space per employee for the warehouse. The new ordinance would require 2 spaces per 1,000 square feet for the warehouse, or about 14 spaces. Parking for the warehouse will need to be provided (1 space per employee). No additional loading spaces are required. There is unmarked paved space for about ten cars in front of the warehouse and 18 additional spaces are proposed on the site plan.

3. Access

Access for passenger vehicles to the office is from N.W. Third Avenue. The access drives meet the ordinance requirements of a minimum of 36 feet wide from N.W. Third Avenue. Curbs are required.

4. Architecture

The application describes the project as a "5,000 square foot office building for Hot Off The Press, Inc. Major materials include wood framing, metal siding, aluminum windows and gypsum board interior."

Building plans and elevations are part of the application, and staff is of the opinion that they are well done and appropriate for the use and location.

Color of the exterior has not yet been described, nor have any proposed signs been described.

5. Other Aspects

a. utilities

Utilities are available in the vicinity with no problems extending the service to the site.

b. effect on needed housing

The proposal will not affect needed housing, except to provide jobs and income for some Canby residents.

c. trees/vegetation

There are no proposals for changing the natural embankment. Since that area is in the Hazard Overlay Zone as a steep bank, plans for any change require prior approval. None have been proposed. Five new "hornbeams" and rododendrens have been proposed as part of the landscaping on site.

IV. CONCLUSION

Provided that the Commission is satisfied with proposed colors and signs, and considering the previous analysis and recommended conditions, staff hereby determines that the office and related site development described in the application and accompanying materials is in conformance with the standards of this and other applicable ordinances; the design is compatible with the design of other developments in the vicinity; and, the location, design, size, and materials of the exterior of the structure will be compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.

Further, staff concludes that, with approval conditions

1. the proposed use of the site is consistent with the applicable requirements and policies of the Comprehensive Plan and the development ordinance;
2. the characteristics of the site are suitable for the proposed use;

3. that all required public facilities and services exist (or can be made to exist at the time of development) to adequately meet the needs of the proposed office; and
4. the proposed use will not alter the character of the surrounding areas in such a way as to substantially limit or preclude the uses allowed.

V. RECOMMENDATION:

Based upon the application and drawings submitted, facts, findings and conclusions of this report, staff recommends that the Planning Commission approve DR 91-03, with conditions, for an office building and related site. Furthermore, staff recommends approval of DR 91-03 with the following conditions:

1. Any change to the embankment area will require prior approval, especially for grading and tree-cutting.
2. The applicant shall provide stripped paved parking for the warehouse at the rate of at least one parking space per warehouse employee.

Exhibits:

1. Application for Design Review
2. Site Plan
3. Floor Plan
4. Elevations

SITE AND DESIGN REVIEW APPLICATION

Fee: \$250

P. 01

OWNER: Hot off the Press, Inc.
 Name: Mike Jarvey
 Address: 181 N. Grant St.
 City: Conroy State: OR Zip: 97093
 SIGNATURE: _____

APPLICANT: Same
 Name: Same
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: 503-260-9102

DESCRIPTION OF PROPERTY:

Tax Map: ~~31E23CD~~ Tax Lot(s): _____ Lot Size: 1.66 acres
 31E22DC TL 1602 (Acres/Sq. Ft.)
 or 1270 N.W. Third Ave.

Legal Description, Metes and Bounds (Attach Copy)
 Plat Name: _____ Lot: _____ Block: _____

PROPERTY OWNERSHIP LIST

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

USE

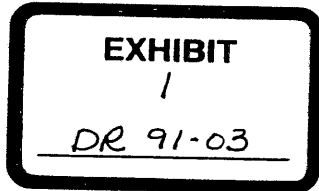
Existing: Warehouse Proposed: Office
 Existing Structures: 7200 S.F. Single Story Warehouse
 Surrounding Uses: Vacant

PROJECT DESCRIPTION

5000 square foot office building for Hot off the Press, Inc. Major materials include wood framing, metal siding, aluminum windows and gypsum board interior.

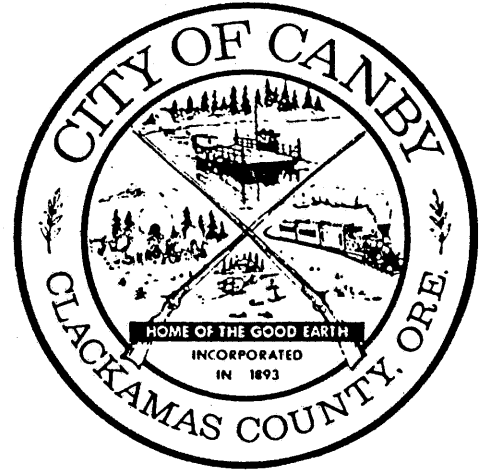
ZONING: M1 COMPREHENSIVE PLAN DESIGNATION: _____
 PREVIOUS ACTION (if any): _____

File No. DR 91-03
 Receipt No. _____
 Received by _____
 Date Received _____
 Completeness Date _____
 Pre-App Meeting _____
 Hearing Date 7-8-91



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

- STAFF REPORT -



APPLICANT:

Bob L. Stuart

FILE NO.:

MLP 91-05/PUD 91-02

OWNER:

Carl R. Stuart

STAFF:

Robert G. Hoffman, AICP
Director of Planning

LEGAL DESCRIPTION:

Tax Lot 201 of
Tax Map 3-1E-33BA

DATE OF REPORT:

June 28, 1991

LOCATION:

1320 N. Holly Street

DATE OF HEARING:

July 8, 1991

COMP. PLAN DESIGNATION:

Low Density Residential

ZONING DESIGNATION:

R-1

I. APPLICANT'S REQUEST:

The applicant is requesting approval to divide an 0.59 acre parcel into three parcels, containing approximately 13,060; 4,544; and 5,058 (plus driveways and street widening) square feet, respectively under the provisions of Minor Land Division, Planned Unit Development and limited to occupancy by Senior Citizens and/or the Handicapped.

II. APPLICABLE CRITERIA:

This is a quasi-judicial land use application.

Minor Land Partition:

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.

Planned Unit Development:

In judging whether a PUD should be approved, the Planning Commission must consider the following:

16.70.010 General Provisions

Planned Unit Developments may constitute a subdivision involving unique design methods or the development of a single tract without property divisions. Where proposed as a

subdivision, the regulations of Division IV, as well as the requirements of this division, shall apply. Where proposed as an overall development of a single tract without property division, a Planned Unit Development shall be considered a conditional use in any zoning district.

16.70.020 Purpose

- A. The purpose of this division is to prescribe the procedures for the development of a planned unit project or subdivision. It is also the purpose of this division to enable the development of planned unit projects or subdivisions in order to permit a degree of flexibility and diversification in the use of land through grouped buildings or large-scale land planning and the arrangements of specific structures and open spaces within such development. For these reasons and to permit the accomplishment of this purpose, the provisions of this division are superimposed upon the regulatory provisions of Divisions III and IV.
- B. It is therefore the purpose of a Planned Unit Development, as the term is employed in this title, of permitting the development of land in a manner which would be as good as, or better than, that resulting from the traditional lot by lot development while generally maintaining the same population density and area coverage permitted in the zone in which the project is located. A Planned Unit Development will also permit flexibility in design, placement of buildings, use of open spaces, circulation facilities, off-street parking areas and the best utilization of site potentials characterized by special features of geography, topography, size, location or shape.

16.76.010 Minimum Requirements

The minimum requirements for a residential Planned Unit Development shall include the following two items:

- A. A minimum of ten percent of the gross area of the development shall be devoted to park and recreational purposes except in the case of conversions of existing rentals to unit ownership, where the Planning Commission may permit a lesser requirement if it is found that adequate recreation facilities exist for the units.
- B. The average area per dwelling unit shall not be less than that allowed within the zoning district in which the subdivision is located. The average area shall be calculated by dividing the number of dwelling units into the gross area of the total land development, minus that area occupied by streets. Except, however, that the Commission may grant a density bonus of not more than fifteen percent to Planned Unit Developments where it is found that unique, beneficial design features (such as solar efficiency, recreation facilities, or other community assets) warrant such a bonus. The Commission shall clearly state its findings in support of granting or denying a requested density bonus.

16.76.020 General Requirements (for PUDs)

Prior to development, application shall be made to the Commission for site approval for all or any portion of the proposed development. Where only a portion of the development is submitted for approval, a master plan shall also be submitted indicating the intended layout for the total development. The form of the application shall follow the requirements and be subject to the standards and criteria of a subdivision or conditional use permit, depending upon whether the proposed development involves the division of property. Additional to the information which is otherwise required, the applicant shall submit accurate information on all of the following which may be applicable:

- A. Any areas proposed to be dedicated or reserved for public parks, schools, playgrounds, or otherwise dedicated or reserved for public purposes;
- B. Other undedicated open space set aside for the use of the residents of the development in common. Access and types of access for the open space area or areas shall be shown;
- C. A general land use plan for the proposed subdivision indicating the areas to be used for various purposes;
- D. Types of dwellings and site locations thereof;
- E. Proposed locations of off-street parking areas with dimensions;
- F. Pedestrian walks, malls and other trails, both public and private. The Commission may require a complete circulation plan if warranted by the size and type of development;
- G. The stages to be built in progression, if any;
- H. The location of adjacent utilities intended to serve the development and a layout of the utilities within the development;
- I. Table showing the density and lot coverage of the overall development;
- J. Such other pertinent information as the Commission may require in order to make necessary findings on the site approval.

16.76.030 Standards and Criteria

Additional to the standards and criteria listed in Divisions III and IV which are applicable to Planned Unit Development, the following standards and criteria shall apply:

- A. The site approval as acted upon by the Commission shall be binding upon the developer and variations from the plan shall be subject to approval by the Commission.
- B. All land within the Planned Unit Development may be subject to contractual agreements with the City and to recorded covenants providing for compliance with the City's requirements.
- C. The development of the property in the manner proposed will be in keeping with the requirements of this title, other than those provisions allowing for special treatment of PUDs.
- D. The plan for the proposed development shall present a unified and organized arrangement of buildings and service facilities.
- E. The development must be designed so that the land areas and buildings around the perimeter of the project do not conflict with the adjoining properties. The Commission may establish special conditions for the perimeter of the development to minimize or mitigate potential conflicts.
- F. Each Planned Unit Development shall be a complete development considering all previous requirements. The Commission may in addition require the inclusion of facilities such as special curbs, sidewalks, streetlights, storm drainage, sanitary sewers, underground power and telephone lines, landscaping and adequate easements for utilities.
- G. Land which is not intended for physical development, such as buildings or street uses, may be required to remain in open space usage perpetually. Maintenance of such open space areas shall remain the responsibility of the individual owner or owners' association, in a manner outlined in the by-laws of such association.
- H. The manner in which any open space or park and recreational area are to be maintained shall be presented along with the preliminary copy of the proposed owners' association by-laws and contractual agreements shall be submitted with the preliminary subdivision. In the case of an individual owner, the Commission may impose special requirements to assure long-term maintenance.
- I. The Planning Commission may, and in the case of single story or townhouse structures, shall, require the separation of utilities from one unit to the next.
- J. In reviewing an application for the conversion of existing residential units to condominiums, the Commission shall utilize the general standards as are applied to the new construction of Planned Unit Developments. A proposed conversion which is not found to meet the standards customarily applied to Planned Unit Developments will not be approved.

- K. In reviewing an application for the conversion of existing residential units to condominiums, the Planning Commission shall consider the vacancy rates of multiple-family rental units throughout the City at the time of the application. It is the intent of the City to assure that there is at least one suitable rental unit available and vacant for each unit converted to condominium ownership.

16.76.040 Exceptions (for PUDs)

- A. In considering a proposed Planned Unit Development project, the approval thereof may involve modifications in the regulations, requirements and standards of the zoning district in which the project is located so as to appropriately apply such regulations, requirements and standards to the development. Modification of the lot size, lot with, and yard setback requirements may be approved by the Commission at the time of the approval of the tentative subdivision plat or conditional use permit.
- B. Building height shall conform to the zoning district in which the development is located.
- C. Off-street parking and off-street loading requirements shall be pursuant to Division III.

Special Housing Projects for the Elderly or Handicapped

Chapter 16.82.010 Generally

- A. The Planning Commission may permit the development of special housing projects for the elderly or handicapped, subject to the provisions of this chapter.
- B. It is recognized that the elderly and handicapped often have special housing needs and frequently cannot afford conventional housing. In order to reduce costs, densities may be increased beyond those normally allowed by zoning and parking requirements may be reduced if normal requirements are found to be unnecessary for the type of development proposed.
- C. Special emergency response or fire safety requirements may be imposed in order to assure public safety in these unique developments.

16.82.020 Applicability

The conditions of this chapter are intended to be applied to either condominiums or rental type developments which meet the criteria of housing for the elderly or handicapped.

16.82.030 Standards and Criteria for Review

In reviewing an application for a special housing project for the elderly or handicapped, the Commission shall utilize the standards and criteria which are applicable to other Planned Unit Development proposals, requiring either a conditional use permit or a subdivision approval, depending on whether the development involves the division of property.

16.82.040 Modification of Standards

The standards normally applied to a Planned Unit Development may be modified by the Commission in the case of special housing projects for the elderly or handicapped, provided that specific findings of fact are entered in support of such modifications. The Planning Commission may:

- A. Increase the permitted density by not more than fifty percent of that normally allowed within the zone;
- B. Decrease the amount of required parking by not more than sixty percent of that normally required;
- C. Decrease the area required for outdoor recreation, if sufficient area is provided for open space and if indoor recreation facilities are provided;
- D. Increase the amount of permitted lot coverage by not more than ten percent of that normally required;
- E. Require special emergency access drives, fire hydrants, or other improvements which are intended to ensure the safety of the residents;
- F. Impose such special conditions of approval as are deemed to be necessary to minimize any adverse impacts of a higher density development upon surrounding properties.

16.82.050 Higher Than Normal Densities

Special housing projects for the elderly or handicapped, where densities higher than normally permitted by zoning are requested, shall be encouraged only in locations which are near commercial services.

16.82.060 Restrictions on Occupancy

The Commission shall require adequate assurance that any development proposed under the conditions of this chapter will be restricted to occupancy by the elderly, handicapped, or such caretakers as may be necessary.

16.64.040 Lots Related to Flag Lots:

Flag Lots or Panhandle-shaped Lots:

The Commission may allow the creation of flag lots provided that the following standards are met:

- a. Not more than one flag lot shall be created to the rear of any conventional lot and having frontage on the same street unless it is found that access will be adequate and that multiple flag lots are the only reasonable method to allow for development of the site.
- b. The access strip is to be a minimum of twenty feet in width and shall be paved for its full width from its connection with the public street to the main body of the lot. Except, however, that the width requirement may be reduced to twelve feet where the total length of the access strip does not exceed one hundred feet. Access strips not less than ten feet in width may be permitted where two such drives abut and are provided with reciprocal easements for use.
- c. For residential flag lots, a minimum building setback of five feet from the access strip shall be maintained where such buildings exist prior to the creation of the flag lot.

- d. Design and locations of buildings on flag lots shall be such that normal traffic will have sufficient area to turn around, rather than necessitating backing motions down the access strip. The Commission may establish special setback requirements at the time of approving the creation of flag lots.

III. OTHER APPLICABLE CRITERIA

- A. 16.16.030 Development Standards in R-1 Areas
- B. 16.56 General Provisions (for land divisions)
- C. 16.60 Major or Minor Partitions
- D. 16.62 Subdivisions - Applications
- E. 16.64 Subdivisions - Design Standards

IV. FINDINGS:

A. Location:

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 201 of Tax Map 3-1E-33BA. The property consists of approximately 0.59 acres, with 142 lineal feet of frontage along N. Holly Street, and 30 feet of frontage on N.E. 13th Avenue. The entire area is zoned R-1, Low Density Residential.

The lot is currently occupied by a single-family house addressed as 1320 N. Holly Street. The subject property is surrounded by homes built on lots ranging in size from 7,000 square feet to 10,600 square feet, with most lots in the 7,500 to 8,100 square foot range. Two flag lots are immediately adjacent to the subject parcel. The parcel is accessed by N. Holly, as well as by 13th Avenue, a cul-de-sac with only six houses on it.

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

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

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

IMPLEMENTATION MEASURES:

- a) Continue to allow for a variety of lot sizes within residential zones with the overall average equaling the minimum square footage requirement (emphasis added). . .
- b) Continue to utilize density bonuses and other inducements to encourage development to improve designs and utilize Planned Unit Development procedures (emphasis added).

HOUSING POLICY NO. 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.

IMPLEMENTATION MEASURES:

- a) Continue to allow limited duplex construction in low density, single family areas.
- b) Continue to allow for a variety of lot sizes within residential zones with the overall average equaling the minimum square footage requirement (emphasis added) . . .
- c) Continue to promote more effective utilization of land area and improve aesthetics through design by providing a density bonus system within the Planned Unit Development regulations.

- d) Encourage housing mix to occur in all residential areas through zoning application and through Planned Unit Development (emphasis added).

HOUSING POLICY NO. 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.

IMPLEMENTATION MEASURES:

- a) Continue to provide density bonuses for developments which are specially designed to serve handicapped and elderly persons (emphasis added).
- b) Encourage the private sector to provide low income housing.
- c) Encourage low income housing aimed at private ownership, so property is not reduced from the tax roles . . .
- d) Continue to allow for "lot size averaging" in new subdivisions or partitions, and duplex construction on larger lots in low density residential districts. Both of these changes have encouraged greater diversity of housing types, rent levels, and price ranges without significantly affecting the character of established neighborhoods (emphasis added).

C. Analysis of Consistency with Policies of the Comprehensive Plan

The Land Use Policies and Housing Policies outlined above clearly propose encouraging division of land into lots averaging near the minimum allowed in the zone. In this case, 7,000 square feet is required in an R-1 zone. The proposal does this, averaging about 7,600 square feet. Furthermore, the policies encourage housing for the elderly and handicapped within the residential areas. The policies also encourage the use of Planned Unit Development provisions to permit smaller lots and a variety of lot sizes. Thus, staff finds that the proposal to divide a larger lot into three lots, under the Planned Unit Development and Senior Citizen sections is in conformity and is consistent with the Comprehensive Plan policies. However, ordinance provisions permitting this to be done need to be followed.

D. 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: In most cases, services will have to be extended to serve the rear parcels of property proposed to be created. This will need to be a condition of approval.

a. Sewer

The City has a sewer line in N. Holly Street and in N.W. 13th Avenue. They are approximately 3.5 to 4 feet deep. Easements will be necessary to serve each lot. There are no known sewer capacity problems in this part of the City. The City would prefer that the sewer in N.W. 13th Avenue be used rather than the sewer in N. Holly. The new sewer to serve the existing home is located in the southern portion of the existing lot and would require an easement if the lot is divided.

b. Water

The water system is operated by Canby Utility Board. They have reported that there are no problems in servicing the lots. Capacity is available in the system. There is a 6 inch line in an easement connecting Holly to 13th. This easement will need to be respected. It is located near the southern property line on adjacent lots.

c. Electricity

The electrical system is owned and operated by the Canby Utility Board. Service to the newly created parcels can be obtained. The expense of extending those services will be borne by the applicant. The Canby Utility Board has reported no problems in servicing these lots.

d. Fire

The existing parcel is presently served by Fire District No. 62. The proposed parcels can easily be served, as well, from either Holly or from 13th. The Fire Chief has visited the site and determined there are no problems servicing the lots. The Fire Marshal has requested that parking not be allowed in driveways off N. Holly and off 13th Avenue.

e. Police

The City provides police protection to the area and can easily serve the proposed parcels. They have reported no problems in servicing the proposed lots. The entrance off 13th Avenue was reviewed and the traffic pattern found to create no difficult traffic movements or traffic laws being violated.

f. Storm Drainage

All on-site storm water will be dealt with on-site and not discharged to the City system. This proposal does not add any additional street area to be drained.

2. Street/Traffic

Canby's ordinance requires that any newly created parcels have access to a public street. The three parcels are proposed to have access to N. Holly or 13th. Sidewalks are not present on either street. N.E. 13th Avenue is an existing local street in the Comprehensive Plan. It is currently a 40-foot right-of-way, with a 100 foot right-of-way turnaround at the end. There are no plans for widening. Holly is an "Arterial" in the Comprehensive Plan. It is 40 feet wide and should be widened to 60 feet. Ten feet of right-of-way should be dedicated. A sidewalk and curb and paving for the widened street should be provided along N. Holly Street. Staff has investigated the turning movements needed to enter the proposed site and finds the needed turning radii able to be provided. Furthermore, space for on-site turnarounds is provided.

E. Overall Design of Parcels

The partition as proposed will result in the creation of three lots consisting of approximately 13,060, 4,544 and 5,058 square feet, respectively. The applicant will be required to provide any necessary easements for utilities as a standard condition of approval. An access easement, 12 feet in width, is proposed to serve the one lot with access to 13th Avenue. The other two lots will access onto Holly, with the smaller lot served by a 15-foot wide easement. There do not appear to be any problems associated with this access.

The smaller lots are adequate for elderly and handicapped housing as evidenced by the site plan and houses (excluding garages) with floor areas of 900 - 1,000 square feet.

The subject property is generally flat, with room for building and required setbacks and yards. The parcel is zoned R-1, Low Density Residential, and each parcel is large enough to provide the required development space and yards. The driveways, as proposed, are adequate, and turning movements will be provided on site. No backing movements from the new lots will be required since there is adequate space to provide a turnaround on each lot. The site plan provided with the application indicates that all yards and setbacks will meet or exceed all setback or yard requirements.

F. Compliance with PUD Requirements

The proposal is to divide a .59 acre parcel into three lots under PUD provisions. This allows the .59 acre parcel to be divided into three lots averaging 7,000 square feet after the streets are provided for. The original lot is 142' x 180' or 25,560 square feet. The area needed to be dedicated for streets is 10' x 142', or 1,420 square feet. Thus, the original

$$25,560 \text{ square feet} - 1,420 \text{ square feet} = 24,140 \text{ square feet}$$

$$24,140 \text{ square feet} + 7,000 \text{ square feet} = 3.4$$

Thus, three lots are permitted.

The applicant states that "the outdoor open spaces can be used individually or collectively as the owners see fit or desirable." The PUD ordinance requires a minimum of 10% of the gross area to be devoted to "park and recreation purposes." Thus, 2,400 square feet of space should be devoted to "park and recreation purposes." The Commission will need to be sure this space is available and will be maintained.

The proposed development of three homes on three lots, as proposed, appears to staff to meet the requirements of 16.76.020 and 16.76.030. No reductions in yards have been requested. Only the requirements regarding individual lot size and lot width are not met and the Commission has the authority under the PUD to reduce these. Parking requirements will be discussed under the Housing for the Elderly provisions. The footprints of the houses provide a floor area (excluding garages) of 900 - 1,000 square feet.

G. Compliance with Requirements Concerning Special Housing Projects for the Elderly or Handicapped

The applicant proposes to "build two smaller homes and designate them under the Elderly and Handicapped Criteria." The reasons given are: "Because of the size of the lot and a desire to fit harmoniously into the neighborhood. . ." The applicant has not requested an increase in density or lot coverage. However, the Commission is allowed to decrease the area required for outdoor recreation if sufficient area is provided for open space and if indoor recreation facilities are provided. The Commission should be clear whether this allowed decrease is being requested. And, if so, whether the criteria for granting it is being met, and how.

Under the new parking requirements adopted as part of the Design Review, 1.5 spaces per unit are required for "Retirement/Assisted Living Housing." The applicant proposes a garage and outdoor turnaround space on each senior lot. This appears to be adequate, provided visitor space is provided. This could be done with a slightly larger turnaround space for the lot with Holly access. Thus, staff finds that parking requirements are met for senior citizen housing if the turnaround is widened slightly. The footprints of house areas (excluding garages) is 900 - 1,000 square feet, which is appropriate for housing for the elderly and handicapped.

V. CONCLUSION

1. Staff finds that the partition request under PUD/Housing for the Elderly and Handicapped provisions is in conformance with the Comprehensive Plan and the Municipal Code.
2. Staff concludes that the overall design of the proposed partition and PUD/Housing for the Elderly and Handicapped will be compatible with the area and will provide adequate building area, and for the provision of public facilities and services for two single family structures designated specially for the Elderly and/or Handicapped.

3. Staff concludes that the partition will have adequate frontage on a public street to insure safe and efficient access for three single family structures designated for the elderly and/or handicapped.
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.
5. Staff concludes that the requirements of the PUD and Housing for the Elderly and Handicapped are met, provided conditions are added to the approval.

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 91-05/PUD 91-02, 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.
3. Ten (10) feet of land for street widening purposes along Holly Street shall be dedicated as part of the final partition. A sidewalk, curb, and widened street shall be provided along Holly.
4. Utility easements, a minimum of six (6) feet in width, shall be provided on the exterior and interior lot lines of each lot in the proposed development, and 12 feet along each street. An easement for the sewer line for serving the existing home at 1320 N. Holly shall be provided on the final partition.

5. 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 91-05/PUD 91-02.
6. Plans to extend the sewer shall be approved for construction by the Director of Public Works, prior to the issuance of any building permits on the site.
7. All monumentation and recording fees shall be borne by the applicant.
8. All utilities must meet the standards and criteria of the providing utility authority.
9. The recreation and open space area shall be designated by the Planning Commission and maintenance provisions recorded as deed covenants, such covenants to be reviewed and approved by the City Attorney.
10. A deed covenant shall be recorded with each of the two new lots, limiting occupancy to the elderly and/or handicapped or such caretakers as may be necessary and as defined in the National Fair Housing Act, such covenant to be approved by the City Attorney.
11. No parking is to be allowed in driveways to the two new lots off 13th Avenue and N. Holly. Signs shall be posted to indicate this restriction.

Exhibits:

1. Application and Vicinity Map
2. Site Plan

OWNER

APPLICANT

Name CARL R. STUART
Address 11624 N.E. 64th AVE.
City VANCOUVER State WA. Zip 98686
Signature: Carl R. Stuart

Name BOB L. STUART
Address P.O. Box 669
City CANBY State OR Zip 97013
Phone: (503) 263-8801
Bob L. Stuart

DESCRIPTION OF PROPERTY:

Tax Map 31E 33BA Tax Lot(s) 201 Lot Size 142' x 180' - Appr. .58 Ac.
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Lot _____ Block _____

PROPERTY OWNERSHIP LIST

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

USE

OR
Elderly & HANDICAPPED

Existing SINGLE FAMILY LOT Proposed P.U.D. - 3 lots - 3 homes

Existing Structures 1 SINGLE FAMILY Dwelling w/ 2/CAR GARAGE

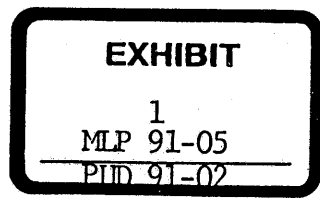
PROJECT DESCRIPTION

SEE ATTACHED SHEETS

ZONING _____ COMPREHENSIVE PLAN DESIGNATION _____

PREVIOUS ACTION (if any) _____

File No. MLP 91-05
Receipt No. _____
Received by _____
Date Received _____
Completeness Date _____
Pre-App Meeting _____
Hearing Date 7-8-91



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

PLANNED UNIT DEVELOPMENT APPLICATION
Fee: \$300 + \$10/unit

OWNER

APPLICANT

Name CARL R. STUART
Address 11624 N.E. 64th AVE
City VANCOUVER State WA Zip 98686
SIGNATURE SEE POWER OF ATTORNEY

Name BOB L. STUART
Address P.O. Box 669
City CANBY State OR. Zip 97013
Phone: (503) 263-8801
Bob L. Stuart

DESCRIPTION OF PROPERTY:

Tax Map 31E 33 BA Tax Lot(s) 201 Lot Size 142' x 180' Apprx. .58 Ac.
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name _____ Lot _____ Block _____

PROPERTY OWNERSHIP LIST

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USE

Existing SINGLE Family Lot Proposed P.U.D for EIDERLY OR HANDICAPPED 3 LOTS - 3-HOMES

Existing Structures 1 SINGLE Family DWELLING w/ 2-CAR DETACHED GARAGE

PROJECT DESCRIPTION

SEE ATTACHED SHEETS

ZONING _____ COMPREHENSIVE PLAN DESIGNATION _____

PREVIOUS ACTION (if any) _____

File No. PUD 91-02
Receipt No. _____
Received by _____
Date Received _____
Completeness Date _____
Pre-App Meeting _____
Hearing Date 7-8-91

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

Explanation Sheet No. 1
Minor Partition & Planned Unit Development
for
1320 N. Holly, Canby Or. 97013
Tax Map 31E33BA Tax Lot 201

Reference to Chapter 16.72 - Applications
Specifically 16.72.030 Form & Content
C. Written Information

We, Carl (owner) & Bob Stuart (applicant) propose to develop above stated property as a planned unit development (PUD) consisting of one (1) existing single family residence and two (2) new single family homes.

Because of the size of the lot and a desire to fit harmoniously into the neighborhood we have re-designed this application and are now asking for the right to build 2 smaller homes and designate them under the Elderly and Handicapped criteria.

These units will be built to the appropriate specifications that will accommodate the special needs of the elderly or handicapped individual.

We intend to go a bit beyond the Uniform Building Codes (UBC) for the elderly and handicapped by offering conveniences that would improve the quality of life and the joy of living for these individuals.

Such items as:

1. Automatically sprinkled planting areas.
 2. Raised planting beds in courtyards.
 3. Electric control panels to allow lighting control from a central location.
 4. Automatic storage door openers.
 5. Special apparatus for getting in and out of the bathing facilities.
- Plus many other innovations currently available for the special needs individuals.

Chapter 16.76.020 - C

The three units in this development will be connected and paths to with sidewalks and paths to facilitate the movement of the elderly and handicapped. The grounds will be landscaped to enhance the beauty and livability of the project.

Home Chapter Paragraph D

The buildings will be of a single story disconnected type that will complement the neighborhood. Each unit will have its own garage and storage facility.

The exterior open space can be used individually or collectively as the owners see fit or desirable. Each unit will have its own control of

Lighting, sprinkling, etc...

Chapter 16.76.020 E

Each unit will have an oversized single car garage with extra wide doors to accommodate wheel chair vans and associated movement.

The two new units, situated on flag type lots will have a) turn around area within the lot boundaries so that vehicles may exit onto city streets in a forward motion.

Chapter 16.76.030 Standards & Criteria

C. The development of the property meets all set back criteria for even regular building lots in County. The driveway flag stip are not calculated in the lot size and the house & garage areas are less than 35% of the lot coverage.

July 8, 1991

P. C. Meeting

Name	Address
Forrest Shilp	3672 Joshua Ave N.E. - Salem 97305
Don Hooper	1592 S. Joy St (2nd St)
Doug Conrath	7972 S. Three Gait Ln. Canby 97113
Kim Aebucuk	570 LIBERTY SE, SALEM 97301
Bob Kauffman	12708 NE Cedar Brook Aurora, 97002
Ray Hughes	10107 St Gasbergoe Rd Canby 97103
Jim Howard	15911 Braker Drive Hillsdale 97032
Debra Warner	1001 S Grant Canby OR 97103
Anita Hester	5802 S. Winkey Hill Rd Richard 97032
Annette Stausman	5877 S. Same Rd Hubbard 97032
Shuley Schrott	29899 S. Kanagy Gladwood 97032
Wendy Barry	1285 N. 10th St Canby OR
Betsy Ross	957 NW 5TH Dr. Canby, OR.
Kendy Ruel	17654 Ruelway Ln NE Mulden, OR
Dale Jagan	1068 W 14th Canby OR
Randy Sabin	Canby
Cam Singard	Canby
Charles Blackwell	Canby OR 160 NW 13th Ave
Terry Blackwell	160 NW 13th Canby
Allison Patterson	155 NW 13th Canby
Ken Patterson	155 NW 13th Canby
Dave J. Jaki	7187 S. Seven Oaks Ln Canby.
Eyle J. Jaki	145 NW 13th Ave Canby.
Wally Brown	145 NW 13th Ave Canby.

