

**A G E N D A**  
**CANBY PLANNING COMMISSION**

**REGULAR MEETING**  
**City Council Chambers**

**July 22, 1991 - 7:30 p.m.**

---

**I. ROLL CALL**

**II. MINUTES**

June 17, 1991  
June 26, 1991  
July 8, 1991  
July 15, 1991

**III. CITIZEN INPUT ON NON-AGENDA ITEMS**

**IV. COMMUNICATIONS**

**V. FINDINGS**

DR 91-03 - Mike Jarvey (Hot Off The Press)  
MLP 91-05/PUD 91-02 - Bob L. Stuart/Carl R. Stuart

**VI. PUBLIC HEARINGS**

ANN 91-03, a request by David Anderson (applicant) and Thomas and Rosemary Shiolas and Clarence Lepinsky (owners) for approval to annex 4.5 acres at 1430 and 1432 N. Pine Street into the City of Canby (Tax Lots 1500 and 1501 of Tax Map 3-1E-34B).

ANN 91-05, a request by David Anderson (applicant) and more than 20 property owners for approval to Annex Tax Lots 200, 800, 900, 1300, 1400, 1500, 1600, 1800, 1801 and 1802 of Tax Map 3-1E-34C, and Tax Lot 1100 of Tax Map 3-1E-34 (approximately 77.6 acres) into the City of Canby. The properties lie in a triangle-shape, located generally within the boundaries of 99E, the Logging Road, Township Road and S. Pine Street, with the exception of one parcel immediately east of the Logging Road.

MLP 91-06, a request by Gregory W. Yoder for approval of a minor land partition to partition a 20,350 square foot parcel to create two lots containing approximately 9,653 and 9,515 square feet, respectively. The property is located at 1315 N. Locust (Tax Lot 700 of Tax Map 3-1E-33BA).

DR 91-04, a request by Wildflower Properties, Inc. (applicant) and Lucille Ritter (owner) for approval to construct a tri-plex on Tax Lot 2104 of Tax Map 3-1E-23DD. The property is approximately 11,900 square feet and is located on the north side of S.E. 5th Avenue, east of S. Maple and west of S. Pine Street.

DR 91-05, a request by Wildflower Properties, Inc. (applicant) and Lucille Ritter (owner) for approval to construct a tri-plex on Tax Lot 2105 of Tax Map 3-1E-23DD. The property is approximately 10,500 square feet and is located on the north side of S.E. 5th Avenue, east of S. Maple and west of S. Pine Street.

DR 91-06, a request by Wildflower Properties, Inc. (applicant) and Lucille Ritter (owner) for approval to construct a tri-plex on Tax Lot 2105 of Tax Map 3-1E-23DD. The property is approximately 9,200 square feet and is located on the southwest corner of S. E. 5th Avenue and S. Maple Street.

**VII. DIRECTOR'S REPORT**

**IX. ADJOURNMENT**

---

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

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

**Wade Wiegand**  
**Robert Westcott**  
**Henry Fenske**



**MEETING TIMELINES AND PROCEDURES**

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

*Applicant (or representative[s]) - not more than 30 minutes*

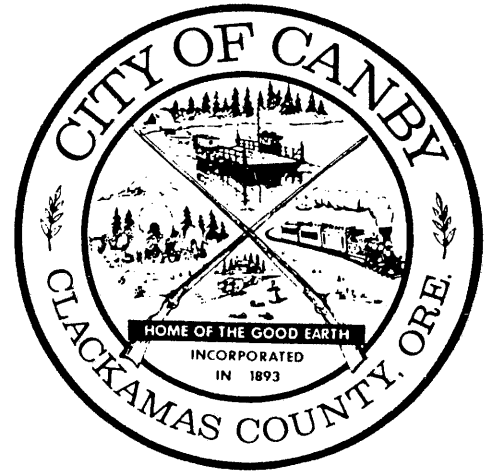
*Proponents - not more than 10 minutes*

*Opponents - not more than 10 minutes*

*Rebuttal - not more than 20 minutes*

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





## - STAFF REPORT -

**APPLICANT:**

Dave Anderson

**FILE NO.:**

ANN 91-03

**OWNER:**

Thomas and Rosemary Shiolas  
and Clarence C. Lepinsky

**STAFF:**

Robert G. Hoffman, AICP,  
Planning Director

**LEGAL DESCRIPTION:**

Tax Lots 1500 and 1501  
Tax Map 3-1E-34B

**DATE OF REPORT:**

July 12, 1991

**LOCATION:**

1430 and 1432 N. Pine Street

**DATE OF HEARING:**

July 22, 1991

**COMP. PLAN DESIGNATION:**

Low Density Residential

**ZONING DESIGNATION:**

County Zoning RRFF-5 (will come  
into City after Annexation as  
R-1 - Low Density Residential)

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval to annex a 4.5 acre site, to be developed residentially.

## **II. MAJOR APPROVAL CRITERIA:**

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

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

### **III. FINDINGS:**

#### **A. Background and Relationships:**

There has been action in the recent past on various proposals for this part of the City/County. A new school was recently approved on Territorial. An Adult Foster Care Facility was approved on Territorial and Redwood with a new subdivision immediately to the east on land recently annexed. A new subdivision and annexation was approved just east of Pine Street, along 12th Way. There have been numerous inquiries about annexation in this vicinity. A fairly new subdivision along 13th Place exists south of the site. Otherwise, there are homes on large parcels of 2 to 5 acres nearby. The City Limit line is irregular and is located with a corner immediately to the southwest of the site. City zoning is R-1, Low Density Residential, the County zoning is RRFF-5, and the Comprehensive Plan Land Use is for Low Density Residential as well. Pine Street is a collector street. In summary, the subject parcel is in a transitional position between urban subdivisions and homes in small acreage.

#### **B. Comprehensive Plan Consistency Analysis**

##### **i. Citizen Involvement**

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

##### **ii. Urban Growth**

The property is entirely within the Urban Growth Boundary. It fully meets the intent of Canby's Goals and Policies regarding the Comprehensive Plan Urban Growth Chapter, provided that all necessary urban services are available. This will be discussed later in this report. The site is a Priority "A" for development, which is the first stage to be developed. It is committed to urban development.

iii. **Land Use Element**

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

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

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

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

Policy #4 Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.

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

Policy #6 Canby shall recognize the unique character of certain areas and will utilize the special requirements, in conjunction with the requirements of the Land Development and Planning Ordinance in guiding the use and development of these unique areas.

## ANALYSIS

It has been previously discussed in this report, that the subject parcel is located in a transitional position between urban subdivisions and homes on small acreage. Urban development activities have been proceeding all around the site. Policy #1 can be met through the use of conditions at the time of development.

Policy #2 is provided for by the R-1 (Low Density Residential) zoning which will apply to the parcel after annexation. Policy #3 will be met by Canby's current service system and concurrent extension of service systems for the proposed development. Policy #4 does not apply, since there are no known natural hazards present. Policy #5 will be followed since the property will be zoned R-1 as part of the annexation process and any development will need to follow the Canby Land Development and Planning Ordinance requirements.

Policy #6 deals with unique areas and the subject property is not indicated as part of the Special Areas discussion in the Comprehensive Plan.

### iv. ENVIRONMENTAL CONCERNS

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

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



**Policy #3-H**

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

**ANALYSIS**

The applicant is only gardening a portion of the property, which will continue until development. The site is Class II type soil. There has been some farming of the area in the past. There are no known soil problems related to urban type development. Canby's storm and sanitary sewer procedure will provide protection for ground water and surface water.

Building, health and other Code regulations will protect against other types of pollution. Policies #5R, 6R and 7R do not apply since there are no known aggregate, historic, scenic, or aesthetic resources present. The development ordinance will review land division or conditional use, and encourage preservation of some measure of open space, where appropriate. There are no significant fish or wildlife habitat identified, to date. No steep slopes or flood prone land is present.

**v. TRANSPORTATION**

**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.
- Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.
- Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.
- Policy #8: Canby shall work cooperatively with the State Department of Transportation and the Southern Pacific Railroad Company in order to assure the safe utilization of the rail facilities.
- Policy #9: Canby shall support efforts to improve and expand nearby air transport facilities.
- Policy #10: Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.
- Policy #11: Canby shall work with private developers and public agencies in the interest of maintaining the transportation significance as well as environmental and recreational significance of the Willamette River.

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

### ANALYSIS

N. Pine Street is proposed in the Canby Comprehensive Plan as a collector street. It will need to be improved, and sidewalks and curbs provided as part of the development process. The Pine Street intersection with Highway 99E is also the entrance to the Fairgrounds, which needs improvements.

#### vi. PUBLIC FACILITIES AND SERVICES

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

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

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

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

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

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

## ANALYSIS

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

## 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. (*Not applicable.*)

Policy #2: Canby shall encourage further commercial development and redevelopment at appropriate locations. (*Not applicable.*)

Policy #3: Canby shall encourage economic programs and projects which will lead to an increase in local employment opportunities.

Policy #4: Canby shall consider agricultural operations which contribute to the local economy as part of the economic base of the community and shall seek to maintain these as viable economic operations. *(Not applicable.)*

### ANALYSIS

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

### viii. HOUSING

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

Policy #1: Canby shall adopt and implement an Urban Growth Boundary which will adequately provide space for new housing starts to support an increase in population to a total of 20,000 persons. *(Not applicable since UGB is already adopted and this parcel is within it.)*

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

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

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

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

### ANALYSIS

This parcel will provide an opportunity for low density housing, since it will be zoned R-1.

## ix. ENERGY CONSERVATION

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

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

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

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

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

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

### ANALYSIS

Recently constructed housing will have increased standards for energy efficiency.

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

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

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

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

**E. Compliance with the Applicable Sections of ORS 222**

This application is being reviewed under the provisions of the Canby Land Development and Planning Ordinance, Chapter 16.84. Action by the City Council will be an advisory recommendation to the Boundary Commission, which has final authority. This property is contiguous with the City limits, the occupants on the property, and the owners have authorized the applicant to apply. However, the detailed boundary should be drawn to include Pine Street to ensure contiguity. Thus, the City limit and the annexed property will meet at a point which appears to be a section corner.

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

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

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

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

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

The previous discussion of the Comprehensive Plan policies (particularly the Environmental Concerns Element) concluded that there are no designated open space, scenic, historic, or natural resource areas present on the site. The development ordinance will review details of site development under the Subdivision review process, to give protection to any detailed resources which may be identified and ensure that needed public facilities and services are available.

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

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

**III. CONCLUSION**

Provided that urban level of utility and other services are extended to service the site, staff hereby concludes that the proposed annexation meets the requirements of the standards and criteria included in the Canby Land Development and Planning Ordinance, Section 16.84.040, including consideration of: 1) Comprehensive Plan consistency; 2) Compliance with other applicable Codes and Ordinances; 3) Capability to provide urban level of services; 4) Compliance with ORS 222 regarding annexations of contiguous properties; 5) Appropriateness of area for annexation compared to other properties; 6) Risk of natural hazards; 7) Effect of urbanization on designated open space, scenic, historic or natural resource area; and 8) Economic impacts.

**IV. RECOMMENDATION**

Based upon the findings and conclusions contained in this report (and without benefit of a public hearing), staff recommends approval of ANN 91-03 to the PMALGBC (Boundary Commission) with the following conditions:



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

**Exhibits:**

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

ANNEXATION APPLICATION

Fee: \$500.00

OWNER

APPLICANT

Name SHIOLAS, THOMAS R. & ROSEMARY R. Name David Anderson  
 Address 1430 N. Pine Address 641 Baker Drive  
 City Canby State Or. Zip 97013 City Canby State Or. Zip 97013  
 SIGNATURE  Thomas R. Shiolas Phone: 266-8866  
 Rosemary Shiolas

DESCRIPTION OF PROPERTY:

Tax Map 3 IE 34B Tax Lot(s) 1501 Lot Size 0.48 ac  
 (Acres/Sec-Pr.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

We hereby authorize David Anderson to act as our agent on this application.

PROPERTY OWNERSHIP LIST

Thomas R. Shiolas  
 Rosemary Shiolas

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 One residence Proposed no change

Existing Structures one house with outbuildings

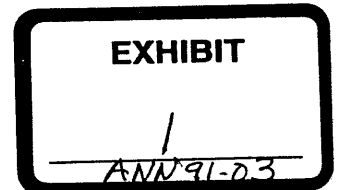
PROJECT DESCRIPTION

Annexation will allow connection to City of  
Canby sewer and water upon annexation of adjoining  
tax lot 1500 when developed.

ZONING \_\_\_\_\_ COMPREHENSIVE PLAN DESIGNATION To Be R-1

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.

ANNEXATION APPLICATION  
Fee: \$500.00

OWNER

APPLICANT

Name CLARANCE C. LEPINSKY  
Address 1432 N. Pine  
City Canby State Or. Zip 97013  
SIGNATURE Clarence Lepinsky

Name David Anderson  
Address 641 Baker Drive  
City Canby State Or. Zip 97013  
Phone: 266-8866

DESCRIPTION OF PROPERTY:

Tax Map T3S R1E534B Tax Lot(s) 1500 Lot Size 3.99 Acres  
(Acres/Sq-Ft)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

We hereby authorize David Anderson to act as our agent on this application.

PROPERTY OWNERSHIP LIST

Clarence Lepinsky

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 one home Proposed single family subdivision  
Existing Structures one home with related outbuildings.

PROJECT DESCRIPTION

to annex to the city per the comprehensive plan in order to create a subdivision for single family homes.

ZONING \_\_\_\_\_ COMPREHENSIVE PLAN DESIGNATION R-1  
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.

PMALGBC FORM #1

PETITION FOR

Annexation to the City of CANBY.

OR

Withdrawal from the City of \_\_\_\_\_.

To: PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION

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

We desire to be (annexed to the) CANBY ~~OR (withdrawn from the)~~ City of \_\_\_\_\_.

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

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

PETITION SIGNERS

SIGNATURE OF LEGAL OWNER(S))	ADDRESS	Tax Lot Numbers		
		Lot#	a1/4-1/4	1/4 Sec Twp R
<u>Charlene Lepinsky</u>	<u>1460 N. Pine Canby OR 97013</u>	<u>3</u>	<u>1E 34B</u>	<u>TL 1500</u>
<u>Thomas R. Shidas</u>	<u>1430 N. Pine Canby 97013</u>	<u>3</u>	<u>1E 34B</u>	<u>TL 1501</u>
<u>Rosemary Shidas</u>	_____	_____	_____	_____

PMALGBC FORM #6

BOUNDARY CHANGE DATA SHEET

1. EXISTING CONDITIONS IN AREA TO BE ANNEXED OR WITHDRAWN

A. Land Area: Acres 4.47 or Square Miles \_\_\_\_\_

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

Parcel has 8 feet (+) relief with low side on east.  
Other than the two residents the property is not  
being used

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

North: Tax lot 2600 (4.47 Ac) is cleared land not  
being used other than the one residence

East: Subject property adjoins city owned logging road  
beyond that tax lot 800 has one residence on it.

South: Tax lot 1600, 31E, 34B has a mobile home on  
two acres and is covered with mature fir trees.

West: Tax lot 3100, 31E, 2800 has a single family  
residence and is growing Christmas Trees.

D. Existing Land Use:

Number of single-family units 2 Number of multi-family units 0

Number commercial structures 0 Number industrial structures 0

Public facilities or other uses \_\_\_\_\_

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

2 residences with gardens balance of land unused.

- E. Total current year Assessed Valuation \$ 150,793
- F. Total existing population three

II. REASON FOR BOUNDARY CHANGE

A. ORS 199.462 of the Boundary Commission Act states: "In order to carry out the purposes described in ORS 199.410 when reviewing a boundary change..., a boundary commission shall consider local comprehensive planning for the area, economic, demographic, sociological projections pertinent to the proposal, past and prospective physical developments of land that would directly or indirectly be affected by the proposed boundary change..." Considering these points, please provide the reasons the proposed boundary change should be made. Please be very specific. Use additional pages if necessary. (This information is often quoted in the Staff Report, so be thorough and complete.)

This property should be annexed in order to provide orderly, reasonable and economic development of the area. There exists now an extreme shortage of reasonably priced single family lots in the City of Canby. This property can fill a definite need in the City now for building lots.

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

This property is planned for entirely single family homes of which the comprehensive plan calls for.

III. LAND USE AND PLANNING

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

In addition to the two existing homes,  
fifteen or sixteen more are anticipated.

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

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

Yes Canby's comprehensive plan calls for  
single family residential which is the intended  
use of the property.

- E. What is the zoning on the territory to be served? To be  
single family residential.

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

Approval	Project File #	Date of Approval	Future Requirement
Metro UGB Amendment	_____	_____	_____
City or County Plan Amendment	_____	_____	_____
Pre-Application Hearing (City or County)	_____	_____	_____
Zone Change (City or County)	_____	_____	_____
Preliminary Subdivision Approval	_____	_____	_____
Final Plat Approval	_____	_____	_____
Land Partition	_____	_____	_____
Conditional Use	_____	_____	_____
Variance	_____	_____	_____
Sub-Surface Sewage Disposal	_____	_____	_____
Building Permit	_____	_____	_____

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

G. Can the proposed development be accomplished under current county zoning? \_\_\_\_\_ Yes  No.

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

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

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

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

City Planning commission \_\_\_\_\_ City Planning Staff



City Council \_\_\_\_\_ City Manager X  
Please describe the reaction to the proposed development from the persons or agencies indicated above.

All comments have been positive as to use and density.

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

#### IV. SERVICES AND UTILITIES

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

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

An 8 inch sewer line is at the SW corner of the property. The city main sewer trunk line runs on the easterly boundary of the subject property. A city water main ends at the SW corner of the property. Power, telephone and gas all run on the west boundary in Pine Street.

2. The time at which services can be reasonably provided by the city or district. all available now.

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

---

---

---

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

---

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

City Canby U.G.B. Rural Fire Dist. Canby  
County Service Dist. \_\_\_\_\_ Sanitary District Canby  
Hwy. Lighting Dist. \_\_\_\_\_ Water District Canby  
Grade School Dist. 86 Drainage District \_\_\_\_\_  
High School Dist. ONE Diking District \_\_\_\_\_  
Library Dist. City & County Park & Rec. Dist. \_\_\_\_\_  
Special Road Dist. \_\_\_\_\_ Other Dist. Supplying Water

Service \_\_\_\_\_

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

Both residents are currently on Canby  
Utility Board electric power.

---

---

---

---

---

APPLICANT'S NAME David R. Anderson  
MAILING ADDRESS 641 Baker Drive  
Canby, Or. 97013  
TELEPHONE NUMBER 266-6861 (Work)  
266-8866 (Res.)  
REPRESENTING Clarence Lepinsky  
Thomas & Rosemary Shiolas

DATE: June 17, 1991

EXHIBIT 2  
AW 91-03

SEE MAP 3 IE 28

2

NO. 2580 ST.

1500  
3.99 Ac.  
1432

800  
4.85 Ac.  
1629

700  
9.85 Ac.  
1548

1501  
0.48 Ac.  
1430

THIS SHOWS THE LOCATION OF PROPERTY BEING MAP # 31E34B

28

1600  
2.03 Ac.  
1398

900  
2.85 Ac.  
1367

901  
2.00 Ac.  
1357

600  
2.43 Ac.  
1382

33

13th PLACE

CAYNEY

500  
2.43 Ac.  
1350

1000  
2.43 Ac.  
1301

400  
4.85 Ac.  
1268

R.C. PINE

SEE MAP

1001  
2.42 Ac.

GARDENS

1100  
2.43 Ac.  
1235

301  
1212

302  
1234

86-05

1200  
2.43 Ac.  
1177

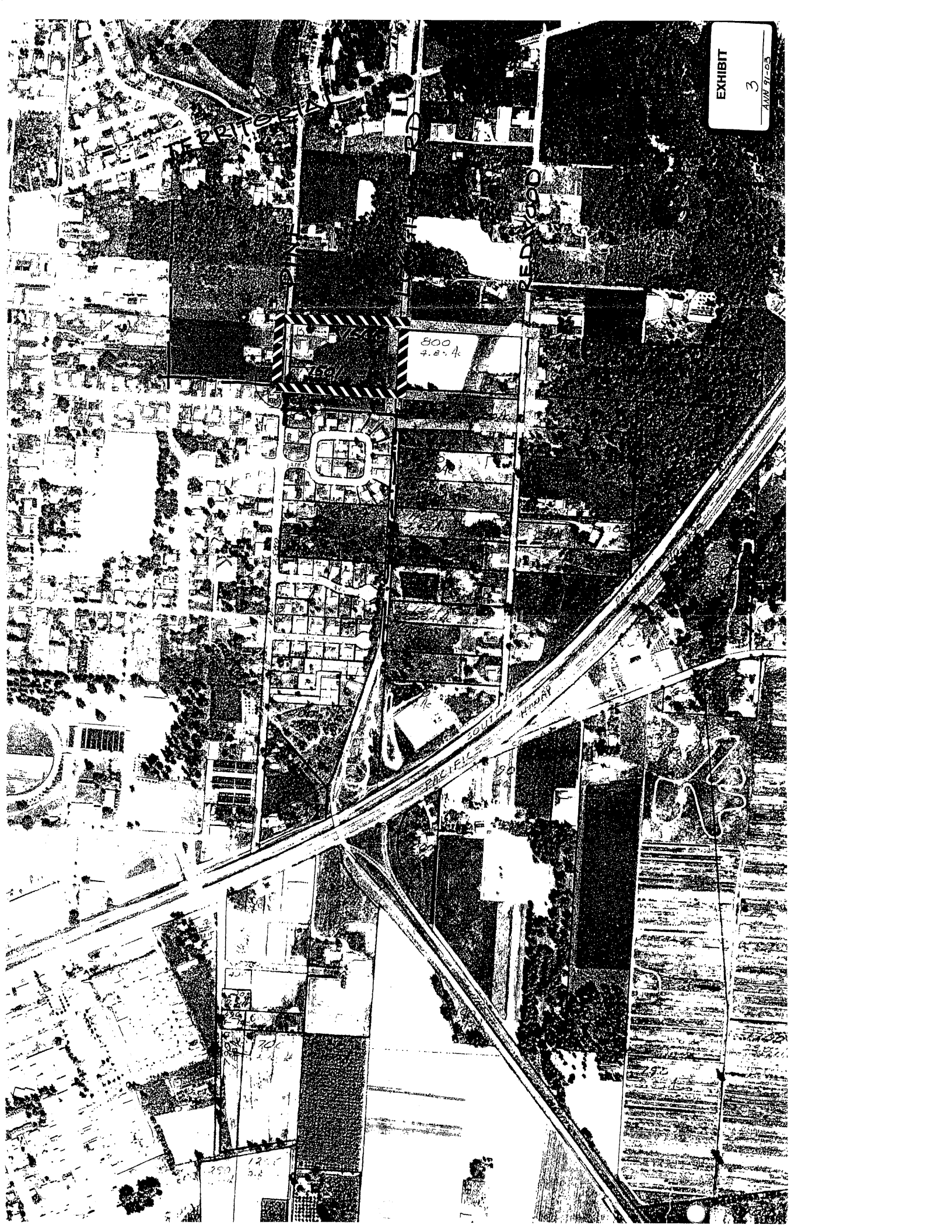
300  
2.31 Ac.  
1176

1300  
2.91 Ac.

200  
5.55 Ac.

2 IE 2 ADD

9342



TERRITORIAL

REDWOOD

800  
4.8.4

1700

1400

290

1400  
5.8.4

EXHIBIT  
3  
AMW 97-03

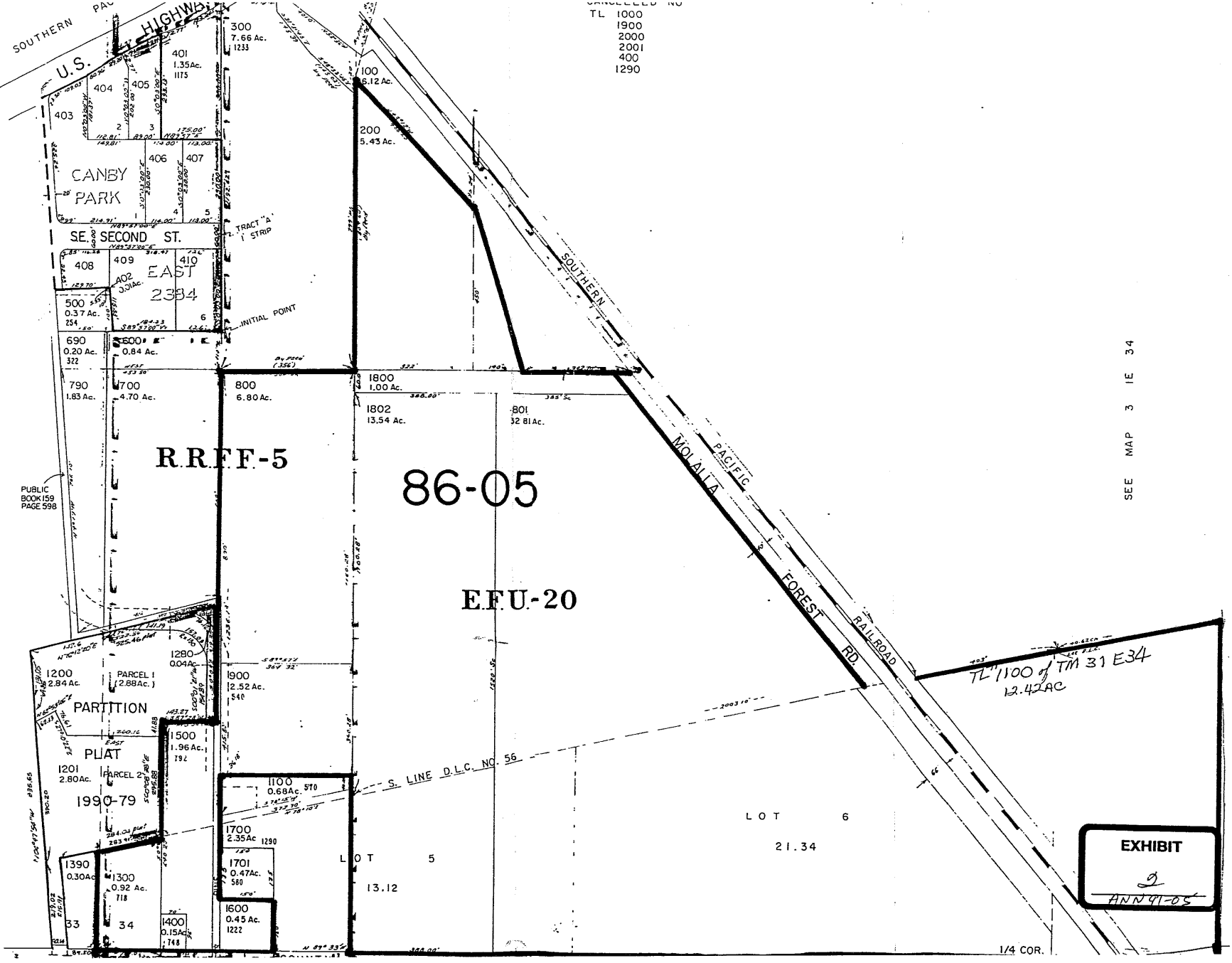
CANCELLED NO  
TL 1000  
1900  
2000  
2001  
400  
1290

SOUTHERN PA  
U.S. HIGHWAY

86-02

SEE MAP 3 IE 330A

SEE MAP 3 IE 330U



SEE MAP 3 IE 34

EXHIBIT  
g  
ANN 91-05

TOWNSHIP  
VILLAGE

R-2

100  
120

1500  
1475

1800  
1801

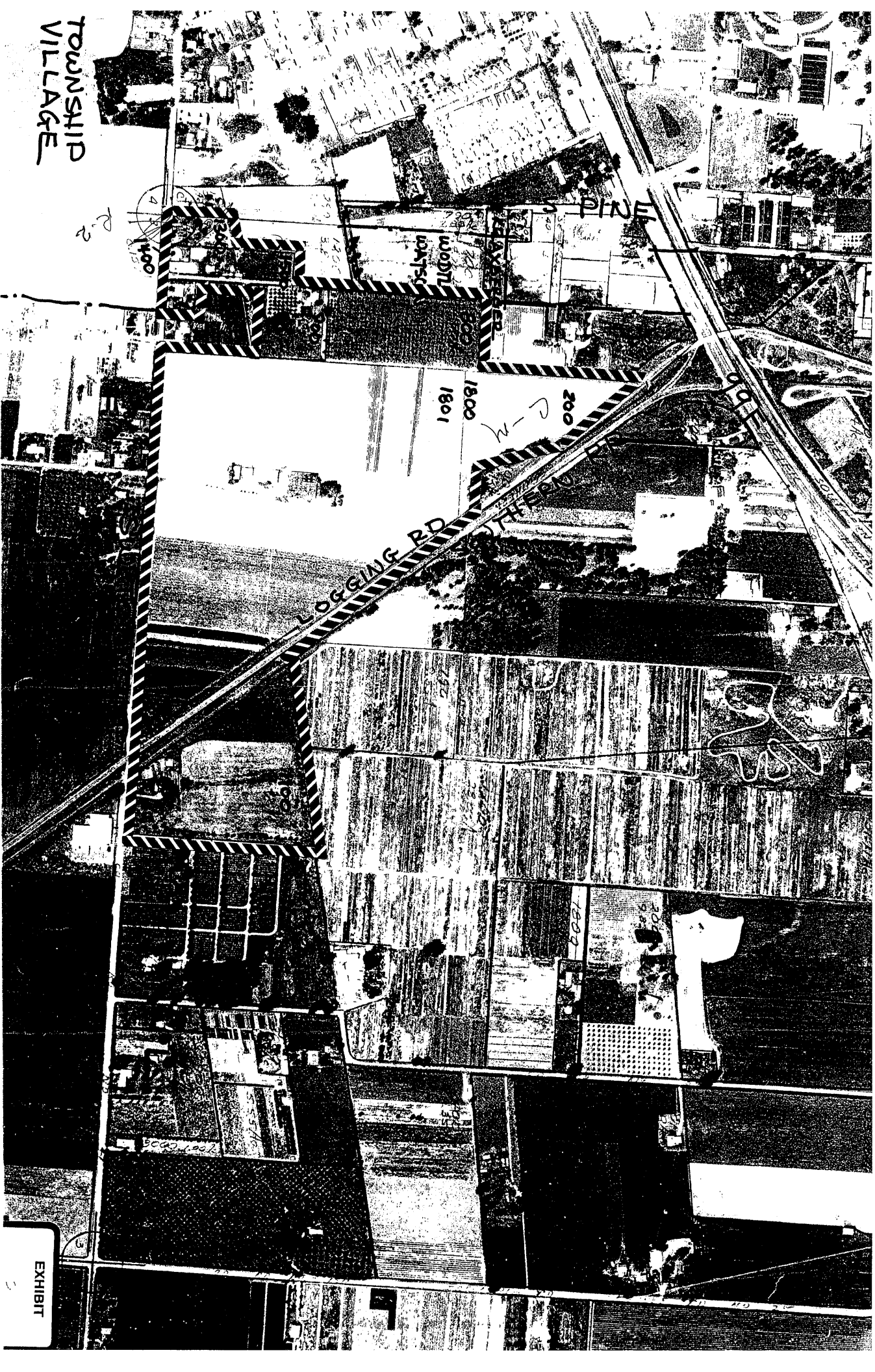
200  
C-N

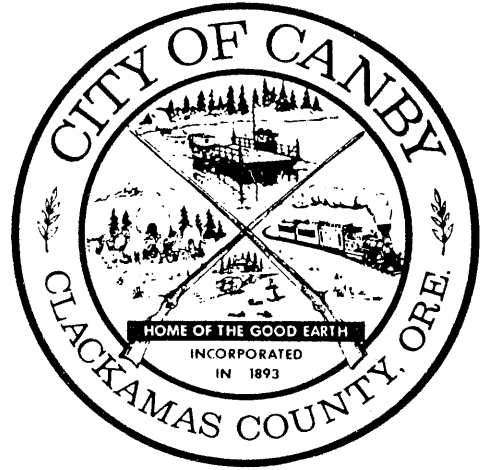
LOGGING RD

WATER

1500

EXHIBIT





## - STAFF REPORT -

**APPLICANT:**

Dave Anderson

**FILE NO.:**

ANN 91-05

**OWNER:**

20+ owners of separate properties

**STAFF:**

Robert G. Hoffman, AICP,  
Planning Director

**LEGAL DESCRIPTION:**

Tax Lots 200, 800, 900, 1300,  
1400, 1500, 1600, 1800, 1801,  
and 1802 of Tax Map 3-1E-34C and  
Tax Lot 100 of Tax Map 3-1E-34

**DATE OF REPORT:**

July 12, 1991

**LOCATION:**

Within a triangle generally bounded  
by 99E, the Logging Road, Township,  
S. Pine Street, with one tax lot  
east of the Logging Road

**DATE OF HEARING:**

July 22, 1991

**COMP. PLAN DESIGNATION:**

Mainly Light Industrial, with  
some High Density Residential  
and Commercial/Manufacturing

**ZONING DESIGNATION:**

County Zoning RRFF-5 and EFU-20  
(will come into City after  
Annexation as L-1, Light  
Industrial [with some heavy industry]  
and some R-2, Medium Density Resid.  
and C/M Heavy Commercial/Mfg.



## **I. APPLICANT'S REQUEST:**

The applicant is requesting approval to annex a 77.6 acre site, to be developed mainly as Light Industrial, with some heavy industry, and with some multiple residential land use and some Heavy Commercial/Manufacturing.

## **II. MAJOR APPROVAL CRITERIA:**

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

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

- B. If the proposed annexation involves property beyond the City's Urban Growth Boundary, or if the annexation is proposed prior to the acknowledgement of compliance of the City Comprehensive Plan by the State Land Conservation and Development Commission, the proposal shall be reviewed for compliance with the statewide planning goals.

### III. FINDINGS:

#### A. Background and Relationships:

There has been action on this part of the city of Canby in the recent past. An alignment was selected for eventual widening and extension of Pine Street, from Highway 99E to 13th Avenue. This right-of-way is planned to also be the route for a major sewer interceptor to serve the southern part of Canby. A meeting to discuss the possibility of annexation of the subject area and adjacent land was recently held to determine interest. Approximately twenty property owners were invited. There were expressions of interest and no opposition was expressed. A 5 acre parcel was recently annexed for a mobile home park adjacent to the subject parcels.

The subject parcel is surrounded by a variety of existing uses, zoning and Comprehensive Plan land use categories. The area to the northwest is used, zoned and designated in the Comprehensive Plan Land Use as Light Industrial and Heavy Commercial/Manufacturing. The area to the west is largely vacant, zoned residential, and designated in the Comprehensive Plan Land Use as residential. A mobile home park exists just a little further to the west. Much of the subject area is in agricultural use, is zoned by the County as RRFF-5 and EFU-20, and the Comprehensive Plan proposes development eventually mainly for industrial use with some commercial/manufacturing and multiple residential land use. The portion of the area to the southwest is farm land and is zoned R-2 for High Density Residential development. Highway 99E is located to the north of the subject parcel and access is by way of Pine Street. There have been inquiries about parcels with 99E frontage for commercial development. The Fairgrounds is located just north of 99E. The ultimate alignment and width of Pine Street as a collector street, or alternative access from 99E, buffering and timing of availability of utility service, and timing of development, all will be issues that a specific development proposal shall need to eventually resolve.

The site that is proposed to be annexed is currently used mainly as farm land, with some orchards. There are a few homes on the property.

A few years ago, the Clackamas County Economic Development agency had a consultant study Canby's Economic Development. The subject area was found to be a part of Canby's primary future industrial area with great potential.

## **B. Comprehensive Plan Consistency Analysis**

### **i. Citizen Involvement**

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

### **ii. Urban Growth**

The property is entirely within the Urban Growth Boundary. It fully meets the intent of Canby's Goals and Policies regarding the Comprehensive Plan Urban Growth Chapter, provided that all necessary urban services are available. This will be discussed later in this report. Most of the site is a Priority "A" for development, which is the first stage to be developed. Some of the area is in Priority "B," the next stage of development. Most of Priority "A" has already been annexed and is in some stage of development.

### **iii. Land Use Element**

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

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

- Policy #2 Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.
- Policy #3 Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.
- Policy #4 Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.
- Policy #5 Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.
- Policy #6 Canby shall recognize the unique character of certain areas and will utilize the special requirements, in conjunction with the requirements of the Land Development and Planning Ordinance in guiding the use and development of these unique areas.

### ANALYSIS

It has been previously discussed in this report, that the subject parcels are located at the edge of the currently developed City. The area is a major part of Canby's proposed new industrial park. Urban development activities have been proceeding all around the site to the north and west. Policy #1 can be met through the use of conditions at the time of development.

Policy #2 is provided for by the M-1 (Light Industrial), R-2 (High Density Residential), C-M (Heavy Commercial/Manufacturing), and M-2 (Heavy Industrial) zoning which will apply to the parcel after annexation. Policy #3 will be met by Canby's current service system and concurrent extension of service systems for the proposed development. Policy #4 does not apply, since there are no known natural hazards present. Policy #5 will be followed since the property will be zoned M-1, R-2, C-M and M-2, as part

of the annexation process, and any development will need to follow the Canby Land Development and Planning Ordinance requirements.

Policy #6 deals with unique areas and the subject property is mainly part of Special Area "G" in the Comprehensive Plan and partly a part of Area "O". The description in the Comprehensive Plan is as follows:

7. Area "G" is similar to Area "A" (a future commercial or industrial area) in many respects. Located south of Highway 99E along S. Pine Street, it too has potential for either commercial or industrial development. Commercial uses will be limited to "heavy" commercial activities which are closely related to industrial activities or larger shopping centers based around a department store of the sort which can be expected to draw from a regional market area. It is recognized that the Land Use Map contains sufficient area for commercial uses of all sorts other than larger department store complex types. By designating this area for special treatment, this problem should be resolved, while providing safe highway access and minimizing conflicts with the railroad. The extension of S. Pine Street to connect with Township Road will be a high priority regardless of the specific nature of development in the area. Upon annexation, Area "G" could be zoned either M-1 or C-M, depending upon the nature of the development proposed.
  
15. Area "O" includes several ownerships which are partially within the City limits and partially outside. All of Area "O" is adjacent to S. Pine Street, an unimproved public road with a right-of-way of only twenty (20) feet. City sewer service is not yet available to the area. Presently zoned R-1, the area is anticipated to eventually be developed to higher residential densities. Development of Area "O" could actually be connected with either the residential properties to its west or the area planned for industrial development to the east. In either case, Area "O" will play an important part in the eventual improvement of S. Pine Street and the related public sewer improvements.

iv. ENVIRONMENTAL CONCERNS

- Policy #1-R-A Canby shall direct urban growth such that viable agricultural uses within the Urban Growth Boundary can continue as long as it is economically feasible for them to do so.
- 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. *(Not applicable.)*
- Policy #6-R Canby shall preserve and, where possible, encourage restoration of historic sites and buildings. *(Not applicable.)*
- Policy #7-R Canby shall seek to improve the overall scenic and aesthetic qualities of the City.

- Policy #8-R Canby shall seek to preserve and maintain open space where appropriate, and where compatible with other land uses.
- Policy #9-R Canby shall attempt to minimize the adverse impacts of new developments on fish and wildlife habitats.
- Policy #1-H Canby shall restrict urbanization in areas of identified steep slopes. *(Not applicable.)*
- Policy #2-H Canby shall continue to participate in and shall actively support the federal flood insurance program. *(Not applicable.)*
- Policy #3-H Canby shall seek to inform property owners and builders of the potential risks associated with construction in areas of expansive soils, high water tables and shallow topsoil.

### ANALYSIS

The owners are farming much of the property, which will likely continue until development. The site is Class II type soil. There has been farming of the area for some time. There are no known soil problems related to urban type development. Canby's storm and sanitary sewer procedure will provide protection for ground water and surface water.

Building, health and other Code regulations will protect against other types of pollution. Policies #5R, 6R and 7R do not apply since there are no known aggregate, historic, scenic, or aesthetic resources present. The development ordinance will review land division or conditional use, and encourage preservation of some measure of open space, where appropriate. There are no significant fish or wildlife habitat identified, to date. No steep slopes or flood prone land is present.

v. **TRANSPORTATION**

**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.
- Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.
- Policy #7: Canby shall provide appropriate facilities for bicycles and, if found to be needed, for other slow moving, energy efficient vehicles.



- Policy #8: Canby shall work cooperatively with the State Department of Transportation and the Southern Pacific Railroad Company in order to assure the safe utilization of the rail facilities.
- Policy #9: Canby shall support efforts to improve and expand nearby air transport facilities.
- Policy #10: Canby shall work to expand mass transit opportunities on both a regional and an intra-city basis.
- Policy #11: Canby shall work with private developers and public agencies in the interest of maintaining the transportation significance as well as environmental and recreational significance of the Willamette River.
- Policy #12: Canby shall actively promote improvements to State highways and connecting County roads which affect access to the City.

### ANALYSIS

S. Pine Street is proposed in the Canby Comprehensive Plan as a collector street. It will need to be improved, and sidewalks and curbs provided as part of the development process. The Pine Street intersection with Highway 99E is also the entrance to the Fairgrounds, which needs improvements. A recent land use study proposed alternative locations for an industrial/commercial service road throughout this area and adjacent areas. This will be a major issue in development of the subject area.

vi. **PUBLIC FACILITIES AND SERVICES**

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

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

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

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

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

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

**ANALYSIS**

All public utilities can be provided from 99E, Pine Street, and the Logging Road. A major new sewer interceptor is available at Pine Street and 99E. A new interceptor will eventually become available in S. Pine. A 12 inch water line is available on the western side of the subject parcels. Other utilities are in the

vicinity. Service extensions will be required to service such a large area. We are not aware of any unique problems to serve this area, at this time, except the large scale. We have asked for input regarding any concerns various service providers might have, and will report on any further input we receive, at a later date. The development will need to participate in the costs of service facility extensions. The new Parks Plan proposes a bicycle path on the Logging Road to serve the population. Storm water will need to be handled on-site.

**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. *(Not applicable.)*

Policy #2: Canby shall encourage further commercial development and redevelopment at appropriate locations. *(Not applicable.)*

Policy #3: Canby shall encourage economic programs and projects which will lead to an increase in local employment opportunities.

Policy #4: Canby shall consider agricultural operations which contribute to the local economy as part of the economic base of the community and shall seek to maintain these as viable economic operations. *(Not applicable.)*

**ANALYSIS**

Development of this site, with some apartments, will provide residences for Canby business owners and employees, and also will provide a few employment opportunities and expand the market for Canby businesses.

The 70 acres of needed industrial/heavy commercial development land could eventually employ 700 to 1400 people and supply substantial income, services/products and tax base to Canby. The agricultural operations will likely continue until development occurs, stage-by-stage.

viii. **HOUSING**

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

Policy #1: Canby shall adopt and implement an Urban Growth Boundary which will adequately provide space for new housing starts to support an increase in population to a total of 20,000 persons. *(Not applicable since UGB is already adopted and this parcel is within it.)*

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

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 for mobile home developments in all residential zones, subject to appropriate design standards.

**ANALYSIS**

The parcels in the southwestern corner of the subject parcel will provide an opportunity for high density housing, since it will be zoned R-2.

ix. **ENERGY CONSERVATION**

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

**ANALYSIS**

Recently constructed development will have increased standards for energy efficiency.

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

Based upon the above analysis, the annexation is consistent with the Policies of the Comprehensive Plan. Development of this parcel after annexation will need to comply with all applicable provisions of the City of Canby Land Development and Planning Ordinance, Building Codes, and other County and State Codes and Regulations. We are not aware, at this time, of any provisions which cannot be met by the development of this site. The site will be zoned with some High Density Residential development (R-2), which permits apartments. The largest part of the site will be zoned M-1 for Light Industrial, some with M-5, Heavy Industrial, and C-M (Heavy Commercial/Manufacturing). Subdivision plans and industrial development plans must be reviewed and approved under the Site and Design Review Ordinance. The City and County have an agreed-upon procedure for handling annexations.

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

We have discussed this aspect under the Public Facilities and Services Element of the Comprehensive Plan. In summary, at this time, there are no unique problems to providing service to this site, except the large scale (78 acres). We will provide a supplemental report if the service providers report any unusual problems in the future. We believe all Public Facilities and Services are available, or can be made available concurrent with development of this site.

**E. Compliance with the Applicable Sections of ORS 222**

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

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

The previous discussion of the Comprehensive Plan policies regarding Urban Growth, found that the site is located within an area which has been determined to be Priority "A", in an early or first stage for annexation and development and a portion in Priority "B," the next phase of annexation and development. Not much Priority "A" area is left at this time, especially for large industrial sites, which is a major need in the City of Canby at this time. Thus, it is appropriate to consider it for annexation at this time.

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

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

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

The previous discussion of the Comprehensive Plan policies (particularly the Environmental Concerns Element) concluded that there are no designated open space, scenic, historic, or natural resource areas present on the site. The development ordinance will review details of site development under the Subdivision review process, to give protection to any detailed resources which may be identified and ensure that needed public facilities and services are available.

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

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

## **III. CONCLUSION**

Provided that urban level of utility and other services are extended to service the site, staff hereby concludes that the proposed annexation meets the requirements of the standards and criteria included in the Canby Land Development and Planning Ordinance, Section 16.84.040, including consideration of: 1) Comprehensive Plan consistency; 2) Compliance with other applicable Codes and Ordinances; 3) Capability to provide urban level of services; 4) Compliance with ORS 222 regarding annexations of contiguous properties; 5) Appropriateness of area for annexation compared to other properties; 6) Risk of natural hazards; 7) Effect of urbanization on designated open space, scenic, historic or natural resource area; and 8) Economic impacts.

## **IV. RECOMMENDATION**

Based upon the findings and conclusions contained in this report (and without benefit of a public hearing), staff recommends approval of ANN 91-05 to the PMALGBC (Boundary Commission) with the following conditions:

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

### **Exhibits:**

1. Application and Supporting Material
2. Tax Map
3. Vicinity Map (Aerial Photo)

ANNEXATION APPLICATION

Fee: \$500.00

OWNER

APPLICANT

Name As noted in attached Exhibit "B" Name David R. Anderson
Address Address 641 Baker Drive
City State Zip City Canby State Or. Zip 97013
SIGNATURE Phone: 266-8866

DESCRIPTION OF PROPERTY: As described on attached Exhibit "B"

Tax Map Tax Lot(s) Lot Size (Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name Lot Block

PROPERTY OWNERSHIP LIST

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

USE

Existing Residential and agriculture Proposed Residential and industrial

Existing Structures seven homes and various outbuildings

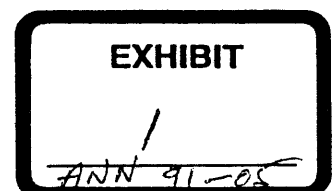
PROJECT DESCRIPTION

Annexation will provide for orderly planning and development for this critical area of the city. It will help create a new needed major arterial as well as facilitate the extension of the new city sewer trunk line. A major water line was installed by the city a few years ago in anticipation of development of this area. Annexation will provide for needed industrial and high density residential properties now virtually non existent in the city.

ZONING COMPREHENSIVE PLAN DESIGNATION

PREVIOUS ACTION (if any)

File No. ANN 91-05
Receipt No. 1433
Received by [Signature]
Date Received 6-27-91
Completeness Date
Pre-Ap Meeting
Hearing Date 7-22-91



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



PMALGBC FORM #1

PETITION FOR

Annexation to the City of CANBY.

OR

Withdrawal from the City of \_\_\_\_\_.

To: PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION and

To: City of Canby Planning Commission and Council

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

We desire to be (annexed to the) ~~XOR~~ ~~X(withdrawn from the)~~ City of CANBY.

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

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

The Undersigned hereby authorize David Anderson to act as their agent for this application.

PETITION SIGNERS

SIGNATURE OF LEGAL OWNER(s)	ADDRESS	Tax Lot Numbers			ACRES
		Lot#	a1/4-1/4	1/4 Sec Twp R	
<u>BOYER TOP SOIL, INC.</u> <u>Dean J Boyer</u>	<u>2001 SE TOWNSHIP RD.</u> <u>Des. CANBY, OR 97013</u>	<u>TL11003</u>	<u>1E</u>	<u>34</u>	<u>12.42</u>
<u>[Signature]</u>	<u>1506 SE TOWNSHIP RD.</u> <u>CANBY, OR 97013</u>	<u>TL1801</u>	<u>31E</u>	<u>34C</u>	<u>32.4</u>
<u>[Signature]</u>	<u>Personal Representative of the</u> <u>Donald Hanson Estate</u>	<u>TL1801</u>	<u>31E</u>	<u>34C</u>	
<u>[Signature]</u>	<u>for estate of Donald Hanson</u>				

This petition continued on page II (page 9 of this application)

(PMALGBC form #1 & 1A - Page 2)

PETITION SIGNERS (Continued)

(NOTE: THIS PETITION MAY BE SIGNED BY QUALIFIED PERSONS, EVEN THOUGH THEY DO KNOW THEIR TAX LOT NUMBERS.)

SIGNATURE OF LEGAL OWNER(S)	ADDRESS	Tax Lot Numbers			ACRES
		Lot#	a1/4-1/4	1/4 Sec Twp R	
* E. Adelyn Berg	233975 Muline Rd. CANBY, OR. 97013	TL 800	31E	34C	6.8
Gilbert L Berg					
Patsy J. Miller	540 S. Pine St. CANBY, OR. 97013	TL 900	31E	34C	2.52
Dorothy J. Woolheiser	1722 SE TOWNSHIP RD CANBY, OR. 97013	TL 1600	31E	34C	.45
* 1st on attached tax document	11806 NE 167th St. Bothell, Wa. 98011	TL 1802	31E	34C	13.54
Francis R. Anderson	641 BAKER DR. CANBY, OR. 97013	TL 200, 1800, 1802	T35 R1E	S34C	6.43
Cheryl L. Anderson	641 Baker Dr. Canby, Or. 97013				
* Donald R. Wadell	718 SE TOWNSHIP RD. CANBY, OR. 97013	TL 1400	31E	34C	.15
* Joanne E. Wadell					
William A. Ormer	718 SE TOWNSHIP RD. CANBY, OR. 97013	TL 1300	31E	34C	.92
Eileen M. Ormer	718 SE TOWNSHIP RD. CANBY, OR. 97013				
* Joseph Coyne	792 SE Township Canby, Ore. 97013	TL 1500	31E	34C	1.96
* Gay M. Forsythe	SAME as above				

JUN 24 '91 09:56AM COLDWELL BANKER VI

P.1

Post-It™ brand fax transmittal memo 7671 # of pages **ONE**

To	JAN CHRISTIAN	From	Lave Anderson
Co.		Co.	Coldwell-Banker
Dept.		Phone	266-8866
Fax	206-867-1161	Fax	303-263-6176

(PMALGBC form #1 & 1A - 1989 --)

PETITION SIGNERS (Continued)

(NOTE: THIS PETITION MAY BE SIGNED BY QUALIFIED PERSONS, EVEN THOUGH THEY DO KNOW THEIR TAX LOT NUMBERS.)

SIGNATURE OF LEGAL OWNER(S)	ADDRESS	Tax Lot Numbers				ACRES
		Lot#	a1/4-1/4	1/4	Sec Twp R	
* <i>Car Adeline Berg</i>	<i>23373 Muline Rd. CANBY, OR. 97013</i>	<i>TL 800</i>	<i>31E</i>	<i>34C</i>	<i>6.8</i>	
* <i>Wilbert L Berg</i>	<i>540 S Pine St. CANBY OR 97013</i>	<i>TL 900</i>	<i>31E</i>	<i>34C</i>	<i>2.52</i>	
* <i>Peter J. Miller</i>	<i>1222 S. TOWNSHIP RD CANBY OR 97013</i>	<i>TL 1600</i>	<i>31E</i>	<i>34C</i>	<i>0.45</i>	
* <i>Dorely J. Kolliver</i>	<i>11806 NE 167th St. Battell, Wa. 98011</i>	<i>TL 1802</i>	<i>31E</i>	<i>34C</i>	<i>13.54</i>	
* <i>Janket Christen</i>						

PMALGBC FORM #6

BOUNDARY CHANGE DATA SHEET

1. EXISTING CONDITIONS IN AREA TO BE ANNEXED OR WITHDRAWN

- A. Land Area: Acres 77.59 or Square Miles \_\_\_\_\_
- B. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal).

Entire area within this application is virtually flat with a gental slope to the north. Entire area is self drained by the nature of its own soil and is not in a flood plain area.

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

North: Tax lot 300 is a nursery adjoining 99E that is for sale as commercial property. Tax lot 100 is owned by the City of Canby and is the old "logging Road".

East: Southern Pacific Molalla spur line and City of Canby cemetary beyond which is nurseries.

South: A subdivision in Canby City limits and east of that some small residences and than larger acreages being farmed.

West: Tax Lot 700 being proposed for mobile park expansion and tax lot Partion Plat 1990-79 being proposed for apartments.

- D. Existing Land Use:

Number of single-family units \_\_\_\_\_ Number of multi-family units \_\_\_\_\_

Number commercial structures \_\_\_\_\_ Number industrial structures \_\_\_\_\_

Public facilities or other uses \_\_\_\_\_

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

Other than the residences noted above the vast majority of the land is under various forms of agriculture.

- E. Total current year Assessed Valuation \$ \_\_\_\_\_
- F. Total existing population \_\_\_\_\_

## II. REASON FOR BOUNDARY CHANGE

- A. ORS 199.462 of the Boundary Commission Act states: "In order to carry out the purposes described in ORS 199.410 when reviewing a boundary change..., a boundary commission shall consider local comprehensive planning for the area, economic, demographic, sociological projections pertinent to the proposal, past and prospective physical developments of land that would directly or indirectly be affected by the proposed boundary change..." Considering these points, please provide the reasons the proposed boundary change should be made. Please be very specific. Use additional pages if necessary. (This information is often quoted in the Staff Report, so be thorough and complete.)

Annexation will provide for orderly planning and development for this critical area to the city. It will help create a new major arterial that is planned for by the city and is needed now. The property is to be annexed as industrial and high density residential. As of this date properties available in the city carrying these zoning designations are virtually non-existent as to any significant size.

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

The comprehensive plans calls for approx. 5 acres to be high density residential. Approximately 59 acres to be light industrial and 12.42 acres to be heavy industrial. There is virtually no property in the current city limits available now under these three zoning designations. Canby needs a stronger industrial base of which a very small percentage of the city now is.

III. LAND USE AND PLANNING

- A. Is the subject territory to be developed at this time? No specific plans for development exist now.
- B. Generally describe the anticipated development (building types, facilities, number of units).

---

---

---

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

Of the five acres designated in the comprehensive plan, upon annexation and development approximately 80 residential units could be built. The approx-  
imately 70 acres of industrial property upon annexation would be available for development but no plans now exist.

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

Any development would comply with the City of Canby Comprehensive Plan.

---

---

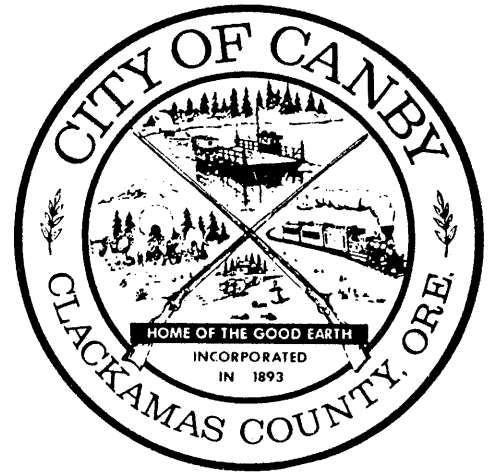
---

- E. What is the zoning on the territory to be served? Zoning now is Rural Agriculture 5 acres on the north and west. The balance of existing farm ground now is RFU-20 acres.

---

---

---



**- STAFF REPORT -**

**APPLICANT:**

Gregory W. Yoder

**FILE NO.:**

MLP 91-06

**OWNER:**

Gregory W. Yoder

**STAFF:**

Robert G. Hoffman, AICP  
Director of Planning

**LEGAL DESCRIPTION:**

Tax Lot 700 of  
Tax Map 3-1E-33BA

**DATE OF REPORT:**

July 12, 1991

**LOCATION:**

1315 N. Locust Street

**DATE OF HEARING:**

July 22, 1991

**COMP. PLAN DESIGNATION:**

Low Density Residential

**ZONING DESIGNATION:**

R-1

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval to divide a 20,350 sq. ft. parcel into two parcels containing approximately 9,900 and 9,430 square feet, respectively.

## II. APPLICABLE CRITERIA:

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

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

## III. OTHER APPLICABLE CRITERIA

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



E. 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.

**IV. FINDINGS:**

**A. Location:**

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 700 of Tax Map 3-1E-33BA. The property consists of approximately 20,350 square feet, with 110 lineal feet of frontage along N. Locust Street. The entire area is zoned R-1, Low Density Residential.

The lot is currently occupied by a single-family house addressed as 1315 N. Locust Street. There is room for adequate yards if the minor partition is granted. Homes also occupy the parcels on each side and rear of the proposed lot and across Locust Street. The Lot has 110 feet of frontage on N. Locust. Flag lots exist in the general area.

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

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

**Comment:** Land division as proposed, and development of the flag lot with a single family home or other permitted R-1 use, would be consistent with this designation.

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

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

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

**Comment:** Land division, as proposed, would help to implement this policy and implementation measures. Given the location of the existing house, zoning pattern, and the need for an access drive, only two lots are considered feasible.

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

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

**Comment:** 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. Locust Street. It is approximately 7 to 8 feet deep. Easements will be necessary to serve each lot. There are no known sewer capacity problems in this part of the City.

**b. Water**

The water system is operated by Canby Utility Board. Capacity is available in the system. There is a 6 inch line in N. Locust Street.

**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.

**d. Fire**

The existing parcel is presently served by Fire District No. 62. The proposed parcels can easily be served, as well.

**e. Police**

The City provides police protection to the area and can easily serve the proposed parcels.

**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 new parcel is proposed to have access to N. Locust Street by way of a 12 foot wide paved drive. Sidewalks are not present. N. Locust Street is an existing local street in the Comprehensive Plan. It is currently a 40-foot right-of-way. There are no plans for widening.

**D. Overall Design of Parcels**

The partition as proposed will result in the creation of two rectangular lots consisting of approximately 9,900 and 9,430 square feet, respectively (not counting the access drive). The applicant will be required to provide any necessary easements for utilities as a standard condition of approval. A 12 foot wide access drive is proposed to serve the new lot.

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 driveway, as proposed, is adequate, and turning movements will be provided.

**V. CONCLUSION**

1. Staff finds that the partition request is in conformance with the Comprehensive Plan and the Municipal Code.
2. Staff concludes that the overall design of the proposed partition will be compatible with the area and will provide adequate building area for the provision of public facilities and services for two single family structures.

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.
4. Staff concludes that all necessary public services will become available through the development of the property, to adequately meet the needs of the proposed land division, provided that conditions deal with easements and sidewalk needs.

## VI. RECOMMENDATION

Based upon the findings and conclusions in this report, the information submitted by the applicant, and the additional information contained in the file (and without benefit of public hearing), staff recommends approval of MLP 91-06, 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. 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 the street.
4. 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 91-06.
5. 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.

6. All monumentation and recording fees shall be borne by the applicant.
7. All utilities must meet the standards and criteria of the providing utility authority.
8. The 12 foot driveway shall be made a part of the rear lot in the final partition.
9. A sidewalk shall be provided prior to occupancy of the home on the rear lot.
10. Prior to occupancy of the rear lot, the entire area between the curb and the current pavement shall be paved with oil mat.

Exhibits:

1. Application
2. Site Plan

MINOR LAND PARTITION APPLICATION

Fee: \$300.00

OWNER

APPLICANT

Name Gregory W. Yoder  
Address 1315 N. Locust  
City Canby State OR Zip 97013  
Signature: Gregory W. Yoder

Name Gregory W. Yoder  
Address 1315 N. Locust  
City Canby State OR Zip 97013  
Phone: 263-8759

DESCRIPTION OF PROPERTY:

Tax Map 31E33BA Tax Lot(s) 00700 Lot Size 20,350 sq. ft.  
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name Canby Gardens Lot 7 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

Existing \_\_\_\_\_ Proposed \_\_\_\_\_

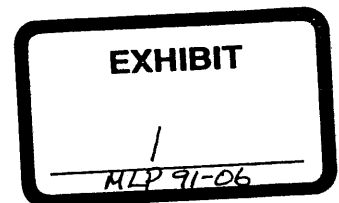
Existing Structures 1- 1500 sq. FT SINGLE FAMILY HOME

PROJECT DESCRIPTION

The plan is to construct a single family home on proposed rear lot. 1500 - 1800 sq ft 2 car garage

ZONING R-1 COMPREHENSIVE PLAN DESIGNATION LOW DENSITY RES.  
PREVIOUS ACTION (if any) NONE

File No. MLP 91-06  
Receipt No. 4 1434  
Received by JAE  
Date Received 6/27  
Completeness Date \_\_\_\_\_  
Pre-App Meeting \_\_\_\_\_  
Hearing Date July 27



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

OF EDDY W. HUGER  
1315 N. LOCUST  
CANBY OR. 97013

MINOR LAND PARTITION  
SCALE 1/4" = 5'-0"

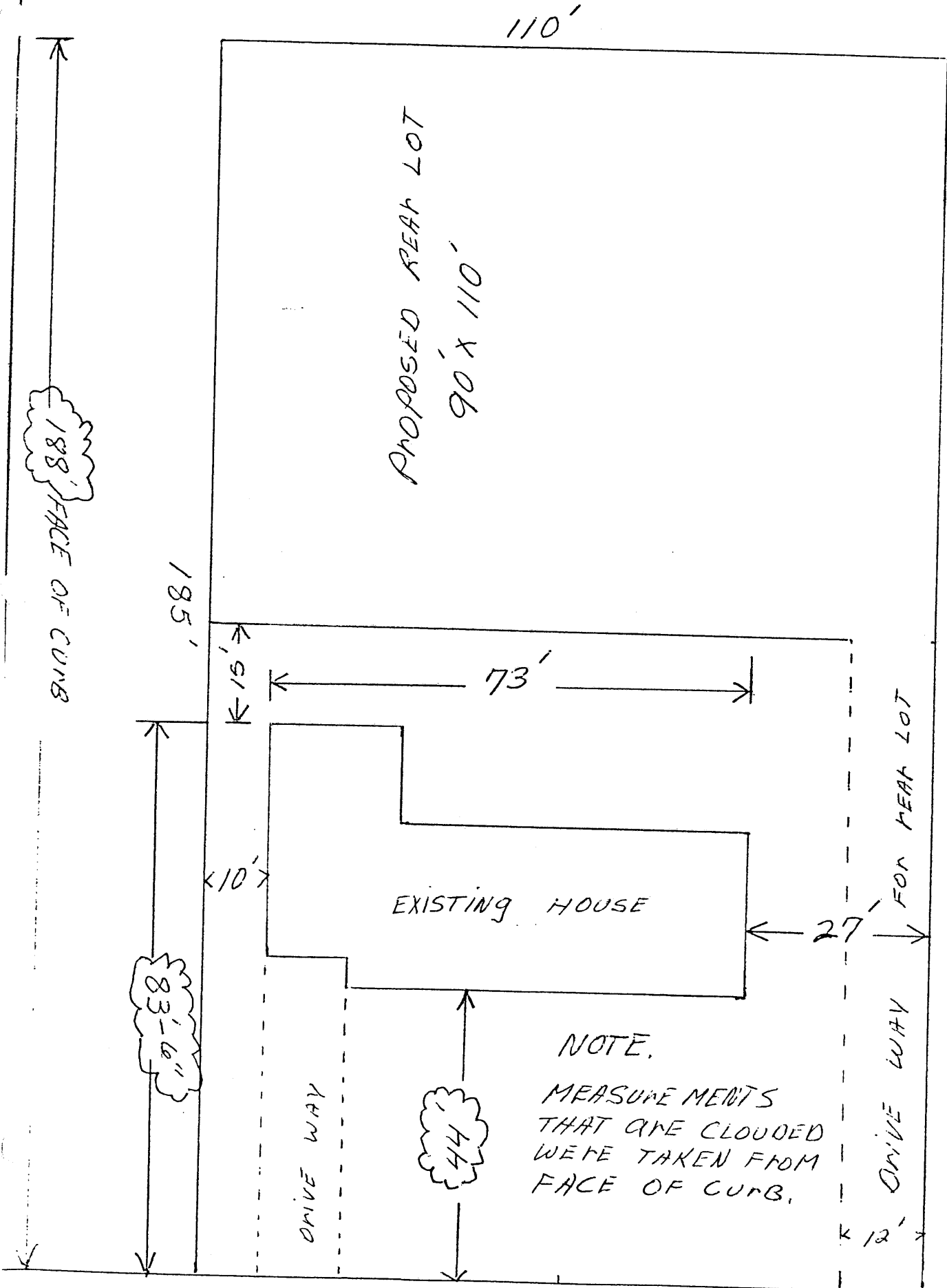
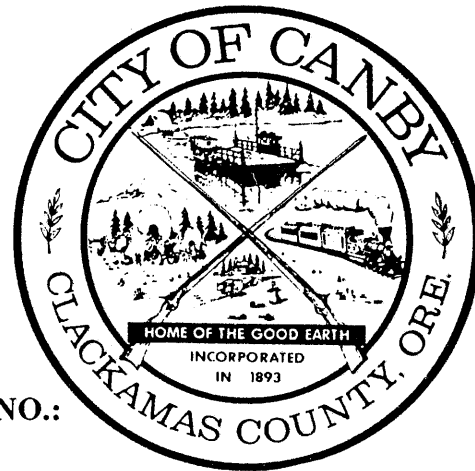


EXHIBIT  
2  
NLP 91-06





# - STAFF REPORT -

**APPLICANT:**

Wildflower Properties  
14180 SW 162nd  
Tigard, OR

**FILE NO.:**

DR 91-04

**OWNER:**

Lucille Ritter  
760 NE 23rd Avenue  
Canby, OR

**STAFF:**

Robert G. Hoffman, AICP,  
Planning Director

**LEGAL DESCRIPTION:**

Tax Lot 2104 of  
Tax Map 3-1E-33DD  
Lot 4 Schmeiser Tract

**DATE OF REPORT:**

July 12, 1991

**LOCATION:**

North side of SE 5th Avenue  
east of South Maple and  
west of S. Pine

**DATE OF HEARING:**

July 22, 1991

**COMP. PLAN DESIGNATION:**

High Density Residential

**ZONING DESIGNATION:**

R-2 Medium Density Industrial

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval of a Design Review Application to construct a triplex residential building. The total site is approximately .27 acres, or 11,900 square feet.

## II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

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

Ord. #848 (as amended by Ord. No. 854 - 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 immediately surrounding area is planned and zoned for residential use. There are apartments in the general area. Much of the adjacent land is vacant and undeveloped.

##### 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 a triplex residential building. It is to be located on a flat site. The Comprehensive Plan identifies this area as a High Density Residential area. The immediate surrounding area, adjacent to the site, is zoned R-2 with R-1 immediately to the north.

**iv. ENVIRONMENTAL CONCERNS**

Vacant land will be converted to developed residential land. The area has already been platted and is committed to development.

**v. TRANSPORTATION CONCERNS**

Access to the site is by way of S.E. Fifth Avenue which currently deadends nearby. 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 general area and the services are already provided.

**vii. ECONOMIC**

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

**ANALYSIS**

The triplex will provide living space for people who work in Canby and add to the market for Canby businesses.

**viii. HOUSING**

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

**ANALYSIS**

The triplex will provide three units of housing to add to Canby's supply of apartment units.

**ix. ENERGY CONSERVATION**

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

**ANALYSIS**

The State has rules which encourage energy conservation through design and construction methods. These rules will be adhered to. Unfortunately, the long axis of the lot is not oriented for solar access, but all units will have windows oriented to the southeast.

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

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

**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 11,900 square feet. Thus, 1,785 square feet should be in landscaped space. While the dimensions of the

landscaped areas are not given, it appears that adequate area is designated. However, only 30% of the area is allowed to be bark dusted, and the landscaped area shown exceeds 30% in bark dust. Furthermore, it is not clear what the surface treatment of the remainder of the site will be. It should be indicated. In the professional opinion of staff, the landscaped area shown on the site plan is appropriate for the location and site.

**2. Parking**

The parking requirement is 2 spaces per dwelling unit. Thus, 6 parking spaces are required. Three garages are indicated, plus 3 parking spaces. Turnaround space, on site, is available.

**3. Access**

Access for passenger vehicles to the triplex is from S.E. 5th Avenue. The access drives meet the ordinance requirements of a minimum of 24 feet wide from S.E. Fifth Avenue. Curbs are required.

**4. Architecture**

The application describes the project as a "Townhouse-like 3-Plex." Major materials include cedar bevel siding, cedar trim board, aluminum windows, composite roof, and sheet rock 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 provide needed housing, and provide jobs and income for some Canby residents during construction.

**c. trees/vegetation**

Coast Pine, Viburnum, ivy and flowering cherry have been proposed as part of the landscaping on site.

**d. density and yards and height**

R-2 zoning permits multi-family residential dwellings with minimum lot size of 5000 square feet for the first dwelling, plus 2,500 square feet for each additional unit, or 10,000 square feet for a tri-plex. The 11,900 square foot lot is more than sufficient. All yard requirements are met. The two story tri-plex is less than the 35 foot maximum height limit.

**IV. CONCLUSION**

Provided that the Commission is satisfied with proposed colors and signs, if any, 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 91-04, with conditions, for a residential tri-plex. Furthermore, staff recommends approval of DR 91-04 with the following conditions:

1. A sidewalk and any necessary curbs and curb cuts shall be provided along S.W. 5th Avenue.
2. The bark dust area shall be limited to a maximum of 30% of the required landscaped area, or approximately 300 square feet. The remainder of the outdoor yard space shall be kept and maintained in natural green plant material such as grass or ground cover.

**Exhibits:**

1. Application for Design Review
2. Site Plan
3. Floor Plan
4. Elevations
5. Landscape Plan
6. Locational Map



# 1

STATE AND DESIGN REVIEW APPLICATION  
Fee: \$250

OWNER

APPLICANT

Name LUCILLE RITTER  
Address 760 N.E. 23 RD.  
City CANBY State OR Zip 97003  
SIGNATURE \_\_\_\_\_

Name WILDFLOWER PROPERTIES, INC.  
Address 14180 S.W. 162nd.  
City TIGARD State OR Zip 97229  
Phone: (503) 620-3180

DESCRIPTION OF PROPERTY:

Tax Map \$51E23DD Tax Lot(s) 2104 Lot Size 10,500 ±   
(Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name LOT 4, B, C Lot 4 Block 1  
SCHMEISER TRACTS

PROPERTY OWNERSHIP LIST

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

USE

Existing VACANT LOT Proposed TRI- PLEX

Existing Structures NONE

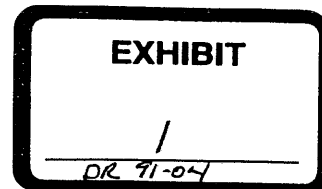
Surrounding Uses MULTIPLE

PROJECT DESCRIPTION

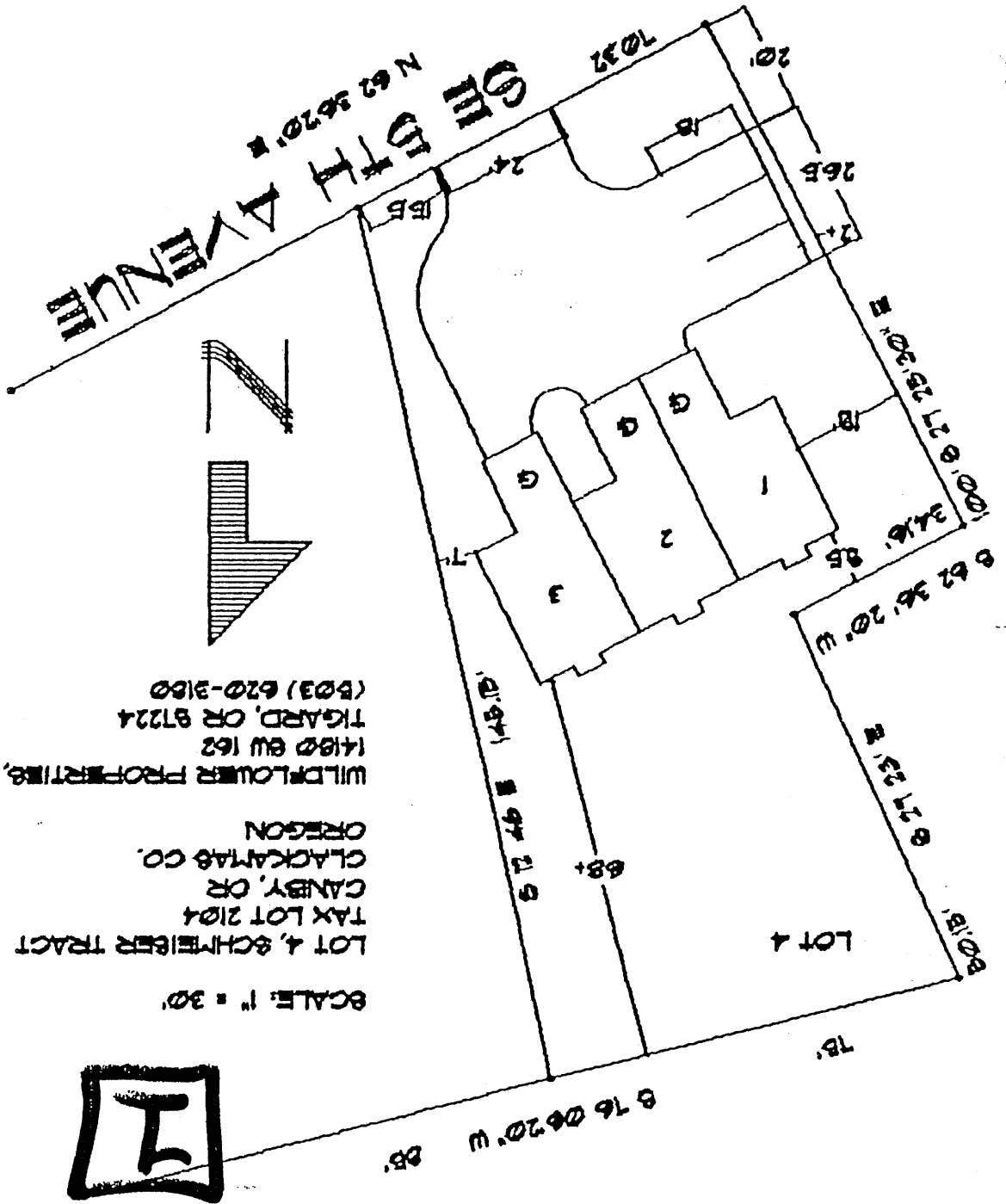
TOWNHOUSE- LIKE 3 PLEX, VACANT LAND NOW.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ZONING R-2 COMPREHENSIVE PLAN DESIGNATION H1 DENSITY RESIDENTIAL  
PREVIOUS ACTION (if any) NONE

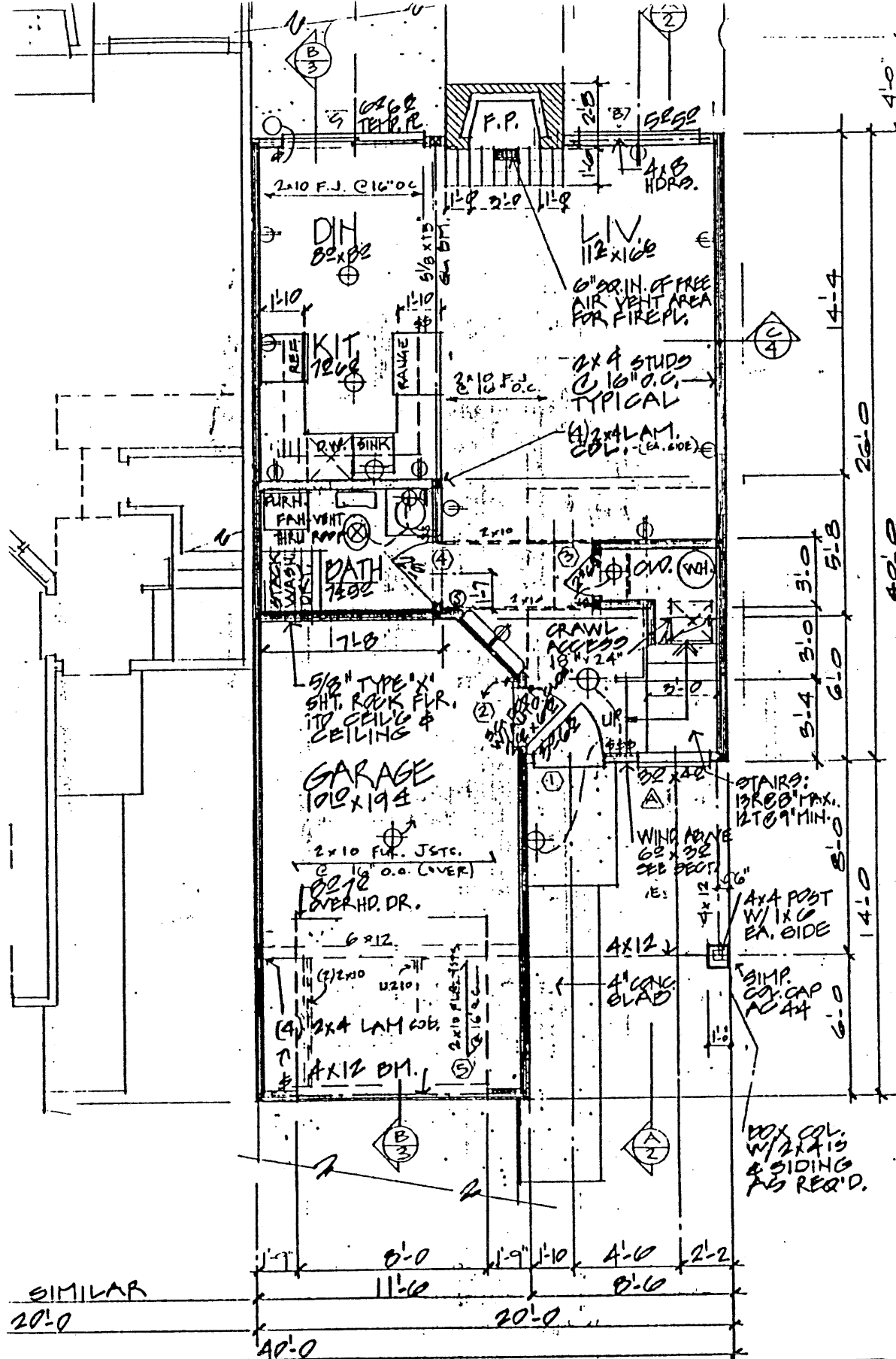
File No. DR 91-04  
Receipt No. 1440  
Received by \_\_\_\_\_  
Date Received \_\_\_\_\_  
Completeness Date \_\_\_\_\_  
Pre-App Meeting \_\_\_\_\_  
Hearing Date \_\_\_\_\_



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



SCALE: 1" = 30'  
 LOT 4, SCHWEIBER TRACT  
 TAX LOT 2104  
 CANBY, OR  
 CLACKAMAS CO.  
 OREGON  
 WILDFLOWER PROPERTIES, INC.  
 14100 SW 162  
 TIGARD, OR 97124  
 (503) 620-3180



2 BE  
ZED  
HAVE  
PT  
AS  
SR.

# MAIN LEVEL PLAN

451 SQ. FT.  
1805 TOTAL SQ. FT.

1/4" = 1'-0"

**EXHIBIT**

3

DR 91-04

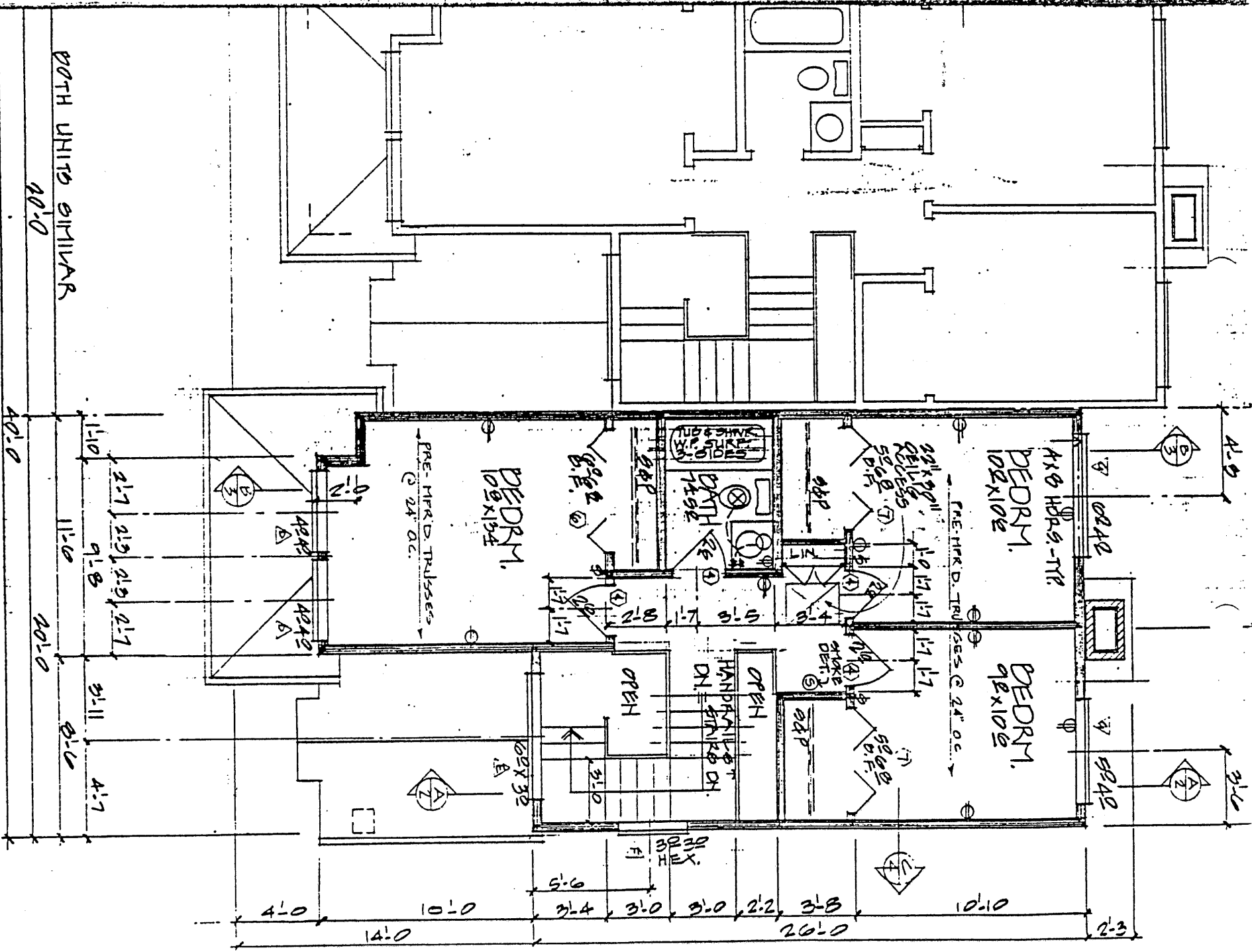
UO 915

<b>2</b>	PLAN NO.	D-1187-M	
L.A. Freiler & Associates, Inc. 1803 N. W. 10TH AVE. FORTLAUDERDALE, FLORIDA 33304		DATE	PL AREA
NO. 348-8872	DRAWN	CHECKED	PL AREA

NOTE!  
 1) FOR TYPE OF HEAT CONSULT CONTR.  
 2) ALL OPENINGS TO HAVE AX & HRS. OR

UPPER FLOOR

10-215



BOTH UNITS SIMILAR

40'-0"

20'-0"

20'-0"

11'-0" 2'-7" 2'-9" 2'-9" 2'-7" 9'-8" 11'-0" 3'-11" 4'-7" 8'-0"

4'-0"

14'-0"

10'-0"

5'-6"

3'-4"

3'-0"

3'-0"

2'-2"

3'-3"

20'-0"

10'-10"

2'-3"

4'-9"

3'-0"

BEDRM.  
10'6" X 13'4"

BEDRM.  
10'6" X 10'0"

BEDRM.  
9'6" X 10'0"

BATH  
7'6" X 5'6"

KITCHEN  
7'6" X 11'0"

PRE-HR'D. TRUSSES  
@ 24" O.C.

PRE-HR'D. TRUSSES  
@ 24" O.C.

30'30'  
HEX. FI

50'00'  
S.C.E. S.C.F.

50'00'  
S.C.E. S.C.F.

40'40'

40'40'

60'X 30'

HANDRAILED  
DN.

OPEN

OPEN

AX & HRS. - TR

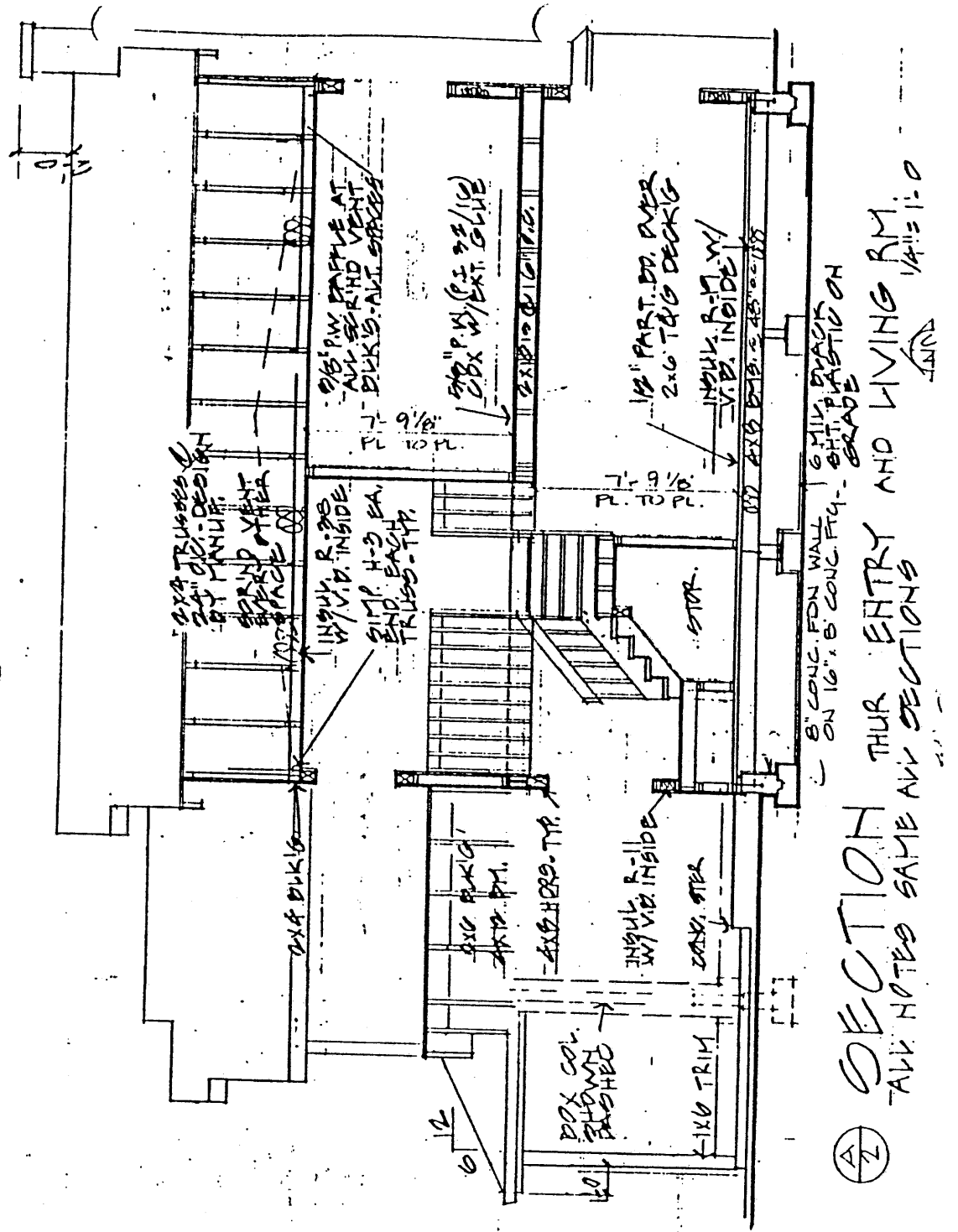
80'40'

80'40'

3

2

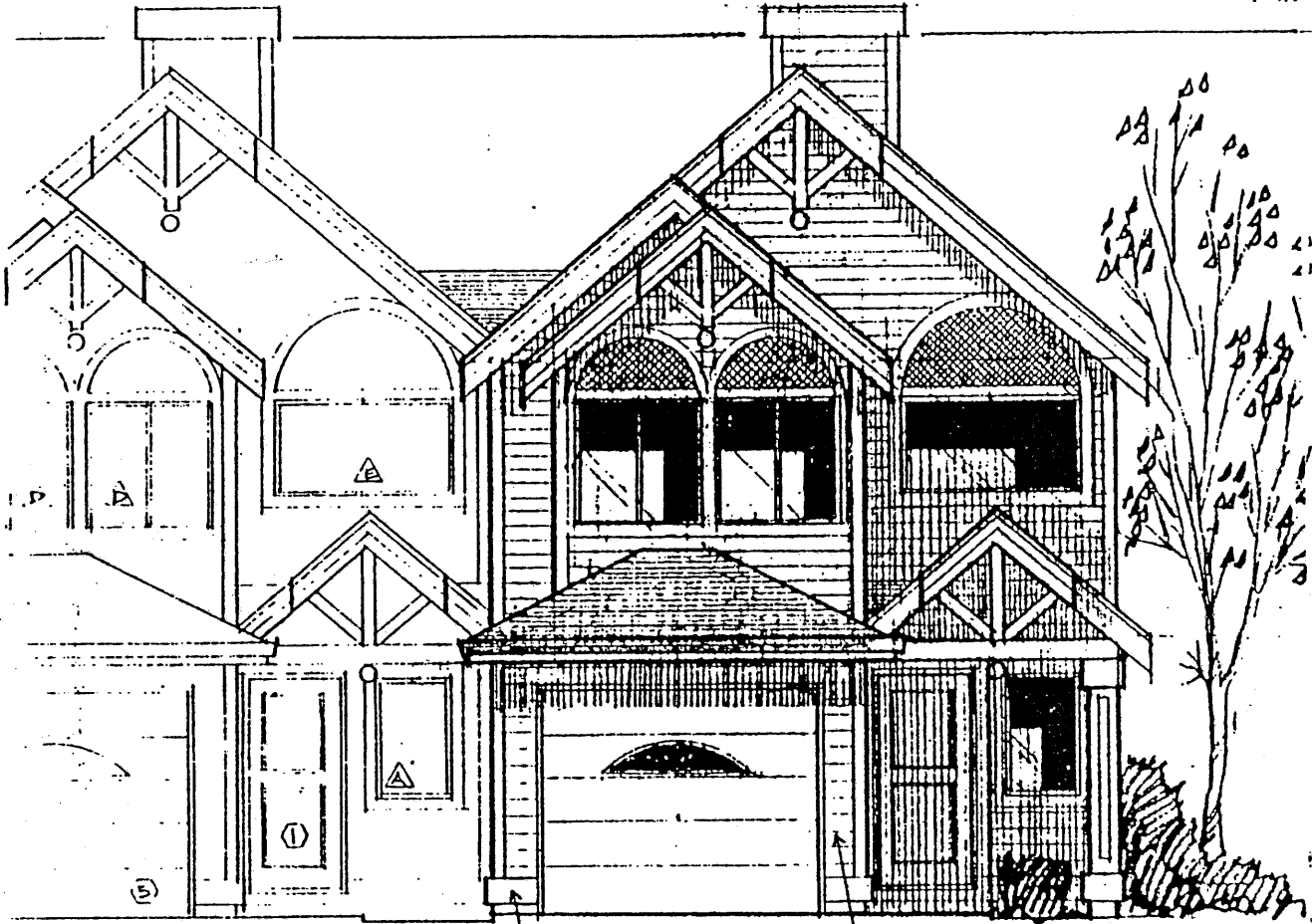
4



(A) SECTION THUR ENTRY AND LIVING RM. 1/4"=1'-0"  
 ALL NOTES SAME AS SECTIONS  
 8" CONC. FON WALL ON 16" B CONC. FRG. - ENT. PLASTIC ON GRADE  
 1/2" PART. DR. OVER 2x6 T&G DECKS  
 INSUL. R-19 W/ V.B. INSIDE  
 2x4 STUDS @ 16" O.C. - 2x4 DECKING  
 2x6 JOISTS @ 16" O.C.  
 1/2" P.W. FRAME AT ALL EXTERIOR VENT. BLOCKS. ALL STAGES  
 2x6 P.W. (EX. 2x12) @ 12" O.C.  
 2x4 BULKHEAD  
 2x4 BRUSSELS @ 24" O.C. - DESIGN BY MANUF.  
 SPRING VENT BRASS PLATE @ 12" O.C.  
 2x4 BULKHEAD  
 INSUL. R-19 W/ V.B. INSIDE  
 SIMP. H-S EA. END. EACH TRUSS-TYP.  
 2x6 BULKHEAD  
 2x4 PT.  
 2x4 BULKHEAD TYP.  
 INSUL. R-19 W/ V.B. INSIDE  
 CASE, STER.  
 2x6 COL. SHOWED FINISHED  
 2x6 TRIM  
 8" CONC. FON WALL ON 16" B CONC. FRG. - ENT. PLASTIC ON GRADE  
 1/2" PART. DR. OVER 2x6 T&G DECKS  
 INSUL. R-19 W/ V.B. INSIDE  
 2x4 BULKHEAD  
 2x6 JOISTS @ 16" O.C.  
 1/2" P.W. FRAME AT ALL EXTERIOR VENT. BLOCKS. ALL STAGES  
 2x6 P.W. (EX. 2x12) @ 12" O.C.  
 2x4 BRUSSELS @ 24" O.C. - DESIGN BY MANUF.  
 SPRING VENT BRASS PLATE @ 12" O.C.  
 2x4 BULKHEAD  
 INSUL. R-19 W/ V.B. INSIDE  
 SIMP. H-S EA. END. EACH TRUSS-TYP.  
 2x6 BULKHEAD  
 2x4 PT.  
 2x4 BULKHEAD TYP.  
 INSUL. R-19 W/ V.B. INSIDE  
 CASE, STER.  
 2x6 COL. SHOWED FINISHED  
 2x6 TRIM  
 8" CONC. FON WALL ON 16" B CONC. FRG. - ENT. PLASTIC ON GRADE

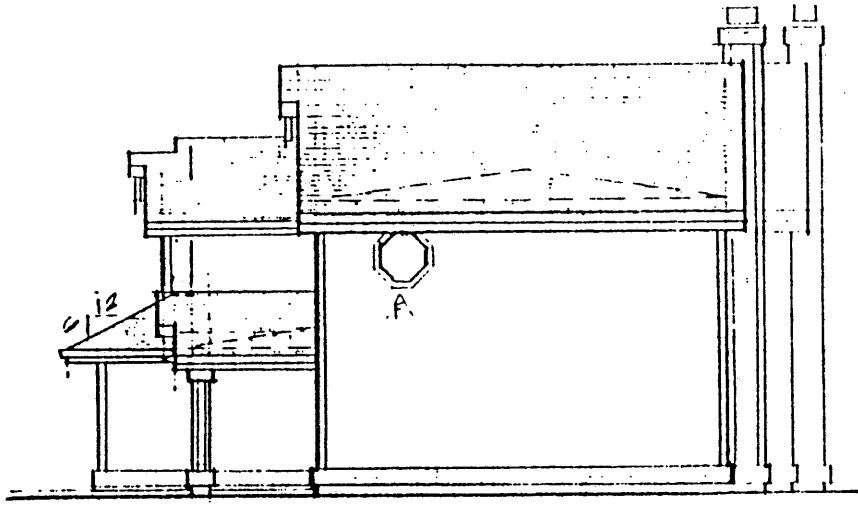
DOOR SCHEDULE	
1	2/0 x 6/0 - 1/4" ARCHITECTURAL
2	2/0 x 6/8 - 1/4" H.C. FL H/SELF CLOSER.
3	2/0 x 6/8 - 1/8" H.C. FL
4	2/0 x 6/8 - 1/8" H.C. FL
5	8/0 x 7/0 OVERHEAD GARAGE DOOR
6	6/0 x 6/8 - 1/8" H.C. FL BI-FOLD (4-SECTIONS)
7	5/0 x 6/8 - 1/8" H.C. FL BI-FOLD (4-SECTIONS)

WINDOW SCHEDULE	
A	3/0 x 4/0 AL. FXD SA (TEMP)
B	5/0 x 5/0 AL SL SA
C	6/0 x 6/8 AL. SL. GL. DR. (TEMP)
D	4/0 x 4/0 AL. SL. SA
E	6/0 x 3/0 AL. SL SA
F	3/0 x 2/0 AL. FXD. SA HEXAGON
G	5/0 x 4/0 AL. SL. SA
H	6/0 x 4/0 AL. SL SA.



2x10 CEDAR TRIM BD      1/2" x 6" CEDAR BEVEL SIDING

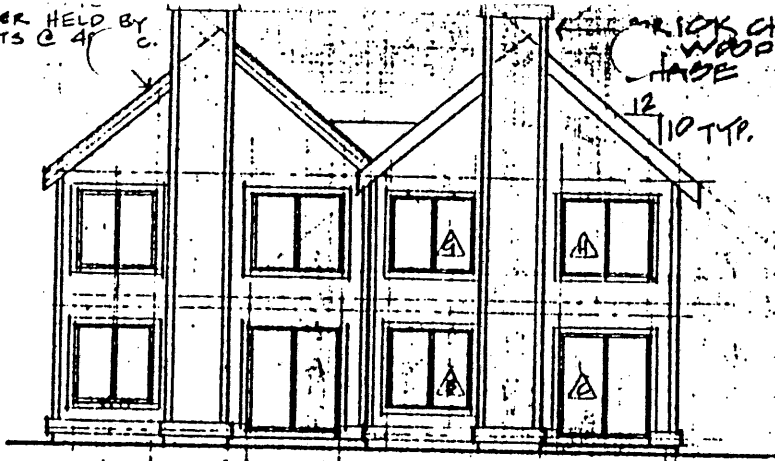
FRONT ELEV. 1/4" = 1'-0"



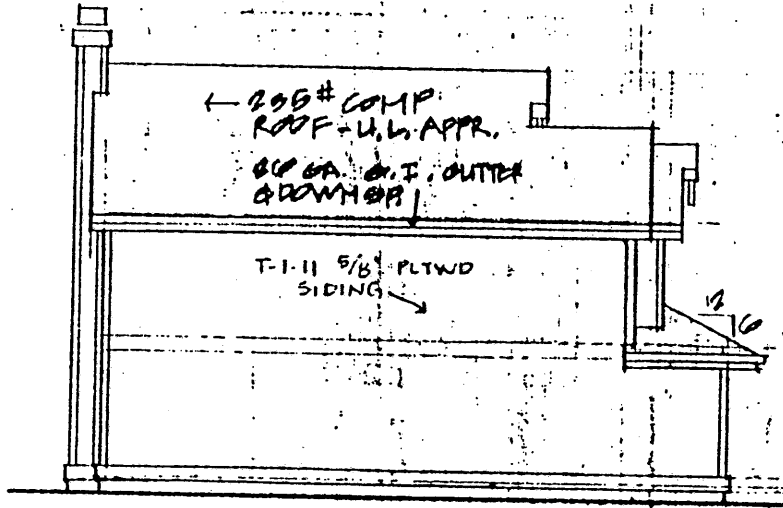
RIGHT SIDE ELEV 1/8" = 1'-0"

BARGE RAFTER HELD BY  
2x4 LOOKOUTS @ 4'

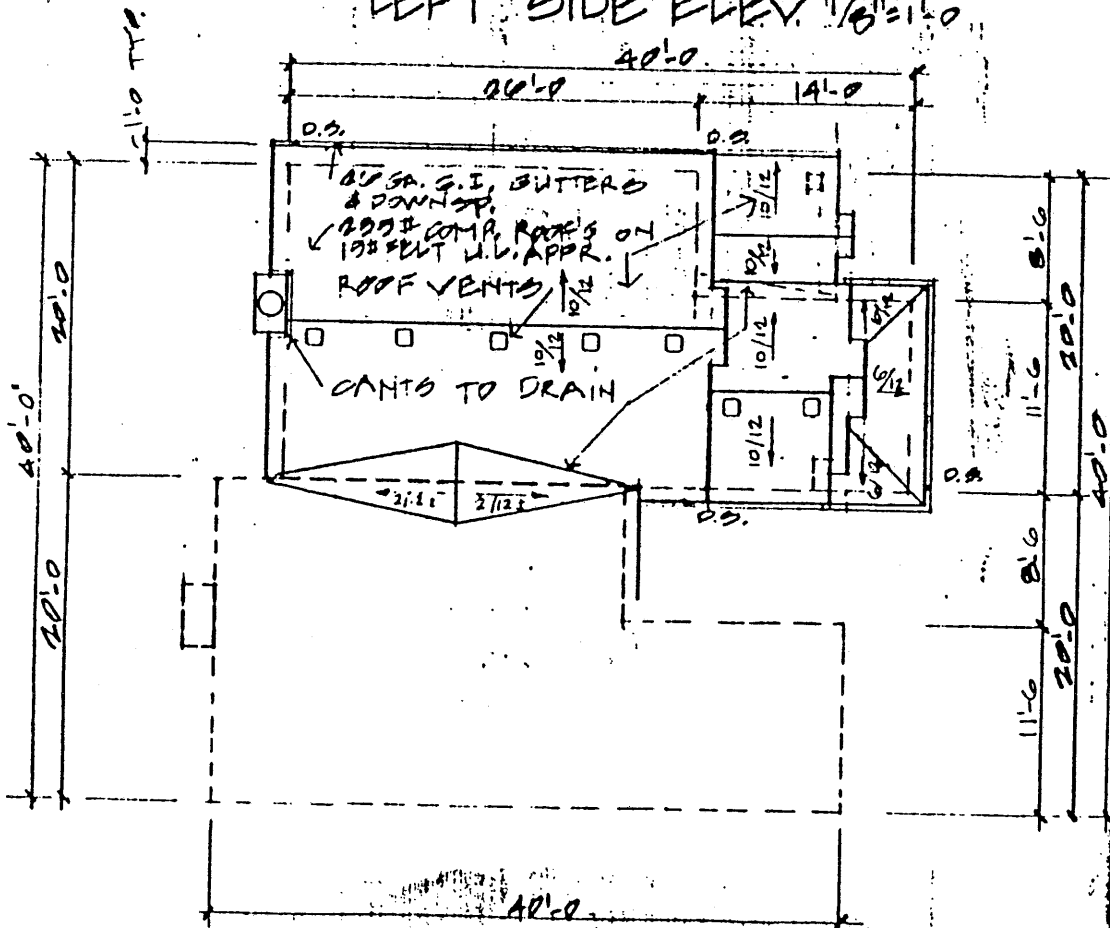
BRICK CHIM.  
WOOD  
CHASE  
12  
110 TYP.

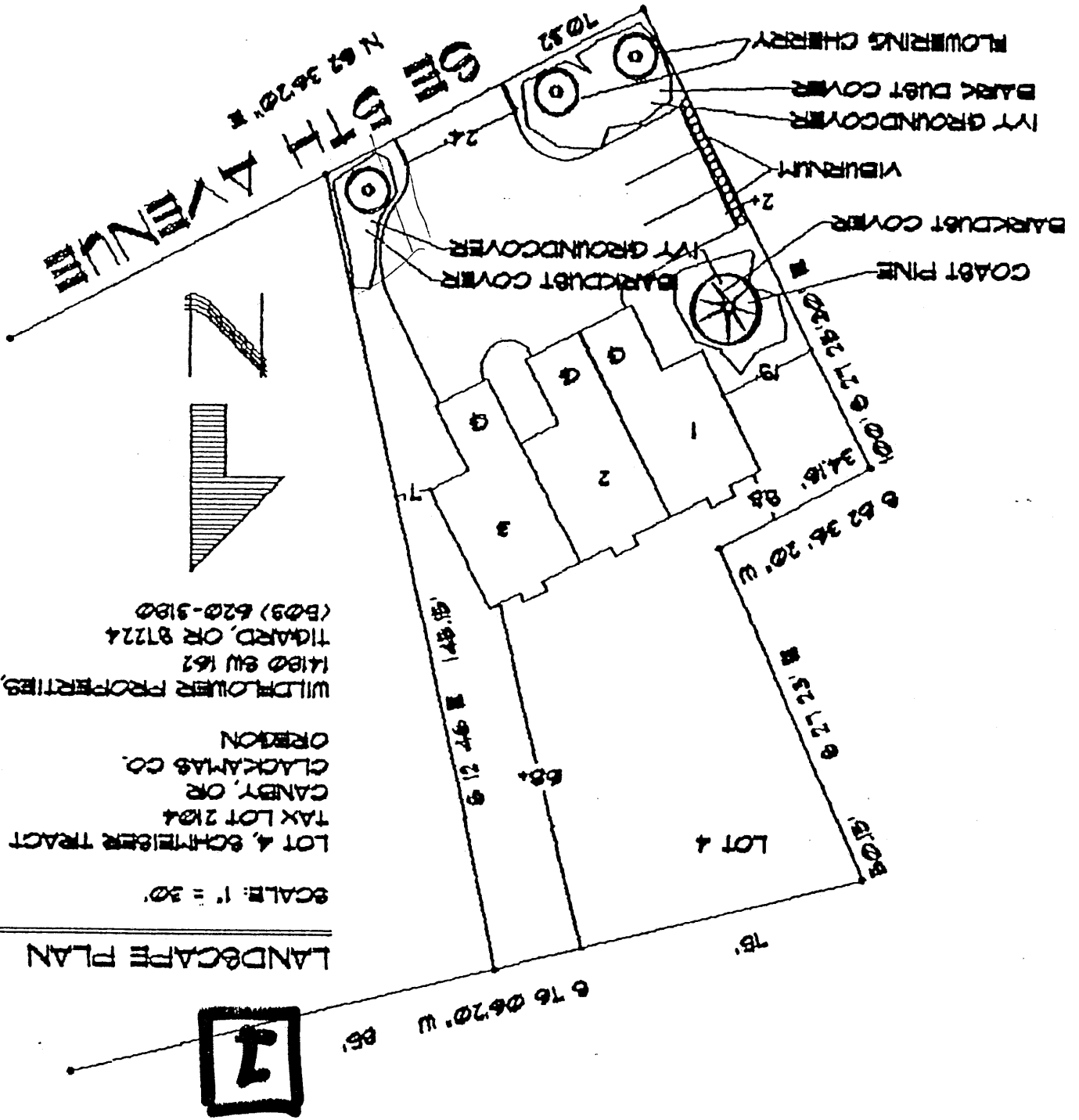


REAR ELEV. 1/8"=1'-0"



LEFT SIDE ELEV. 1/8"=1'-0"







SEE MAP

86-02



1301  
5.89 AC  
922

1318  
320

1319  
312

1320  
390

1322  
418

1902

1905  
199

1910  
0.30 AC  
490

1700  
0.28 AC  
488

1321  
410

1908  
2.518

1907  
1908  
ANNEX NO. 1  
2222

1900  
0.47 AC  
488

1800  
0.41 AC  
488

SCHWEISER

5TH

MAPLE

AVE.

SEE MAP  
3 IE 3300  
SUPPL.

2000  
0.59 AC  
516

1200  
2.84 AC

PARCEL 1  
(2.88 AC)

PARTITION

PLAT

1201  
2.80 AC

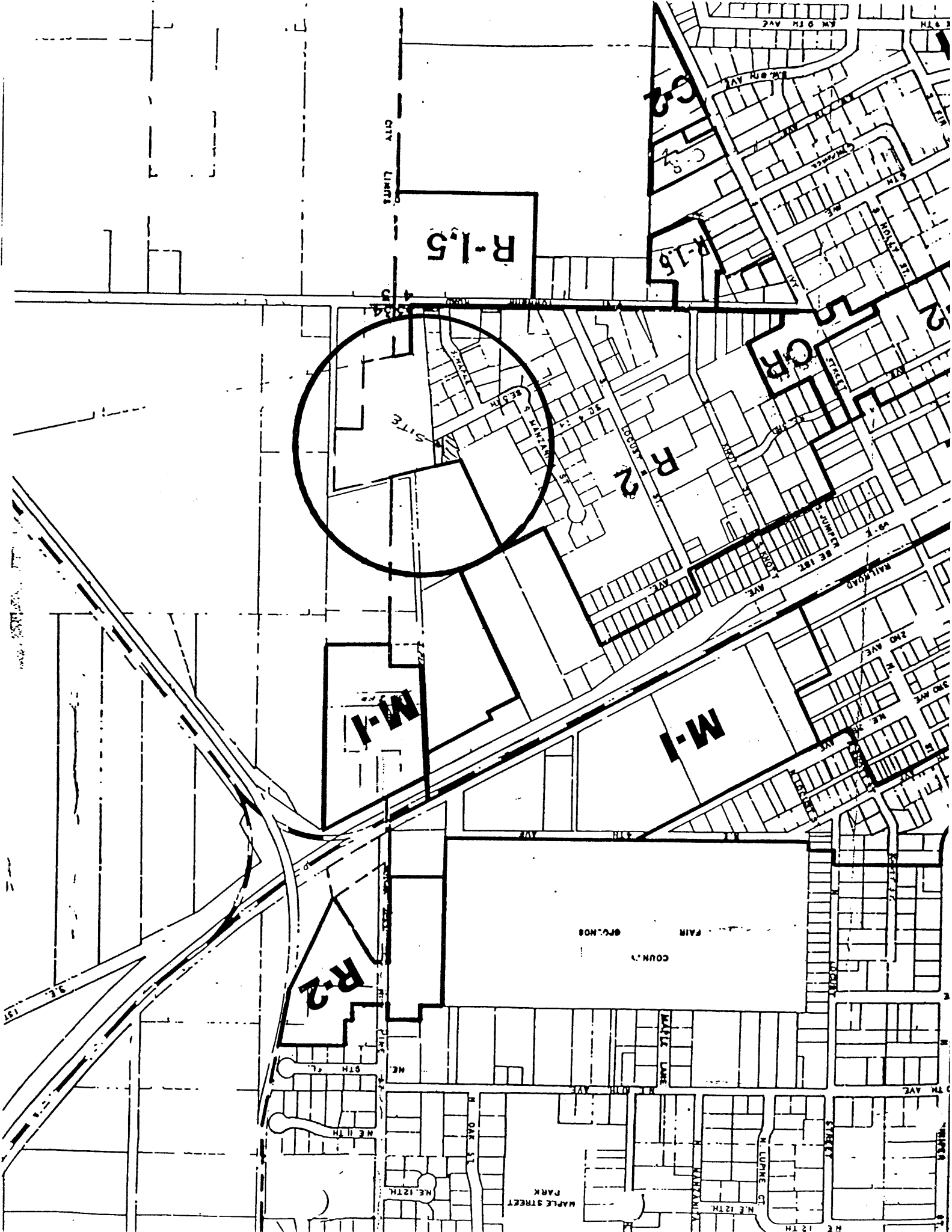
PARCEL 2

1000.70

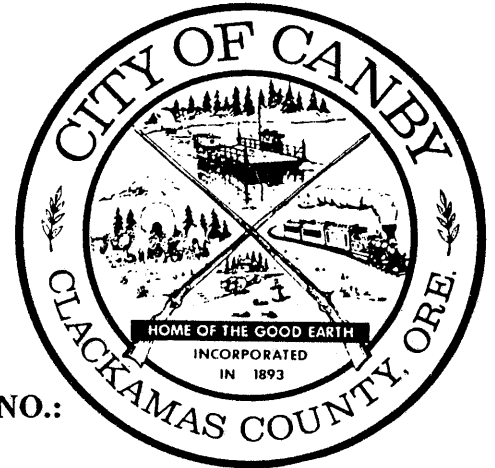
ULC NO 56

EXHIBIT  
6  
DR-91-04

TOWNSHIP (CEMETERY) RD



**- STAFF REPORT -**



**APPLICANT:**

Wildflower Properties  
14180 SW 162nd  
Tigard, OR

**FILE NO.:**

DR 91-05

**OWNER:**

Lucille Ritter  
760 NE 23rd Avenue  
Canby, OR

**STAFF:**

Robert G. Hoffman, AICP,  
Planning Director

**LEGAL DESCRIPTION:**

Tax Lot 2105 of  
Tax Map 3-1E-33DD  
Lot 5 Schmeiser Tract

**DATE OF REPORT:**

July 12, 1991

**LOCATION:**

North side of SE 5th Avenue  
east of South Maple and  
west of S. Pine

**DATE OF HEARING:**

July 22, 1991

**COMP. PLAN DESIGNATION:**

High Density Residential

**ZONING DESIGNATION:**

R-2 Medium Density Industrial

**I. APPLICANT'S REQUEST:**

The applicant is requesting approval of a Design Review Application to construct a triplex residential building. The total site is approximately .24 acres, or 10,500 square feet.

## II. APPLICABLE REGULATIONS

- **City of Canby General Ordinances:**

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

Ord. #848 (as amended by Ord. No. 854 - 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 immediately surrounding area is planned and zoned for residential use. There are apartments in the general area. Much of the adjacent land is vacant and undeveloped.

**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 a triplex residential building. It is to be located on a flat site. The Comprehensive Plan identifies this area as a High Density Residential area. The immediate surrounding area, adjacent to the site, is zoned R-2 with R-1 immediately to the north.

iv. **ENVIRONMENTAL CONCERNS**

Vacant land will be converted to developed residential land. The area has already been platted and is committed to development.

v. **TRANSPORTATION CONCERNS**

Access to the site is by way of S.E. Fifth Avenue which currently deadends nearby. 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 general area and the services are already provided.

vii. **ECONOMIC**

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

**ANALYSIS**

The triplex will provide living space for people who work in Canby and add to the market for Canby businesses.

**viii. HOUSING**

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

**ANALYSIS**

The triplex will provide three units of housing to add to Canby's supply of apartment units.

**ix. ENERGY CONSERVATION**

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

**ANALYSIS**

The State has rules which encourage energy conservation through design and construction methods. These rules will be adhered to. Unfortunately, the long axis of the lot is not oriented for solar access, but all units will have windows oriented to the southeast.

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

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

**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 10,500 square feet. One thousand fifty (1,050) square feet should be in landscaped space. While the dimensions of the landscaped areas are not given, it appears that adequate area is designated. However, only 30% of the area is allowed to be bark dusted, and the landscaped area shown exceeds 30% in bark dust. Furthermore, it is not clear what the surface treatment of the remainder of the site will be. It should be indicated. In the professional opinion of staff, the landscaped area shown on the site plan is appropriate for the location and site.

**2. Parking**

The parking requirement is 2 spaces per dwelling unit. Thus, 6 parking spaces are required. Three garages are indicated, plus 3 parking spaces. Turnaround space, on site, is available.

**3. Access**

Access for passenger vehicles to the triplex is from S.E. 5th Avenue. The access drives meet the ordinance requirements of a minimum of 24 feet wide from S.E. Fifth Avenue. Curbs are required.

**4. Architecture**

The application describes the project as a "Townhouse-like 3-Plex." Major materials include cedar bevel siding, cedar trim board, aluminum windows, composite roof, and sheet rock interior, with T 1-11 plywood on the sides.

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 provide needed housing, and provide jobs and income for some Canby residents during construction.

**c. trees/vegetation**

Coast Pine, azaleas, ivy and flowering cherry have been proposed as part of the landscaping on site.

**d. density and yards and height**

R-2 zoning permits multi-family residential dwellings with minimum lot size of 5000 square feet for the first dwelling, plus 2,500 square feet for each additional unit, or 10,000 square feet for a tri-plex. The 10,500 square foot lot is more than sufficient. All yard requirements are met. The two story tri-plex is less than the 35 foot maximum height limit.

**IV. CONCLUSION**

Provided that the Commission is satisfied with proposed colors and signs, if any, 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 91-05, with conditions, for a residential tri-plex. Furthermore, staff recommends approval of DR 91-05 with the following conditions:

1. A sidewalk and any necessary curbs and curb cuts shall be provided along S.W. 5th Avenue.
2. The bark dust area shall be limited to a maximum of 30% of the required landscaped area, or approximately 300 square feet. The remainder of the outdoor yard space shall be kept and maintained in natural green plant material such as grass or ground cover.

**Exhibits:**

1. Application for Design Review
2. Site Plan
3. Floor Plan
4. Elevations
5. Landscape Plan
6. Locational Map

# 2

STATE AND DESIGN REVIEW APPLICATION

Fee: \$250

OWNER

APPLICANT

Name Lucille Ritter
Address 760 N.E. 23 Rd.
City CANBY State OR Zip 97003
SIGNATURE

Name WILDFLOWER PROPERTIES, INC.
Address 14180 S.W. 162nd.
City TIGARD State OR Zip 97229
Phone: (503) 620-3180

DESCRIPTION OF PROPERTY:

APPX

Tax Map 3S1E33DD Tax Lot(s) 2105 Lot Size 10,000 (Acres/Sq. Ft.)

or

Legal Description, Metes and Bounds (Attach Copy)

Plat Name SCHMEISER TRACTS Lot 5 Block 1

PROPERTY OWNERSHIP LIST

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property...

USE

Existing VACANT LOT Proposed TRI-PLEX

Existing Structures NONE

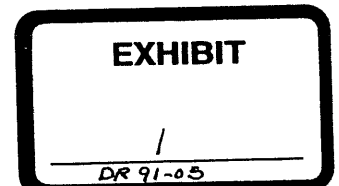
Surrounding Uses MULTIPLE

PROJECT DESCRIPTION

TOWNHOUSE-LIKE 3 PLEX, VACANT LAND NOW

ZONING R-2 COMPREHENSIVE PLAN DESIGNATION HI DENSITY RESIDENTIAL
PREVIOUS ACTION (if any) NONE

File No. DR 91-05
Receipt No. 1440
Received by
Date Received
Completeness Date
Pre-Ap Meeting
Hearing Date



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

**2**

LOT 5, SCHMEIBER TRACT  
TAX LOT 2105  
CITY OF CANBY  
CLACKAMAS COUNTY  
OREGON

WILDFLOWER PROPERTIES, INC.  
14180 SW 167, TIGARD, OR 97224  
(503) 620-3100

SCALE: 1" = 30'

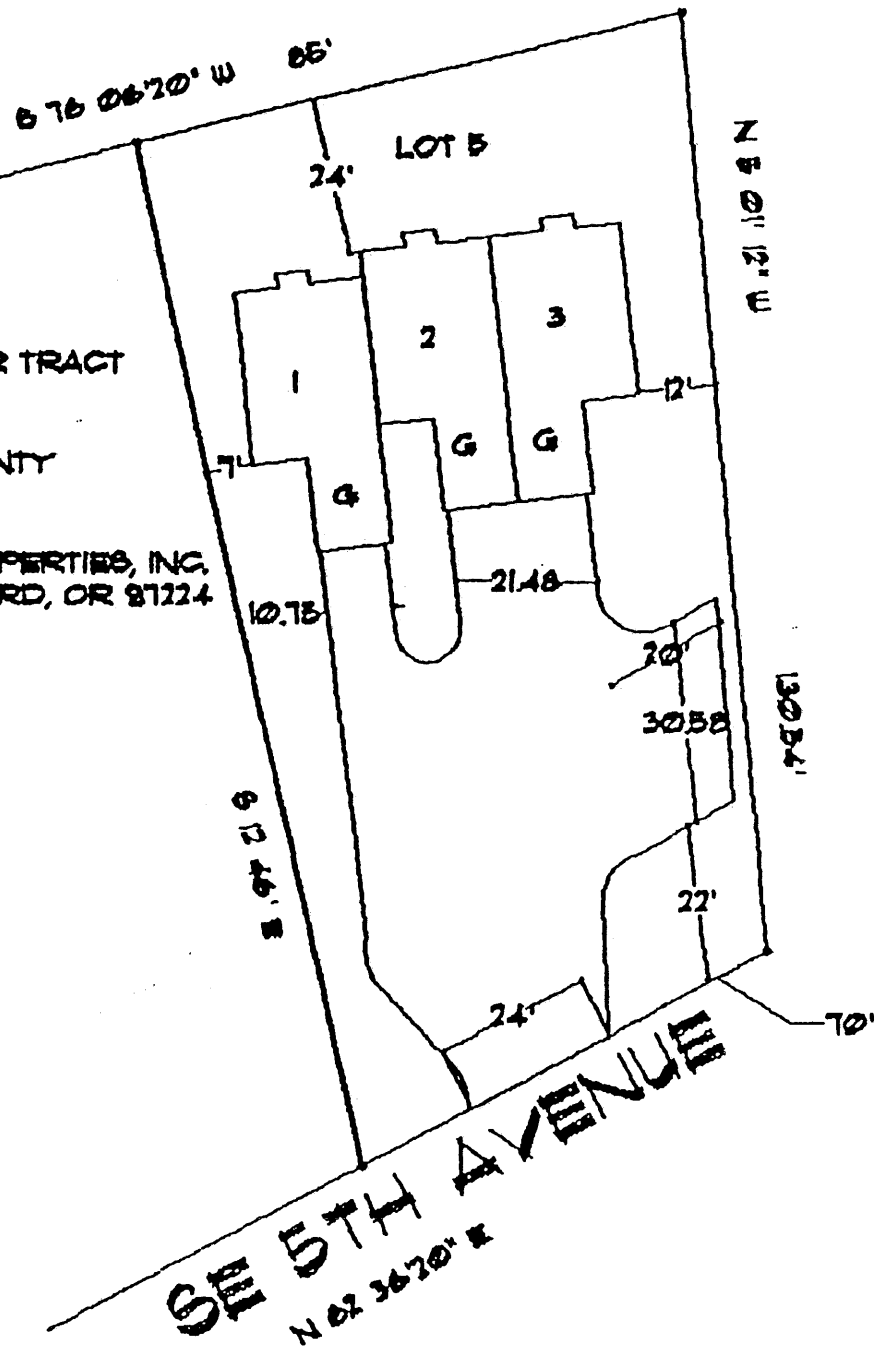
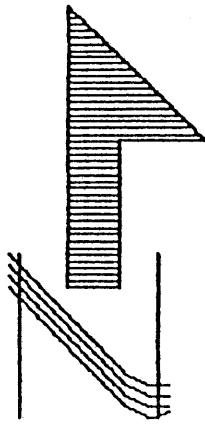


EXHIBIT  
2  
DK 91-05

2 BE  
ZED  
HAVE  
PT  
SR.

# MAIN LEVEL PLAN

451 SQ. FT.  
1805 TOTAL SQ. FT.

EXHIBIT  
3  
DR 91-05  
NO. 915

5  
L.M. Swisher & Associates, Inc.  
1964 1<sup>st</sup> Floor  
Portland, Oregon 97201  
Designers

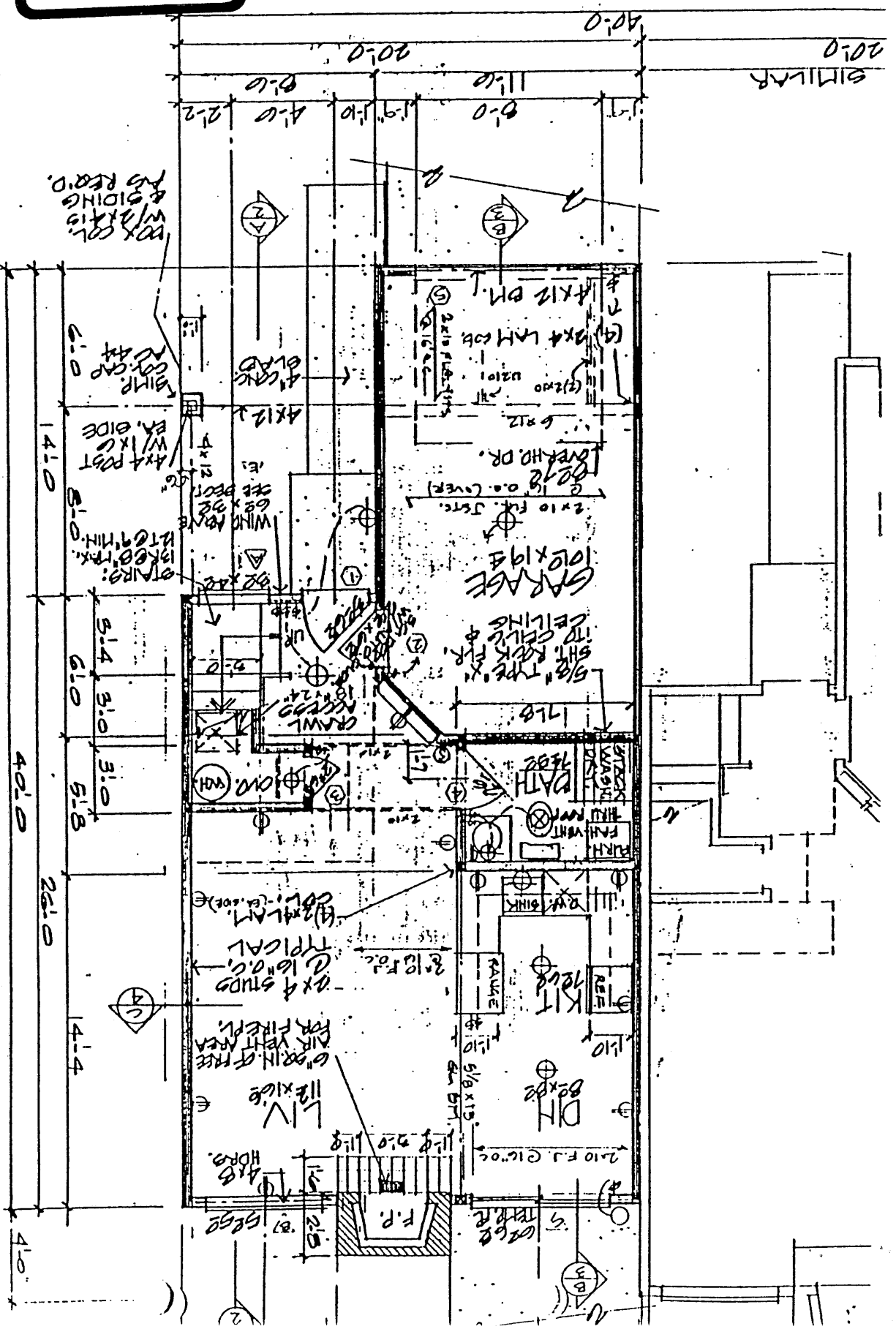
2  
3

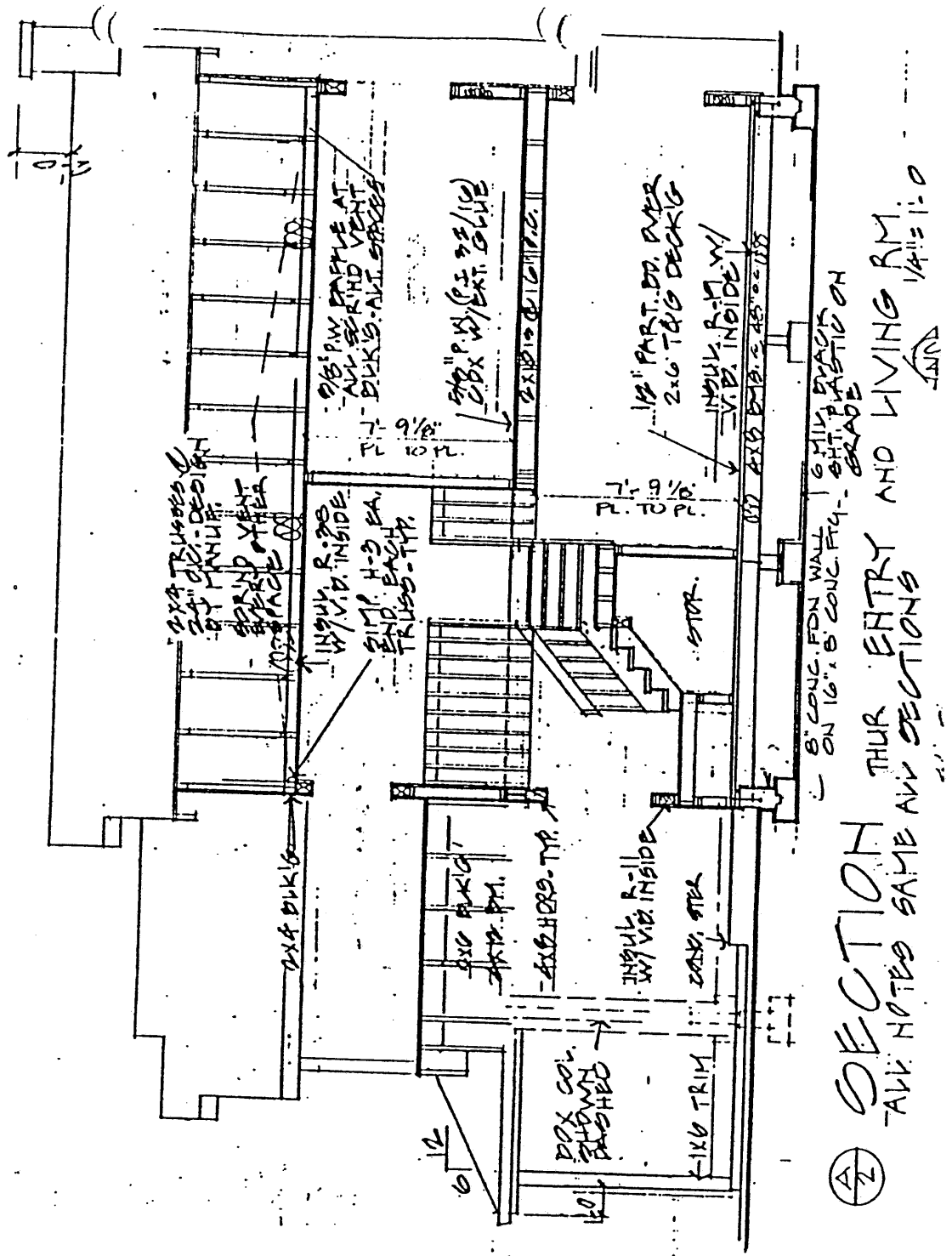
NOV. 24, 1971

PLAN NO. C-187-M

DATE JULY 1971

NO. 915





(2) SECTION THUR. ENTRY AND LIVING RM. 1/4" = 1'-0"  
 ALL NOTES SAME AS SECTIONS

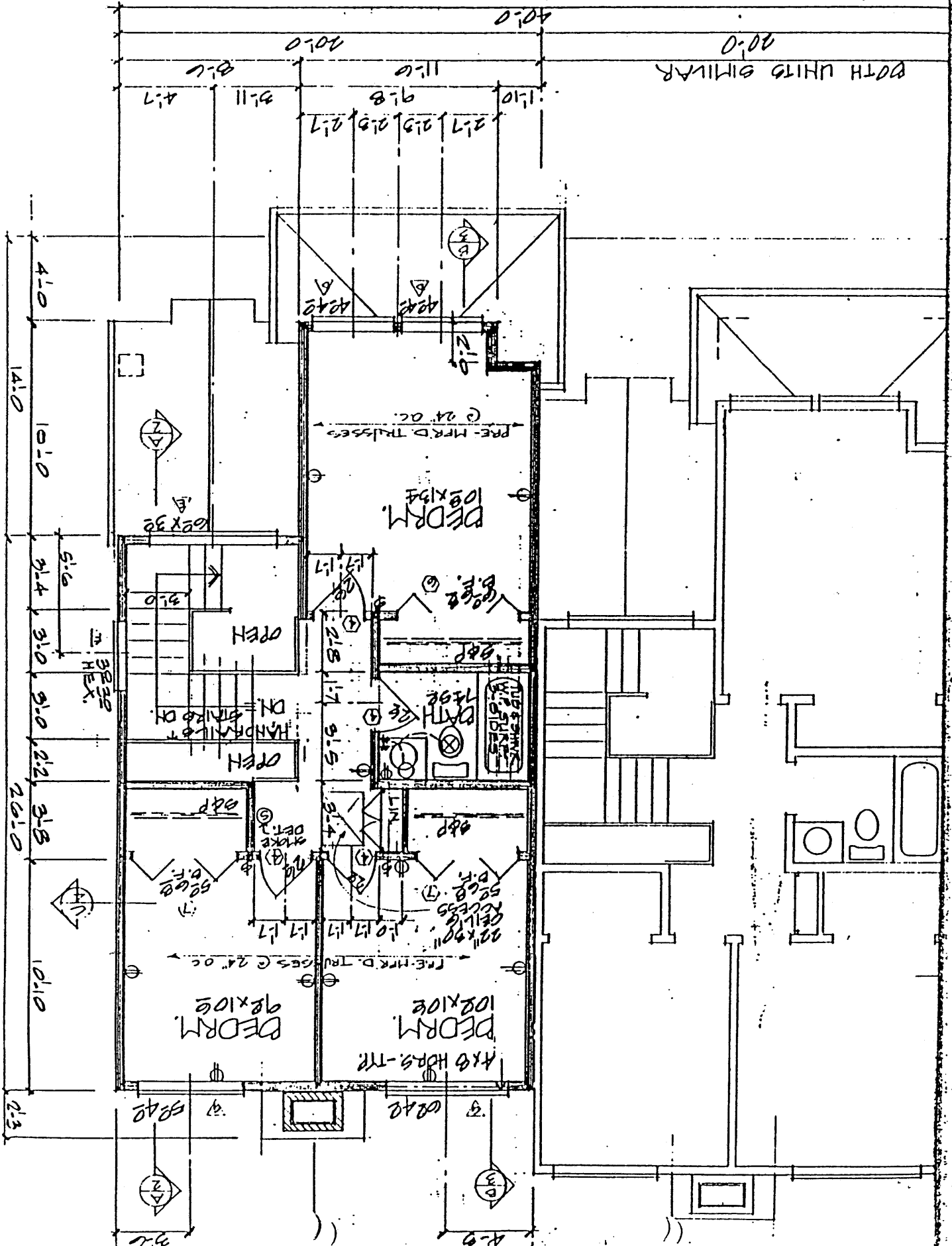
DOOR SCHEDULE	
1	2/0 x 6/0 1/4" ARCHITECTURAL
2	2/0 x 6/0 1/4" H.C. FL. H/S. SELF CLOSING
3	2/0 x 6/8 1/8" H.C. FL.
4	2/0 x 6/8 1/8" H.C. FL.
5	6/0 x 7/0 OVERHEAD GARAGE DOOR
6	6/0 x 6/8 1/8" H.C. FL. BI-FOLD (4 SECTIONS)
7	5/0 x 6/8 1/8" H.C. FL. BI-FOLD (4 SECTIONS)

WINDOW SCHEDULE	
A	3/0 x 4/0 AL. FRD. SA. (TEMP)
B	5/0 x 5/0 AL. SL. SA.
C	6/0 x 6/8 AL. SL. GL. DR. (TEMP)
D	4/0 x 4/0 AL. SL. SA.
E	6/0 x 3/0 AL. SL. SA.
F	3/0 x 2/0 AL. FRD. SA. HEXAGON
G	5/0 x 4/0 AL. SL. SA.
H	6/0 x 4/0 AL. SL. SA.

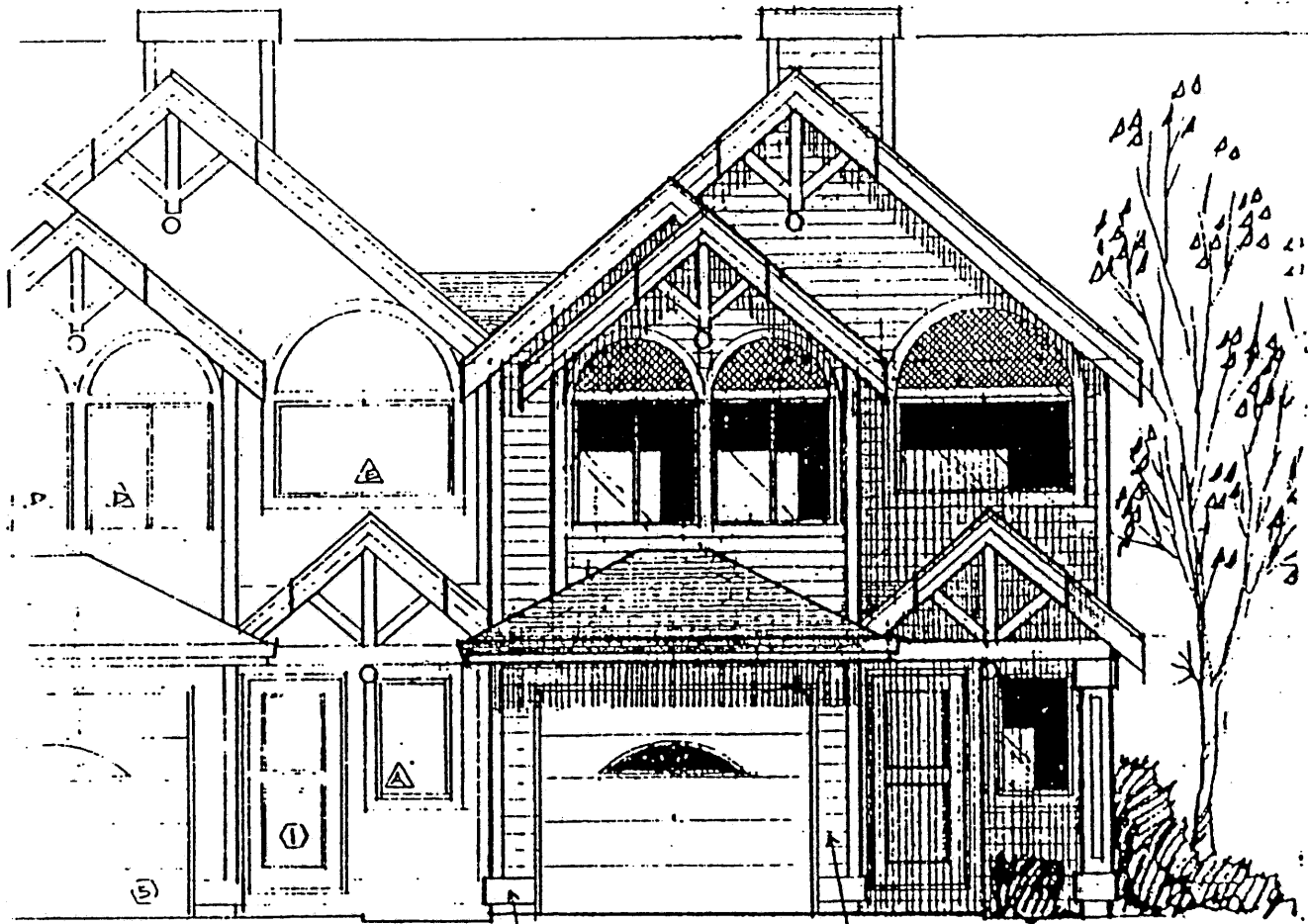
# UPPER FLOOR

NOTE!  
 1) FOR TYPE OF HEAT  
 CONSULT CONTR.  
 2) ALL OPENINGS TO  
 HAVE AXB HDRO. OR  
 AN AXB ID

BOTH UNITS SIMILAR

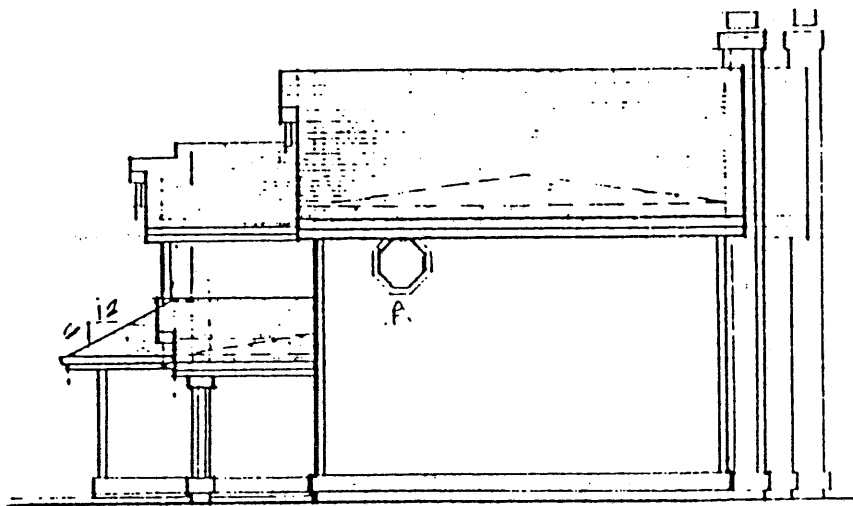


534 SQ. FT. 1/4" = 1'-0"



2x10 CEDAR TRIM BD      1/2" x 6" CEDAR BEVEL SIDING

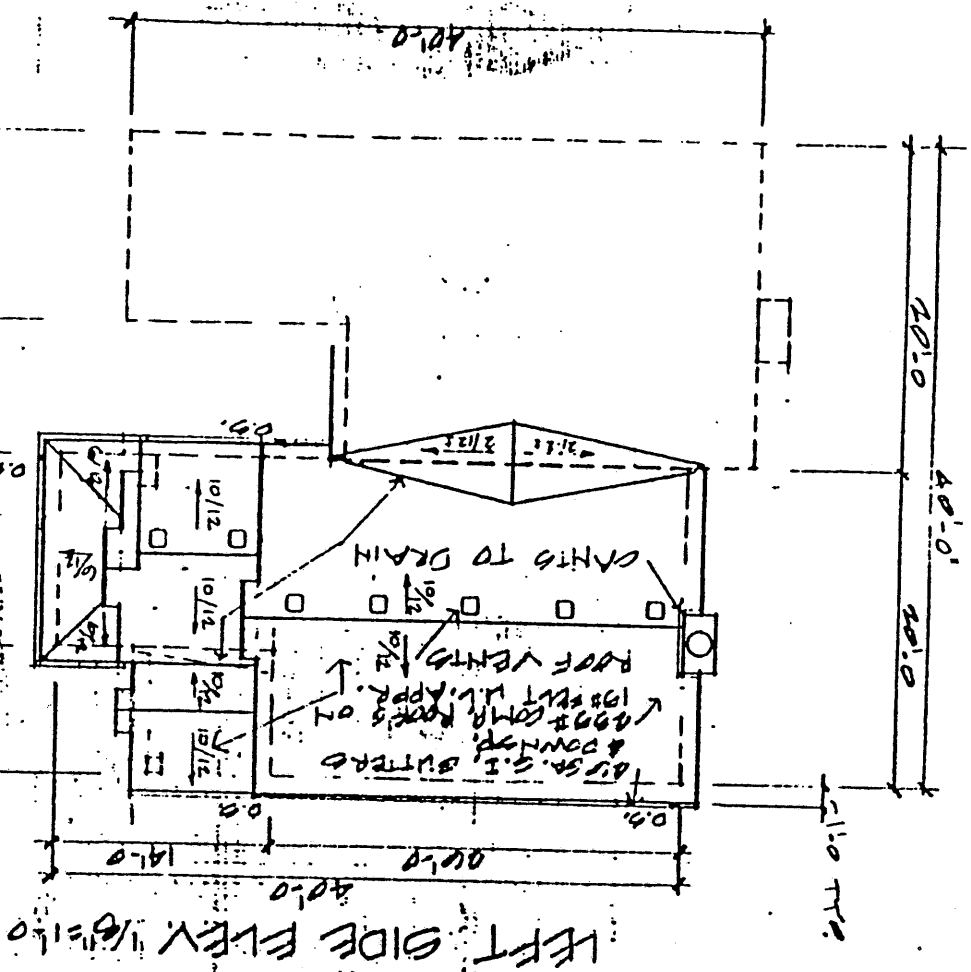
FRONT ELEV. 1/4" = 1'-0"



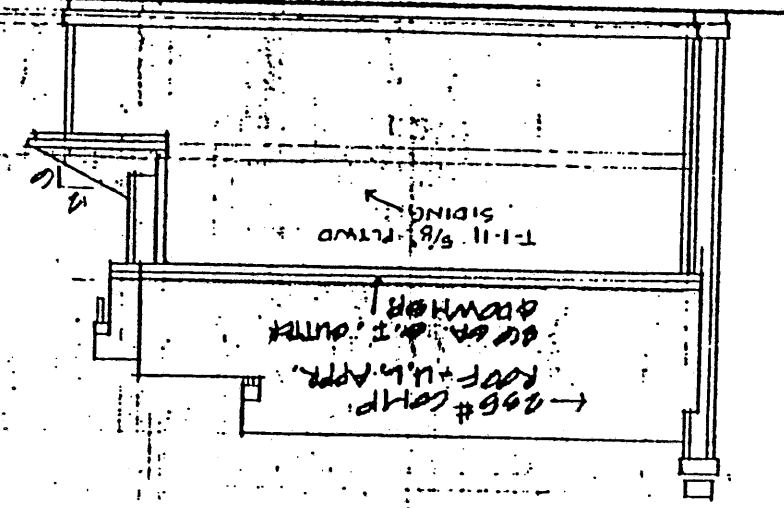
RIGHT SIDE ELEV 1/8" = 1'-0"

EXHIBIT  
4  
DR 91-05

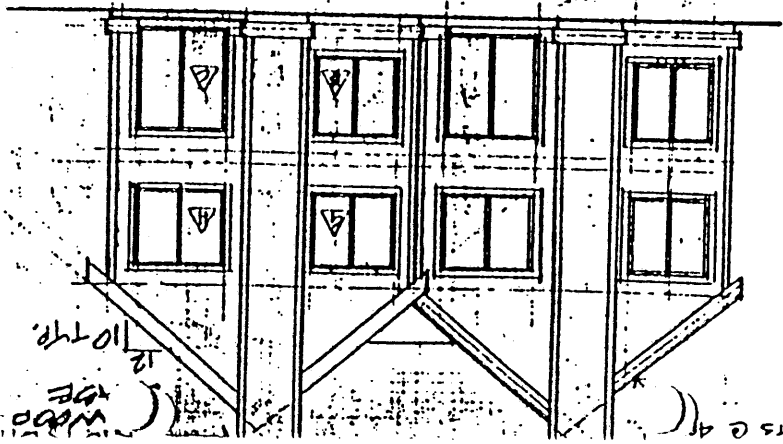




LEFT SIDE ELEV 1/8"=1'-0"



REAR ELEV 1/8"=1'-0"



**2**

S 76° 06' 20" W 85'

N 8° 01' 12" W

**LANDSCAPE PLAN**

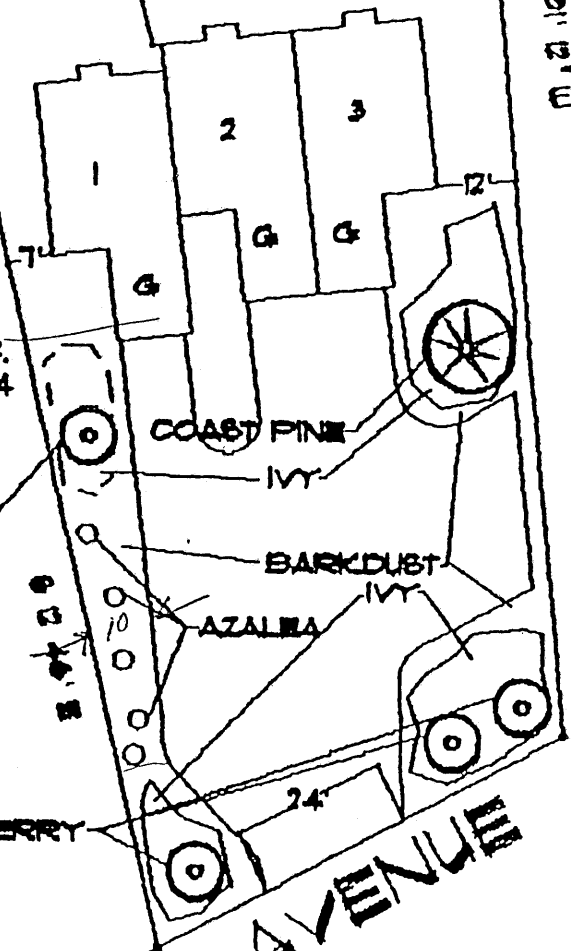
LOT B, SCHMEISER TRACT  
 TAX LOT 2105  
 CITY OF CANBY  
 CLACKAMAS COUNTY  
 OREGON

WILDFLOWER PROPERTIES, INC.  
 1180 SW 162, TIGARD, OR 97224  
 (503) 620-3180

SCALE: 1" = 30'

FLOWERING CHERRY

24' LOT B



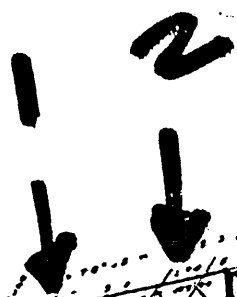
130.54'

SE 5TH AVENUE  
 N 62° 36' 20" E

65 x 10 = 650  
 15 x 20 = 300  
 25 x 25 = 625  
 20 x 25 = 500  
 -----  
 2075

SEE MAP

86-02



1200  
2.84 Ac

PARCEL 1  
(2.88 AC)

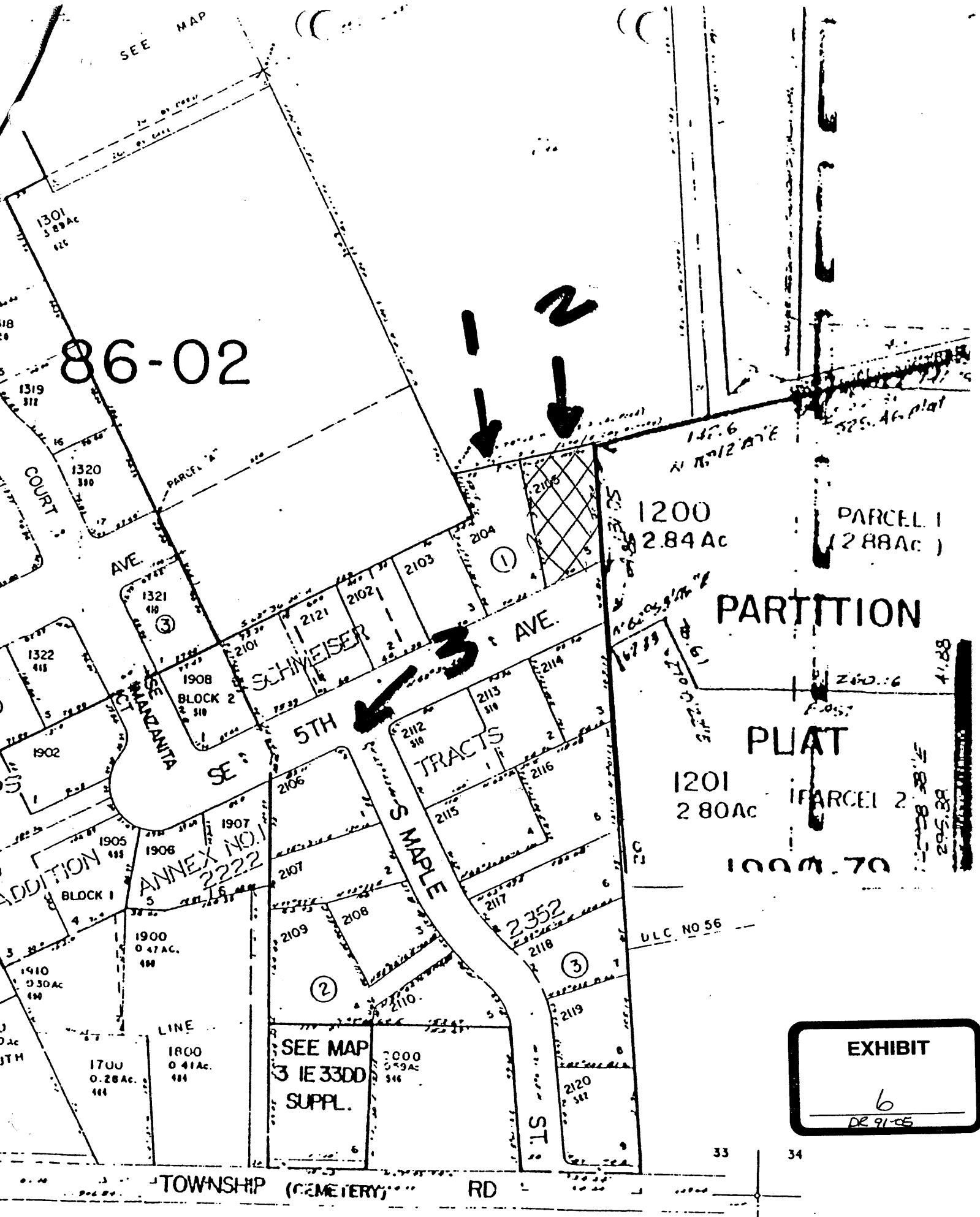
PARTITION

PLAT

1201  
2.80 Ac

PARCEL 2

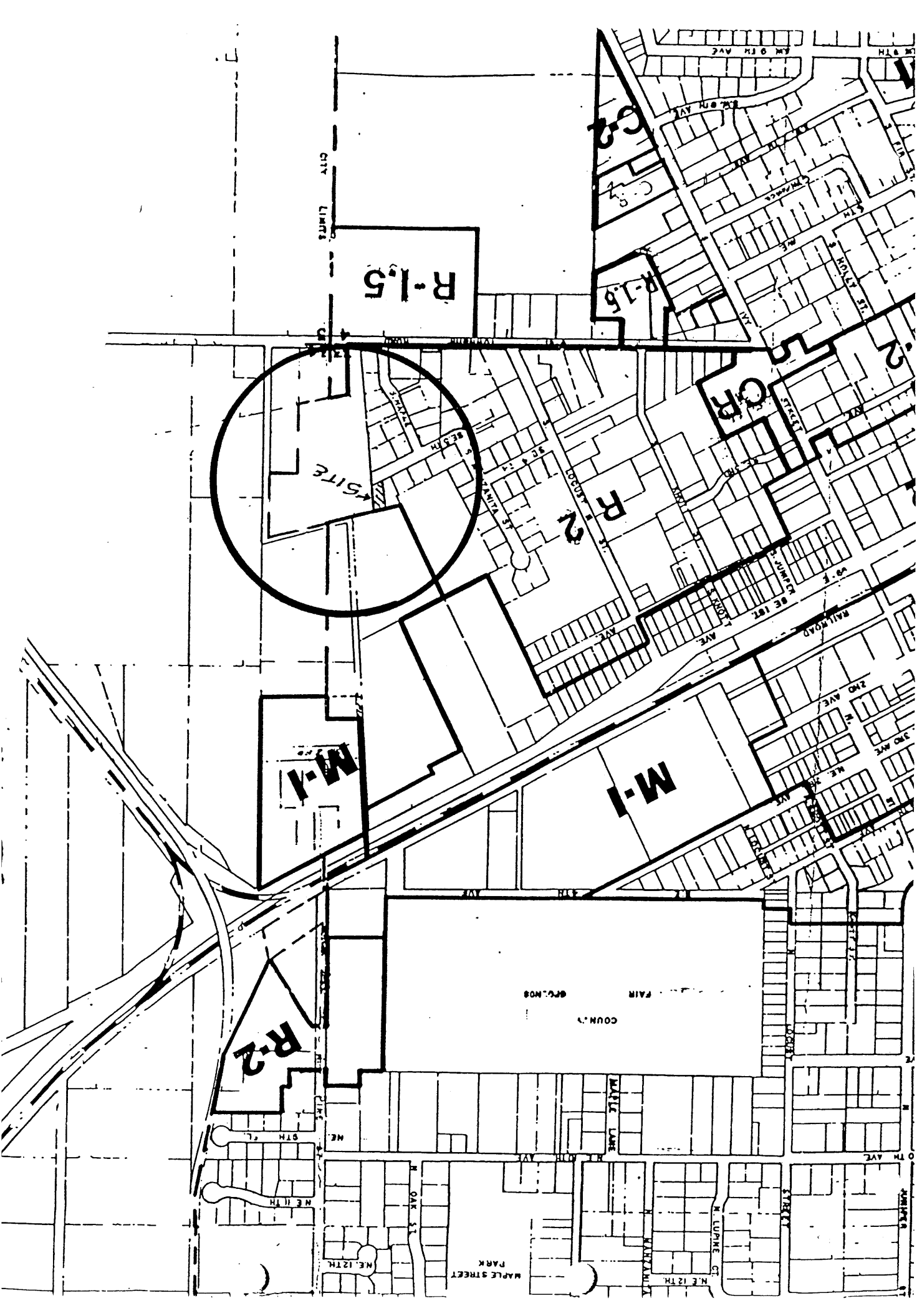
1000.70



EXHIBIT

6

DR 91-05



R-1.5

R-1.5

R-2

SITE

M-1

M-1

R-2

FAIR COUN. GROUNDS

MAPLE STREET PARK

CITY LIMITS

RAILROAD

N. OAK ST.

N. 12TH

N. 11TH

N. 10TH

N. 9TH

N. 8TH

N. 7TH

N. 6TH

N. 5TH

N. 4TH

N. 3RD

N. 2ND

N. 1ST

N. 10TH AVE.

N. 9TH AVE.

N. 8TH AVE.

N. 7TH AVE.

N. 6TH AVE.

N. 5TH AVE.

N. 4TH AVE.

N. 3RD AVE.

N. 2ND AVE.

N. 1ST AVE.

N. 10TH ST.

N. 9TH ST.

N. 8TH ST.

N. 7TH ST.

N. 6TH ST.

PLANNING COMMISSION

SIGN-IN SHEET

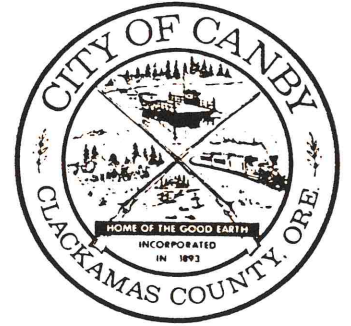


Date: July 22, 1991

NAME (Please Print)	ADDRESS (Please Print)
Jerry Inattland	1340 N JUNIPER
THOMAS L WITBECK	1320 N JUNIPER
Ronald A. POTRATZ	1309 N. Locust
Sheryl Anderson	641 N. Baker Dr.
Dave Anderson	
VACH KOLDER	1404 N JUNIPER
Galen Reckman	1308 N. Locust
Douglas Jan Hanson	1500 54 Township Rd
Gregory W. Zales	1315 N. Locust
Lisa Johnson	647 SE 5th
E. Kitchman	667 SE 5th
P. Kline	30 SE 3rd
Manfred Schosnig	610 SE 5th
Jerilyn Schosnig	" "
Ron Behest	Tigard Or
BOB L. STUART	1320 N Holly
Dan Anderson	1056 NE 8th Pl

**PLANNING COMMISSION**

**SIGN-IN SHEET**



Date: July 22, 1991

**NAME**  
**(Please Print)**

**ADDRESS**  
**(Please Print)**

David Anderson

641 Baker

Gregory W. Goder

7315 Locust

Ron Pollock

1309 N. Locust

Tom Witbeck

1320 N JUNIPER

Kelly Sweetland

1340 W JUNIPER

V Molder

1404 N. Juniper

Ron Baker

14180 S.W. 162, TIGARD, OR

Lisa Johnson

647 SE 9th