

AGENDA
CANBY PLANNING COMMISSION
REGULAR MEETING
City Council Chambers
October 22, 1990 - 7:30 p.m.

I. ROLL CALL

II. MINUTES

October 8, 1990

III. COMMUNICATIONS

IV. UNFINISHED BUSINESS

V. BUSINESS FROM THE AUDIENCE

VI. PUBLIC HEARING

SUB 90-02, a request by Mrs. Shirley Regan, Mr. Joseph Regan, Mr. John Regan and Mrs. Ruth Regan for approval to develop Phase III, 36 residential lots on 8.3 acres of a multi-phase development (Township Village III). The property is located on the south side of S.E. Township Road, east of S. Ivy Street (Tax Lot 1800 of Tax Map 4-1E-3).

SUB 90-03, a request by Ronald G. Tatone, for approval to develop Harvest Oak Estates, No. 2 and replat Lot 1, Block 3 of Harvest Oak Estates. The site is located south of N. Territorial and north of N.E. 14th, between N. Locust and N. Manzanita (Tax Lot 1200 of Tax Map 3-1E-28DC).

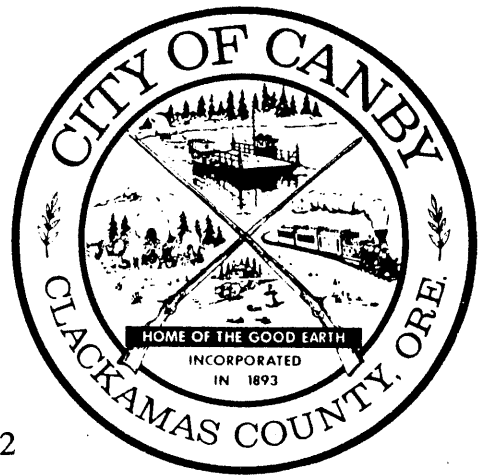
SUB 90-04/CUP 90-08, a request by Planned Dollars Concepts, for approval of a Conditional Use Permit and Tentative Subdivision/Planned Unit Development. The applicant proposes to develop Cedar Creek Community, a 75-unit Adult Subdivision and requests approval of a Conditional Use Permit for 30 common-wall dwellings. The site (approximately 14.4 acres) is located southwesterly of the 13th Avenue and Elm Street intersection (Tax Lots 800, 891, 900, 1000 and 1001 of Tax Map 4-1E-4C and Tax Lot 1000 of Tax Map 4-1E-4B). It is located at the end of 13th Avenue, west of the Elmwood Mobile Home Park, south of Canby Union High School and north of the Molalla River embankment.

VII. FINDINGS

CUP 90-04 - Canby Care Center
MLP 90-10 - Pauline Vigus
CUP 90-07 - First Baptist Church

VIII. ADJOURNMENT

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



APPLICANT:

Regan Enterprises

FILE NO.:

SUB 90-02

OWNER:

Regan Enterprises
31151 S. Needy Road
Canby, OR 97013

STAFF:

Robert G. Hoffman, AICP,
Contract Planner

LEGAL DESCRIPTION:

Tax Lot 1800 of
Tax Map 4-1E-3

DATE OF REPORT:

October 12, 1990

LOCATION:

South of SE Township Road,
east of S. Pine Street

DATE OF HEARING:

October 22, 1990

COMP. PLAN DESIGNATION:

Medium Density Residential (along
Territorial) and Medium Density
Residential (rest of parcel)

ZONING DESIGNATION:

R-2 (Med. Density Resid.) (200' along
Territorial). Remainder is R-1.5
(Intermediate Density Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval of a 36-lot residential subdivision on 8.3 acres on the northern 768 feet of Tax Lot 1800 of Tax Map 4-1E-3. The property is presently a tree farm. A revised master site plan for the larger Township Village area has been submitted. Thirty-six single family lots are proposed, varying in size between 6,565 and 11,215 square feet. Improved Solar Access and a collector street are proposed.

II. APPLICABLE CRITERIA:

A. City of Canby Code Section 16.62.020

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

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

B. Other Applicable Policies and Regulations:

■ City of Canby Comprehensive Plan:

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

■ City of Canby General Ordinances:

- 16.20 Off-Street Parking and Loading
- 16.18 R-1.5 Intermediate Density Residential Zone
- 16.20 R-2 Medium Density Residential Zone
- 16.42 Signs
- 16.46 Access Limitations
- 16.60 Major and Minor Partitions (Subdivisions)
(especially 16.64, Subdivision Design)
- 16.86 Street Alignment
- 16.88 General Standards

III. FINDINGS:

A. Background:

The subject parcel was a part of previous considerations by the Planning Commission. Rezoning to R-1.5 for an adjacent site of 8.5 acres was approved, but the request for rezoning the remainder of the site of 33.4 acres was denied. The remainder of the original site remains R-1. A Phase I and Phase II development for the area have received approvals for subdivision with a number of conditions. A master site plan for Township Village received review and tentative approval. A revised master site plan has been submitted with the present application. A strip of land adjacent to the original parcel was annexed to the City of Canby recently. The northern portion of that parcel, 8.3 acres, is the subject of this application. Conditions of the annexation included the following:

"1. A complete subdivision application must be submitted to the Planning Commission for approval; 2. the property zoned R-2 throughout the northern 220 feet, R-1.5 throughout the middle 1,210 feet, and R-1 throughout another 1,210 feet; and, 3. adequate and significant allocations for park land and open space as part of the revised Township Village Master Plan."

B. Comprehensive Plan Consistency Analysis

I. Citizen Involvement - not applicable

II. Urban Growth

The subject parcel is entirely within the Urban Growth Boundary and since it has recently been part of an approved annexation, it is entirely within the City limits. The priority of the site is "committed to urbanization."

III. Land Use

The Comprehensive Plan Land Use Element indicates the northern 200± feet of the parcel as appropriate for High Density Residential and the remainder as Medium Density Residential. The zoning of the parcel is consistent with this pattern, with the northern strip along Territorial zoned R-2, High Density, and the remainder zoned R-1.5, Intermediate Density Residential. The intent of Special Area "I" of the Comprehensive Plan has been met through annexation and

zoning. Development as urban residential remains. The subject subdivision is one step in that process.

IV. Environmental Concerns

The site is generally flat and the slope is very gradual. The predominant soil is Latourell Loam, a deep well-drained soil with Class I capability rating. The site has been in Christmas Tree production. The area is suitable for urban residential development. It is possible to design methods and facilities to provide adequate protection of the air, water and land resources and to mitigate against any noise. The southeast portion of the City does not have adequate sewer capacity to handle all the area indicated within the Urban Growth Boundary. A major sewer route must be determined and protected to serve this part of the City. Also, a collector road is needed to provide a connection between local areas and their arterials. The collector should be a 50' right-of-way with a 40 foot pavement. The proposed subdivision provides a piece of the collector with South Pine Street. The proposed revised area master plan provides for this collector via S. Pine-10th and S.E. Oak, between Township and 13th Avenue. The new sewer collector will be provided for in each phase within this new right-of-way.

V. Transportation

The Transportation Element Goal,

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

is accomplished through the City's Capital Program and use of the Land Development Ordinance to prevent creation of dead-end streets without adequate connections or turnarounds. As part of development programs, new streets are to be programmed and constructed, making adequate provision of collectors and arterials. Also, adequate sidewalks and a pedestrian pathway system should be provided. The subject subdivision provides for the needed collector street for this part of the City and a desirable local street pattern which will discourage through traffic. Adequate sidewalks will be provided. The developer has requested approval to build a "four foot sidewalk, constructed 2.5 feet back of the curb similar to Phase II." On the proposed Master Plan for Township Village, both 7th Avenue and 10th Avenue are indicated to ultimately extend to the

east. Currently, Knott Street dead-ends on the northwestern corner of the site. No provision for extension is made in the proposed Master Plan. It should be indicted to connect to the loop at the end of 7th Avenue. Children's pedestrian needs, for safe school access, must be provided.

VI. Public Facilities and Services

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

"PARK LAND DONATION: Park land has been discussed at several of the hearings. The owners have taken the position that they are not opposed to a development fee, whether the fee be for park or any other community need, but respectfully submit that any agreed-upon fee should be applied to all development and applied to all areas of the City and, hopefully, a fee in an amount that will not detract from any future development."

This element must be addressed either by a Master Plan Revision or, if approved, by a condition of approval.

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

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

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

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

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

The school district has requested that pedestrian pathways be provided to the Philander Lee Elementary School "as soon as possible." Currently, children from Township Village must walk on Township Road or 13th Avenue and Ivy Street. No sidewalks are available for much of the distance. The Master Plan should be modified to provide direct pedestrian access from Township Village to the school since they are adjacent. This phase should also consider pedestrian needs. Since the pool, middle school, and Canby Adult Center are all located near Philander Lee Elementary School, a pedestrian connection to this area would be desirable. It probably could be a "marketing tool" for Township Village, as well.

VII. Economics

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

VIII. Housing

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

The Housing Element Policy No. 2 states that a gradual increase in housing density is to be encouraged. Policy No. 3 states that housing construction needs to be coordinated with provision of utilities, facilities and transportation. This subdivision proposal will aid Canby in meeting its Housing Goal and Policies through the provision of 36 well-designed, single-family lots, well served by utilities, public facilities and transportation.

IX. Energy

The redesign of the proposed Master Plan results in fifteen additional lots, with north-south solar orientation. Twenty-one of 36 lots in Phase III have an orientation to maximize southern exposure. The remaining lots are large enough to also allow construction which would incorporate solar access features.

C. Development Code Consistency Analysis

1. Section 16.62.020 - Standards and Criteria

• **Conformance with Comprehensive Plan**

The foregoing discussion described the subject subdivision, master plan and their relation to applicable Comprehensive Plan Goals and Policies.

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

This is the object of this entire staff report.

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

The revised Master Plan provides for better solar access, a collector street connecting the area to Township and 13th and other parts of the subdivision, without unduly encouraging traffic on local streets. The lots of the subdivision are of adequate size and shape to encourage design of single family homes. Those lots backing onto Township Road are larger than average, ranging in size from 9,200 to 11,215 square feet, to allow for some buffering. The adjacent wall along Township Road should be extended across this subdivision. No driveways should directly access onto Township. Utility easements will be provided, as requested. Adequate roadway connections are made to encourage adjacent land development.

NOTE: While the developer states that the proposed use is for single family development, the zoning would permit higher densities and multi-family structure types, some as a matter of right.

2. Section 16.64 - Subdivision Design Standards

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

- **Blocks** - Generally, the block designs, sizes, topography, lengths, and shapes are well suited to the site and provide an adequate framework for lot design.
- **Easements** - All necessary easements will be provided by the developer.

- **Section 16.64.040 - Lots**

Lots have been designed to meet standard subdivision practices and are appropriate for the site. The four double-frontage lots along Township Road and 6th Place are large enough to have adequate buffering. The wall into the adjacent development should be extended across these four lots to discourage access onto Township Road.

- **Section 16.64.050 - Public Open Spaces**

The developer has proposed a development fee in lieu of park land dedication. If the application is approved, this aspect should be included as a condition of approval.

- **Section 16.64.060 - Grading of Building Sites**

The developer must follow all procedures referred to in this section as is the case in all subdivision work. A specific problem in this part of the City has been dirt and clay on the streets during construction, most probably due to the type of soil present. It would be desirable to have, as a condition of approval, a plan to help mitigate this potential problem.

- **Section 16.64.070 - Improvements**

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

IV. CONCLUSION

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

V. RECOMMENDATION

Based on the findings and conclusions presented in this report, staff recommends approval of SUB 90-02 (Township Village, Phase III), with the following conditions:

1. The proposed Master Plan shall be modified to provide a connection of Knott Street to the loop road northwest of the western end of 7th Avenue. Also, a pedestrian connection to Philander Lee Elementary School shall be provided from Township Village. Such modifications shall be reviewed and approved by the Planning Director.
2. A development fee in lieu of adequate provision for much needed park land and off-site traffic improvements shall be provided. The amount shall be determined by the Director of Public Works.
3. The existing wall along Township Road shall be extended across the full length of Phase III, except for the Pine Street ingress. The design shall be of compatible or matching color and materials to the existing wall.
4. Curbs and sidewalks (5'), designed to City standards, shall be constructed along all street frontages. If the sidewalk is set back from the curb, it may be four feet wide. The setback for the garage, in that case, shall be measured from the back of the sidewalk in front of the garage, and to provide twenty (20) feet for parking.
5. No more than four lots in each block shall have the same house design.
6. A temporary turnaround, meeting the requirements of the Fire Marshal and Director of Public Works, shall be provided at the ends of S.E. Pine Street.
7. A full-width barricade shall be placed, at the developer's expense, at the end of 7th Street.
8. Twelve foot utility easements shall be provided along all street frontages and along the perimeter of the subdivision. Six foot utility easements shall be provided along all side lot lines. Wording of such easements shall be approved by the Director of Public Works.
9. S.E. Pine Street shall be constructed 50 feet in width throughout the subdivision, with a 40 foot pavement.

10. All requirements of the Canby Utility Board, Fire District #62, North Willamette Telecom and the Canby Telephone Association shall be considered as conditions of approval, with final plans to meet staff approval.
11. Water lines shall be constructed to the standards established by the Canby Utility Board. Hydrants shall meet the requirements of CUB and the Fire Marshal.
12. Electric service and street lights shall meet the requirements of CUB.
13. Street, curb, sidewalk, storm drainage and sanitary sewer construction shall meet the requirements of the Director of Public Works. In particular, the major sewer within Pine Street shall be incorporated as part of the construction of Pine Street.
14. Street name and traffic control signs shall be provided at the developer's expense. This shall include "dead end" signs for the end of S.E. 7th Avenue. "Stop" signs shall be provided at S.E. 7th, S.E. Pine Street and at the intersection of S.E. Pine and Territorial.
15. A one-foot street "plug" shall be dedicated to the City of Canby at the end of Pine Street to prevent access to the remainder of the parent parcel, until a subsequent development application has been approved for that area.
16. A drywell shall be constructed in Phase III, unless drainage can be restricted to 26,000 square feet of surface area. When storm water flows to the end of a dead-end street, the water shall be removed from the immediate location by use of a bar ditch. Drywells must meet with the approval of the Director of Public Works.
17. The final plat shall reference this land use application - City of Canby, File No. SUB 90-02, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits requested subsequent to the date of this approval.

The following recommendations are directed towards future phases of the development. As such, they are advisory and should not be considered to be binding upon the developer.

1. A fence should be constructed along the full southern and eastern boundaries of the development, other than those locations where streets or walkways are proposed.

2. The developer is encouraged to use clustering or common-wall construction in later phases.
3. A possible deed restriction should be considered to maximize future solar access.
4. The developer shall provide playground space within the interior area of the development. If such an area is to be dedicated to the City, the size and location shall be carefully considered by City staff.
5. Entrance or walkway easements onto school property shall be coordinated with the school district.
6. Water line, and possibly sewer line, at the end of S.E. 7th Court (Phase VI) is to be extended between Lots 5 and 6 of Block 3 (Phase I) to connect with lines in S. Lupine Street.
7. Temporary turnarounds shall be installed at the end of each street where the street is to be extended in a future phase.
8. The developer shall install one drywell per 26,000 square feet of street surface area.

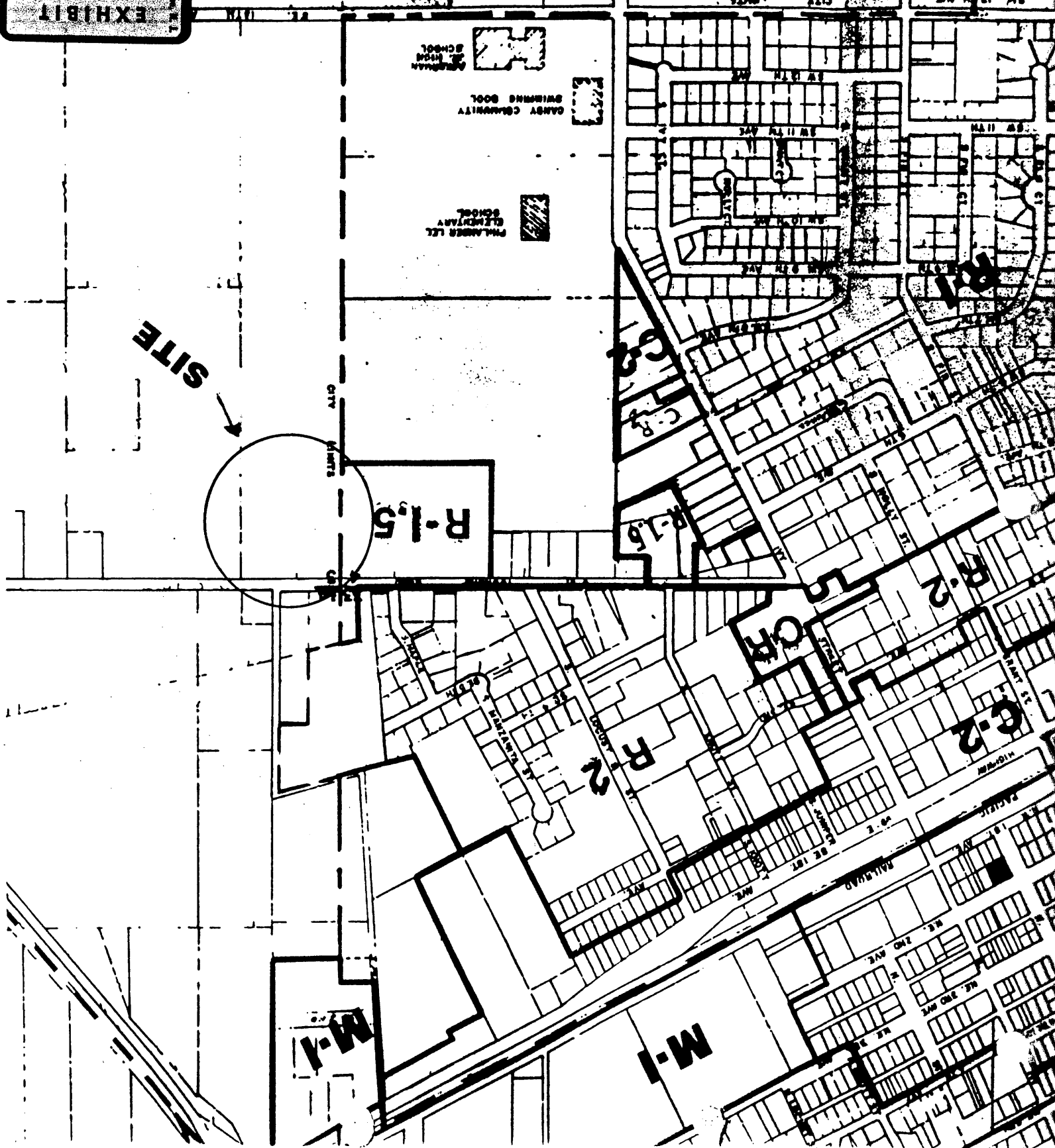
Exhibits:

1. Vicinity Map
2. Tentative Plat
3. Master Plan, Township Village

VICINITY MAP

A. Agricultural
R-1, Low Density

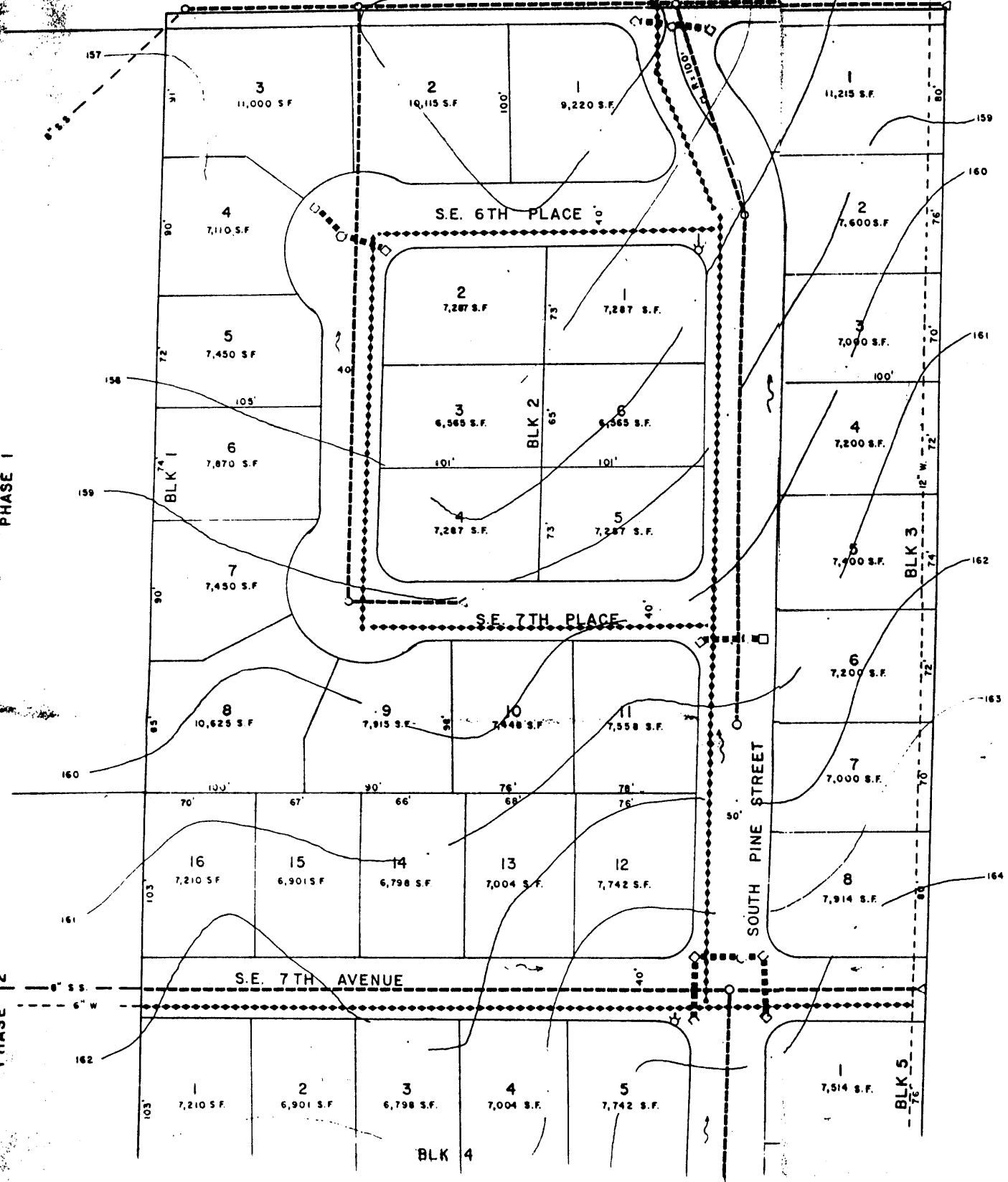
EXHIBIT
5 18 90-02



S.E. TOWNSHIP RD.

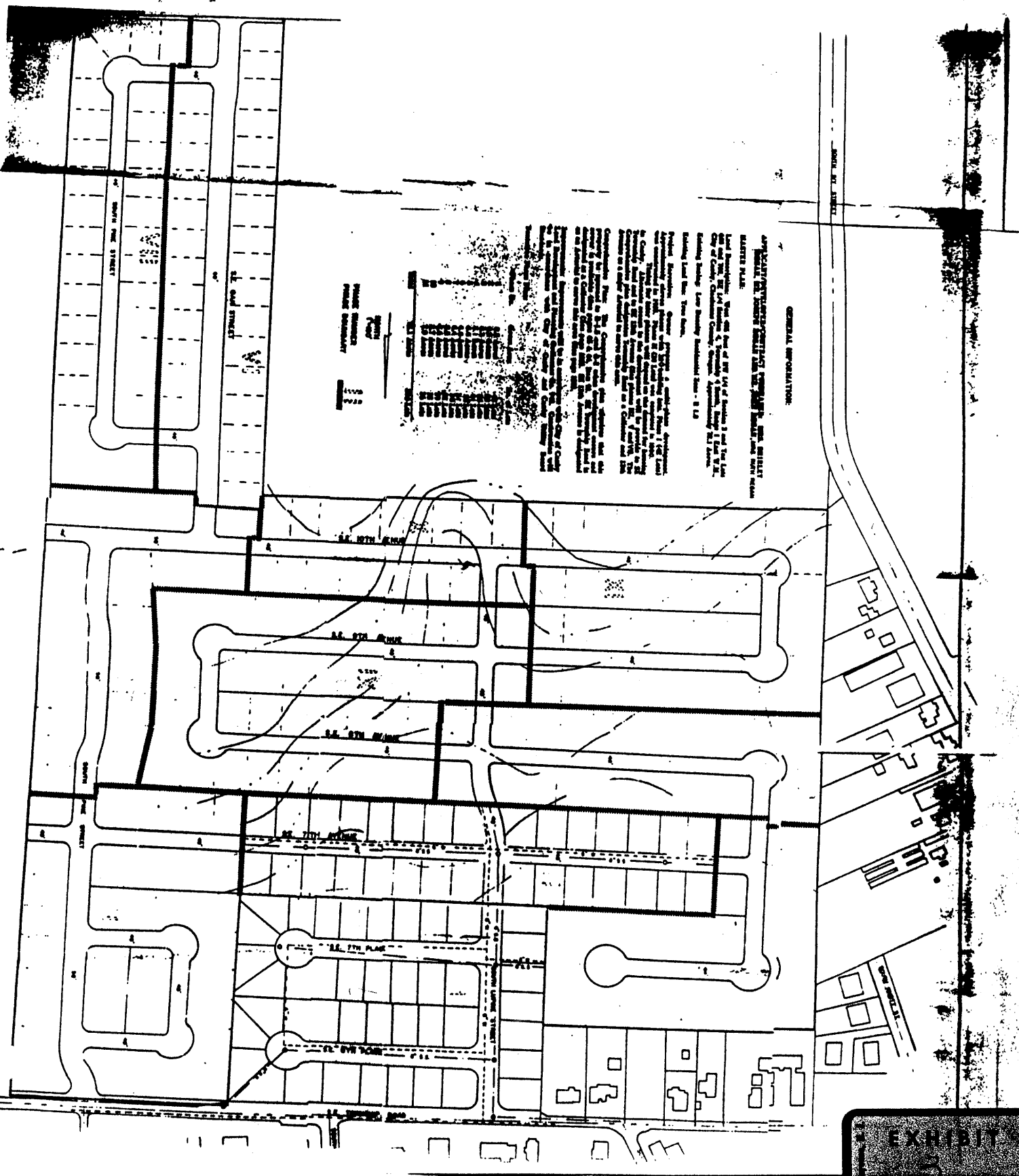
TOWNSHIP VILLAGE
PHASE I

TOWNSHIP VILLAGE
PHASE 12



NORTH
1" = 50'

EXHIBIT
2
528 70



GENERAL INFORMATION

APPLICANT: [REDACTED] OWNER: [REDACTED] PROJECT: [REDACTED]

DATE: [REDACTED] SHEET NO.: [REDACTED]

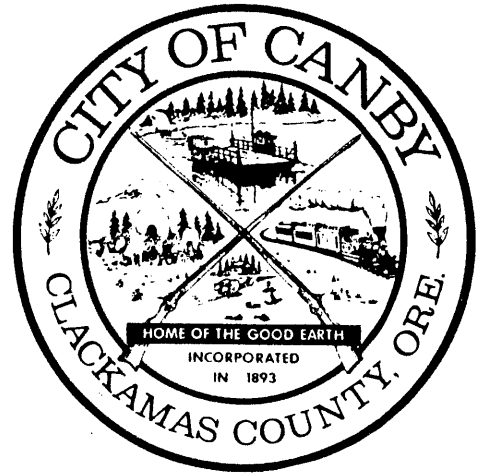
THIS PLAN SHOWS THE LAYOUT OF THE PROPOSED BUILDING AND THE LOCATION OF THE EXISTING BUILDING. THE PROPOSED BUILDING IS TO BE CONSTRUCTED ON THE LOT BOUNDARY AS SHOWN ON THIS PLAN. THE EXISTING BUILDING IS TO BE DEMOLISHED AND THE SITE REDEVELOPED AS SHOWN ON THIS PLAN.

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EXHIBIT

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



APPLICANT:

Ronald G. Tatone

FILE NO.:

SUB 90-03

OWNER:

Ronald G. Tatone, et al

STAFF:

Rusty Klem
Director of Public Works

LEGAL DESCRIPTION:

Tax Lot 1200 of
1001 of Tax Map 3-1E-28DC

DATE OF REPORT:

October 12, 1990

LOCATION:

300 block of N.E. 14th Ave.
east of S. Pine Street

DATE OF HEARING:

October 22, 1990

COMP. PLAN DESIGNATION:

Medium Density Residential

ZONING DESIGNATION:

R-1.5

I. APPLICANT'S REQUEST:

The applicant is requesting approval to subdivide a 1.6 acre lot into ten parcels, containing at least 7,000 square feet each.

II. APPLICABLE CRITERIA:

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

1. Conformance with the text and applicable maps of the Comprehensive Plan.

2. Conformance with other applicable requirements of the Land Development and Planning Ordinance.
3. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties.

B. Applicable Regulations (subdivision)

- **Chapter 16 - Planning and Zoning - Subdivisions**

- Section 16.62 - Applications

- Section 16.64 - Design Standards

- Section 16.66 - Planning Commission Action

- Section 16.68 - Final Procedures & Recordation

- **City of Canby Comprehensive Plan**

- II. Urban Growth

- III. Land Use

- V. Transportation

- VI. Public Facilities and Services

- VIII. Housing

- IX. Energy

III. FINDINGS:

A. Location:

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 1200 of Tax Map 3-1E-28DC. The property consists of approximately 1.6 acres with 670 feet of street frontage on N.E. 14th Avenue.

B. Historical Perspective:

Until very recently, this property was an enclave of unincorporated property within the City limits of Canby. The parcel was quite recently annexed. This parcel is essentially the second phase of a 1979 subdivision, known as Harvest Oak Estates. A portion of this proposal is what was Block 3, Lot 1 of the 1979 subdivision. The suggested "future development" showed 9 lots where 10 are presently indicated.

C. Area Characteristics:

The parcel is generally flat. It is clean and mowed. There are no trees on the parcel. To the north is Morse Addition, a new single family subdivision. To the south is Harvest Oaks, a 1979 single family subdivision. To the east is the Assembly of God Church. To the west is Crestview Replat, a 1979 single family subdivision.

D. Comprehensive Plan Consistency Analysis:

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

The entire parcel is planned for Medium Density Residential, as is the property to the immediate north. The property to the west and south is planned for Low Density Residential. The property to the east is planned for High Density Residential. The proposed subdivision is quite consistent with the land use provisions of the Comprehensive Plan.

V. Transportation

No streets are needed to serve this subdivision. The access to nine of the ten lots is to N.E. 14th Avenue and that street has been constructed for nearly ten years. The tenth lot is proposed to gain access from the emergency vehicle turnaround at the end of N.E. 15th Avenue. Neither the Police nor the Fire Marshal are comfortable with that arrangement. To be consistent with Policy No. 6 from the Transportation Element:

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.

Lot 1 should be eliminated and the plat returned to the earlier plan (9 lots) for developing this parcel.

To be consistent with Policy No. 4 from the Transportation Element:

**CANBY SHALL WORK TO PROVIDE AN
ADEQUATE SIDEWALK AND PEDESTRIAN
PATHWAY SYSTEM TO SERVE ALL RESIDENTS.**

Sidewalks will be necessary along N.E. 14th Avenue at the time of construction of a home on each lot.

VI. Public Facilities and Services

All public facilities are in place in this case, even sewer laterals. The parcel is well within the existing City limits and can be easily served by all service providers. Again, though, there are concerns that gaining driveway access from an emergency vehicle turnaround is not desirable.

VIII. Housing

In-filling property planned for residential uses with lots for residential development is consistent with the Housing Element of the Comprehensive Plan.

IX. Energy

The proposed plan shows two lots (Lot 1 and Lot 2) with an east/west orientation. The other lots all have the preferred north/south orientation. By eliminating Lot 1, all lots in the subdivision will have the preferred north/south orientation.

E. Ordinance Consistency Analysis

The proposed subdivision can be made to be consistent with all segments of the Zoning and Subdivision Ordinance. The application was made properly. The design standards can easily be met and clarified with conditions. The Planning Commission has yet to hear the application and the recordation will follow.

The minimum lot size in the R-1.5 zone is 6,000 square feet. This requirement has been complied with. The minimum lot frontage is 60 feet and, except for the flag lot, this requirement had been complied with. Easements should be indicated on the plat. Sidewalks must be installed as part of this development.

IV. CONCLUSION

The application meets the full intent of the Comprehensive Plan and Applicable City Codes, provided that certain conditions are incorporated and implemented.

V. RECOMMENDATION

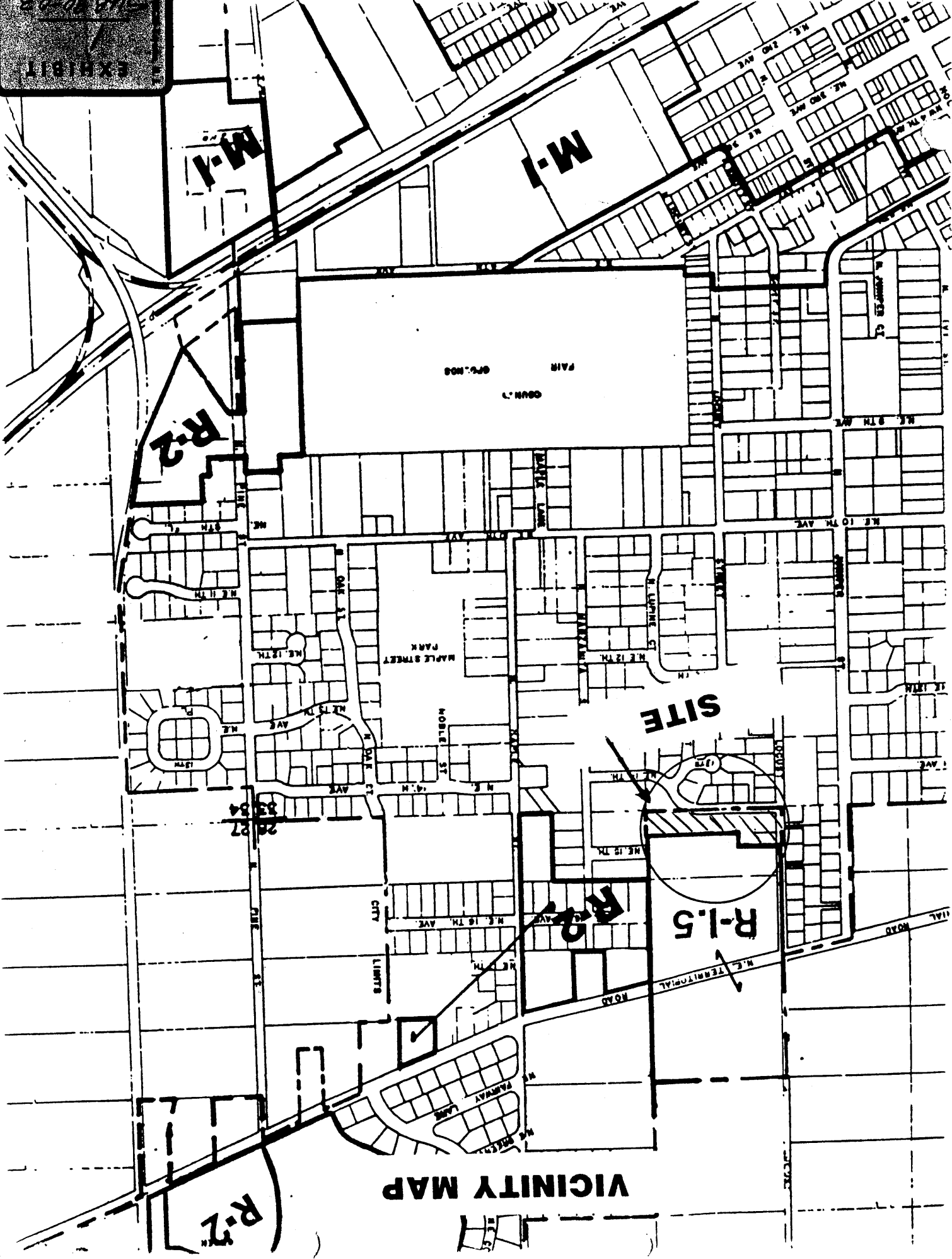
Based on the findings and conclusions presented in this report, staff recommends approval of SUB 90-03, with the following conditions:

1. Sidewalks shall be constructed along all street frontages to meet City specifications.
2. Any necessary utilities shall be constructed to the specifications of the provider.
3. Utility easements shall be provided and shall be twelve (12) feet along all streets and the exterior lines of the subdivision. Easements along all interior lot lines are to be six (6) feet wide off of each lot for a total of twelve (12) feet.
4. "As-built" drawings shall be submitted to the City within sixty (60) days of completion.
5. The access from the turnaround on N.E. 15th Avenue shall be eliminated. This shall be reflected on the final plat.
6. The final plat shall reference this land use application - City of Canby, File No. SUB 90-03, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits requested subsequent to the date of this approval.
7. All recording costs shall be borne by the developer.

Exhibits:

1. Vicinity Map
2. Letter from Jack Stark, Canby Fire Marshal, dated October 11, 1990.
3. Preliminary Plat, Harvest Oak Estates No. 2.

EXHIBIT



VICINITY MAP

CANBY FIRE DISTRICT NO. 62

P.O. BOX 909 CANBY, OREGON 97013
(503) 266-5851

October 11, 1990

To: Canby Planning Commission

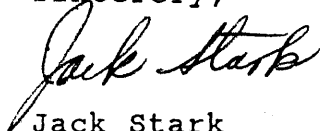
From: Canby Fire District #62

Subject: Access road to Lot #1, Harvest Oaks #2

After reviewing the plat of Harvest Oaks #2, the access to Lot #1 from N.W. 15th could become an access problem if there are any vehicles parked in this driveway. This would limit access to that home on Lot #1 for emergency vehicles and could possibly block the drive completely.

This department would like to see some type of alternative to this problem or just not allow this lot, which would remove the access problem.

Sincerely,

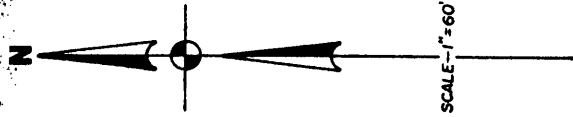


Jack Stark
Canby Fire Marshal

JS/mlg

cc: File





SCALE - 1" = 60'

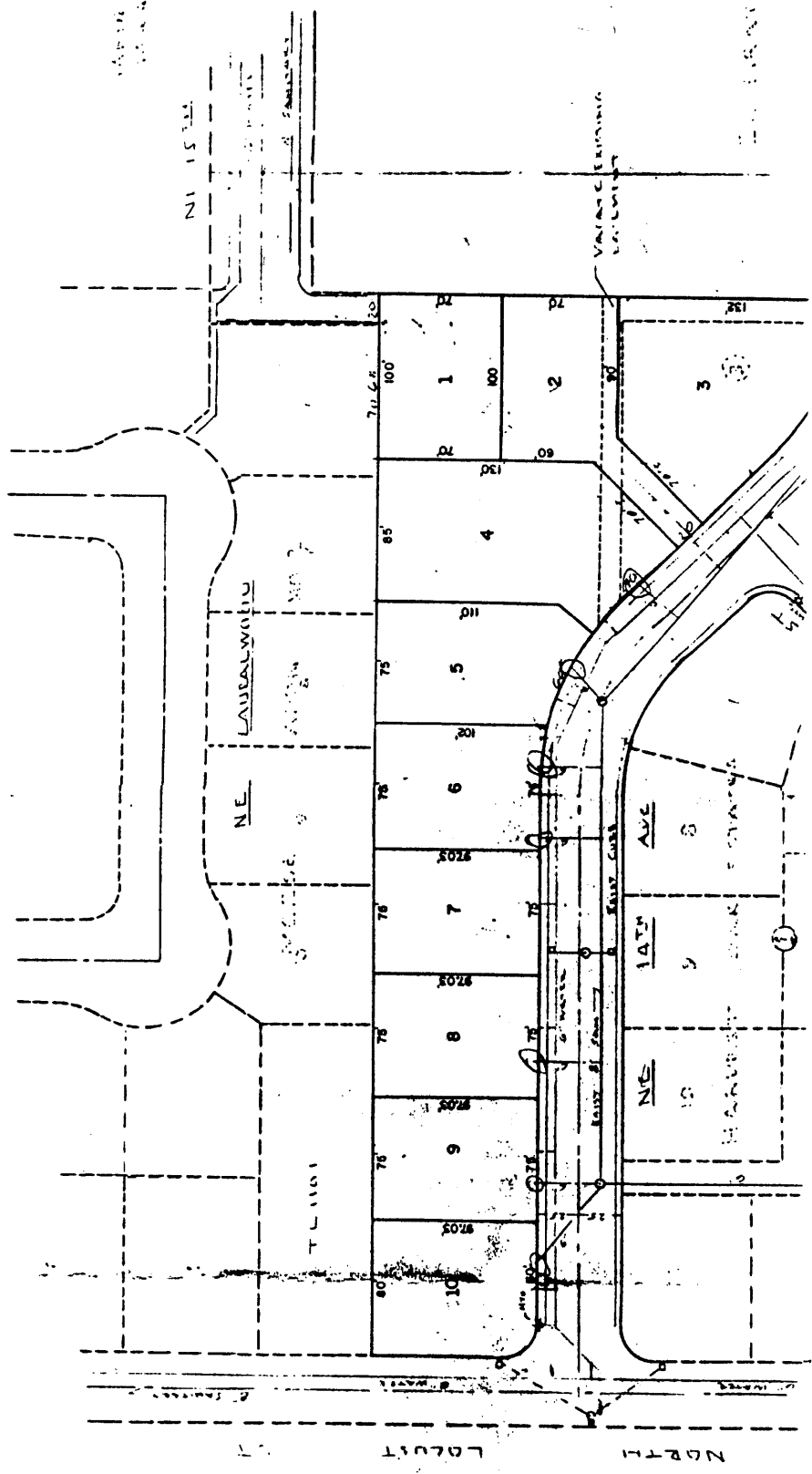
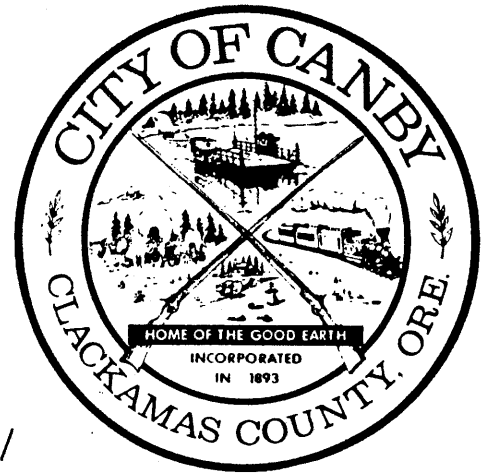


EXHIBIT
 3
 500 9/20/03

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



APPLICANT:

Planned Dollars Concepts
(Al Sizer, President)

FILE NO.:

CUP 90-08/
SUB 90-04

OWNER:

Marv Dack
715 S.W. 13th Avenue
Canby, OR 97013

STAFF:

Robert G. Hoffman, AICP,
Contract Planner

LEGAL DESCRIPTION:

Tax Lots 800, 890, 900, 1000,
1001 of Tax Map 4-1E-4C and
Tax Lot 1000 of Tax Map 4-1E-4B

DATE OF REPORT:

October 12, 1990

LOCATION:

End of 13th Avenue,
west of Elm Street

DATE OF HEARING:

October 22, 1990

COMP. PLAN DESIGNATION:

Medium Density Residential and
Flood Prone/Steep Slopes

ZONING DESIGNATION:

Most of site is R-1.5/PUD
(Intermediate Density Resid.)
(The embankment at the south-
western edge of the site is
zoned as Hazard Overlay)

I. APPLICANT'S REQUEST:

The applicant is requesting approval of a 75-unit Tentative Subdivision Plat/Planned Unit Development and a Conditional Use Permit for 30 common wall dwellings. The property is located at the end of 13th Avenue, west of Elm Street. It is intended as a Special Housing Project for the Elderly, in coordination with the recently constructed Assisted Living Facility on Tax Lot 801 (Tax Lots 800, 891, 900, 1000, 1001 of Tax Map 4-1E-4C and Tax Lot 1000 of Tax Map 4-1E-4B).

II. APPLICABLE REGULATIONS (Conditional Use Approval, Subdivision, Assisted Living Facility):

• **City of Canby General Ordinances:**

- 16.10 Off-Street Parking and Loading
- 16.18 R-1.5 Intermediate Density Residential Zone
- 16.36 Planned Unit Development Overlay Zone (PUD)
- 16.40 Hazard Overlay Zone (H)
- 16.42 Signs
- 16.46 Access Limitations
- 16.50 Conditional Uses
- 16.60 Major and Minor Partitions (Subdivisions)
(especially 16.64, Subdivision Design)
- 16.70 General Provisions (PUD)
- 16.82 Special Housing Projects for the Elderly or
Handicapped
- 16.86 Street Alignments
- 16.88 General Standards
(especially A1, A2, C, 16.88.090 and 16.88.130)

• **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

1. Section 16.50 - Conditional Use Criteria for Approval

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

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

- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner that substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

2. General Provisions for Land Division

A. Comprehensive Plan

A subdivision or partition shall conform to the Comprehensive Plan . . .

B. Land Development and Planning Ordinance

A land division shall be subject to all applicable requirements of other sections of this title . . .

C. Health, Safety and Sanitation

A subdivision or partition shall conform to all applicable State, County and City regulations regarding health, safety and sanitation.

D. Building

Structures and buildings in any property division shall conform with applicable codes and regulations regarding building. . .

E. Streets and Roads

A property division shall conform to all applicable City ordinances or policies pertaining to streets, roads and access.

F. Section 16.40.018

Subdivisions, Partitions and Lot Line Adjustments

In approving applications for subdivisions, land partitions and lot line adjustments in "H" overlay zones, it must be found that the proposed development will:

- i. Be consistent with the need to minimize flood damage, based upon accurate base flood elevation data;
- ii. Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- iii. Have adequate drainage to reduce exposure to flood damage.

G. Section 16.40.040
Special Conditions Relating to Fish and Wildlife Protection

In reviewing any discretionary application for development in an "H" overlay zoned area, the Planning Commission and City Council shall consider the potential impacts of the development upon fish, wildlife and open space resources of the community. Where it is found that the potential for such impacts is significant, the hearing body shall impose whatever conditions or restrictions upon the development are necessary to mitigate or minimize such impacts. Grading plans shall be submitted for the review of the Planning Commission prior to the commencement of any road building or major site grading. . .

H. Section 16.82
Special Housing Projects for the Elderly or Handicapped

1. 16.82.030 - Standards and Criteria for Review

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

2. 16.82.040 - Modification of Standards

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

- a. Increase the permitted density by not more than fifty percent of that normally allowed within the zone;

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

3. 16.82.050 - Higher Than Normal Densities

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

4. 16.82.060 - Restrictions on Occupancy

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

III. FINDINGS:

A. Background:

There has been considerable action on the part of the Planning Commission regarding this site and adjacent property. A portion of the original site has been occupied by an Adult Family Care Facility. An application for a multiple residential development for the site was recently withdrawn prior to Commission action. The City requested that 13th Avenue extension be redesigned through the site with greater curve radii. All multi-family units (apartments) have been eliminated from this proposed project. Previously, the Commission approved a PUD for the site with R-1.5 Intermediate Density Residential zoning with a number of

conditions included (see list later in this report). The area immediately to the east is the Elmwood Mobile Home Park; to the south is the Torgeson property, now Nelson's proposed mobile home park; to the north is Canby High School, and immediately to the west is the Recycling Plant.

B. Comprehensive Plan Consistency Analysis

I. Citizen Involvement - not applicable

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

The entire site, excluding the embankment area, is proposed for Medium Density Residential in the Land Use portion of the Comprehensive Plan. The proposed development of 75 units of single family housing on a site of 14.4 acres is consistent with the intent of this category. R-1.5 zoning, the current zoning of the parcel, is specifically described in the Comprehensive Plan as conforming to this land use category. This zoning process is for aiding in meeting the intent of Land Use Policies 1 - 3, insofar as conflicting land uses, encouraging the increasing intensities and density of development, and preventing the overburdening of community facilities and services. The embankment portion of the site is proposed in the Comprehensive Plan as a flood prone or steep slope area. The development proposed will minimize any construction on this portion of the site, except surfacing the existing trail and hand-built construction of a small pagoda near the base of the slope. No active use of the slope is proposed except walking on the trail and viewing of the natural area by site occupants. Thus, the intent of this land use category is met.

IV. Environmental Concerns

Preliminary site investigation indicates that most of the site is Canderly Sandy Loam which presents no serious development constraints. The area near the embankment and the embankment itself may present greater development difficulties. The proposal is to limit these areas to passive recreation use and to design the storm water system to fit the soil situation. Rittenhouse-Zeman and Associates, Inc., Consultants Geotechnical Engineers have conducted

a site stemanudy and recommendations are to limit any construction in areas of the slope and nearby areas. Only passive open space is proposed for these areas and construction equipment will be limited to the type appropriate for the area. No soil problems are apparent. In terms of natural habitat, birds and animals, no major changes are being proposed except preservation and protection. Drywells for storm water processing are proposed. Any necessary protection of ground water and surface water can be accomplished with conditions of approval. Retaining the slope area as open space without any major change will help to protect scenic and aesthetic qualities in this part of the City and also minimize impacts of new development on fish and wildlife habitats. There are many large trees on site which should be preserved. A landscape and preservation plan is required. It is possible that a few lots may require lot line adjustments or even a slight reduction in total lots.

V. Transportation

The site is served by S. Elm Street and S.W. 13th Avenue. The Comprehensive Plan proposed that 13th Avenue be extended as an arterial and make connection to 99E by way of Berg Parkway. This development proposes dedicating and building the 13th Ave. extension across the entire width of the parcel at the standards requested by the City. The impact on the Elm and 13th intersection with Ivy and 99E should be relatively minor. The full intent of the Comprehensive Plan is met by the proposal. A pedestrian connection to the shopping center and Canby Community Park should be explored, since they are adjacent to the subject parcel. The Police chief has expressed some reservations about Lots 45-48 directly accessing 13th Avenue. However, staff does not see a viable alternative for these four lots. A temporary turnaround or hammerhead at the end of 13th Avenue is needed. It is possible that development of certain lots may be limited until 13th Avenue extension is completed.

VI. Public Facilities and Services

A full range of public services are available in the vicinity. All utilities are nearby and will be extended to service each unit. Utility easements will be provided on site. Private passive on-site recreation service will be available. A play field and community park are nearby. No residents below age 18 will be allowed. The goal and policies of the Comprehensive Plan relative to Public Facilities and Services are met.

VII. Economics

The Goals and Policies of the Economics Element are not applicable to this application.

VIII. Housing

This project will support the goal of meeting Canby's housing needs. Policy No. 2 is supported by providing a modest increase in housing densities as shown on the land use maps as it applies to the parcel. The attached single family units of the development will add to Canby's housing mix and variety of available housing types.

IX. Energy

Energy is conserved somewhat by the attached single family units. Also, most of the detached single family unit lots are oriented so that structures can gain solar advantage.

C. Section 16.18

Requirements of R-1.5 Intermediate Density Residential

Single family dwellings, both one unit per lot as well as with common wall construction, are permitted uses in this district. Those with common wall construction are conditional uses.

Minimum lot area is 6,000 square feet for detached units, while 4,500 square feet is the usual minimum for attached units. Permitted units allowed on the site are as follows:

$$14.4 \text{ acres} \times 43,560 = 627,264 \text{ square feet} \times 75\% \div 6,000 = 78 \text{ units} \\ \text{if all were single family detached units}$$

Since a portion of the site is attached units and the proposal is a PUD, the 75 units which include attached units, meets gross density requirements. The PUD density standards would permit a bonus of up to 15 percent if beneficial design features warrant a bonus. Actually, streets only occupy about 12 percent of the site, rather than the assumed 25 percent, as indicated in the above calculations. So permitted units would be even higher. This development is well within the density standards. More detailed analysis of this will be given in the PUD analysis.

The PUD procedures and standards permit variations in permitted lot area, lot width and frontage and yard requirements. The consistency analysis with these standards will be done in the PUD criteria analysis. Building

heights will meet maximum building height requirements of the R-1.5 zone. Proposed buildings are all single or two-story buildings.

D. Section 16.10.050 - Off-Street Parking

The required two spaces per residential unit is requested by the applicant to be reduced to no more than one space per unit. Section 16.82.040(B) permits a reduction of up to 60 percent for Elderly Housing. Occupancy of this project is proposed to be limited to senior occupancy, by the rules and regulations of the development. Since a special on-site RV parking area is also proposed, the proposed one space per lot parking appears to be sufficient. Additionally, guest parking needs to be provided for visitors. If on-street, they should be on the private streets and marked for guest use. If provided in separate lots, the lots must be signed for guests.

E. Hazard Overlay Zone

The portion of the site including the embankment and area below, are designated in the zoning ordinance as a "Hazard Overlay Zone." This category is intended to minimize flooding and slope-related problems. The only construction proposed in this zone is surface treatment for pedestrians of the narrow existing path on the slope and a small pagoda at the end of the trail at the bottom of the slope. This will all be above the established 100-year flood line. Therefore, since minimal change is proposed, and the Geotechnical Consultants have recommended detailed mitigation procedures to minimize any potential problems, it is found that the proposed development will:

- a. Be consistent with the need to minimize flood damage, based upon accurate base flood elevation data;
- b. Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- c. Have adequate drainage to reduce exposure to flood damage; and
- d. Have minimal impacts upon fish, wildlife and open space resources of the community (except to aid in preserving such resources by maintaining the existing open space. "Minimal" grading is proposed and "minimal" tree-cutting is proposed, except for the trail and small pagoda).

**F. Section 16.46.010 - Vehicular Access
(for emergencies and convenience of residents)**

The vehicular access standards of this section are met. The private roads, Christina and "A" Street, are proposed as a loop with Christina extended an additional 250 feet beyond the end of the loop. There are a total of 45 lots on this loop system. Thirty-six units are permitted on these scale of streets, plus up to 50 percent additional, if looped. Up to 20 percent additional increases are permitted in PUDs. Staff is satisfied that the

proposed 45 lots is adequate to meet the residents convenience and emergency access needs. The unnamed 20 foot drive on the northwest corner of the site has only six lots on it. Therefore, it meets the 24 maximum requirement for roads less than 24 feet wide.

G. Section 16.50 - Conditional Uses

The development includes 30 single family common-wall units which are conditional uses in an R-1.5 zone. The development meets the Conditional Use requirements as follows:

1. Comprehensive Plan Requirements and Other Applicable Policies

A previous section outlined how the entire development meets the intent of the Comprehensive Plan. The portion of the site occupied by the 32 attached units, therefore, is also consistent with the Comprehensive Plan Goals and Policies.

2. Site Suitability

The portion of the site occupied by the attached units is basically flat, with no particular difficulties. The City of Canby's need for the 13th Street extension cuts off a corner of the site which would be difficult to make efficient use of without some creativity. The attached units and the small court street seem to make a reasonable use of an otherwise awkward corner. Similarly, the western portion of the site is creatively treated with a short cul-de-sac and attached units. The six lots on the short "L" street may make a "private" cluster of units near R'Vs. Many of the lots will have views of the common open space areas.

3. Public Facilities and Services Available

Public facilities and services are available in the vicinity and service can be extended to the site. Specific utility needs will be met by easements.

4. Compatibility with Surrounding Areas

The use of the site for single families and open space will have no adverse affects on any surrounding land use. Each site edge has a positive relationship except the boundary with the recycling plant, which can be mitigated with some type of buffer treatment.

H. Chapter 16.70 - Planned Unit Development (PUD) Evaluation

The applicant has requested evaluation of the development under PUD provisions. It is to be treated as a subdivision. Code provisions of Division III and IV will also apply.

Under a PUD, "the purpose of a planned unit development, as the term is employed in this title, of permitting the development of land in a manner which would be as good as, or better than, that resulting from the traditional lot by lot development while generally maintaining the same population density and area coverage permitted in the zone in which the project is located. A planned unit development will also permit flexibility in design, placement of buildings, use of open spaces, circulation facilities, off-street parking areas and the best utilization of site potentials characterized by special features of geography, topography, size, location or shape."

Uses permitted in a PUD are as allowed in the base zone. Thus, the R-1.5 zoned part of the parcel is single family detached, and attached units as are proposed in this application.

I. Section 16.76.010 - Minimum Requirements

The required ten percent in parks and recreation space is easily met by this proposal. Out of a total site area of 626,871 square feet, 211,596 square feet of space is proposed for recreational open space, which is 33.8% of the site. While much of this space is located along a steep slope, there clearly is a community benefit in preserving such space, and the trail and viewing areas will provide a natural area for the seniors and visitors to gain relaxation and recreational benefits.

The average area per dwelling unit was previously shown to be well within the required standards. To repeat:

626,871 square feet (gross site area)
- 74,151 square feet (streets area)
552,720 square feet

552,720 square feet ÷ 75 lots = 7,370 square feet

If only one considers space occupied by lots area, the average lot is 4,548 square feet. The single family detached lots are larger than the attached unit lots. The preservation of the open space clearly is a community asset deserving special recognition. Lot dimensions are adequate for reasonable construction. However, they are relatively small (some only 3,000 square feet for attached units and 4,500 for the detached units). The units themselves will also be relatively small and occupied by seniors or handicapped, making the smaller size an advantage. In any event, special design review will be needed to ensure a positive site relationship between adjacent units, as the applicant has asked to modify the usual requirements.

The applicant has adequately presented the information required in Section 16.76.020. This is done in the form of a site plan, text and rules and regulations.

J. Section 16.62 and 16.64 - Subdivision Approval Criteria Evaluation

As a PUD, a proposal must be evaluated under the subdivision criteria if it is to be subdivided. This is the case for this application. The required information has been provided to meet the filing procedures.

16.62.020 - Standards and Criteria

- **Conformance with Comprehensive Plan**

This has been discussed previously in this report.

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

This is the object of this entire staff report.

- **Design and Lot Arrangement - Functional and Necessary**

The subdivision of lots, public and private streets, and open space arrangement is appropriate for this site and will not hinder either

adjacent land or its development. In fact, the extension of 13th Avenue as a City arterial will aid in the service and development of this part of the City. The preservation of the open space and natural habitat is a community benefit of substantial impact.

16.64 - Design Standards

- **Streets** - The design of streets meets all Canby standards for public and private streets. Thirteenth Avenue has been designed to meet arterial road standards, as requested by City staff.
- **Blocks** - Block lengths and sizes meet design standards.
- **Easements** - The application states that easements will be provided, as requested, to provide adequate service to each lot. A water course at the base of the embankment should be protected.
- **Pedestrian Ways** - These have been provided on the site plan. Appropriate access to the open space area and trails have been shown. Additional access to the shopping center and Canby Community Park would be desirable. Access through the northwest corner seems feasible, but agreement from the high school authorities would be necessary.
- **Solar Easements** - No special solar easements have been proposed.

16.64.040 - Lots

The lot size, width, shape and location are appropriate for the design and type of units. Under the PUD provisions described in 16.76.040, modifications to usual dimensions and standards are allowed. The lot modifications requested are appropriate for the design. Specifically, flag lots are designed to meet ordinance standards. In a few cases, reciprocal agreements from adjacent owners will be required for abutting access strips.

16.64.050 - Public Open Spaces

The developer is providing for the dedication of the extension of 13th Avenue. No other dedications have been requested by the City.

16.64.060 - Grading

No special grading problems are anticipated.

16.64.070 - Improvements

The maps, text, rules and regulations with appropriate additional conditions, will fully meet these standards. However, the proposed drywells will need to be located in cooperation with the City to ensure adequate protection of the embankment and watercourse at its base. They should be set back from the edge as far as is reasonable. Construction of the pagoda, near the slope base, will require some care so as to avoid any disruption in the area.

IV. Previous Conditions Affecting Site

Attached you will find a letter dated October 9, 1989, from Wayne S. Klem, Director of Public Works, to Marv Dack, summarizing previously adopted conditions that apply to the site. The nine conditions, approved on June 7, 1989, are still appropriate. The conditions of May 22, 1989 were designed for the 1.38 acre parcel now occupied by the Adult Living Facility (ALF) and were specific to the ALF portion of the site. Therefore, they no longer apply. Items 9-14 are adequately covered by the design features of the present proposal.

With regard to Conditions 9-14, staff finds:

- With regard to #9 - no three-story units are proposed as part of this development.
- With regard to #10 - "the northeast corner is to remain as open space". Staff finds that the redesign of 13th Avenue extension to a smoother curve with longer radii results in a substantially larger area in the northeast corner of the parcel than under the previous plan. The proposal, under the present plan, is to develop this area with a small "court" off 13th Avenue. The court will house 8 attached single family units on separate lots, as small landscaped areas. This new proposal is a reasonable solution to the situation created by the street extension. Staff concludes that limiting the area to "remain as open space" is no longer necessary, since it can be developed in a reasonable fashion which will benefit both the site occupants and surrounding land use.
- With regard to #11 - the corner road and cul-de-sac radius will meet City requirements.

- With regard to #12 - "Five foot sidewalks are proposed throughout the subdivision. . " (page 25 of the September 24, 1990 application).
- With regard to #13 - the main road proposed is a 40-foot right-of-way, including sidewalks and roadway.
- With regard to #14 - as indicated above, the development fully meets the intent of the R-1.5 zoning under PUD design review.

Staff concludes that the subject proposed development fully meets the intent of the previously adopted conditions as they apply to the somewhat changed circumstances of this application.

V. CONCLUSION

Based upon the above analysis, and without benefit of public testimony, staff concludes that the proposed development is fully consistent with the Comprehensive Plan and all applicable Canby Codes and policies, with the application of conditions to ensure full compliance.

V. RECOMMENDATION

Based on the findings and conclusions presented in this report, staff recommends approval of CUP 90-08/SUB 90-04, with the following conditions:

1. Utility easements shall be provided, to the satisfaction of the Canby Utility Board (CUB), North Willamette Telecom, and the Canby Telephone Association.
2. A water line shall be looped through the development in the manner specified by the Canby Utility Board (CUB). Hydrant locations shall meet Fire Marshal specifications.
3. Covenants and by-laws of the homeowner's association shall be reviewed and approved by the City Attorney.
4. All recommendations of other agencies shall be regarded as conditions of approval.
5. Curbs and sidewalks along S.W. 13th Avenue shall be constructed to meet City standards.

6. The recommendations of the October 5, 1990 Geotechnical Study of Rittenhouse-Zeman and Associates, Inc., as submitted, shall be evaluated by staff with regard to the area along the bluff. Recommendations of the study shall be followed. The storm drainage system shall be by drywell system, designed to the satisfaction of the Director of Public Works. Drywells shall be located as far from the edge of the slope as possible.
7. The applicant shall provide the City with a dedication of property, as indicated on the tentative subdivision plat dated September, 1990, to allow for the extension of S.W. 13th Avenue. The dedication shall meet the requirements of the City Attorney and construction costs shall be borne by the applicant.
8. The applicant shall sign a nonremonstrance agreement, waiving the right to remonstrate against the formation of a Local Improvement District (LID) for the full improvement of S.W. 13th Avenue. The form of the waiver shall meet the requirements of the City Attorney (the City may require the immediate improvement of the road to City standards, as a condition of approving any subsequent development of the site).
9. The cost of facility and/or utility improvements to the site shall be borne by the developer.
10. The applicant shall submit a traffic impact analysis, analyzed by a recognized and qualified traffic engineer. The applicant shall provide a proportional contribution to any needed traffic control improvements at 13th and Ivy and Elm and 99E. The proportion shall be related to the development's share of improvement needs at such intersection.
11. Prior to permit approval, the applicant, with City of Canby support, shall investigate possible improved pedestrian connections to the Canby Square Shopping Center and the Canby Community Park. If found feasible, they shall be provided by the developer.
12. The applicant shall attend a pre-construction conference with City staff, CUB, the fire district, etc., to resolve all service needs.
13. A final landscape plan shall be prepared by a landscape architect, for final approval of the Planning Director. Any existing trees larger than 6" in caliper shall be preserved, or cutting justified to the satisfaction of the Planning Director.

14. The lots abutting the Recycling Plant shall be buffered with heavy landscape treatment, to the satisfaction of the Planning Director.
15. The developer shall provide final draft lease agreements and regulations which "assure occupancy by the elderly, handicapped, or such caretakers as may be necessary." The Planning Director shall approve such procedures and regulations.
16. Street names and numbering shall meet City requirements, and numbering shall be uniform and conspicuous on all units.
17. The developer shall maintain separation between the sanitary sewer and water system improvements to comply with State health division requirements.
18. Street grades shall use vertical curve when grade breaks exceed 1% as shown on Christina Street at "A" Street intersection.
19. The storm drainage system shall utilize drywells for disposal with an overflow to daylight protected from erosion. Additionally, the storm sewer shall be collected through manholes and not routed through catch basins. This provides a sump to intercept debris and limits plugging impacts.
20. Drainage calculations shall be submitted with the construction plans.
21. Water service, sanitary sewer, storm drainage and streets (with the exception of 13th Avenue) shall be maintained by the homeowner's association.
22. Prior to undergoing a plan check for construction, all proposed residential development shall undergo a site plan review to be conducted by staff. The Planning Director shall approve such plans for consistency with the approval under the PUD and Conditional Use Permit applications.
23. The approved "Protective Covenants, Conditions and Restrictions and By-Laws shall be filed with the County Register of Deeds, and any amendments shall be approved by the Planning Director.
24. The developer shall provide a traffic barrier at the end of 13th Avenue until it is extended. Design of this barrier shall be reviewed and approved by the Public Works Director.

25. A temporary turnaround shall be installed by the developer at the end of 13th Avenue, the design of which shall be approved by the Public Works Director.
26. Guest parking shall be designated and shown on the final plat in the amount of 1 space/5 units. If on-street, they shall **not** be on 13th Avenue, and shall be clearly signed for guests/visitors. If separate lots, they shall be clearly signed for guests/visitors.
27. The final plat shall reference this land use application - City of Canby, File No. CUP 90-08/SUB 90-04, and shall be registered with the Clackamas County Surveyor's Office and recorded with the Clackamas County Clerk's Office. Evidence of this shall be provided to the City of Canby Planning Department prior to the issuance of building permits requested subsequent to the date of this approval.

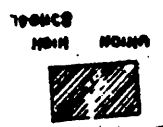
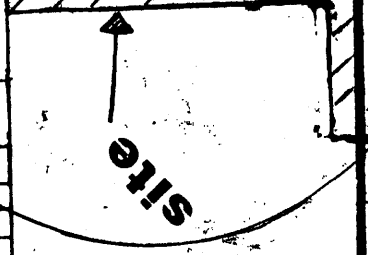
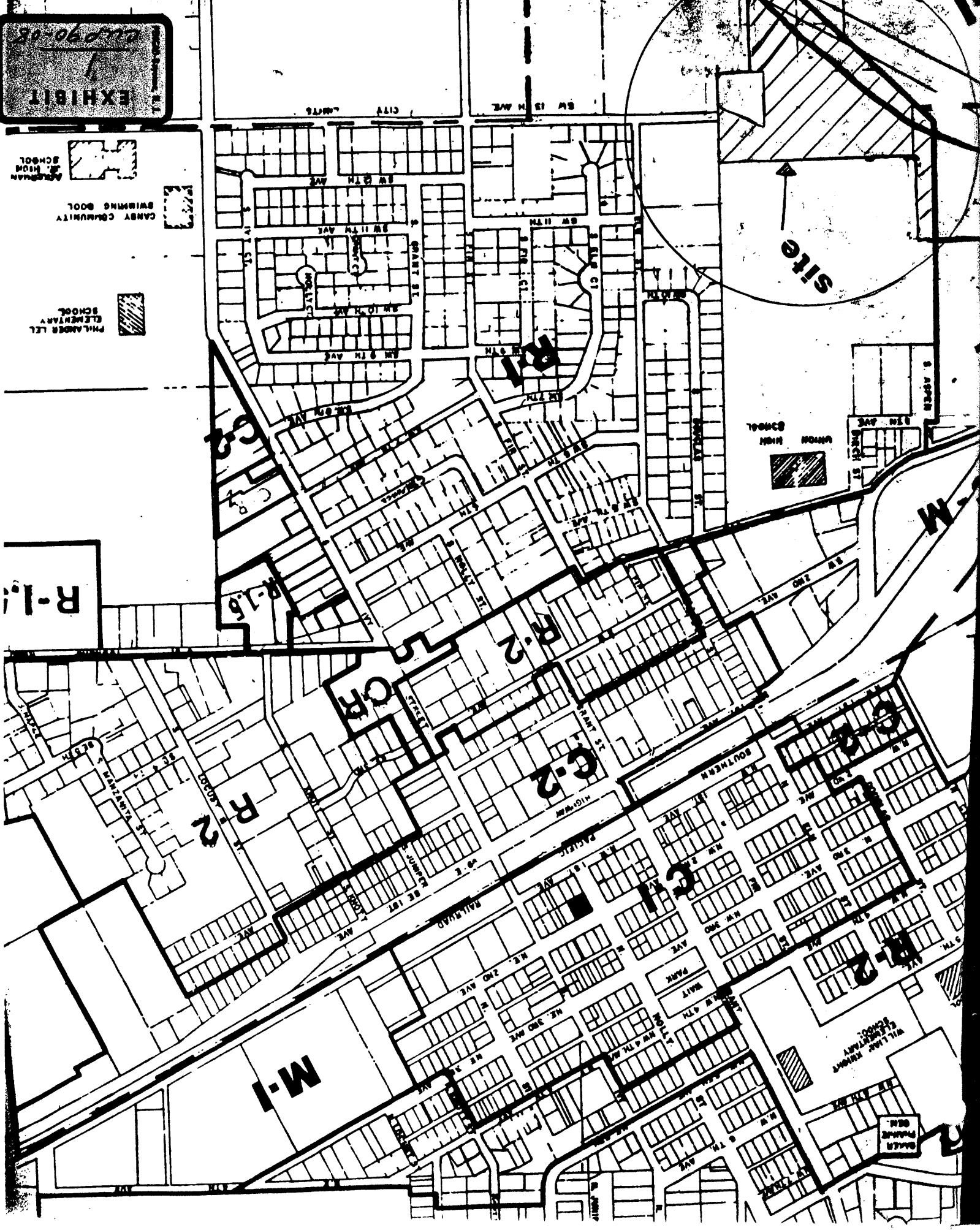
Exhibits:

1. Vicinity Map
2. Tentative Subdivision Plan, David Evans & Associates, dated September 24, 1990.
3. Excerpts from Geotechnical Report, Rittenhouse-Zeman & Associates, Inc., dated October 5, 1990.
4. Letter to Marv Dack from Rusty Klem, dated October 9, 1989.

VICINITY MAP

EXHIBIT
1
Case 90-08

- PHILANDER LETS SCHOOL
- ELEMENTARY SCHOOL
- CANBY COMMUNITY SWIMMING POOL
- ARADUAN M. HIGH SCHOOL



R-1

R-1.5

C-3

R-2

C-2

R-2

C-1

M-1

WILLIAM KENNEDY ELEMENTARY SCHOOL

PAULINE PARK

REVISED APPLICATION

SEPTEMBER 24, 1990

**CITY OF CANBY
CEDAR CREEK COMMUNITY
TENTATIVE SUBDIVISION PLAN**



Applicant:

**Planned Dollars Concepts
Al Sizer, President**

Prepared by:

**Lidwien Rahman, AICP
Planning Consultant
David Evans and Associates, INC.**

DAVID EVANS AND ASSOCIATES, INC.
ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS, SCIENTISTS
OFFICES IN OREGON, WASHINGTON AND CALIFORNIA
2828 S.W. CORBETT AVENUE
PORTLAND, OREGON 97201-4830
(503) 223-6663 FAX (503) 223-2701

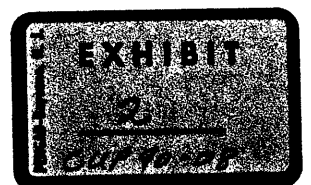


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EXHIBITS

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includes Vicinity Map
2. Tentative Utility Plan
3. Street Profiles
4. Existing Conditions
5. Tax Maps

ATTACHMENTS

1. Preliminary Title Report
2. Declaration of Protective Conditions, Covenants, and Restrictions
3. Articles of Incorporation
4. Bylaws of Homeowners Association
5. Proof of Ownership or Authorization as Agent
6. Property Ownership List (for notification purposes)
7. Subdivision Application Form
8. Conditional Use Application Form

1. Introduction

This is an application for approval of a 75 unit Tentative Subdivision Plat / Planned Unit Development, and of a Conditional Use Permit for 30 common-wall dwellings. The site of approximately 14.4 acres is legally described as tax lots 800, 891, 900, 1000, and 1001, Map 4 1E 4C, and tax lot 1000, Map 4 1E 4B. Applicant requests to be placed on the agenda for a public hearing before the Canby Planning Commission on October 22, 1990.

The development was to be known as Cedar Creek Community. However, this name apparently cannot be used to register the subdivision, so a new name will be selected. This project is intended as a Special Housing Project for the Elderly, in coordination with the recently constructed Assisted Living Facility on Tax Lot 801.

The site is located at the end of SW 13th Avenue, west of Elmwood Mobile Home Park, south of the High School property, and north of the Molalla River embankment. Property immediately to the south is subject to an application for a mobile home park.

A previous Subdivision application for this same site was heard by the Planning Commission on May 14, May 31, and June 18 of this year (Sub-90-01). This application is different from the previous one primarily in that all multi-family units (apartments) have been eliminated from the design. Instead, applicants are now proposing a single-family residential development, consisting of 45 conventional single-family dwellings on lots of approximately 4,500 square feet, and 30 single-family dwellings with common-wall construction on lots of approximately 3,000 square feet.

On June 7, 1989 a Zone Change to R 1.5, Intermediate Density Residential with a Planned Unit Development (PUD) overlay designation, was approved for the subject parcel, subject to nine conditions (ZC-89-02). On May 22, 1989 a Major Land Partition (MLP-89-05) was approved subject to 14 conditions. Both sets of conditions are applicable to this request. At the same time, a Conditional Use Permit was approved for the Assisted Living Facility (ALF) to be constructed on the smaller parcel thus created.

The Conditional Use Permit also applied to the layout of the entire 15.81 acre PUD, which included the ALF parcel. Since then, the City of Canby has requested that the applicants change the curb radius of SW 13th to 455 feet. As a result of this request, the site design had to be changed. A new design was submitted on April 9, 1990, which drew a lot of criticism from an adjacent property owner. After several lengthy public hearings before the Planning Commission, applicants decided to withdraw their application and redesign the development at a far lower density. This application is the result of that effort, which has been conducted in coordination with the adjacent property owners. In fact, we are happy to report that all objections are withdrawn and the adjacent property owners support this

application. By eliminating the apartments, the number of units has been reduced from 146 total to 75 single-family units. In addition, several landscaped areas and nature trails have been added, including a small park along the entrance to the lower area, and landscaping in the center of the cul-de-sacs. Otherwise, the basic site layout remains the same.

The entire record of the previous applications for this property is incorporated by reference into the record of this new application.

2. Compliance with applicable requirements of the Canby land Development and Planning Ordinance (Title 16).

16.18 R-1.5 Intermediate Density Residential Zone

16.18.010 Uses Permitted; and 16.18.020 Conditional Uses

Permitted uses in the R-1.5 zone include single-family residences, duplexes, and triplexes. Single-family dwellings having common wall construction, on lots of at least 4,500 square feet, may be permitted as a conditional use. This application requests approval of single-family dwellings of common-wall construction on lots of 3,000 square feet each. Such dwellings will be identical to duplexes in construction and appearance, except that they will be situated on a separate lot and can therefore be sold separately. Criteria for approval of the Conditional Use Permit can be found in Section 16.50, and will be addressed under that heading. Justification for the smaller lot size is based on the Planned Unit Development approach, in accordance with Section 16.76.040.

Basically, this revised application eliminates multi-family dwellings from the previous proposal, thus limiting the proposed uses, i.e. dwelling types, to those clearly permitted in the R-1.5 zone.

16.18.030: Development Standards.

A. Minimum lot area.

Lots of 4,500 and 3,000 square feet are smaller than required by this section. However, the overall density proposed for this Planned Unit Development is no greater than the density permitted by the underlying zone district: 75 units on 14.4 gross acres or approximately 626,871 square feet is an average of 8,358 square feet per unit (5.2 units per acre). Subtracting 74,150 square feet for the area occupied by streets, the average net area per dwelling unit is 7,370 square feet; well within the base density.

This calculation is consistent with the purpose of the PUD as described in Section 16.70.020, and with the minimum PUD requirements of Section 16.76.010.B. No density bonus is requested, only modifications to individual lot dimensions. The PUD designation permits the Planning Commission to approve modifications to the lot size, lot width, and yard setback requirements in accordance with Section 16.76.040. In addition, Section 16.82.040 permits modification of standards for Special Housing Projects for the Elderly or Handicapped.

B. Minimum lot width and frontage.

Minimum lot width and frontage in the R-1.5 zone are 60 feet, and 65 feet on corner lots. Proposed lot widths range from 35 to 50 feet, with a few wider lots. Section 16.18.030 authorizes the Planning Commission to approve lots having less width and frontage subject to special conditions to assure adequate access. The Subdivision standards (Section 16.64.040. A. and C.) and PUD regulations (Section 16.76.040) also authorize modification of lot width and frontage. Applicants request approval of such modification. Adequate access to each lot for emergency vehicles and private automobiles is assured through the street and lot layout. Typically, a driveway width of 12 to 20 feet is considered adequate for emergency vehicle access in most jurisdictions. This is also true for the City of Canby, judging by the standards for the width of access drives to flag lots (section 16.64.040.I), and the 12 foot minimum width for one-way drives and 20 foot minimum for two-way drives referred to in section 16.46.010.D.

C. Minimum yard requirements.

1. *Street yard: 20 feet on side with driveway; 15 feet for all other street sides.*
2. *Rear yard on corner lots: 10 feet for single story, 15 feet for two-story; other lots: 15 feet for single story, 20 feet for two-story.*
3. *Interior yards: one side 7 feet; other side 10 feet.*

Elimination or modification of the yard setbacks is requested as permitted through the PUD approach, to accommodate the smaller lot size and narrower lot width proposed. Reduction of setbacks to the width of utility easements (12' exterior, 6' interior) will help maximize available building area. Similar setback reductions were granted to the applicant for the Fairground Park development in Canby. Lot 9 has a limited building area, but can accommodate a residence provided that the lot line along Christina Street is considered the front lot line, with a driveway to be situated off this street rather than off the cul-de-sac.

D. Maximum Building Height.

Permitted height is 35 feet or 2 1/2 stories, whichever is less. Proposed are all single or two-story buildings.

E. Maximum lot coverage.

None of the conventional single-family residences will occupy more than 2700 square feet, or 60% of the 4,500 square feet lots.

Similarly, none of the common-wall units will cover more than 1,800 square feet = 60% of a 3,000 square lot.

16.10.050 Off-Street Parking

Off-street parking spaces will be provided on each individual lot in garages and driveways. Two spaces per dwelling unit are required for single-family dwellings; this appears excessive for an elderly housing development. Under the provisions of section 16.82.040, the Planning Commission may decrease the amount of required parking by no more than 60% of that normally required. Insofar necessary, a reduction of the requirement to one parking space per dwelling unit is hereby requested. In addition, a common parking area for recreational vehicles etc. will be provided in the far north corner of Tax Lot 1000, 4 1E 4B.

16.40. Hazard Overlay Zone

Although the City's maps are not entirely clear, it is possible that the Hazard overlay zone applies to the portion of the site along and below the embankment, due to its steep slope and the creek and possibly wetlands at the bottom. The floodplain elevation has been established at 105 feet.

Applicants do not propose any development in the lower portion of the site, with the exception of a trail which will generally follow the path of the existing unimproved and currently overgrown roadway. This will minimize any grading required for trail construction. The trail will end in a small pavilion and seating area, which will be located outside of the floodplain. If stormwater is to be piped down the bluff as shown, then trapped catchbasins and oiltraps will be installed as necessary to maintain water quality. On-site detention of stormwater is not appropriate for this site, since it would add to potential flood damage. Therefore, a finding can be made that the proposed development, including public utilities, will be consistent with the need to minimize flood damage, and that drainage will be adequate to reduce exposure to flood damage, as required by section 16.40.018.

Section 16.40.040 requires the Planning Commission to consider potential impacts of the development upon fish and wildlife and open space resources of the community. By using the existing unimproved road and by eliminating the use of power equipment for trail construction, the need for grading and tree cutting and any impact on soil stability will be minimized. The access thus created will add to the usable open space resources in the community. Since this will be a private open space area, usage will be limited to passive recreation by residents of the Cedar Creek Community and ALF facility, thus maintaining the natural character of the area. No significant impacts on any fish and wildlife habitat is expected. In other words, the proposed development is consistent with the intent of the Hazard Overlay Zone.

16.46.010 Vehicular access.

- A. *"The maximum number of units to take access to a given private road or driveway shall be...36 if the traveled portion of the road or driveway is between 24 and 30 feet in width.*
- B. *The maximum number of units under "A" may be increased by up to 50 percent if the road or driveway is looped and 2-way.*
- C. *The maximum number may be increased by another 20% for PUD's."*

In this case, the total number of units which have access off a 28 foot wide private road is 45 units, or 25% more than permitted outright. Applicants request approval based on the fact that the private road is looped and two-way, and within a PUD. Adequate emergency vehicle access is provided to all lots.

Design and construction will meet the same requirements as for public roads, thus providing safe intersections and travel surfaces and not resulting in hazards for motorists, bicyclists, or pedestrians.

16.50 Conditional Uses

This application includes a request for approval of common-wall single-family units, which are listed as a conditional use in the R-1.5 zone. This proposal meets the criteria applicable to conditional uses as follows:

- A. *"The proposal will be consistent with the policies of the comprehensive plan and the requirements of this title and other applicable policies of the city;"*

The original site design of Cedar Creek Community was changed from one including apartments to this proposal which includes only uses specifically permitted in the R-1.5 zone, in order to ensure consistency with the City's regulations. The proposed lot sizes are consistent with the base density of the R-1.5 zone, and with the City's Planned Unit Development and Elderly Housing provisions. The proposed common-wall units are consistent with the City's Housing Policies and Implementation Measures to allow for a variety of housing types and lot sizes, to plan higher densities along arterial roads, and to allow flexibility in lot layout especially to encourage housing appropriate for elderly and low-income persons (Policy 2, Implementation Measures B, D, and E; Policy 3, Implementation Measure B; Policy 4, Implementation measure A, B, C, and E).

The common-wall units will be like duplexes in all physical respects, except that they may be sold separately. This is primarily a marketing and financial arrangement, rather than a building or planning matter. Individual units will be more likely to be purchased by the residents themselves, rather than by an absentee investor. This is consistent with

Implementation Measure C under Housing Policy 4, to encourage low-income housing aimed at private ownership. Cedar Creek Community is envisioned as an attractive, classy, yet affordable, practical, and manageable housing alternative for the independent elderly.

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

Because of the topography of this site, it would not be possible to even approach the base density allowed in this zone without using the PUD approach or without including housing types other than conventional single-family residences. The common-wall construction is particularly suited for the intended population of independent elderly: the units will be small enough to be manageable and affordable, yet they can be purchased individually and will provide sufficient privacy and identity. The combination of common-wall and conventional single-family units on this site forms an outstanding complement to the mobile home parks existing and planned in the vicinity, and the Assisted Living Facility next door.

Within the site, the common-wall units are generally planned around 13th Avenue. Locating higher density housing along arterial roads, while limiting direct access onto such roads, is consistent with Implementation Measure B under Housing Policy 3. This approach also meets Implementation Measure B.10 under Land Use Policy 6, which deals with Area of Special Concern "J". Essentially, locations along an arterial/truck route and adjacent to non-residential land are less desirable for conventional single-family housing. The original design attempted to overcome this concern by planning apartments (multi-family) along 13th Avenue. Since it was unclear whether apartments are a permitted use in a PUD in the R-1.5 zone, duplexes or common-wall units were substituted. Most of the units will face away from the arterial road, and many will have the benefit of overlooking the bluff and open space areas below.

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

The need for public facilities and services to serve common-wall units will be no greater than what would be required to serve duplexes or triplexes, which are permitted outright in the R-1.5 zone.

Transportation facilities will be more than adequate upon completion of 13th Avenue, which far exceeds the localized needs generated by this development. Storm drainage will be handled either by piping or by means of drywells, depending upon the recommendations of the geo-technical soils report. The City has an 8" sewer line in SW 13th Avenue with adequate capacity to serve the subject parcel, according to City staff.

The water system, operated by the Canby Utility Board, consists of a 14" main in SW 13th, adequate to serve the site. CUB also provides electrical service. The Canby Telephone Association and North Willamette Telecom provide telephone and television service, respectively. Canby Fire District No. 62 serves the property. All service providers have indicated a capacity to serve the site, and their specific design comments on the previous application have been taken into consideration. The service providers will get another opportunity to comment on the latest proposed development layout.

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

The character of the surrounding areas is generally un- and underdeveloped. To the east is an established residential neighborhood, including the Elmwood Mobile Home Park and single-family residences. Property to the south is currently under review for development into a large mobile home park. To the north is the High School property, and to the west is a sanitary service and recycling business. The Canby Community Park and Canby Square Shopping Center are located beyond along Berg Parkway. These are currently inaccessible from the site, but will be made accessible through the proposed 13th Avenue - Berg Parkway connector, towards which this development will make a major contribution. This proposed development therefore will not preclude the intended use of nearby properties, but will actually make them possible and/or enhance them. Development of this site will set the tone for a quality development of this general area.

16.62 Subdivisions -- Applications

16.62.010 Filing Procedures

- A. **Copies:**
The applicant is hereby submitting 18 copies of the tentative subdivision plat. A revised utility plan, street profiles, and map of existing site conditions are also submitted at this time, in addition to this narrative statement.
- B. **Scope:**
"The tentative plat need not be a finished drawing but it should show all pertinent information to scale, in order that the commission may properly review the proposed development."

The information being submitted to you today shows all pertinent information and is sufficiently detailed to permit the Commission and staff to properly review the proposed development.

C. Partial Development:

This tentative subdivision plat contains all of the tract which remains under the control of the subdivider. The tentative subdivision is a portion of the original Cedar Creek Development Planned Unit Development, which also included the Assisted Living Facility. ALF is located on what is now a separate tax lot under separate ownership, i.e. tax lot 801, Map 4 1E 4C, and is nearly completed at this time.

D. Information Required:

1. *Vicinity map, scale 1"=400'.*
The scale of the vicinity map is 1" equals 1/2 mile.
2. *Detailed map = Tentative Plat, scale 1"=50'.*
Note: although the Code requires only a scale of 1"=100' for sites over ten acres, the applicant is submitting drawings at a scale of 1"=50' in order to present the information in more detail.
3. *General Information on Tentative Plat.*
 - a. *Proposed name of the subdivision:*
The name Cedar Creek Community was originally proposed for the Planned Unit Development; upon checking with the Clackamas County Department of Transportation and Development, it was found that this is not an acceptable name for the Subdivision because other subdivisions with the same or very similar name are registered in the County. A new name will be proposed shortly.
 - b. *Date, north point and scale of drawing.*
 - c. *Appropriate identification of the drawing as a tentative plat;*
 - d. *Location of the subdivision sufficient to define its boundaries and a legal description of the tract boundaries;*
A survey of the property lines of the subdivision has been ordered and will be completed in the next few weeks. A title report has been prepared, and is included as attachment 1.
 - e. *Names and addresses of the owner or owners, and subdivider, engineer, surveyor, or other individual who prepared the plat.*
A sale agreement exists between the current owner, Marvin Dack, and the purchaser, Planned Dollars Concepts.
 - f. *If the applicant is a corporation, a certificate of good standing from the State Corporation Commission shall be filed. The name of the individual authorized to act as the registered agent of the corporation shall also be provided.*

4. Existing Conditions.

- a. *Location, widths and names of all... existing or planned streets;*
- other public ways and easements within or adjacent to the tract;*
- other important features, such as section lines and corners, city boundary lines and monuments which may have been found;*
- b. *Contour lines;*
- c. *Location and direction of all watercourses on and abutting the tract;*
Base flood data showing elevations of all property subject to inundation in the event of a one-hundred year flood;
- d. *Natural features, such as rock out-croppings, marshes, wooded areas, isolated preservable trees, and significant areas of vegetation;*
- e. *Existing uses of the property, including location of all existing structures to remain on the property after platting.*
- f. *The location of at least one temporary bench mark within the plat boundaries or the source of the contour line data shown.*

5. Proposed plan of subdivision.

- a. *The location, width, names, approximate grades and radii of curves of proposed streets to future streets, as shown on any approved development plan. If no complete development plan is in effect in the area, assurance of adequate traffic circulation shall be provided;*

The proposed alignment of the extension of SW 13th Avenue conforms to the city's request to alter the originally approved radius from 150' to 455', and with the dedication and construction documents approved for the ALF property. Construction of SW 13th Avenue to arterial standards is a partial implementation of the "SW Berg Parkway to SW 13th Avenue Connector" as shown in the City's 1988 Capital Improvement Program.

- b. *Easements. Location on the site or abutting property, showing the width and purpose of all existing and proposed easements;*

Existing easements are shown. Proposed utility easements will be consistent with the comments made earlier by the Canby Utility Board and Canby Telephone Association / North Willamette Intercom; such easements are subject to the review and approval of these service providers.

c. *Lots. Approximate dimensions of all lots, approximate lot size, proposed lot and block numbers;*

d. *Proposed land use. Sites, if any, allocated for multiple-family dwellings, shopping centers, industry, churches, parks, schools, playgrounds, open space, special erosion control provisions including structures or areas with vegetation.*

6. *Explanatory Information with Tentative Plat.*
"Any of the following information may be required by the Commission..."

The Commission has not required any specific additional information; however, much of the information is already available and applicants will be happy to provide further details upon request.

a. *Proposed deed restrictions in outline form, if any;*

Proposed Conditions, Covenants, and Restrictions and Homeowners' Association Bylaws are submitted as Attachments to this application.

b. *Statement of subdivision improvements to be made or installed, including landscape planting, street lighting, etc., and when such improvements are to be made;*

Proposed utility and street improvements are shown on the Preliminary Utility Plan. A landscaping plan will be prepared upon approval of the preliminary plat, and will include street trees, street furniture, street lighting, landscaping of Tracts A through G, fencing, and pedestrian trails. All landscaped and common areas will be designed so as to preserve as many of the existing trees as possible, and with the needs of the elderly population in mind. Handicapped access will be provided throughout the site. Public and private streets will be well lighted to ensure the safety and security of the residents.

c. *Approximate centerline profiles showing the finished grade of all streets as approved by the city engineer including extensions for a reasonable distance beyond the limits of the proposed subdivision;*

d. *Typical cross-sections of proposed streets showing widths of roadways, location and width of sidewalks and the location and size of utility mains;*

e. *Approximate plan and profiles of proposed sanitary and storm sewers with grades and pipe sizes indicated and plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants.*

- ✓ f. *A general description of property intended to be dedicated to the city or the public other than street right-of-way;*
No property within the subdivision, other than street right-of-way for the extension of sw 13th Avenue, will be dedicated to the city.
- ✓ g. *A plan for domestic water supply lines and related water service facilities;*
- ✓ h. *If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil. The commission may require a signed affidavit from a qualified professional engineer, or engineering geologist, certifying that no property damage or hazards will result from erosion attributable to such grading or other site preparation;*

As can be seen on the street profiles and tentative plat, only minimal grading will be required since all construction activity will be concentrated on the flat upper portion of the property. Predominant soil type on top of the bluff is Canderly Sandy Loam. The trail going down the bluff will follow the path of the existing unimproved road, which has proven to be stable over time, thus minimizing the need for any additional cut and fill. A detailed soils investigation is being prepared; the report will be submitted to you as soon as it becomes available. Any recommendations regarding erosion control, site preparation, foundations, and pavement resulting from the soils investigation will be adhered to. A similar investigation conducted on behalf of ALF, Inc. for the Assisted Living Facility next door revealed no severe development limitations (Report dated September 13, 1989 by Northwest Testing Laboratories). Another study performed by Cornforth Consultants Geotechnical Engineers for a nearby location indicates that the bank is quite stable.

- ✓ i. *Proposals for other improvements such as electric utilities and pedestrian ways;*
- ✓ j. *A written statement describing the proposed development and including supporting documentation regarding the relationship of the subdivision to the requirements of the comprehensive plan and its general compatibility with surrounding land use patterns.*

Applicable provisions of the Comprehensive Plan were identified by staff in the May 2, 1990 staff report, and were addressed in detail by the applicant in his Memorandum dated May 14, 1990, and in his statement to the Planning Commission on May 31, 1990.

The surrounding land use pattern is as follows:

The property is located at the edge of town, with the immediate vicinity being generally un- or underdeveloped, as can be seen on the aerial photograph submitted with the previous application. Upon completion of the proposed 13th Avenue - Berg Parkway connector, which will become

part of an arterial connection from the I-5 freeway to Highway 213 near Mulino, this whole area is likely to experience further development. With this proposal, applicant is contributing to and setting the standard for a quality development of the area.

Surrounding zoning consists of R-1, Low Density Residential, with M-1, Light-Industrial, to the west, and C-2, Highway-Commercial, to the northwest. The Hazard Overlay Zone applies to properties to the south.

To the north is the High School property, including a field under cultivation; to the east are the Church of Latter Day Saints, a medical clinic, single-family residences, and the Elmwood Mobile Home Park, as well as a largely vacant property (tax lot 1100, 4 1E 4C); to the south is the Torgesen property, for which a large mobile home development is being proposed; to the west: a sanitary service and recycling business, and undeveloped properties. The Canby Community Park and Canby Square Shopping Center are located further north along Berg Parkway.

Given the zoning and the mixture of existing and potential future surrounding land uses, the proposed use of the property is most appropriate. The conventional single-family and common-wall units will form a good transition between the residential neighborhood to the west, and the mixture of institutional, commercial, and industrial uses to the north and east.

The site is located near medical facilities, shopping, the senior center, and other facilities for the elderly. Access from the site to shopping and community services will be further improved with the eventual completion of the Berg Parkway - 13th Avenue connector. The combination of the existing single-family dwellings, mobile home parks, the Assisted Living Facility, and the proposed common-wall units and single-family houses on site, provide a choice of living arrangements for the elderly. This makes it possible for elderly area residents to remain in the same vicinity when increasing age and/or disability generates the need for ever greater levels of care. Residents of Cedar Creek Community will be able to contract for services such as meals, cleaning, and yard maintenance with the Assisted Living Facility.

16.64 Subdivision Design Standards

16.64.010. Streets.

A. Location, width and grade

This standard is met through the redesign of the alignment of the extension of SW 13th Avenue. The proposed street design is consistent with the designation of this street as an arterial, with Section 16.86.020.A of the Code, with the project description for the proposed connector between SW Berg Parkway and 13th Avenue, as well as with the policy applicable to Area of Special Concern "J".

B. Reserve Strips: not applicable.

C. Alignment.

The proposed alignment of the extension of 13th Avenue provides for the continuation of the existing centerline. Intersections of 13th Avenue and the private Christina Loop are offset by more than 150 feet from any other intersection with a public street. The distance between the two legs of the loop also exceeds 150 feet.

D. Future Extension of Streets.

SW 13th Avenue has been designed to be extended into adjoining property. Temporary turnaround space for emergency vehicles is available at the end of the street.

E. Intersection Angles.

Intersections of 13th Avenue and Christina Loop are designed to be as near to a right angle as possible. Corner radii are 15 feet.

F. Inadequate Existing Streets: not applicable.

G. Half Streets.

A portion of the right-of-way of the extension of 13th Avenue is designed to be on the school property, consistent with the city's direction.

H. Cul-de-Sacs.

The length of the proposed cul-de-sac at the end of Christina Street is well under 450 feet. The cul-de-sac serves 13 dwelling units, and terminates in a circular turnaround, consistent with the City's requirements.

I. Marginal Access Streets.

The site does abut an Arterial Street, which is also a designated Truck Route. Single-family corner lots along 13th Avenue have been designed to gain access from and face the interior streets. Lots 1 through 8 are set back from the arterial street by means of a marginal access street and landscaping in tracts "B" and "C".

J. Alleys: not applicable.

K. Street Names.

The extension of SW 13th Avenue will continue under that name. Christina Street is the proposed name for the main interior street. No names have been selected yet for the other street and cul-de-sac.

L. Planting Easements.

This provision is discretionary upon the Planning Commission.

M. Grades and Curbs.

All streets will be virtually flat, with a maximum grade of 1.87% on a portion of SW 13th Avenue. Clearly, grades will not exceed City standards, as can be seen on the street profiles (Exhibit 3). A minimum slope of .5% will be provided for drainage purposes. The centerline radius of 13th Avenue has been redesigned to comply with City requirements.

N. Streets adjacent to Highway 99-E or Railroad: not applicable.

16.64.030. Easements

A. Utility Lines.

The Canby Telephone Association has requested 12' utility easements on all exterior lot lines, and 6' utility easements on interior lot lines. The Canby Utility Board requests 10' easements. All necessary easements will be provided by the applicant, with final approval by the service providers.

B. Watercourses.

A drainage and flood control easement for the area within the floodplain can be provided upon the request of the Planning Commission. No development or soil disturbance is proposed for any area within the floodplain.

C. Pedestrian Ways.

Pedestrian paths and nature trails are proposed in several locations: connecting the western cul-de-sac as well as the ALF to Christina Street, along the top of the bluff, and to the bottom of the bluff. No blocks will be longer than 800 feet, therefore no marked pedestrian crossings are required.

16.64.040 Lots.

A. Size and shape.

The lot sizes are appropriate for the type of development that is being proposed, i.e. a PUD providing independent living arrangements for the elderly. Lot sizes are balanced by the large amount of open space and common areas that are provided on the property, both above and below the bluff.

B. Minimum Lot Sizes.

The property is being developed as a PUD, thus providing flexibility in lot design. The R 1.5 zone requires a minimum lot area of 4,000 square feet per unit, with 6,000 square feet for the first unit. The overall mean average (sic) lot size must be 6,000 square feet. The PUD designation allows flexibility in lot sizes, provided the base density is not exceeded.

Overall gross density is 8,358 square feet per lot or 5.21 lots per acre (gross site area of 626,871 sq. ft. : 75 lots). Net density is 7,370 square feet per lot or 5.91 lots per acre (gross site area minus area for streets = 74,150 sq. ft. : 75 lots). The average lot area per unit is 4,548 square feet. This density does not exceed the base density of the R-1.5 zone.

C. Lot frontage.

Minimum width and frontage requirements in the R-1.5 Zone are 60 feet, with 65 feet on corner lots, but exceptions from this requirement may be granted by the Planning Commission. This application requests such exceptions based on the PUD provisions and the provisions of Section 16.82.040, which permit modification of standards for Special Housing Projects for the Elderly or

Handicapped. Access and building area will be adequate for the intended type of housing.

D. Double Frontage: not applicable.

E. Lot Side Lines.

Lot side lines are designed to be as near as possible at right angles to the street.

F. Resubdivision: not applicable.

G. Building lines.

This application requests approval for thirty of the lots (Phase 2 of the Subdivision) to be constructed as common-wall units, i.e. with no side-yard setback on one side. Reduction of other yard setbacks is also requested.

H. Potentially Hazardous Lots or Parcels.

No building lots are being created on land subject to flooding or soil instability. Lots abutting the top of the bluff contain enough buildable area so that the structure may be located away from the bluff. Setback lines will be maintained and foundation construction will be performed in accordance with the findings of the soils investigation. Appropriate erosion control measures will be followed during construction. Preliminary findings indicate no development limitations on the top of the bluff.

I. Flag Lots

Lots 15, 16, 17, 37 and 38 can be characterized as flag lots. Of these, Lot 17 has a 20 foot access strip. Lots 15 and 16 have 12 feet wide access strips, which is permitted since both access drives are less than 100 feet long. The access drives to Lots 35 and 36 are 10 feet wide. This is permissible since both drives are next to each other, and reciprocal use easements can be provided.

16.64.050. Public open spaces.

No dedication of open space for public use is contemplated due to the relative inaccessibility of Tract "A", to assure privacy and security for the residents of the Cedar Creek Community, and to reduce the City's maintenance burden.

16.64.060 Grading of Building Sites.

All building sites are located on top of the bluff, and will require virtually no grading. Preliminary soil tests indicate no soil stability problems in this area. Construction of the nature trails along the top of and to the lower portion of the bluff will be carried out in accordance with the recommendations of the geo-technical soils report. The need for grading will be minimalized by following the path of the existing unimproved road along the bluff.

16.64.070. Improvements.

Proposed improvements are shown on the Tentative Subdivision Plat and Utility Plan, which show that the requirements of this section can be met. Storm drainage design may be altered to a system of catch-basins and drywells based upon the results of the soils investigation. Comments and requirements by the Canby Utility Board and other service providers have been and will be incorporated into the design.

16.76 PUD requirements

16.76.010: Minimum PUD Requirements.

- A. A minimum of 10% of the gross site area must be devoted to parks and recreational purposes. Open space totals 211,596 square feet (4.86 acres), consisting of Tracts A through G. This constitutes 33.75 % of the gross site area.

Landscaping, including seating areas, will be provided in all of the Tracts, including a mini-park along the entrance to the lower area (between Lots 17 and 18). A great effort will be made to provide attractive landscaping and pedestrian trails throughout the site.

- B. Average area per dwelling unit: gross site area of the Subdivision is 14.39 acres or 626,871 square feet. The proposed number of dwelling units is 75, for a gross density of 8,358 square feet per unit. Deducting the area occupied by streets (74,150 square feet) leaves a net density of 7,370 square feet per unit, which is far below the base density permitted in the R-1.5 zone. Average lot area per dwelling unit (total area of all 75 lots divided by 75) is 4,548 square feet. Applicant is not requesting any density bonuses, but only modification of the lot sizes, widths, and yard setbacks pursuant to Section 16.76.040.

16.76.020: General requirements.

Generally, the PUD requirements are a duplication of the provisions of Sections 16.62 and 16.64, Subdivision requirements, and have been addressed there. The Tentative Subdivision Plat shows all of the required information:

- _____ A. *Areas to be dedicated to the public*
- _____ B. *Undedicated open space*
- _____ C. *Land uses*
- _____ D. *Types of dwellings*
- _____ E. *Parking areas*
- _____ F. *Pedestrian walks*
- _____ G. *Phasing*
- _____ H. *Utilities, existing and proposed*
- _____ I. *Density and Lot Coverage*
- _____ J. *Other*

16.76.030: Standards and Criteria.

- A. *"Site approval is binding, and variations are subject to approval by the Commission."*
The application currently before the Commission is a for a variation of the already approved PUD, as a result of the City's request to change the radius of the extension of 13th Avenue from 150' to 455'.
- B. **Contractual Agreements:** applicant will abide by all conditions of approval which were attached to the original PUD approval, and such agreed upon covenants, conditions and contractual agreements as may result from this application.
- C. *"Must be in keeping with the ordinance requirements":* compliance with Ordinance requirements is addressed in great detail throughout this Statement.
- D. *"Shall present a unified and organized arrangement of buildings and service facilities":*
the proposed design presents a unified and organized arrangement of buildings and service facilities, allowing for a choice of housing types with common access to the open space areas and to other facilities for the care of the elderly residents. Higher density units are generally located along the perimeter of the site, in deference to the arterial street, institutional and other non-residential uses surrounding the site. The site layout allows for preservation of any ecologically sensitive areas, and avoids disturbance of steep slopes and areas within the floodplain.
- E. *"Perimeter areas designed not to conflict with uses of adjacent property":*
The location of common-wall units along the perimeter is consistent with the adjacent non-residential uses and the mobile home park. In fact, the site has been designed so as to mitigate any potential conflicts from adjacent uses affecting the

applicant's property.

G/H. *Plan for maintenance of open areas.*

This is provided for in the proposed Covenants and Restrictions and Homeowners Association Bylaws.

I. *Separate utilities*

All individual dwelling units will be provided with separate utilities.

J/K. Not applicable.

16.76.040 Exceptions

Modification of individual lot sizes, lot width, frontage, and yard setback requirements are requested based on this section.

16.82: Special Housing Projects for the Elderly or Handicapped.

This subdivision is designed to provide a safe and convenient choice of living arrangements for elderly residents, in coordination with the Assisted Living Facility which was a part of the original PUD. An attractive and safe environment will be created through landscaping, seating areas, pedestrian paths, passive recreational areas, adequate street lighting, handicapped access, and the opportunity to contract for additional services through the ALF. This development is therefore supportive of the City's policy to encourage a range of housing types for the elderly. No special bonuses pursuant to section 16.82.040 are requested. The Tentative Subdivision Plan is hereby submitted for review by the Fire District and Police Department to assure adequate safety and ability to provide emergency services.

3. Compliance with Conditions of Approval

This application complies with all applicable conditions of approval of the zone change (ZC-89-02) and minor partition (MLP-89-05) affecting this property. Zone change approval conditions were as follows:

1. *"Utility easements are to be provided to the satisfaction of the Canby Utility Board, North Willamette Telecom, and the Canby Telephone Association."*

This requirement can be met.

2. *"A water line is to be looped through the development in the manner specified by the Canby Utility Board; hydrant locations to be as specified by the Fire Marshal."*

The Tentative Utility Plan shows a looped water line and suggested fire hydrant locations. The latter can be altered upon the request of the Fire Marshal.

3. *"Covenants and bylaws of the homeowners association are to meet the requirements of the City Attorney to assure that private improvements within the development will not become the responsibility of the City for maintenance."*

Proposed Covenants and Restrictions and Homeowners Association Bylaws are hereby submitted for review by the City Attorney.

4. *"All recommendations of other agencies to be regarded as conditions of approval."*

Applicant is not aware of what other agency recommendations may apply to this application.

5. *"Curbs and sidewalks to City standards are to be constructed along SW 13th Avenue frontage."*

Street cross-sections on Exhibit 2 show 5 foot wide combined curb and sidewalks on both sides of SW 13th Avenue and all private streets within the subdivision.

6. *"An engineering study is to be completed for the area along the bluff, prior to the approval of any building permits for dwelling units. Slope stability and the possible impact of using drywells for storm drainage are to be addressed."*

A geo-technical engineering study has been performed by the firm of Rittenhouse-Zeman and Associates, Inc. Results of this study are expected to be available within a few days.

7. *"The applicant is to provide the City with a dedication of property to allow for the extension of SW 13th Avenue. The form of the dedication is to meet the requirements of the City Attorney."*

Applicant intends to fully abide by his condition.

8. *"The applicant is to provide the City with a recorded waiver of the right to remonstrate against the formation of a Local Improvement District for the full improvement of SW 13th Avenue. The form of the waiver is to meet the requirements of the City Attorney. (The City may require the immediate improvement of the road to City standards as a condition of approving any subsequent development of the site)."*

Applicant will not object to formation of an LID for construction of SW 13th Avenue. Applicant does not intend to shoulder the full cost of improvement of this road to arterial standards.

9. *"The cost of facility or utility improvements to the site are to be borne by the developer."*

Applicant agrees to be responsible for the cost of extending utilities to the site from the nearest existing sewer, water, and telephone lines.

Approval of the minor partition creating a 1.38 parcel for the Assisted Living Facility was subject to 14 conditions. According to a letter from the Public Works Director, Wayne S. Klem, to Mr. Marv Dack, the property owner, dated 9 October 1989, the first eight conditions applied specifically to the minor partition. These conditions have since been met. The remaining conditions "are to be reflected in the remainder of the PUD". They can be met as follows:

9. *"No 3-story units to be allowed."*

No 3-story units are proposed.

10. *"The northeast corner is to remain as open space."*

This condition no longer applies due to the re-alignment of SW 13th Avenue. This finding is consistent with the previous staff recommendation dated May 2, 1990.

11. *"Corner road radii and cul-de-sac radii as suggested by the Fire Marshal and staff."*

Corner radii are proposed at 15 feet, with 50 foot cul-de-sac radii. Centerline radius of Christina Street is 400 feet. Centerline radii of "A" Street are 120 to 155 feet. Applicant is open to suggestions from the Fire Marshal and staff.

12. *"Internal sidewalks five (5) feet in width."*

Five foot sidewalks are proposed throughout the subdivision.

13. *"The main road as identified at the May 22nd meeting to be 36 feet at the entrances on SW 13th Avenue, and narrowing to 30 feet."*

Proposed cross-sections for the "main road" provide for a 28 foot roadway with 5 foot sidewalks on both sides, with a total right-of-way width of 40 feet.

14. *"The overall density to stay within R-1.5 development standards."*

Proposed density is well below the maximum permitted density on this site, based on minimum lot sizes of 6,000 square feet for the first unit and 4,000 square feet for additional units.

4. Conclusion

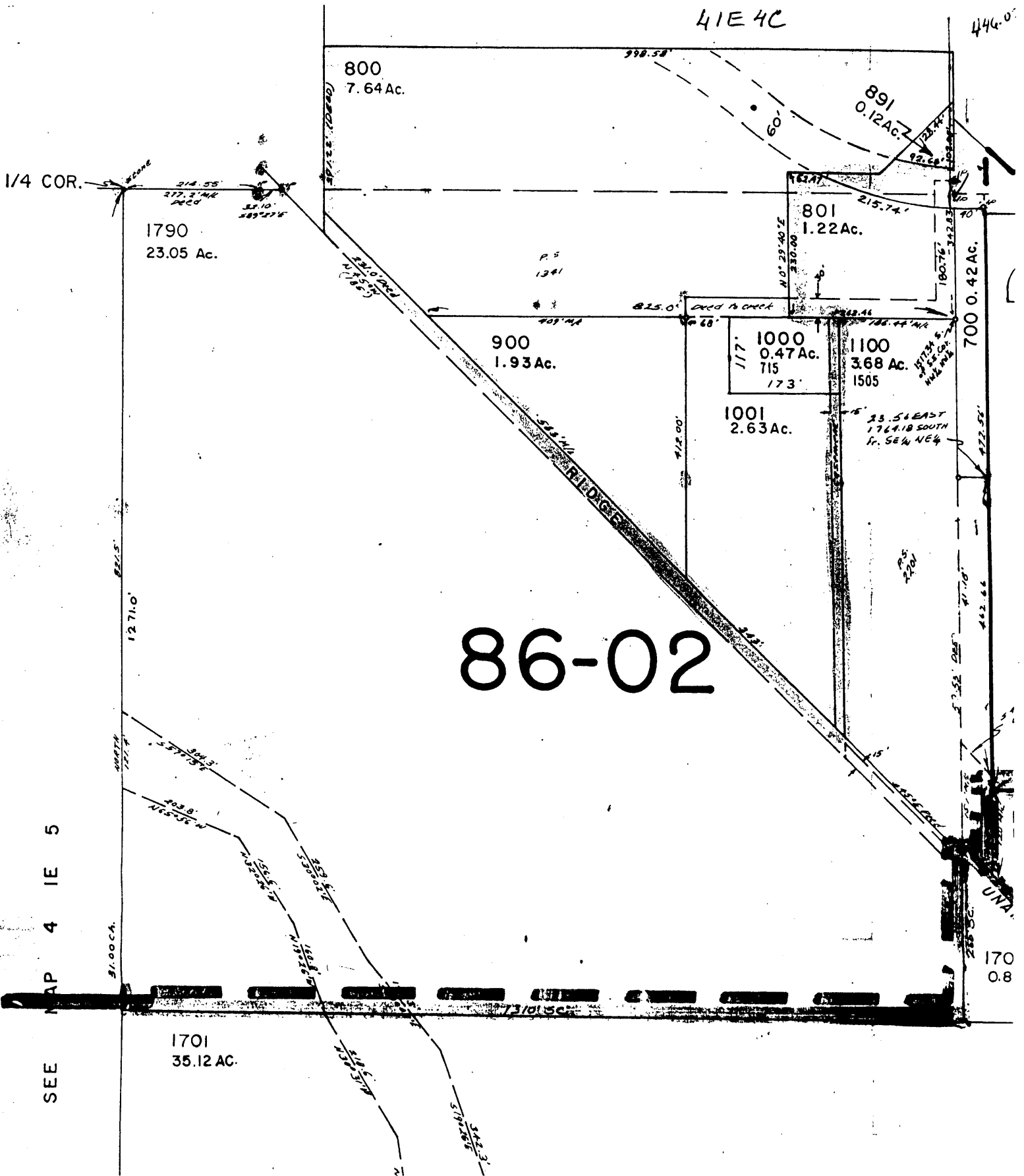
As shown throughout this document, this application meets all of the City of Canby's development standards and requirements and previous conditions of approval. All required information has been provided either on the Exhibits or Attachments to this application, or in this report. Applicant therefore respectfully requests approval of this Tentative Subdivision Plat and Conditional Use Permit, as well as modifications to individual lot sizes, widths, frontages, and setbacks, and number of units gaining access off a private street, based on the justifications provided in the body of this document.

CLACKAMAS (

1"=200'

SEE MAP 4 IE 4B

PREPARED FOR
PLANS ONLY



86-02

SEE MAP 4 IE 5

1701
35.12 AC.

170
0.8

SEE MAP 4 IE 3

CHICAGO



CANBY

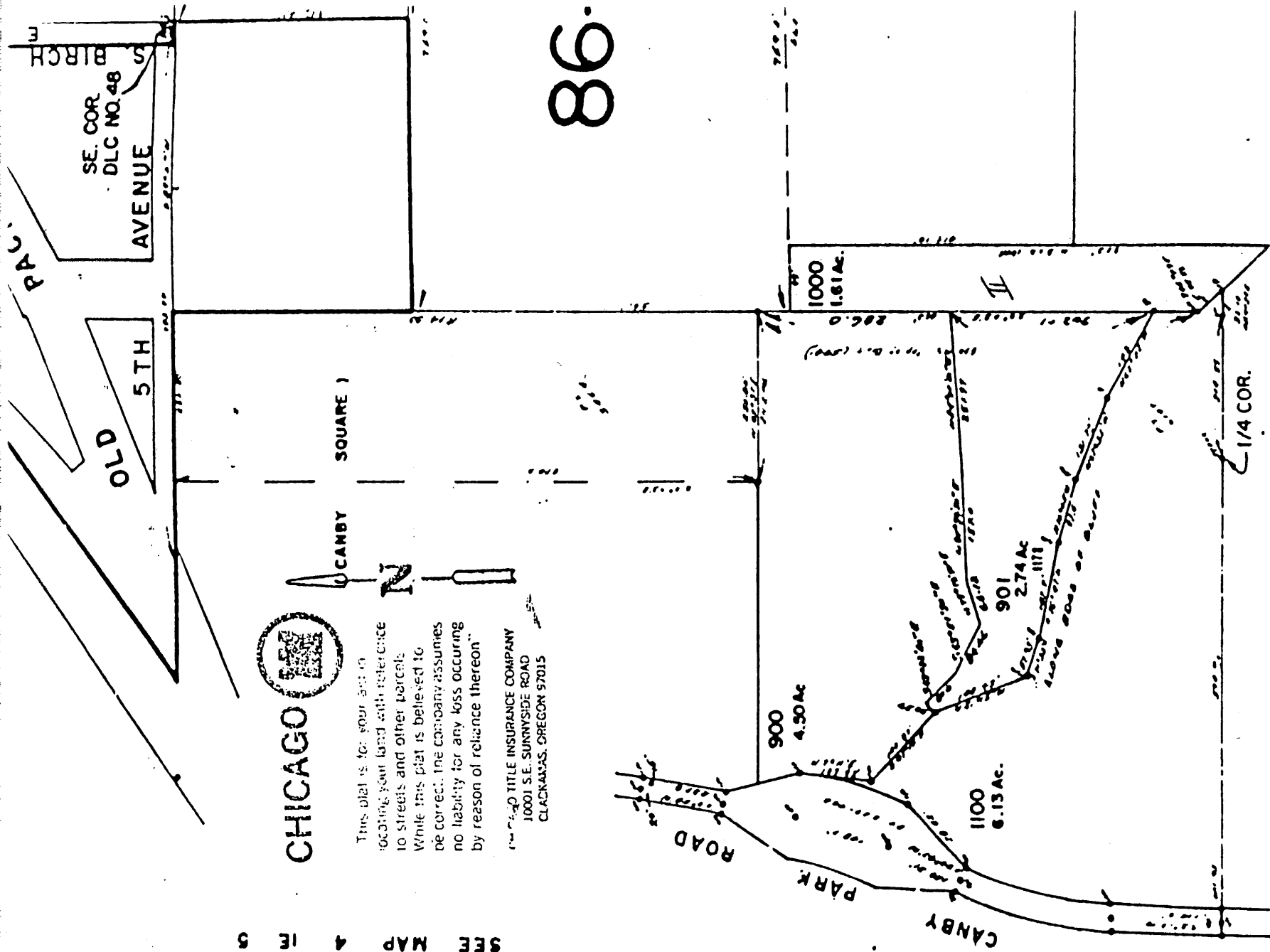
SQUARE 1



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

CHICAGO TITLE INSURANCE COMPANY
10001 S.E. SUNNYSIDE ROAD
CLACKAMAS, OREGON 97015

86.



SEE MA

4 IE 4 B



RITTENHOUSE-ZEMAN & ASSOCIATES, INC.
Geotechnical & Environmental Consultants
 7409 S.W. Tech Center Drive Suite 135
 Portland, Oregon 97223-8024
 (503) 639-3400 / FAX (503) 620-7892

October 5, 1990

O-5479

David Evans and Associates
 2828 S. W. Corbet Avenue
 Portland, OR 97201-4830

Attn: Lidwien J. Rahman

FROM:

RECEIVED
 OCT 10 1990
 CITY OF CANBY

**SUBJECT: SUBSURFACE EXPLORATION AND GEOTECHNICAL
 ENGINEERING REPORT
 PROPOSED CEDAR CREEK P.U.D.
 S. W. 13TH AVENUE
 CANBY, OREGON
 (DEA# WVDX0001)**

Dear Ms. Rahman:

In accordance with your authorization, we have completed our subsurface exploration and geotechnical engineering study of the subject project. Our report on the subject project is enclosed herewith.

The site is suitable for the proposed construction, subject to the recommendations provided in this report. Topsoil stripping on the relatively level northern portion of the site will be in the range of six inches to one foot in most areas. The stiff, silty soil over dense sandy gravels at this site will provide excellent support for foundations and pavements.

We hope this satisfies your needs on this project for now. If you have any questions or we can be of further assistance, please do not hesitate to call.

Respectfully submitted,

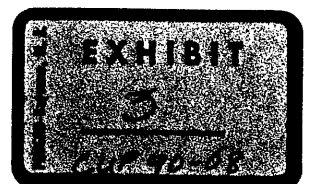
RITTENHOUSE-ZEMAN & ASSOCIATES, INC.

R. Warren Krager

R. Warren Krager, Geologic Associate

Terry N. Craven

Terry N. Craven, P.E.



0.0 SUMMARY

The site is geotechnically suitable for the proposed construction, subject to the recommendations provided in this report. Key design items are summarized below and are discussed in greater detail in the following sections of this report.

- o Topsoil stripping depths will range from six inches to one foot in most areas of the site, however, this may increase to one and one-half feet or more in recently cultivated areas. Native non-organic soils at this site consist generally of stiff to very stiff, medium brown silt to sandy silt. Dense sandy gravels were encountered below the sands and silts.
- o Native silts and non-organic fill material may be suitable for reuse as structural fill. Soil moisture content at the time of our subsurface exploration was at or near optimum for adequate compaction. Imported granular soil (less than 5% passing a number 200 sieve), should be used as wet weather fill material.
- o Recommended compaction for native silty soils is 92% (AASHTO T-180); 95% (AASHTO T-180) for imported granular soils.

The above summary is intended for introductory use only. A thorough reading of this entire report is essential to understand the total design concepts and limitations.

1.0 INTRODUCTION

This report presents the results of our subsurface exploration and geotechnical engineering study for the proposed Cedar Creek P.U.D. in Canby, Oregon. The proposed development and approximate locations of our subsurface explorations are shown on the site plan, Plate 1.

The purpose of our study was to establish general surface and subsurface conditions at the site on which to base our conclusions and recommendations for grading and erosion control, foundations, slope stability, drainage, pavement design and other construction considerations. Our scope of work consisted of subsurface explorations, laboratory testing, and geotechnical engineering analysis.

Written authorization to proceed with this study was granted by Lidwien J. Rahman of David Evans and Associates for the Willamette Valley Development Corporation on September 10, 1990. This report has been prepared for the exclusive use of David Evans and Associates, Willamette Valley Development Corporation, and their agents, for specific application to this project, in accordance with generally accepted geotechnical engineering practices.

2.0 PROJECT AND SITE DESCRIPTION

2.1 Project description

The proposed Cedar Creek P.U.D. project in Canby, Oregon, consists of westward extension of S.W. 13th Avenue, eventually connecting S.W. 13th Avenue with through streets. The current project will extend S.W. 13th Avenue approximately 1450 feet, and will also include construction of approximately 1550 feet of paved residential drives and cul-de-sacs and construction of 75 duplex and single family elderly residential units. The project also includes construction of utilities, drainage and possibly an asphalt nature trail down the steep southern slope. We understand that no major cuts and fills are anticipated for this project, however, trail construction following an existing road cut on the bluff is under consideration.

2.2 Site Description

The project site is a triangular shaped parcel located south of the Canby High School property that includes a nearly level northern portion and a steep sloping bluff on the southern portion. The Molalla River flood plain has been established at EL. 105 feet which occurs near the bottom of the steep slope. A back channel with standing water and occasional springs were noted at the base of this bluff at the time of our late summer field exploration.

The northern portion of the site is vegetated mostly by tall grasses. Maple, Fir and an assortment of overgrown orchard trees are present on the site. Occasional holly bushes and blackberry brambles cover portions of the site. An old barn has been recently demolished, and old farm houses and/or sheds occupied the property in the past. It is our understanding that an existing house located along the east property boundary will also be demolished. Topsoil strippings and other random fill is present on the subject property, immediately west of the neighboring assisted living center. Evidence of a cultivated garden plot is also present in this area.

3.0 SITE EXPLORATION AND SUBSURFACE CONDITIONS

3.1 Site Exploration

Field exploration for this project was performed on September 17, 1990, and consisted of nine backhoe-excavated test pits, each terminating in competent, native material. A Case 480 rubber-tired backhoe, provided by the client, was used to excavate the test pits. The test pits were logged by a geologist from our firm. Approximate test pit locations appear on the Site Plan, Plate 1, and the test pit logs are attached at the end of this report. Locations of test pits are based on pacing from property lines and surface features and should be considered approximate only.

3.2 Subsurface Conditions

Subsurface conditions encountered during the backhoe explorations were generally uniform throughout the site with minor variations in consistency and gradation of native soils. All test pits terminated in very stiff to dense sandy silts or gravels in which the backhoe had difficulty excavating.

The topsoil zone consists of about six inches to one foot of dry, medium brown rooty silt. Deeper pockets of organics were encountered in previously cultivated areas, and in forested areas. We anticipate that approximately one-half foot of stripping will remove most topsoil and organics in the open grassy areas, and slightly deeper stripping may be required elsewhere.

Underlying the topsoil zone, to an average depth of about four to five feet, native soils consist generally of stiff to very stiff, dry to damp, medium brown silt to sandy silt. This soil is well suited for pavement subgrade and foundation support.

Below about four to five feet in most of the test pits, native soils consist of medium dense to dense, dry to damp, medium gray brown, silty sand to sandy gravels. Gravels appeared to range in size from small pebbles to large cobbles or small boulders (10-12"). The backhoe used for this exploration had some difficulty excavating the dense gravels. It is possible that occasional larger boulders may be present, however, we anticipate that a medium- to large-sized trackhoe will have little difficulty excavating them.

Surficial, random fill consisting mostly of topsoil strippings and occasional vegetation and woody debris is present on the site near the east property boundary. We understand that this random fill material was placed on the site during construction of the neighboring Rackleff House and is to be removed prior to development of this parcel. The demolished barn and other debris should be removed from the site.

Permanent groundwater is not anticipated at shallow depths on this site, although it is likely that seasonal perched groundwater layers may develop in the near-surface silty soil. Subsurface foundation drains are recommended on all lots where positive surface drainage cannot be provided.

3.3 Existing Bluff

The sloping bluff on the southern margin of the site appears to be a natural feature bordering the Molalla/Pudding River flood plain. A similar bluff occurs on the opposite side of the flood plain. A small back channel present at the base of the bluff may occasionally contain enough current to cause erosion.

However, it appears that the bluff was formed at a time when a much greater volume of water occupied this drainage. Primary formation of these bluffs may have occurred during melting of Pleistocene glaciers and/or backwater flooding of the Willamette during episodic outbursts of Missoula Flood waters.

The slope appears relatively stable despite the oversteepened condition, estimated to exceed 1H:1V. Minor sloughing of exposed silty soil on the face of the bluff has occurred in places. However, where vegetated, the slope does not exhibit significant signs of instability. Larger trees on the slope do not appear to have compensated for soil creep.

4.0 DESIGN RECOMMENDATIONS

4.1 Site Preparation

Prior to beginning construction, all areas of the site that will receive buildings, foundations, pavement, or structural fill should be stripped of topsoil, roots, and any unsuitable fill, i.e., excavated to non-organic, native undisturbed soils. We estimate topsoil stripping depths to be on the order of six inches in most areas of the site. Deeper stripping may be required in brushy and/or forested areas. If any old foundations, septic tanks, drain fields or other underground installations are found within building or pavement areas, they should be removed, and the resulting excavation backfilled with compacted crushed rock. If water wells are encountered they should be abandoned in accordance with regulations of the State of Oregon, Department of Water Resources.

After stripping, we recommend that the resulting exposed surface be observed by a representative from our office, and any areas of soft or undesirable soil should be overexcavated.

We have provided recommendations for both wet weather and dry weather construction. However, because the near surface soils consist of moisture-sensitive silts, we recommend that if possible, the site be prepared during relatively dry weather.

4.1.1 Dry Weather Construction - Seasonal wetting, drying, freezing and thawing can substantially loosen the near surface soils. After stripping and excavating to final grades, but before any new fill is installed, we recommend that all pavement and fill areas be scarified to a depth of at least eight inches. The scarified soil should be moisture conditioned as necessary and then compacted to at least 92% relative compaction (AASHTO T-180). We recommend that we be retained to observe this operation. Even during dry weather it is possible that some areas of the subgrade will become soft or will pump, particularly in cut areas. Soft or

wet areas that cannot be effectively dried and compacted should be prepared in accordance with Section 4.1.2, Wet Weather Construction.

4.1.2 Wet Weather Construction - During wet weather, when adequate moisture control cannot be obtained or in areas softened by moisture, it may be necessary to install a granular working blanket to support construction equipment and provide a firm base on which to place subsequent fills, floor slabs and pavements. Commonly the working blanket consists of a bank run gravel or pit run quarry rock (six inch to eight inch maximum size with no more than 5% by weight passing a No. 200 sieve). We recommend that we be consulted to approve the material before installation.

The working blanket should be installed on a stripped subgrade in a single lift with trucks end-dumping off an advancing pad of granular fill. It should be possible to strip the site with the careful operation of crawler-mounted equipment. However, during prolonged wet weather, operation of this type of equipment may cause excessive subgrade disturbance and final stripping may have to be accomplished with a large, smooth bucket trackhoe or similar equipment, working from the advancing pad of fill. After installation, the working blanket should be compacted by a minimum of four complete passes with a moderately heavy steel drum or grid roller.

The working blanket must provide a firm base for subsequent fill installation and compaction. It has been our experience that 12 to 18 inches of working pad is normally required, depending on the gradation and angularity of the working pad material. This assumes that the material is placed on a relatively undisturbed subgrade in accordance with the preceding recommendations, and that it is not subjected to frequent heavy construction traffic.

Areas used as haul routes for heavy construction equipment may require a work pad thickness of two feet or more. If particularly soft areas are encountered, approved filter fabric installed on the silt subgrade may be substituted for up to five or six inches of working blanket. If desired, we can provide you with sample specifications for this material.

Construction practices can greatly affect the amount of work pad necessary. By using tracked equipment and special haul roads, the work pad area can be minimized. The routing of dump trucks and rubber tired equipment across the site can require extensive areas and thicknesses of work pad. Normally the design, installation and maintenance of a work pad is made the responsibility of the contractor.

4.1.3 Proof-rolling - Regardless of which method of subgrade preparation is used (i.e. wet weather or dry weather), we recommend that prior to fill placement or base course installation, the subgrade or granular working blanket be proof-rolled with a fully-loaded 10 to 12 yard dump truck, loaded scraper or other heavy rubber-tired construction equipment. This pertains to all pavement and structural fill areas. Any areas that pump, weave or appear soft and muddy should be overexcavated and backfilled with compacted granular fill.

If a significant length of time passes between completion of fill placement and commencement of construction operations, or if significant traffic has been routed across the site, we recommend that the site be similarly proof-rolled again before any foundation or pavement installation is allowed.

4.2 Fills

Any fills on this project should be installed on a subgrade that has been prepared in accordance with the recommendations in Section 4.1 of this report. Fills should be installed in horizontal lifts not exceeding about eight inches in thickness, and should be compacted to at least 92% relative compaction for silty soils and 95% for sands and gravels (AASHTO T-180). This criteria may be reduced to 85% in landscaping or planter areas.

During dry weather, when adequate moisture control is possible, structural fills may consist of virtually any relatively well-graded soil that is free of debris and organic matter and that can be compacted to the preceding specifications. The non-organic, silty soil encountered at this site (excluding topsoil) would generally be suitable for structural fill provided it is placed and compacted within its optimum moisture range. The maximum density/ moisture relationship as determined by the Modified Proctor test method (AASHTO T-180) for a representative mixture of the on-site, native, non-organic silty soil is 116.5 pcf at 13.5% moisture. For optimum compaction, soil moisture content should be in the range of about 10% to 18%.

At the time of our mid-September subsurface exploration, soil moisture was within the optimum range needed for adequate compaction. However, soils are typically their driest at this time of year. Earthwork and grading may occur at a time of year in which native soil moisture is above optimum, but can be dried to within the desired range. During dry summer weather this could require a day or more of drying time for

each eight-inch thick lift. Windrowing or occasional mixing or discing may be required. To be effective, this operation may require large areas to spread and dry fill material.

In order to achieve adequate compaction during wet weather, we recommend that fills consist of well-graded granular soils that do not contain more than 5% material by weight passing the No. 200 sieve. In addition, it is usually desirable to limit this material to a maximum six to eight inches in diameter for future ease in the installation of utilities.

4.3 Slope Stability

The natural slope above the Molalla River flood plain on the southern portion of the property is quite steep and shows minor evidence of instability. We understand that construction of an asphalt paved nature trail traversing the slope is under consideration. Based on our reconnaissance of this area, construction of the proposed trail appears feasible if performed in accordance with the recommendations discussed in this section.

We recommend that if possible, the trail be sited along the existing overgrown road cut, to minimize further slope disturbance. We also recommend that trail construction be performed during relatively dry weather and exposed soil be protected as soon as possible with vegetation. The trail should be constructed with small, light weight dozers and hand operated compaction equipment to reduce disturbance of native vegetation. Because of the limited width of the proposed trail, asphalt paving should also be accomplished with small, light weight equipment. We do not recommend truck traffic on the existing road cut or newly constructed trail beds.

If springs or seeps appear on the slope, they must be individually dealt with. Normally this consists of excavating into the slope face and installing a perforated drainage pipe within an envelope of free-draining gravel. Drainage details must be provided on a case by case basis. Failure to install drainage may result in soil slumps or pop-outs.

Due to the steepness of the slope and the proximity of the back channel to the bluff, we recommend that a 30 foot setback be maintained between primary structures and the crest of the slope. Based on a review of slope conditions as shown on the site plan provided by DEA, it appears that the 30 foot setback would result in a maximum slope from edge of structure to toe of slope of approximately $1 \frac{1}{3}$ to 1. We feel that such a slope possesses an acceptable factor of safety. Our slope stability calculations are based on the 10 foot

contour intervals shown on the attached site plan. We recommend that we be provided the opportunity to review plans when closer survey control is established at the site to better define the actual crest of the bluff and confirm setback distance.

Individual homeowners should be advised that fences, sheds, or other improvements that are established closer to the crest of the slope may experience minor distress due to potential slope movement. We feel that there is potential for movement anywhere within the 30 foot setback. Homeowners should be made aware that movement sensitive structures such as swimming pools should not be located within this setback.

4.4 Erosion Control

The near-surface silty and sandy soils at this site are easily erodible, and any exposed soil may be subject to erosion by wind or water. We recommend that finished slopes be graded no steeper than 2H:1V and protected as soon as possible with vegetation, gravel or other suitable measures. Water should not be allowed to flow over slope faces and should be collected and routed to a storm water disposal system.

The asphalt nature trail should be designed so as to control storm runoff from accumulating in volume and velocity. A crown in the trail cross section and periodic water bars or drains along the trail should be sufficient for this purpose. Water should discharge on the outside of the trail into heavily vegetated areas. Water allowed to flow unimpeded down the trail margin may gully and erode the silty soil at an astonishing rate.

4.5 Utilities and Temporary Excavations

All temporary excavations should be adequately sloped or shored. Because of variations in soil consistency and gradation it is not possible to provide recommended "safe" slopes, and final decisions may have to be based on field conditions at the time of construction. As a minimum, any temporary cut slopes greater than four feet in height should be sloped no steeper than 1H:1V. Flatter slopes may be required in areas of poor soils or if perched groundwater conditions are encountered. Although none of the test pit side walls were subject to caving or collapse, shoring and possibly dewatering may be necessary, particularly early in the construction season when perched groundwater may be present. Normally, these systems are a contractor designed item.

The test pits were excavated to practical refusal with a standard rubber-tired backhoe. It is possible that very dense gravels or occasional larger boulders may impede utility excavations, however, we anticipate that a medium- to large-sized trackhoe will have little difficulty excavating to required depths.

4.6 Building Lots

Lot by lot investigation of individual house sites was beyond the scope of this study. However, site soils appear well suited for residential development in accordance with the Uniform Building Code. Road construction in some areas of the site may require cuts and fills on some of the lots. This work should be performed in accordance with the recommendations discussed above.

4.7 Storm Water Disposal/Subsurface Drainage

4.7.1 Storm Water Disposal - Design of an on-site storm water disposal system is beyond the scope of our work. However, based on our conversation with the City of Canby Public Works Director, we understand that storm drainage in this area is accomplished by dispersal of street run-off into dry wells. Storm drainage systems should be designed in accordance with the City of Canby specifications. The native sands and gravels encountered at this site appear to grade cleaner with depth and we anticipate that they are capable of receiving significant water flow.

We point out that the laws pertaining to soil and groundwater contamination are rapidly changing. Some disposal techniques that were once considered satisfactory are no longer permitted. Future regulations may require pretreatment of all storm water prior to discharge into the environment. If drywells introduce contaminants into the subsurface, significant liability may result. We strongly recommend that this type of storm water disposal system be discussed with the Oregon Department of Environmental Quality or other pertinent regulatory agencies.

It is our understanding that individual lot run-off will not be allowed to enter the street storm drainage system. It is possible that additional dry wells may be necessary to dispose of run-off from roofs, slab areas and foundation drains. These systems should also be designed in accordance with local specifications.

4.7.2 Subsurface Drainage - The near-surface silty soils display low permeabilities and high moisture sensitivity. They may trap downward percolating water during wet weather. We recommend that subsurface drains be installed around all perimeter footings unless positive site drainage is established away from all building areas. A one to two percent surface slope should be sufficient for this purpose. Basements or

below grade walls should be backfilled with free-draining granular soil and provided with subsurface drainage.

All subsurface drains should be protected by filter fabric to prevent internal soil erosion and potential clogging. Drainage systems should be sloped to drain by gravity to dry wells or other positive outlet. Water from downspouts, and surface water should be independently collected and routed to dry wells.

5.0 PAVEMENT DESIGN

In order to facilitate pavement design, we have reviewed a number of soil property tests that we have performed on soils sampled in the vicinity of this site, and we have performed soil classification testing to correlate these soils with those previously tested. It is our opinion that these test results adequately represent the site soils. Based on this data we recommend designing for the following:

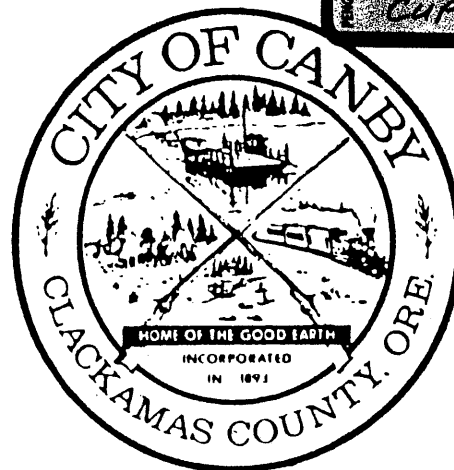
<u>Relative Compaction</u>	<u>CBR</u>	<u>k Value</u>	<u>Resilient Modulus</u>
95%	5	145	7500

We have alternate pavement designs for both asphalt and portland cement concrete. All pavement designs have been prepared in accordance with the widely accepted AASHTO methods (American Association of State Highway & Transportation Officials).

Because we do not know the projected traffic flows for this site, we have provided a range of pavement designs for various traffic conditions. Design pavement sections are provided in Table 5.0, Pavement Designs. Our design assumptions assume that the subgrade will be prepared in accordance with Sections 4.1 and 4.2 except that the top eight inches should be compacted to 95% relative compaction, utilizing AASHTO T-180 as a standard. Specifications for pavements, base course and subbase should conform to Oregon State highway specifications Section 703.

These designs are intended for use on public streets. Lesser thickness may be appropriate for automobile and truck parking areas where occasional maintenance is acceptable. If possible, construction traffic should be limited to unpaved and untreated roadways, or specially constructed haul roads. If this is not possible, the pavement design selected from Table 5.0 should include an allowance for construction traffic.

October 9, 1989



Mr. Marv Dack
715 S. W. 13th Avenue
Canby, Oregon 97013

Dear Mr. Dack:

This letter is being written to clarify the development processes that have recently involved your property on S. W. 13th Avenue. By providing this clarification, my purpose is to reduce the amount of staff time being spent on this issue.

First, a zone change from R-1, Low Density Residential, to R-1.5, Intermediate Density Residential/P.U.D. was approved on June 7, 1989. The following conditions were made part of the approval:

1. Utility easements are to be provided to the satisfaction of the Canby Utility Board, North Willamette Telecom, and the Canby Telephone Association.
2. A water line is to be looped through the development in the manner specified by the Canby Utility Board, hydrant locations to be as specified by the Fire Marshal.
3. Covenants and by-laws of the homeowner's association are to meet the requirements of the City Attorney to assure that private improvements within the development will not become the responsibility of the City for maintenance.
4. All recommendations of other agencies to be regarded as conditions of approval.
5. Curbs and sidewalks to City standards are to be constructed along S.W. 13th Avenue frontage.
6. An engineering study is to be completed for the area along the bluff, prior to the approval of any building permits for dwelling units. Slope stability and the possible impact of using drywells for storm drainage are to be addressed.
7. The applicant is to provide the City with a dedication of property to allow for the extension of S.W. 13th Avenue. The form of the dedication is to meet the requirements of the City Attorney.
8. The applicant is to provide the City with a recorded waiver of the right to remonstrate against the formation of a Local Improvement District for the full improvement of S.W. 13th Avenue. The form of the waiver is to meet the requirements of the City

Attorney (the City may require the immediate improvement of the road to City standards as a condition of approving any subsequent development of the site).

9. The cost of facility or utility improvements to the site are to be borne by the developer.

These conditions apply to the (entire 15 plus) acre parcel and are to be part of your considerations during all phases of development. The site plan submitted with the request is part of the approval and is viewed as a master plan. Chapter 16.76.020 of the Canby Municipal Code requires that since you intend to phase this development, you must return to the Planning Commission for site approval. If you remain consistent with the master plan, you will have no problems.

Second, on May 22, 1989, the application to partition a 1.38 parcel of property away from the larger 15 plus acre parcel was approved. The approval of the minor partition was subject to the following conditions:

1. Approval of this land partition is subject to completion of all conditions on the zone change.
2. Development on either parcel must conform to all provisions of the Land Development and Planning Ordinance.
3. Development on either parcel must be preceded by a preconstruction conference.
4. Southwest 13th Avenue must be extended beyond the entry to the assisted living facility shown on the smaller lot as part of development on the parcel. It must be developed to the specifications of the Public Works Director, and sidewalks on both sides are to be part of the street improvements.
5. All public facilities must be installed according to specifications of the service provider and at the expense of the developer.
6. Utility easements for City, CUB, CTA, and NWT are to be recorded. Such easements are to be twelve (12) feet in width along exterior property lines and six (6) feet in width along interior lines. Wording of easements are to be approved by the Public Works Director.
7. Approval is conditioned on the receipt of registered survey of the small parcel in the Public Works Office.
8. Waiver of the right to remonstrate against the formation of an L.I.D. for future improvements. The wording of the waiver of remonstrance must be approved by the City Attorney and the cost of recording borne by the applicant.
9. No 3 story units to be allowed.

- 10) The northeast corner is to remain as open space.
- 11) Corner road radii and cul-de-sac radii as suggested by the Fire Marshal and staff.
- 12) Internal sidewalks five (5) feet in width.
- 13) The main road as identified at the May 22nd meeting to be 36 feet at the entrances on S.W. 13th and narrowing to 30 feet.
- 14) The overall density of the PUD to stay within R-1.5 development standards.

The first eight conditions were adopted explicitly for the minor land partition. The next six are to be reflected in the remainder of the P.U.D. Central to this entire proposal is a registered survey of the created parcel (condition #7) and as of this letter, we have not received a survey. Southwest 13th must be extended to beyond the entry to the assisted living facility planned for the smaller parcel and eventually extended across the rest of the proposal property as the phased development occurs. The survey, road dedication and road construction are all dependent on the design of the alignment of S.W. 13th. As previously noted, we will withhold occupancy of the assisted living facility until the above conditions have been met. The one exception is that if circumstances prevent completion of the roadway prior to final inspection we will consider granting temporary occupancy so the road can be completed.

Third, on May 22, 1989, the application for a conditional use permit to construct and operate an assisted living facility for the frail elderly was approved. The proposed facility was on the smaller parcel created by the minor land partition noted in this letter. The approval was subject to the following conditions:

1. Prior to construction of the assisted living facility, coordinate with the Public Works Director to schedule a preconstruction conference.
2. Recommendations of other jurisdictions are to be considered as conditions of approval.
- 3) Internal walkways are to be five (5) feet wide and well lighted to better serve the elderly and handicapped.
- 4) Provide landscaping to improve the living conditions for the renters.
- 5) Approval by City Attorney of definition of "Assisted Living Elderly Frail" as being:

"Assisted living for the frail elderly means a licensed facility that serves a population of elderly who are too frail to reside at home or in an independent living retirement home, but not so frail as to require nursing home care. This population is made up of

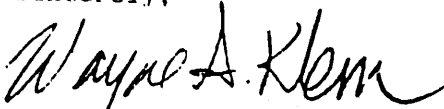
elderly persons having difficulty with one or more activities of daily living or with chronic medical problems limiting ability to live independently.

This definition is not intended to include persons with other than physical disabilities. That is, it does not include drug or alcohol rehabilitation programs, halfway houses or ex-convicts, etc."

- 6) Maintain State, County and City licenses.
7. Conditional Use Permit approval is subject to approval of the zone change and minor land partition.
8. Approval of the conditional use permit is subject to general conformance with the site plan.

All of these actions and conditions are clear. They have been set by the City Council, the Planning Commission and Ordinance. They are not subject to change. I believe you will find this information helpful.

Sincerely,



Wayne S. Klem, Director
Department of Public Works

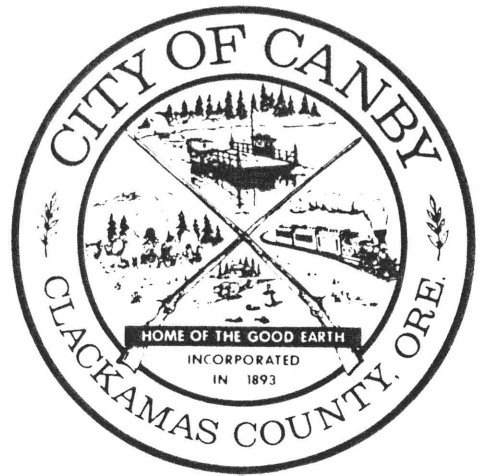
WSK:vs

cc: Michael Jordan, City Administrator
Butch Olsen, 645 N.E. 22nd Avenue, Canby
Alderwood Partnership
File

PLANNING COMMISSION

SIGN-IN SHEET

DATE: 10-22-90



NAME (Please Print)

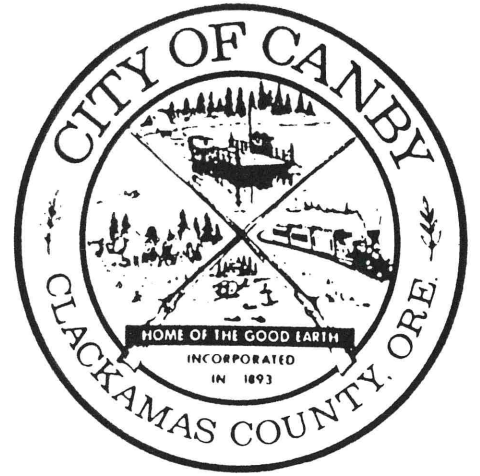
ADDRESS

Leona & George Dubois	229 Superior St
Eileen Baker	718 SE Township Rd.
Mr + Mrs Tom Kerr	5605 E 7th Pl
Howard & Lynn Alice Laurie	542 SE 6th Pl.
Donna Sean & John McManamon	525 S.E. 7th Pl.
Dave Anderson	641 Baker Dr.
Dan Smeback	625 S 7th Pl
T Kay Yeoman	730 SE 9th Pl
Mr & Mrs Lawrence ^{Gooding} Gooding	581 SE 6th Pl.
Mr & Mrs Al J Larry	592 SE 6th Place
Mr & Mrs Ray ^{DWORSCHAK} Dworschak	620 S.E. 7th Pl.
Mr & Mrs ^{BRIGMAN} William Brigman	571 SE 6th Pl
Glee Wipf	510 SE 7th Pl
Bob & Bobba Clark	759 S. Lorraine
Ben Maxwell	561 SE 6th Place
George W. Heber	546 SE Township Rd.
SCOTT NEURBERGER	431 S.E. Township Rd.
Carol Carol Nelson	685 S.E. 7th Place
Karen & Rich Cary	679 S. Lorraine
Ernie & Alie Reames	572 S.E. 6th
Jan & Herb Kluth	522 S.E. 6th Place

PLANNING COMMISSION

TESTIMONY SIGN-IN SHEET

DATE: 10-22-90



NAME (Please Print)

ADDRESS

NAME (Please Print)	ADDRESS
<input checked="" type="checkbox"/> DONNA SEAN MC MANAMON	525 SE 7th PI AFTER ^{ENG} or Planner's Presentation
<input checked="" type="checkbox"/> Ben Mafweel	561 SE 6th PL
<input checked="" type="checkbox"/> Phil Gomer	718 - SE. Township
<input checked="" type="checkbox"/> Richard Cary	679 S LUPINE - AFTER PRESENTATION
<input checked="" type="checkbox"/> Dow Smeback	621 SE 7th PL