

AGENDA

CANBY PLANNING COMMISSION
REGULAR MEETING

JULY 9, 1990 - 7:30 p.m.

I. ROLL CALL

II. MINUTES

June 25, 1990

III. COMMUNICATIONS

IV. UNFINISHED BUSINESS

V. BUSINESS FROM THE AUDIENCE

VI. PUBLIC HEARING

MLP 90-07, a request by Dean Bayless for a Minor Land Partition to divide a .71 acre parcel into two lots, 0.46 and 0.25 acres, respectively. The property is located at 705 N. Pine (Tax Lot 1601 of Tax Map 3-1E-33AD)

ANN 90-03, a request by Ron Tatone to annex a 1.6 acre parcel along the east side of N. Locust Street to the City of Canby. If annexed, the parcel would be zoned R-1 (Low Density Residential) (Tax Lot 1200 of Tax Map 3-1E-28).

CUP 90-03, a request by Ronald Wright to construct a single family dwelling in a C-1 (Downtown Commercial) zone (Tax Lot 3100 of Tax Map 3-1E-33 [Lot 11 of Lee's Addition]).

CUP 87-04 (Mod. 6-90), a request by St. Patrick's Church for approval to modify a 1987 conditional use approval to construct a storage facility for food, clothing and other goods, in conjunction with St. Vincent DePaul. The storage facility will be an addition to the existing church facilities located at 498 N.W. Ninth (Tax Lot 6500 of Tax Map 3-1E-33BC).

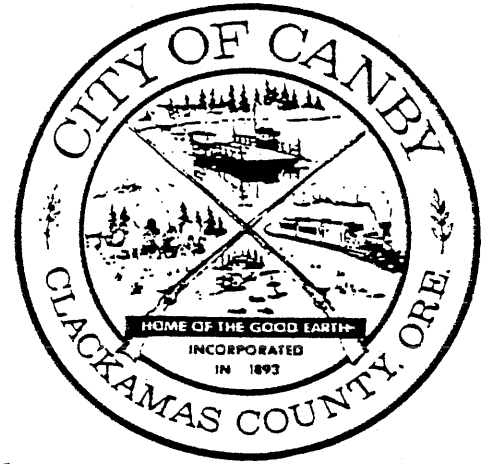
VAR 90-02, a request by Philip Poole for approval of a variance to the Canby Municipal Code which requires all lots in the R-2, Medium Density Residential Zone, to be a minimum of 5,000 square feet. The lot in question is zoned R-2, Medium Density Residential, and is less than 4,750 square feet (Tax Lot 2500 of Tax Map 3-1E-33DC).

VII. OTHER REPORTS

VIII. ADJOURNMENT

REVISED

-STAFF REPORT-



APPLICANT:

Ron Tatone

FILE NO.:

ANN 90-03

OWNER:

Ron Tatone

STAFF:

Hank Skinner, City Planner

LEGAL DESCRIPTION:

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

DATE OF REPORT:

June 29, 1990

LOCATION:

East of N. Locust Street,
north of N.E. Fourteenth Ave.

DATE OF HEARING:

July 9, 1990

COMP. PLAN DESIGNATION:

RRFF-5 (Rural Residential
Farm Forest - 5 ac. min.)

ZONING DESIGNATION:

R-1.5 (Medium Den. Resid.)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to annex approximately 1.6 acres of territory into the incorporated City limits of Canby. A Boundary Commission application has been included with this report as Exhibit "A".

II. APPLICABLE CRITERIA:

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

Section 16.84.040 of the Canby Municipal Code states that when reviewing a proposed annexation, the Commission shall give ample consideration to the following:

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

III. FINDINGS:

A. Background:

1. Property Identification:

- a. 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.

- b. The subject property is bordered on the west by N. Locust Street and on the south by N.E. 14th Avenue.
- c. The subject property is bordered on the north by a single family residence currently in the County, and a single family subdivision. It is bordered on the east by a church.

CONCLUSION: Staff concludes that the subject property is a legally established tax lot within Clackamas County and within the Canby Urban Growth Boundary.

2. Site Characteristics:

The slope characteristics of the subject property are generally flat. The U.S.D.A. Soil Survey for Clackamas County identifies the predominant soil on the property as Canderly sandy loam, a deep, excessively drained, terrace soil with a Class II capability rating.

CONCLUSION: Staff concludes that the subject property is well suited for either agriculture or development.

B. Compliance with Criteria for Approval:

1. Land Use Designation:

Density

The City Comprehensive Plan Map identifies the following Land Use Designation for the property as R-1.5, Medium Density Residential. This land use map has been adopted by the City of Canby and Clackamas County and is subject to the City-County Urban Growth Management Agreement.

2. Section 5(A) (City Annexations) of the City-County Urban Growth Management Agreement states as follows:

CITY may undertake annexations in the manner provided for by law within the UGMB. COUNTY shall not oppose such annexations, nor shall COUNTY take any action which impedes, prevents, jeopardizes or discourages annexations to CITY within the UGMB. At the time of, or following annexations of unincorporated land within the UGMB, CITY may rezone such land consistent with the designation on CITY'S Comprehensive Plan Map.

Upon annexation, the City will rezone the subject property from County RFFF-5 to City R-1.5 (Intermediate Density Residential). This zone is the corresponding zone to the Medium Density Residential Designation identified on the Comprehensive Plan Map.

3. Areas of Special Concern

- a. Page 71 of the Canby Comprehensive Plan show a map which identifies areas of special concern in and around the City of Canby. The subject property lies within one of these areas (see Exhibit "B").

Policy No. 6 of the Land Use Element (page 63) of the Comprehensive Plan states the following:

CANBY SHALL RECOGNIZE THE UNIQUE CHARACTER OF CERTAIN AREAS AND WILL UTILIZE THE FOLLOWING SPECIAL REQUIREMENTS, IN CONJUNCTION WITH THE REQUIREMENTS OF THE LAND DEVELOPMENT AND PLANNING ORDINANCE, IN GUIDING THE USE AND DEVELOPMENT OF THESE UNIQUE AREAS.

Implementation Measure:

(B)(14) - Area "N" consists of a wide strip of property bordering N.E. Territorial Road. It includes properties which are planned for medium density residential use and properties planned for high density residential use. Present development in the area includes apartments, condominiums, single family dwellings and vacant lots. Present zoning includes some R-2 areas and a predominance of R-1 areas. Street dedications and, in some cases, street improvements are needed to make some of the properties suitable for higher density development. New developments, other than one single family dwelling per lot, will require prior upzoning to either R-1.5 or R-2, as appropriate.

Policy No. 7 (page 98) of the Transportation Element states the following:

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

The subject property currently borders N.E. 14th Avenue and N. Locust Street. Neither of these streets currently have sidewalks in this area.

CONCLUSION: Staff concludes that this request is consistent with the City-County Urban Growth Management Agreement and the Comprehensive Plan, provided the applicant follows through with the installation of sidewalks along both street frontages.

b. Other City Ordinances and Policies

Zoning: The County has the subject property zoned RFFF-5 until such time as it is annexed to the City. When it is annexed, it will be zoned R-1.5 throughout.

c. Appropriateness for Urbanization

The "Growth Priorities" map contained in the Canby Comprehensive Plan shows the subject property located within a "Priority A" district for urbanization. Priority A lands are considered committed to urbanization (see Exhibit "C").

d. Public Facilities/Services

1. Gravity Flow Sewer

Gravity flow sewer is available along N.E. 14th Avenue to serve the property. Sewer laterals have already been installed to the property.

2. Water

Water is available along N.E. 14th Avenue. The applicant has already had water laterals installed to the property.

3. Electricity

Electricity is provided by Portland General Electric (PGE) at this time. A changeover to the Canby Utility Board (CUB) would take place after annexation and that is possible through agreements between CUB and PGE.

4. Fire

The property is within the Fire District #62 and services would be provided by the District.

5. Police

The property would be protected by the Canby Police Department, following annexation.

6. Recreation

The City's Parks and Recreation Committee is beginning a process to develop a Parks and Recreation Master Plan.

7. Telephone

Main telephone services are already in place along N.E. 14th Avenue. The Telephone Association has provided staff with a list of requirements which they would like to have added to the list of recommended conditions for approval on new development requests. If the annexation is approved, this list will become part of the specific conditions for subdivision approval.

CONCLUSION: Staff concludes that the subject property is adequately serviced for annexation and future development.

- e. Risk from Natural Hazard - No natural hazards have been identified on the subject property.
- f. Compliance with ORS 222 - The Oregon Revised Statutes 222 outlines the legal process by which lands may be annexed. Section 222.111 - 222.180 describe the process for annexation of contiguous territory. The City is in full compliance with the requirements and process for annexation of contiguous territory into the City.

CONCLUSION: Staff concludes that the City has the authority to review and recommend to the PMALGBC specific annexations of contiguous territory into the City.

g. Economic Impacts

The proposed annexation and subsequent residential development on this property will increase land values in the area, and provide additional needed single family housing for the community.

IV. RECOMMENDATION:

Based upon the findings and conclusions contained in this report and the additional information contained in the report, staff recommends approval of ANN 90-03, subject to the following condition:

1. The applicant shall submit a complete subdivision application for Planning Commission review and approval.

Exhibits:

- A. Boundary Commission Application
- B. Canby Comprehensive Plan - Areas of Special Concern
- C. Canby Comprehensive Plan - Growth Priorities Map

PMALGBC FORM #1

PETITION FOR

Annexation to the City of CANBY

OR

~~Withdrawal from the City of _____~~

To: PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION

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

We desire to be (annexed to the) OR ~~(withdrawn from the)~~ City of ANNEXED

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

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

PETITION SIGNERS

SIGNATURE OF LEGAL OWNER(S)	ADDRESS	Tax Lot Numbers		
		Lot#	a1/4-1/4	1/4 Sec Twp R
<u>Robert W. Kueper</u>	<u>61158 River Bluff Jr., Bend, OR</u>	TL 1200	SW 1/4	SE 1/4 SEC 28 T 3 S R 1 E W 1
<u>Robert A. Kueper</u>	<u>97702</u>	TL 1200	SW 1/4	SE 1/4 SEC 28 T 3 S R 1 E W 1
<u>Raymond A. Tatone</u>	<u>P.O. Box 114, 1127 N. LeCointe, Canby, Oregon 97013</u>	TL 1200	SW 1/4	SE 1/4 SEC 28 T 3 S R 1 E W 1
<u>Annette B. Tatone</u>	-	TL 1200	SW 1/4	SE 1/4 SEC 28 T 3 S R 1 E W 1
<u>Robert E. Harper</u>	<u>61143 River Bluff Jr., Bend, Or, OR</u>	T.L 1200	SW 1/4	SE 1/4 SEC 28 T 3 S R 1 E W 1
<u>Norma J. Harper</u>	<u>97702</u>	T.L 1200	SW 1/4	SE 1/4 SEC 28 T 3 S R 1 E W 1



PMALGBC FORM #3

CERTIFICATION OF PROPERTY OWNERS OF
AT LEAST ONE-HALF LAND AREA

I hereby certify that _____ names on the attached petition are owners of property as identified by the tax lot described in the petition.

These signatures represent at least one-half of the land area within the annexation or withdrawal area described in this petition.

NAME Pat Brad
TITLE Cartographer
DEPARTMENT Assessor
COUNTY OF Clatsop
DATE 5-24-90

.....
PMALGBC FORM #4

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I certify that the description of property included within the attached petition has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME Pat Brad
TITLE Cartographer
DEPARTMENT Assessor
COUNTY OF Clatsop
DATE 5-24-90



ZAROSINSKI-TATONE ENGINEERS, INC.

STRUCTURAL—CIVIL—WATER AND SEWERAGE SYSTEMS

DONALD J. ZAROSINSKI P. E.

PHONE (503) 235-8795
3737 S E EIGHTH AVENUE
PORTLAND OREGON 97202

RONALD G. TATONE P. E.

May 24, 1990

PMALGBC FORM 3

LEGAL DESCRIPTION

A tract of land situated in the Southwest one-quarter ($SW\frac{1}{4}$) of the Southeast one-quarter ($SE\frac{1}{4}$) of Section 28 Township 3 South, Range 1 East of the Willamette Meridian and being part of the plat of Canby Gardens as recorded in Record of Plats Clackamas County, Oregon. Said tract being more particularly described as follows:

The South 132.00 feet of Lot 44 CANBY GARDENS.



PMALGBC FORM #6

BOUNDARY CHANGE DATA SHEET

1. EXISTING CONDITIONS IN AREA TO BE ANNEXED OR WITHDRAWN

A. Land Area: Acres 1.6 or Square Miles _____

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

Area has slight slope (rise) from west to east. Site as
whole is relatively flat

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

North: T.L. 1000 Marie Addition N^o 2, Single family residence

East: Church and single family residence

South: Single family residences

West: Single family residences

D. Existing Land Use:

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

Number commercial structures 0 Number industrial structures 0

Public facilities or other uses None

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

Vacant

E. Total current year Assessed Valuation \$ 28000⁰⁰

F. Total existing population 0

II. REASON FOR BOUNDARY CHANGE

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

The Subject site is essentially an island outside the
existing Corporate City limits of Canby.

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

Subject property is proposed to be developed into
single family home sites

III. LAND USE AND PLANNING

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

Subject property is contiguous to improved streets on South and west boundaries. Development Proposed: 8 single family building sites

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

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

Subject site is within the Urban growth boundary and served with all public utilities

- E. What is the zoning on the territory to be served? TRR FFS

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

Approval	Project File #	Date of Approval	Future Requirement
Metro UGB Amendment	<input checked="" type="checkbox"/>		
City or County Plan Amendment			
Pre-Application Hearing (City or County)	<input checked="" type="checkbox"/>		
Zone Change (City or County)	<input checked="" type="checkbox"/>		
Preliminary Subdivision Approval	<input checked="" type="checkbox"/>		
Final Plat Approval	<input checked="" type="checkbox"/>		
Land Partition			
Conditional Use			
Variance			
Sub-Surface Sewage Disposal			
Building Permit			

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

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

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

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

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

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

City Planning commission _____ City Planning Staff

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

Public works Director, Rusty Klem expressed a welcome for the
proposed annexation

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

IV. SERVICES AND UTILITIES

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

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

County Utility Board has 6 inch water main in NE 14th Ave
& N Locust St; sewer for gravity service existing in N.E. 14th Ave
& N Locust St; underground electric and telephone service available
in NE 14th Ave & N Locust Street

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

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

Water and sewer service are installed to South Property line
CUB to get transformers paid with system development charge at time
of receiving building permit

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

Cumby Telephone Area has cable installed

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

City _____	Rural Fire Dist. <u>N^o 62</u>
County Service Dist. <u>Clackamas</u>	Sanitary District <u>NA</u>
Hwy. Lighting Dist. <u>NA</u>	Water District <u>NA</u>
Grade School Dist. <u>N^o 50</u>	Drainage District <u>NA</u>
High School Dist. <u>#1</u>	Diking District <u>NA</u>
Library Dist. <u>Clackamas County</u>	Park & Rec. Dist. <u>NA</u>
Special Road Dist. <u>NA</u>	Other Dist. Supplying Water

Service NA

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

NA

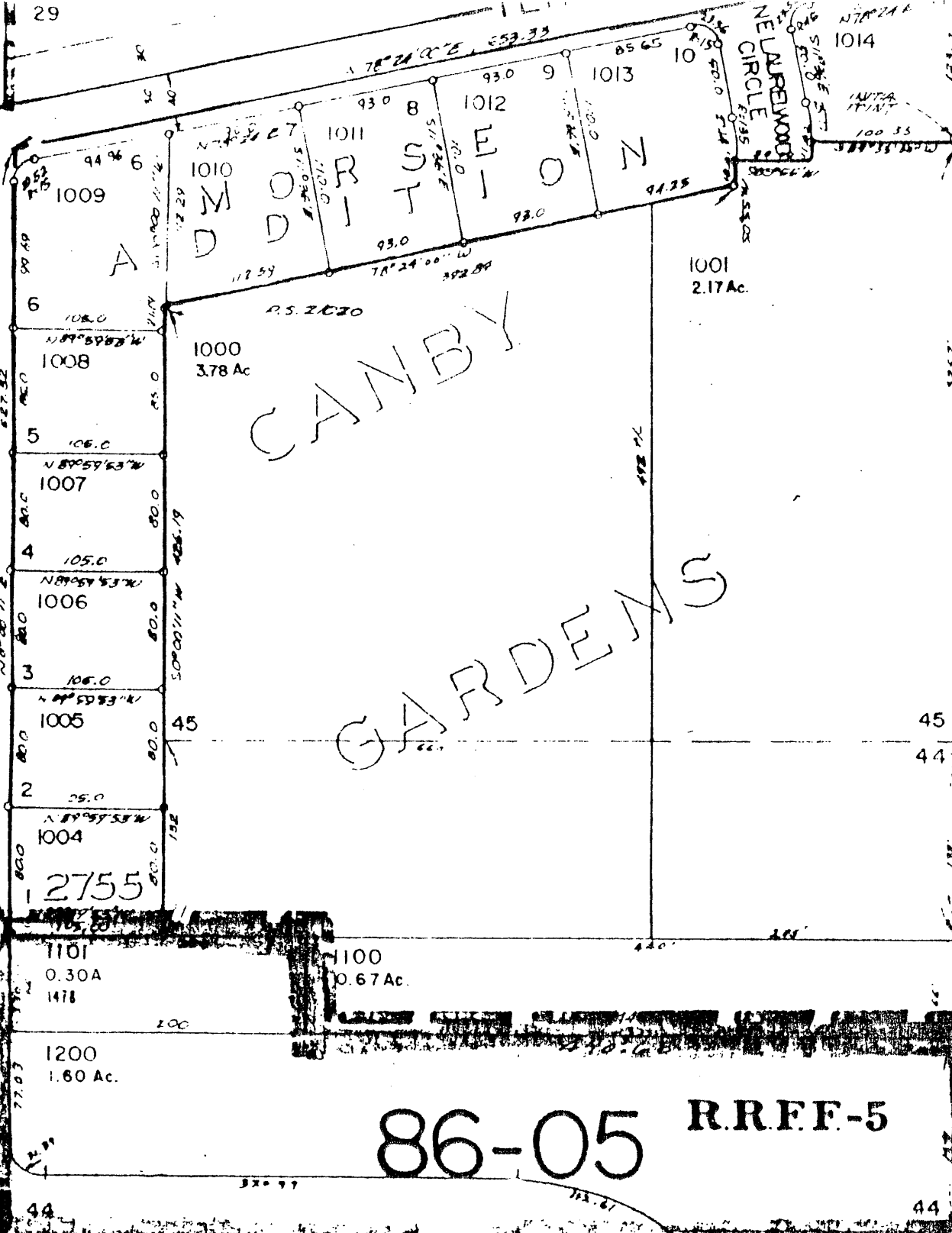
APPLICANT'S NAME Ronald G. Tatone
MAILING ADDRESS 3737 SE 8th Ave
Portland OR 97202
TELEPHONE NUMBER 235-8795 (Work)
266-9542 (Res.)
REPRESENTING Tatone Kueyer Harper

DATE: May 29 1990

SEE MAP 3 IE 28CD

LOCUST STREET

STREET



29

1014

117 Ac
531

86

CANBY

GARDENS

GARDEN

N.E. 16TH

2300 522 528 529 530	2200 580	2100 574
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14 2400 821 823 825 827	13 2500 1349	2600 1348-1371
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3501 550	3502 510	3500
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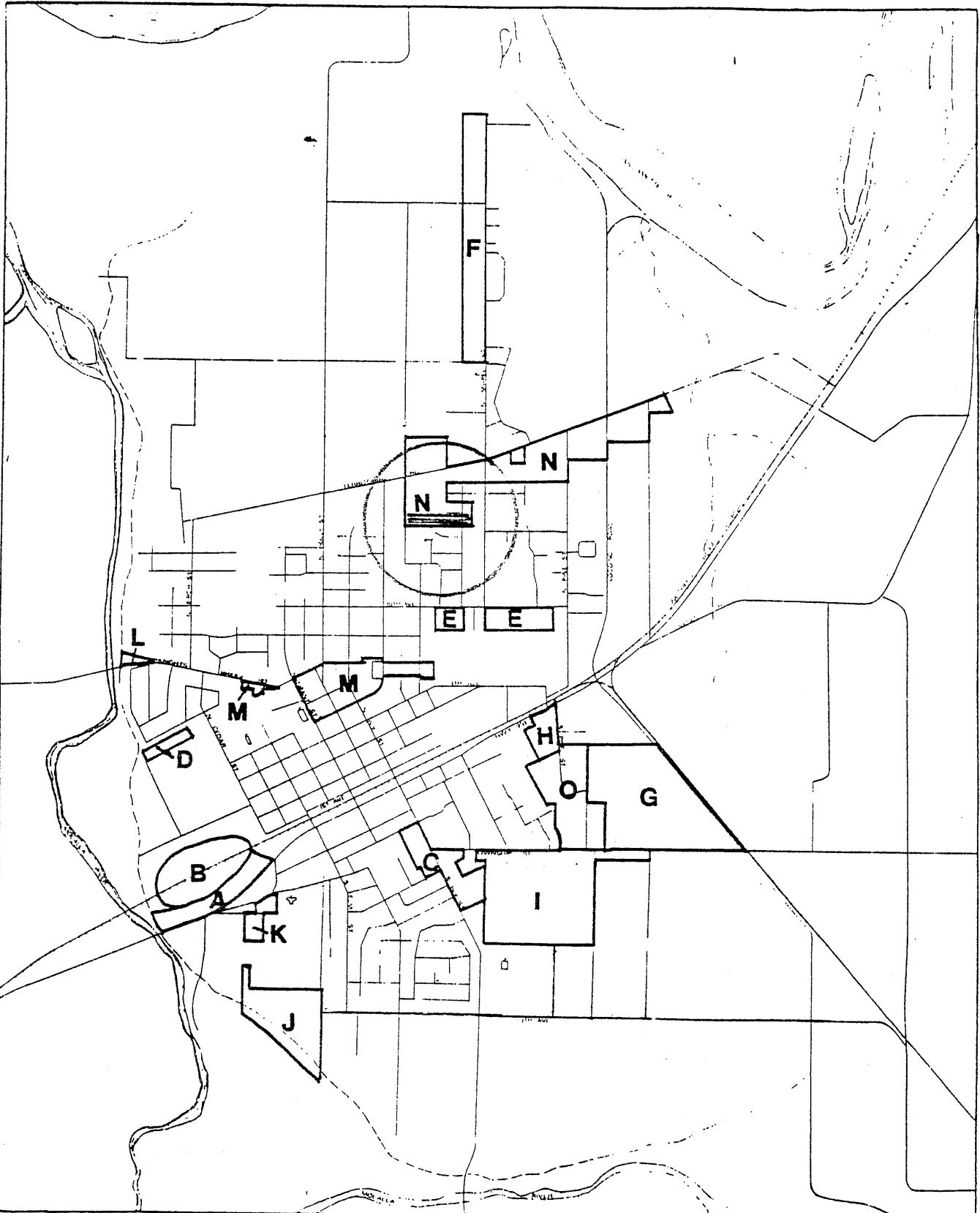
N.E. 15TH

3600

86-05 RREF-5

44

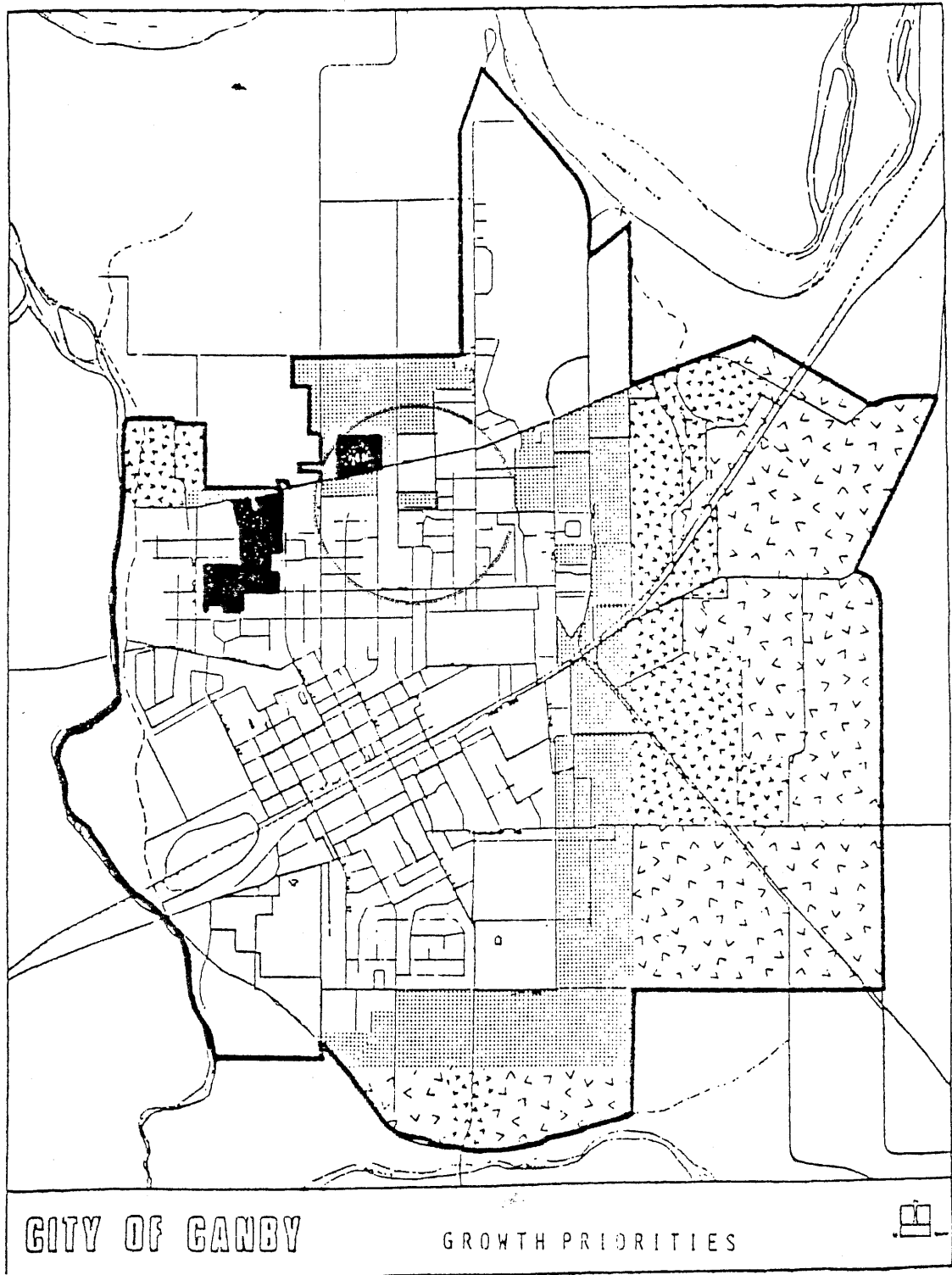
44






CITY OF GANBY AREAS OF SPECIAL CONCERN



Blumberg No. 5119 EXHIBIT "B"

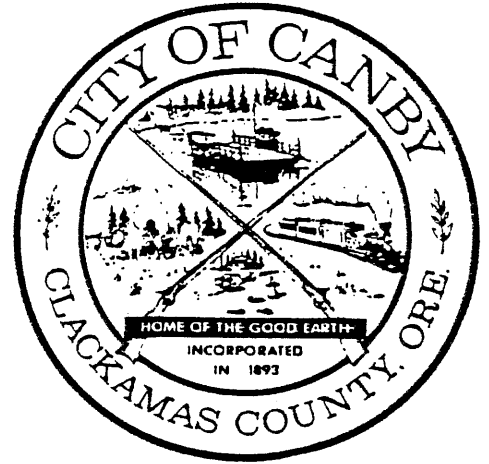


- PRIORITY "A" 
- PRIORITY "B" 
- PRIORITY "C" 

Blumberg No. 5119
EXHIBIT
 "C"

NOTE: The locations shown on this map are generalized. More specific information can be gained from the official land use map on file in City Hall.

-STAFF REPORT-



APPLICANT:

Dean and Kareen Bayless

FILE NO.:

MLP 90-07

OWNER:

Dean and Kareen Bayless

STAFF:

Hank Skinner, City Planner

LEGAL DESCRIPTION:

Tax Lot 1601
Tax Map 3-1E-33AD

DATE OF REPORT:

June 29, 1990

LOCATION:

705 N. Pine Street

DATE OF REPORT:

July 9, 1990

COMP. PLAN DESIGNATION:

High Density Residential

ZONING DESIGNATION:

R-2

I. APPLICANT'S REQUEST:

The applicants are requesting approval to divide a 0.71 acre parcel into two lots containing 0.46 and 0.25 acres, respectively.

II. APPLICABLE CRITERIA:

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

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

III. FINDINGS:

A. Background:

- 1. The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 1601 of Tax Map 3-1E-33AD.
- 2. All necessary public facilities and services exist to serve the proposed development.

B. Compliance with Criteria for Approval:

1. Canby Comprehensive Plan

a. Residential Lands Chapter

Within the Residential Lands chapter of the Comprehensive Plan (pages 39-46) a number of references are made regarding the lack of available vacant high density residential lands within the City limits. When the Plan was written, it was assumed that there would be no school or public park acquisitions within the areas designated for medium or higher density residential uses because of the relatively small

areas within these classifications and because of their higher property values (see footnote, page 43 of the Comprehensive Plan).

b. **Transportation Element**

The Transportation Element of the Comprehensive Plan (pages 91-105) contains the following policies and implementing measures:

POLICY NO. 1: CANBY SHALL PROVIDE THE NECESSARY IMPROVEMENT TO CITY STREETS AND WILL ENCOURAGE THE COUNTY TO MAKE THE SAME COMMITMENT TO LOCAL COUNTY ROADS, IN AN EFFORT TO KEEP PACE WITH GROWTH.

IMPLEMENTATION MEASURES: Adopt and prioritize, as part of the City's overall Capital Improvement Program, the following list of City streets and County roads for major upgrading and improvements:

Priority #5 - North Pine Street

POLICY NO. 4: CANBY SHALL WORK TO PROVIDE AN ADEQUATE SIDEWALK AND PEDESTRIAN PATHWAY SYSTEM TO SERVE ALL RESIDENTS.

IMPLEMENTATION MEASURES:

- a) Actively promote the formation of Local Improvement Districts for sidewalk improvement. Recognizing that sidewalks provide benefits to the entire neighborhood, the City will employ unique assessment methods, if necessary, or otherwise stimulate the financing of L.I.D.s for sidewalk construction.
- b) Continue to strictly enforce the sidewalk construction requirements of the Land Development and Planning Ordinance.

POLICY NO. 6: CANBY SHALL CONTINUE IN ITS EFFORTS TO ASSURE THAT ALL NEW DEVELOPMENTS PROVIDE ADEQUATE ACCESS FOR EMERGENCY RESPONSE VEHICLES AND FOR THE SAFETY AND CONVENIENCE OF THE GENERAL PUBLIC.

The City's Street Circulation Map (page 103) in the Comprehensive Plan (Exhibit "A") identifies

North Pine Street as an existing collector. A safe point of access to this street is imperative.

CONCLUSION: Staff concludes that the applicants' request to divide the subject property is not inconsistent with the Plan. However, the conversion of the property to a use other than residential is inconsistent. The applicants' proposal to utilize the property for parking and circulation prior to making lot, driveway and sidewalk improvements is also inconsistent with the intent of the Comprehensive Plan.

2. Canby Municipal Code

- a. Section 16.10.070(A-J) of the Canby Municipal Code outlines the general requirements for parking lots and loading areas. It states that a parking lot or loading area, whether an accessory or principal use, intended for the parking of cars or trucks shall comply with the standards contained in subsections A-J.

CONCLUSION: Staff concludes that the application, as proposed, is inconsistent with the general requirements of the Canby Municipal Code.

- b. Section 16.64.040(I) of the Canby Municipal Code outlines the minimum standards for nonresidential flag lots as follows:

Flag Lots or Panhandle-shaped Lots. The Commission may allow the creation of flag lots provided that the following standards are met:

1. Not more than one flag lot shall be created to the rear of any conventional lot and having frontage on the same street, unless it is found that access will be adequate and that multiple flag lots are the only reasonable method to allow for development of the site.
2. The access trip is to be a minimum of twenty feet in width from its connection with the public street to the main body of the lot. Except, however, that the width requirement may be reduced to twelve feet where the total length of the access strip does not exceed one hundred feet. . . .

The proposed land division will divide an 0.71 acre parcel into two lots containing 0.41 and 0.25 acres, respectively. The 0.25 acre lot contains an existing residence. The 0.41 acre parcel is vacant. If the partition is approved, the lot configuration will result in the 0.41 acre parcel becoming a flag lot with a 148' access strip and approximately 22 feet of frontage onto North Pine Street.

CONCLUSION: Staff concludes that the proposed lot configuration is adequate to meet the requirements of the Canby Municipal Code.

3. Private Drive Adequate for Unhindered Year-round use by Emergency Vehicles:

The applicants have proposed to leave the driveway and parking area unimproved, and have further proposed to postpone any improvements that may be required by the Commission.

CONCLUSION: Because North Pine Street is a designated Collector and has a priority rating for improvements in the Comprehensive Plan, because of the City's clear policy to improve sidewalks, and because of the general requirements for parking lot construction in the Municipal Code, staff concludes that the applicants should be required to follow through with improvements to the site.

IV. CONCLUSION

The fairgrounds represent a valuable asset to the City. It is anticipated that as Canby and Clackamas County grow, the use of the fairgrounds will increase. It is staff's opinion that this small project represents an excellent opportunity for the City and the County to cooperate in setting an example which reflects responsibility and cooperation, and a genuine interest in well-planned development.

V. RECOMMENDATION:

Based upon the findings and conclusions in this report, the information submitted by the applicant, and the additional information contained in the file, staff recommends approval of MLP 90-07, subject to the following conditions:

1. A final plat, modified to illustrate the conditions of approval, shall be submitted to the City Planner for review

and approval. The final plan shall reference this land use application - City of Canby Planning Department, File No. MLP 90-07.

2. The applicant shall provide a survey (final partition plat) prepared by a registered engineer or licensed surveyor. The final plat shall be registered with the Clackamas County Surveyor's office and recorded with Clackamas County Clerk, in compliance with all applicable 1990 State and County Survey and Recording Standards.
3. Deeds and legal descriptions for the two new tax lots shall be prepared and recorded with the Clackamas County Recorder. The deed for the 0.41 acre lot shall include an easement for access as necessary to permit traffic to access the existing Fairgrounds property.
4. A copy of the recorded survey, or a set of the official recording numbers, shall be provided to the Canby Planning Department.
5. All surfaces intended for driveway and/or parking shall be improved to the standards set forth in Section 16.10.070(A-J) of the Canby Municipal Code. Improvements shall be completed no later than July 1, 1991.
6. The applicants shall provide the City a signed nonremonstrance agreement for future street improvements anticipated in North Pine Street.
7. The applicants shall install a five (5') foot sidewalk along the entire frontage of both the 0.41 acre parcel and the 0.25 acre parcel, as required by the Director of Public Works and within the timelines set by the Director of Public Works.

EXHIBITS

A. Applicant's Narrative



CLACKAMAS COUNTY FAIR - "IT'S MAGIC!"

August 14th thru 19th, 1990



May 30, 1990

City of Canby
Planning Department
182 N. Holly
Canby, Oregon 97013

Attention: Rusty Klem

RE: Minor Partition of Bayless Property

Dear Mr. Klem:

This letter will serve as an introduction to the pending property purchase between Dean & Kareen Bayless and Clackamas County. Several weeks ago, Clackamas County entered into an earnest money agreement with the "Bayless's" to purchase a portion of their property located at 705 N. Pine Street, Canby, Oregon. The earnest money agreement is subject to several conditions. One of the conditions is that Mr. & Mrs. Bayless apply for and obtain a minor partition that would create a new tax lot separating the newly acquired property from the existing tax lot. To date, the application and fee have been submitted to the City of Canby for processing.

Throughout 1989, the Fair Board worked diligently on a master plan that would best serve the Clackamas County Fair for the next twenty years. Two of the major items of concern were a complete renovation of the "entertainment (stage) area" and the purchase of available properties that would compliment the future growth and success of our county fair. As things turned out, the Bayless property was for sale. The Fair Board contacted the Clackamas County Board of Commissioners and explained the importance of a new stage and the acquisition of available property. Needless to say, they were very supportive and instructed the Fair Board to proceed with the property purchases.

The Bayless property is contiguous with a section of the fairgrounds eastern fence line in the area of the barbecue/fir grove. The property is also located in the immediate vicinity as to where the new stage and entertainment facility is scheduled to be constructed. Acquisition of the Bayless property would allow for better access to the stage and barbecue grove areas for entertainers and other workers whose duties are in this area of the fairgrounds. The property would also allow for parking near the work area(s) for these entertainers and workers who are presently required to enter the fairgrounds through the Maple Street gate, drive through roadways filled with fair patrons, and sometimes animals to reach their destination on the northeast

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portion of the fairgrounds. Then they must unload their instruments, equipment, etc. and go back through the fairgrounds to a parking lot, walk back to the northeast corner to perform their duties and upon completion of their performance or other duties, take the same circuitous route back and forth through the crowd again to exit the Maple Street gate.

Acquisition of the Bayless property would alleviate on the grounds traffic problems and improve safety conditions for fair patrons. It would also relieve some traffic congestion at the Maple Street gate.

It should be mentioned that it is the Fair Board's desire to keep this newly acquired property compatible with neighboring properties. It is our feeling that leaving the parking portion in well-kept turf would best serve this goal. Grass turf has provided an attractive and satisfactory surface for our other major parking lots. An all weather parking (gravel & asphalt) facility is not required in that the County Fair is scheduled in mid August, which is normally the driest month of the year. The fairgrounds has adequate all weather parking facilities that accommodate other activities during the remainder of the season. The newly acquired property would also be fenced and only authorized vehicles would be admitted.

I would also like to mention that the entrance road from Pine street to the parking area would be a maximum of 22 feet wide. This width is more than adequate for the volume and types of vehicles that would be utilizing the entrance road. It is important to note that most rural county roads vary between nineteen (19) to twenty two (22) feet in width. These roads accommodate all types and sizes of vehicles.

If any improvements are required for the entrance road, such as gravel or asphalt, it is the Fair Boards request that the Canby Planning Commission allow the usage of the property for the 1990 Fair without making any changes. The reason for this request is that our 1990 Budget was completed in February 1990 and did not include funds for any improvements. The Fair Board would budget appropriate funds in 1991 for the necessary improvements.

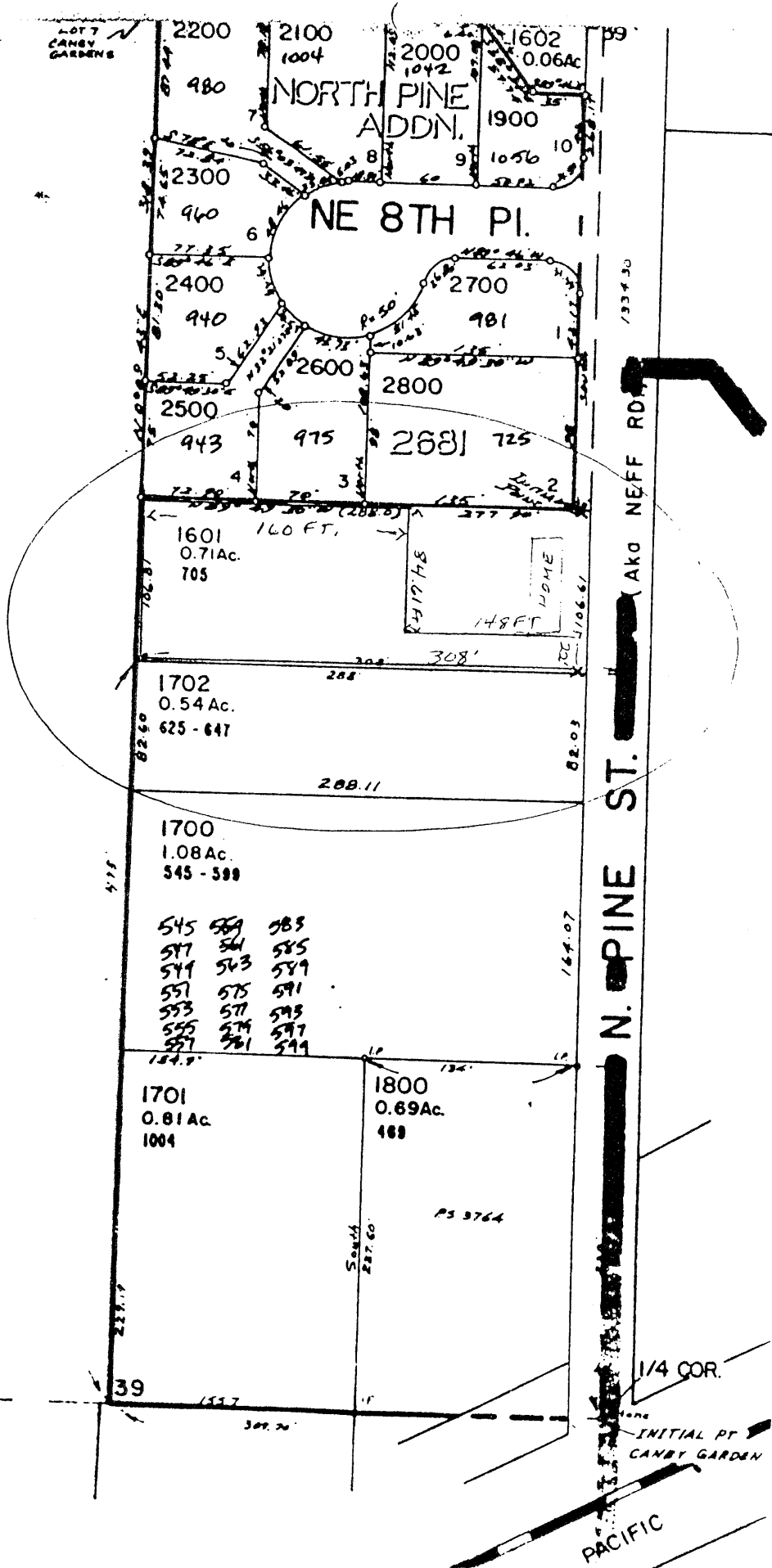
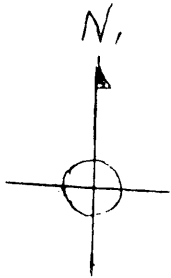
It is also the Fair Boards request that any improvements required on N. Pine Street be waived until such time as the major improvements to the entire street are made. This would allow our Board ample time to budget for our portion of the street improvements.

In closing, I would like to emphasize to the Planning Commission that the acquisition of this property will benefit all citizens that live within the boundaries of Clackamas County. It would be appreciated if you would give the minor partition application your utmost consideration and respond in the immediate future. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert D. Traverso". The signature is fluid and cursive, with a large initial "R" and "T".

Robert D. Traverso
Clackamas County Fair Board President



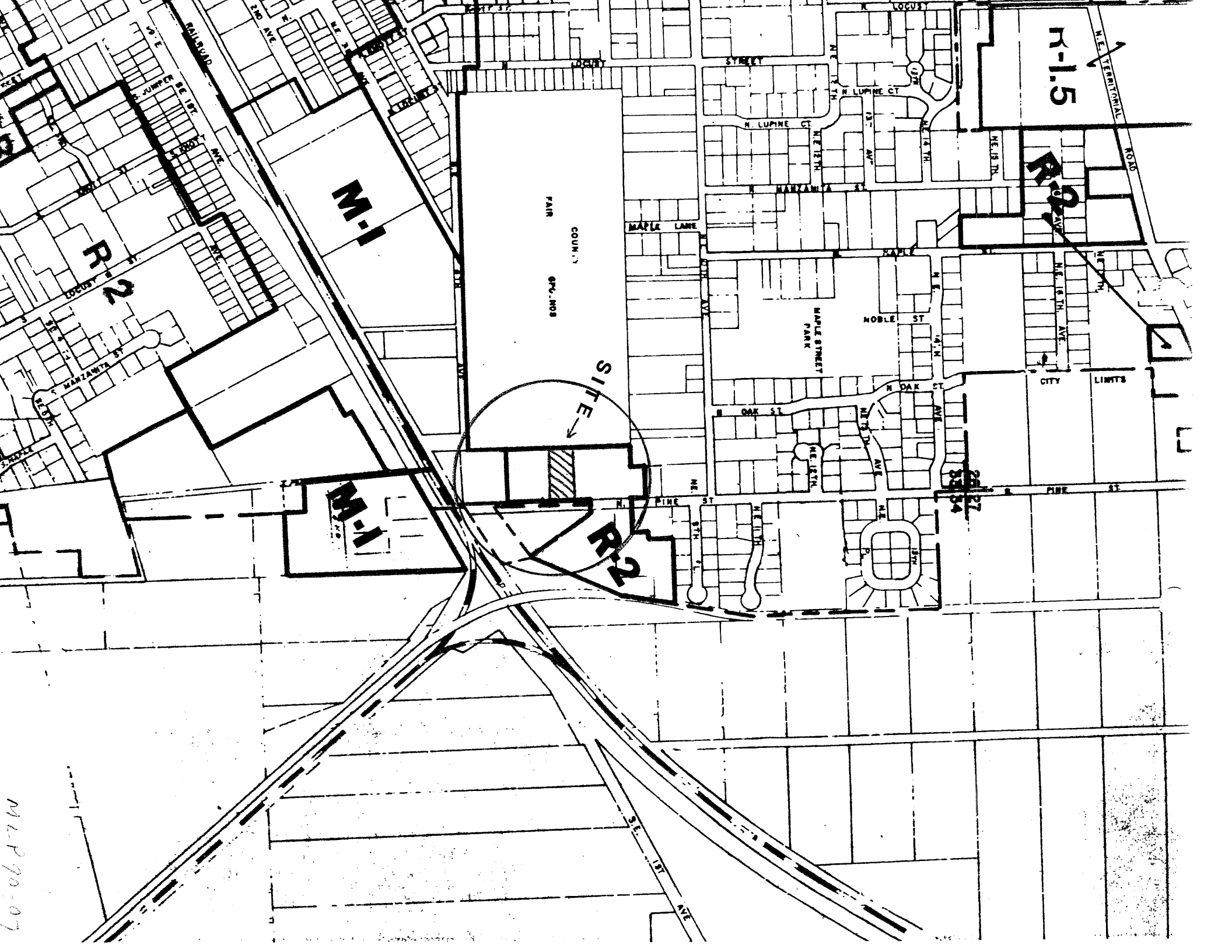
SEE MAP 3 IE 348C

MAP PREPARED BY:
CLACKAMAS COUNTY FAIR
GERALDINE MICKELSEN, MGR.

5-90

SEE MAP 3 IE 330A

MLA 90-07



R-1.5

R-2

M-1

R-2

M-1

R-2

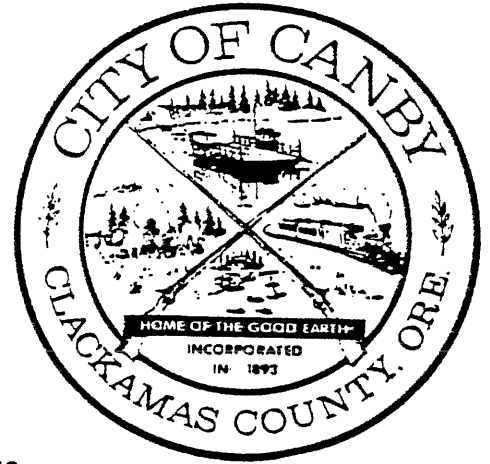
SITE

FAIR COUN
GPO-NOS

MAPLE STREET
PARK

M.L.P. 90-07

-STAFF REPORT-



APPLICANT:

Ron Wright

FILE NO.:

CUP 90-03

OWNER:

Canby Church of the Nazarene

STAFF:

Hank Skinner, City Planner

LEGAL DESCRIPTION:

Tax Lot 3100
Tax Map 3-1E-33CA

DATE OF REPORT:

June 29, 1990

LOCATION:

100 Block of N.E. Fourth

DATE OF REPORT:

July 9, 1990

COMP. PLAN DESIGNATION:

Downtown Commercial

ZONING DESIGNATION:

C-1 (Downtown Commercial)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to construct a single family residential dwelling on a 50' x 115' lot located in the 100 block of N.E. Fourth.

II. APPLICABLE CRITERIA:

This is a quasi-judicial land use application. In judging whether or not a conditional use permit shall be approved, the

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

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

III. FINDINGS:

A. Background:

- 1. The Church of the Nazarene purchased lots 11 and 12 of the Lee's Addition in the early 1970s. Lot 12 contained a single family residence and lot 11 was vacant. Approximately three years ago, lot 12 was sold. The residence located on it is currently occupied.
- 2. The subject property is located in the 100 block of N.E. Fourth Avenue. It is identified on the Clackamas County Assessor's Map as Lot 11 of the Lee's Addition, or Tax Lot 3100 of Tax Map 3-1E-33CA.
- 3. Characteristics of the Site:
 - a. The subject property is located in the Lee's Addition Town Plat. This is one of the older subdivision plats in the City. The lot contains approximately 5,750 square feet of area, and is currently vacant. On the north side of the property is a mix of single family and multi-family housing; on the south side of the property

is an existing church and single family home; and, single family homes on the east and west sides of the property.

CONCLUSION: Staff concludes that the subject property contains no unusual characteristics which would make normal residential development difficult.

- b. The property is generally flat, with no significant natural or hazardous features.
- c. The character of the surrounding area is residential. An additional residence in this area would be consistent with the type of development on surrounding properties.

CONCLUSION: Additionally, staff concludes that the construction of a single family home on this property will have no significant affect on the character of the area, and will not limit other properties from maintaining substantial property rights.

4. Required Public Facilities:

All necessary public facilities and services exist to adequately serve the property.

B. Compliance with Criteria for Approval:

1. Canby Municipal Code

Section 16.22.020(C) of the Canby Municipal Code identifies, as conditional in the C-1 zone, all dwelling units which are not attached to and incidental to a permitted commercial use.

2. Comprehensive Plan

The Buildable Lands Policy, No. 5(B), in the Canby Comprehensive Plan (pages 60 and 61) identifies the Downtown Commercial Zone as an area distinguished by businesses catering to foot traffic, but also containing incidental housing and other pre-existing uses.

CONCLUSION: Staff concludes that the application is consistent with the intent of the Comprehensive Plan and is consistent with the requirements of the Canby Municipal Code.

IV. CONCLUSION

Based upon the materials submitted by the applicant, staff concludes that the proposal complies with or can be made to comply with all applicable criteria.

V. RECOMMENDATION:

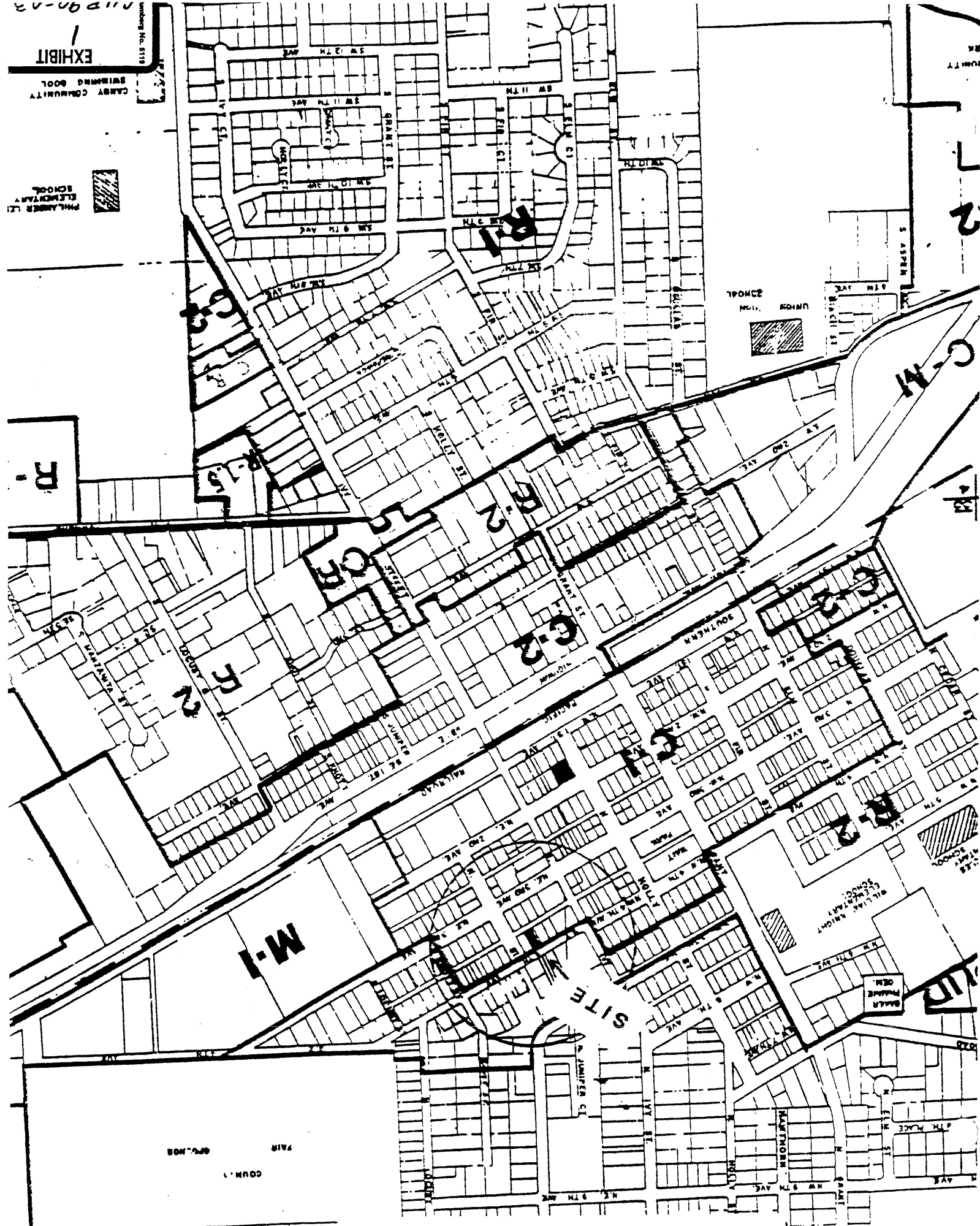
Based upon the findings and conclusions in this report and the additional information in the file, staff recommends approval of CUP 90-03, subject to the following conditions:

1. The applicant shall obtain all necessary building permits as required by the Building Official.
2. The applicant shall provide verification of the corner points of the property prior to the issuance of building permits.
3. The applicant shall maintain all standard single family residential setbacks, as identified in Section 16.16.030(B)(1-3) of the Canby Municipal Code.

EXHIBITS

1. Vicinity Map

VICINITY MAP



EXHIBIT

CARBY COMMUNITY SWIMMING POOL

PHILADELPHIA ELEMENTARY SCHOOL

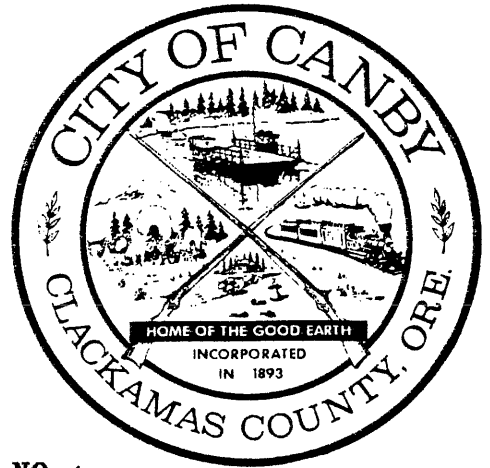
Planning No. 5119

7-2

7-1

7-1

STAFF REPORT



APPLICANT:

St. Patrick's Catholic Church

FILE NO.:

CUP 87-04(Mod.6-90)

OWNER:

The Archdiocese of Portland

STAFF:

Hank Skinner, City Planner

LEGAL DESCRIPTION:

Tax Lot 6500
Tax Map 3-1E-33BC

DATE OF REPORT:

June 29, 1990

LOCATION:

498 N.W. Ninth

DATE OF HEARING:

July 9, 1990

COMP. PLAN DESIGNATION:

Low Density Residential

ZONING DESIGNATION:

R-1 (Low Density Resid.)

I. APPLICANT'S REQUEST:

The applicant is requesting modification of a conditional use approval granted to St. Patrick's Parish Center on August 24, 1987, to permit the construction of a two story storage area located on the back of the existing multi-purpose room. The purpose of the storage area is to provide space for the collection and distribution of goods to needy families.

II. APPLICABLE CRITERIA:

This is a quasi-judicial land use application. In judging whether a Conditional Use should be approved, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development and the location proposed and to approve such a use, shall find that the following criteria are either met, can be met, or are not applicable:

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

III. FINDINGS:

A. Background:

- 1. The church was granted a conditional use permit on August 24, 1987 (Exhibit "A"). At that time, the proposal called for a 168 square foot detached building to be used by St. Vincent DePaul, for the storage of donated goods which would be distributed to needy families. The construction never took place. Since 1987, the level of need has increased. Because the church was granted a permit that was valid for four years, this request to expand is coming back before the Planning Commission merely as a modification to the previous approval.
- 2. The subject property is located at 489 N.W. Ninth, Canby, Oregon, and is identified on the Clackamas County Assessor's Map as Tax Lot 6500 of Tax Map 3-1E-33Bc.
- 3. The subject property contains approximately 5.52 acres. It is bordered on the north and west by farm land, and on the south and east by single family homes. The section of the site which is being

proposed for expansion lies generally in the northeast corner of the property and is surrounded by several deciduous trees. The nearest residence to the proposed expansion is over 130 feet to the east, and is buffered by trees.

4. The property is generally flat, with no significant natural features or hazards. At present, the land surrounding the proposed addition is in lawn.
5. All necessary public facilities and services currently exist to fully service the proposed addition. As part of the 1987 conditional use approval, the church was required to sign a waiver of remonstrance against future sidewalk improvements. The sidewalks have since been constructed.

B. Compliance with Criteria for Approval:

1. Policy No. 5(B) under the Buildable Lands Section of the Comprehensive Plan (pages 60 and 61) lists churches as uses accepted within the residential zones.
2. Chapter 16.16.020(B) identifies churches as a conditional use in the R-1 zone.

CONCLUSION: Staff concludes that churches are a compatible land use within the R-1 zone when reviewed and approved as conditional uses.

3. Sections 16.10.070(A-j) of the Canby Municipal Code set out all general requirements for parking lot and loading area construction. Staff finds that the proposed gravel driveway area and loading area are inconsistent with these requirements.

CONCLUSION: Staff concludes that the site characteristics are suitable for the proposed addition. However, a special condition requiring the applicant to comply with all required off-street parking lot and loading area requirements is appropriate.

4. This proposal will not interfere with the normal development of any of the property in the area. Staff finds no significant impact to adjacent properties as a result of the building addition. The applicant's request makes no mention of the hours of operation or the method of operation. Therefore, the hours of operation for the distribution of goods to the needy

should be clearly defined and made a condition of approval.

CONCLUSION: Staff concludes that the building addition will not alter the character of the surrounding area. However, the operation of the distribution center could have some impact. It is concluded that specific hours of operation should be established and limitations on the types of goods that can be stored and distributed (e.g., no items shall be stored outside of the building) should be imposed.

IV. CONCLUSION:

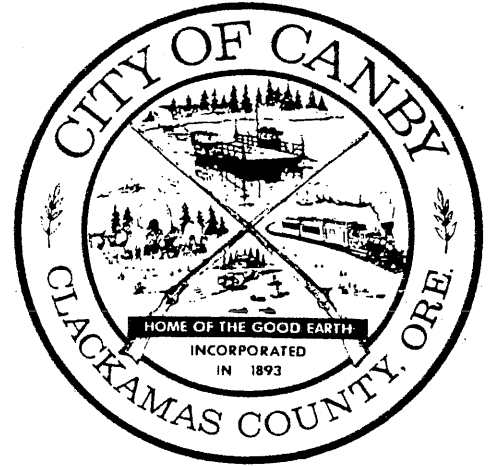
Based on the findings and conclusions contained in this report, and the additional information contained in the file, staff recommends that CUP 87-04(Mod.6-90) be approved, subject to the following conditions.

1. The applicant shall obtain all necessary building permits, as required by the Building Official.
2. The applicant shall adhere to specific hours of operation, as established by the Canby Planning Commission.
3. No goods shall be permitted to be stored outside of the building.
4. Easements, to the satisfaction of the Canby Utility Board, Canby Telephone Association and the City of Canby, are to be provided along all perimeter property lines. (Copies submitted to the Planning Department.)
5. This Conditional Use Permit shall remain valid until August 24, 1991. All planned work is to be completed by such date.

Exhibits:

1. Letter approving CUP 87-04
2. Original Storage Building Plan
3. New Plan for Storage Addition to Multi-Purpose Room

August 25, 1987



Rev. Robert C. Creslinski
St. Patrick's Catholic Church
P. O. Box 730
Canby, Oregon 97013

Dear Rev. Creslinski:

On Monday, August 24, 1987, the Canby Planning Commission met and considered your request for Expansion of a Conditional Use to enable the church to cover a play area for the children and to build a storage building for items donated to St. Vincent dePaul.

After serious consideration, the Planning Commission approved your requests with the following conditions:

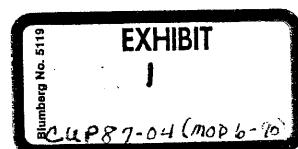
1. A waiver of the right to remonstrate against future sidewalk improvements is to be prepared by the church and recorded at the church's expense. This waiver is to be worded to the satisfaction of the City Attorney and is to apply to all property within the subject block which is owned by the church.
2. Easements, to the satisfaction of the Canby Utility Board, Canby Telephone Association and the City, are to be provided along all perimeter property lines.
3. This permit to remain valid for a period of not more than four (4) years, which which all planned work is to be completed.

There is a fifteen (15) day appeal period during which any party who feels they have been aggrieved by this decision may appeal. If you appeals are filed during the fifteen (15) day appeal period, you may proceed with your plans.

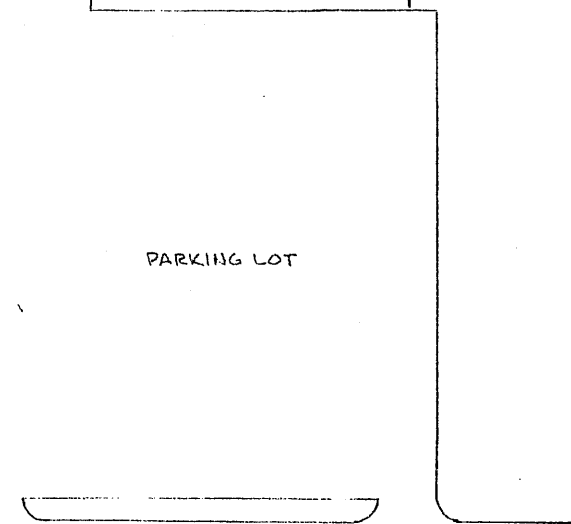
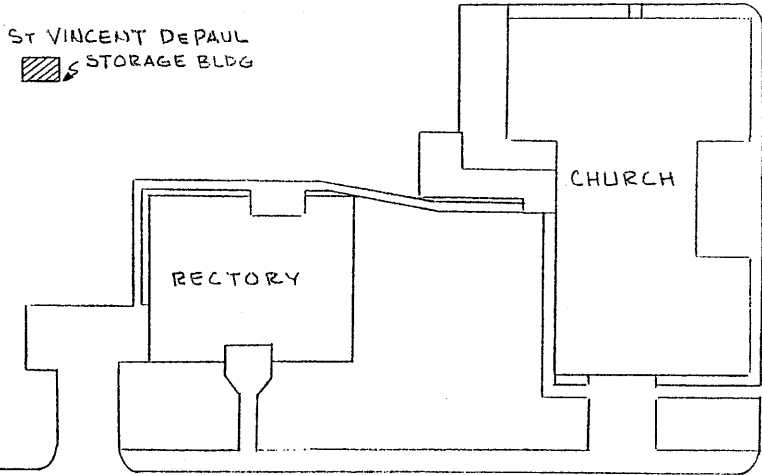
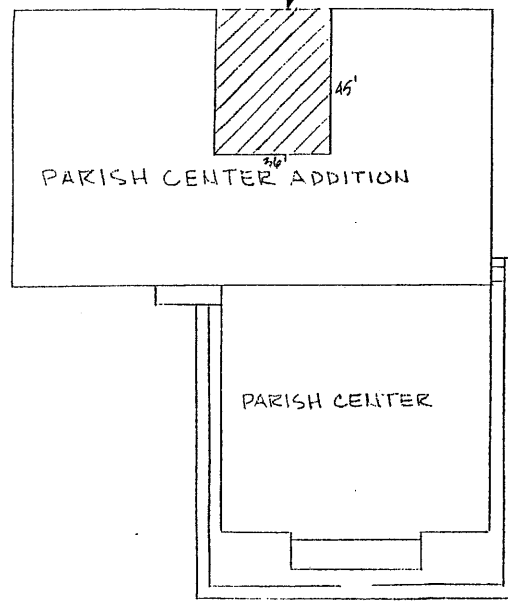
If you have any questions, concerning the conditions of approval, please feel free to contact me.

Sincerely,

Stephan A. Lashbrook
City Administrator



COVERED AREA FOR PRE SCHOOL &
KINDERGARTEN, ALSO OUTDOOR CLASSROOM



N
ELM

Blumberg No. 5119
EXHIBIT
 2
 CUP87-04(MOD.6-79)

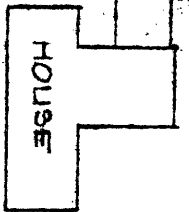
ST PATRICKS CHURCH
 485 N.W. 9TH

11-1-1-0

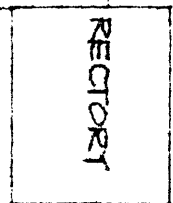
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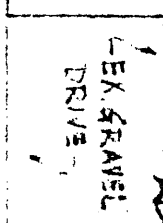
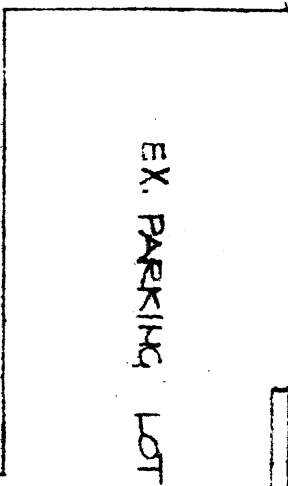
NW DOUGLAS CT.



14 SITE PLAN

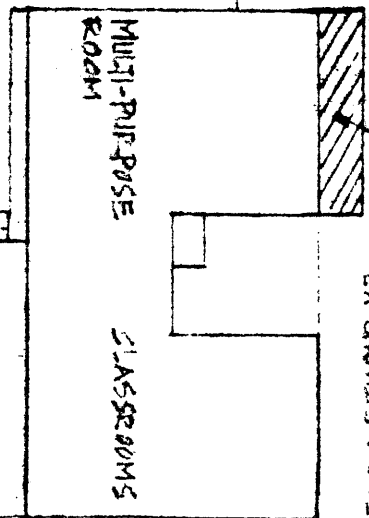
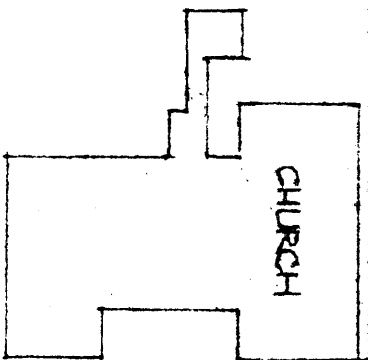


SIDEWALK



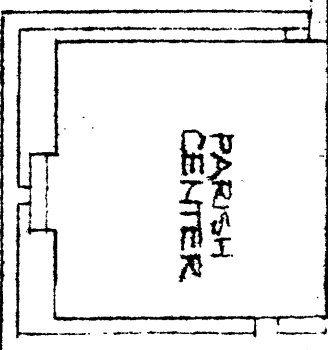
NEW STORAGE ADDITION

NW 9TH



EX GRAVEL DRIVE

EX PARKING LOT



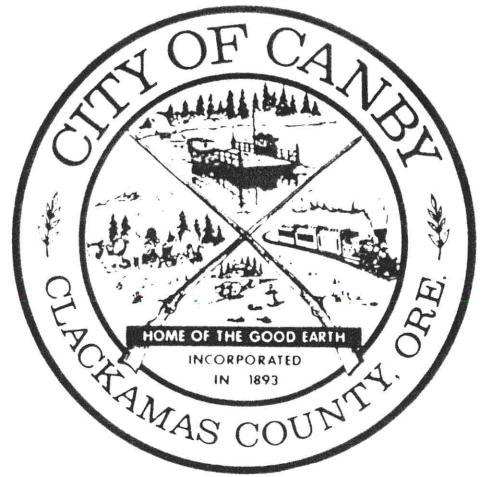
Blumberg No. 5119
 CUP87-04(mod)2
EXHIBIT 2



PLANNING COMMISSION

SIGN-IN SHEET

DATE: July 9 - 1990

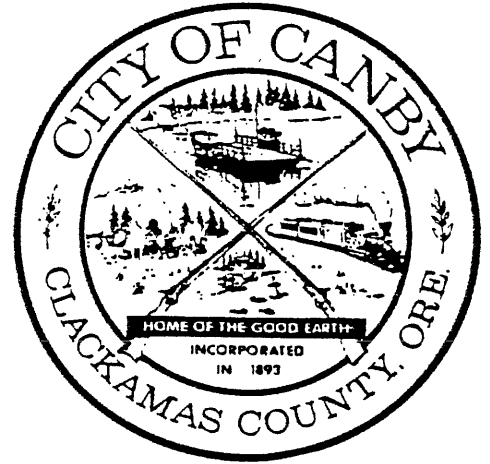


NAME (Please Print)

ADDRESS

Bob Traverso	2933 S Needy Rd Canby Ore 97045
Ron Suchanek	731 S Elm St Canby OR 97013
Loyal Crawford	620 SE 2 nd Spacebl Canby
Betty Crawford	570 S Pine Canby
Dale R. Czeslinski	St. Patricks - 498 N.W. 9 th
Earl Dawson	589 S. Douglas, Canby
Ron + Kim Wright	29830 S.W. Mantebello #48 Wilsonville
DEAN BAYLESS	1417 S. NEW ERA RD Canby
TOOD BAYLESS	705 N. PINE Canby
BETSY ROSS	751 NW 5TH DRIVE
Ron Tatone	1127 N. LOCUST ST P.O. Box 114 Canby
Earl Oliver	1078 N Grant

-STAFF REPORT-



APPLICANT:

Philip A. Poole, Jr.

OWNER:

Deborah Jolivette

DESCRIPTION:

Tax Lots 2500 of
Tax Map 3-1E-33DC

LOCATION:

211 S. Locust

COMP. PLAN DESIGNATION:

High Density Residential

FILE NO.:

VAR 90-02

STAFF:

Hank Skinner, City Planner

DATE OF REPORT:

June 29, 1990

DATE OF HEARING:

June 29, 1990

ZONING DESIGNATION:

R-2 (Medium Den. Res.)

I. APPLICANT'S REQUEST:

The applicant is requesting approval of a variance to Section 16.02.030(A) & (B) of the Canby Municipal Code. The applicant proposes to construct a single family residence on a lot containing approximately 4,750 square feet of area, where 5,000 square feet is required, and with approximately 50 linear feet of frontage on a public street where 60 linear feet is required.

II. APPLICABLE CRITERIA:

This is a quasi-judicial land use application. The Planning Commission may authorize variances from the requirements of the Municipal Code only upon determination that all of the following conditions are present:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the City and within the same zone. These exceptional or extraordinary circumstances result from tract size or shape, topography or other circumstances over which the owner of the property has no control; and
2. The variance is necessary to assure that the applicant maintains substantially the same property rights as are possessed by the owners of other property in the City and within the same zone; and
3. Granting this variance will not be materially detrimental to the intent or the purposes of the City's Comprehensive Plan or the land development and planning ordinance; and
4. Granting this variance will not be materially detrimental to other property within the same vicinity; and
5. The variance granted is the minimum variance which will alleviate the hardship; and
6. The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, or the applicant's employees or relatives, acting in deliberate violation of these or other City regulations.

STAFF COMMENTS: The question before the Planning Commission in this request is whether the applicant should be granted approval to build a single family dwelling on a legally established, nonconforming lot. As a result of an incident involving adverse possession, the property owner is awarding, through deed, approximately 570 square feet (6' x 95') of the subject property to the owner of the lot to the north.

III. FINDINGS:

A. Background:

1. The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 2500 of Tax Map 3-1E-1E-33DC.
2. The property contains approximately 4,750 square feet of area, and has approximately 50 linear feet of frontage along South Locust Street.
3. Exceptional or extraordinary circumstances: A survey, produced in 1980 (see Exhibit "A"), shows a six foot high wood fence, six feet inside the north property line of the subject property. No specific details about why the fence was built where it was, has been made available to staff.

4. Substantial Property Rights: The subject property is zoned R-2 (Medium Density Residential). Section 16.20.010(A) refers to single family homes as a use permitted outright within the R-2 zone. Section 16.20.030(A) of the Canby Municipal Code requires the minimum lot area to be 5,000 square feet for the first dwelling. At the present time, the subject property contains approximately 5,299 square feet of area; enough to permit the construction of a single family dwelling.
5. The subject property is the only undeveloped lot in the area. To the north is a single family home. To the south, east and west is multi-family housing.
6. In order to resolve the issue of adverse possession, the applicant will have to reduce the area of his lot from 5,299 square feet to 4,720 square feet, thereby rendering the lot nonconforming.

CONCLUSION: Staff concludes that the variance is necessary for the applicant to maintain the substantial property, as permitted by the zone.

B. Compliance with Criteria for Approval:

- a. Housing Policy #2 of the Comprehensive Plan (page 140) states the following:

POLICY NO. 2: CANBY SHALL ENCOURAGE A GRADUAL INCREASE IN HOUSING DENSITY AS A RESPONSE TO THE INCREASE IN HOUSING COSTS AND THE NEED FOR MORE RENTAL HOUSING.

Implementation Measures:

1. Continue to allow for a variety of lot sizes within residential zones with the overall average equaling the minimum square footage requirement.
 2. Encourage housing mix to occur in all residential areas through zoning application and through planned unit developments.
- b. Chapter 16.20.010(A) of the Canby Municipal Code identifies single family housing as a use permitted outright within the R-2 Medium Density Residential Zone.

CONCLUSION: Staff concludes that the application is consistent with the applicable goals and policies of the Comprehensive Plan and with the uses permitted within the R-2 zone, as outlined in the Canby Municipal Code. Staff concludes that there will be no

detrimental effect to the Plan or other ordinances as a result of this request.

- c. The applicant has requested the minimum variance necessary to alleviate the hardship.
- d. Exceptional circumstances were not deliberately caused by the applicant or relatives. The applicant is a recent contract purchaser of the subject property. The land is being purchased from a non-relative. The survey attached to the staff report shows the fence encroachment as having existed over ten years.

CONCLUSION: Staff concludes that the exceptional circumstances associated with this property were caused by neither the applicant nor his relatives, but are a pre-existing condition over which the applicant had no control.

C. Material Detriment to Other Properties in the Area:

The subject property is the last vacant land within the immediate area. The request for a single family home on the property represents the least intensive use of the property permitted under Chapter 16.20.010. The properties bordering the subject lot are already developed with either single family or multi-family homes.

CONCLUSION: Staff concludes that there will not be detrimental effect to other properties as a result of this request.

IV. RECOMMENDATION

Based on the information contained in the staff report, and the additional information contained in the file, staff recommends approval of VAR 90-02, subject to the following conditions:

1. The applicant shall work with staff to meet all necessary standards for a Lot Line Adjustment prior to obtaining any building permits.
2. The residence to be constructed on the subject property shall be sized in proportion to the size of the lot, and shall not encroach on required setbacks, as outlined for the R-2 zone.
3. The applicant shall work with the Public Works Department in determining the best location for a driveway.

EXHIBITS

- A. Survey dated July 22, 1980

CLACKAMAS COUNTY
RECEIVED

JUL 22 1980

DEXTER E. MILNE, County Surveyor
Dexter E. Milne
DEPUTY

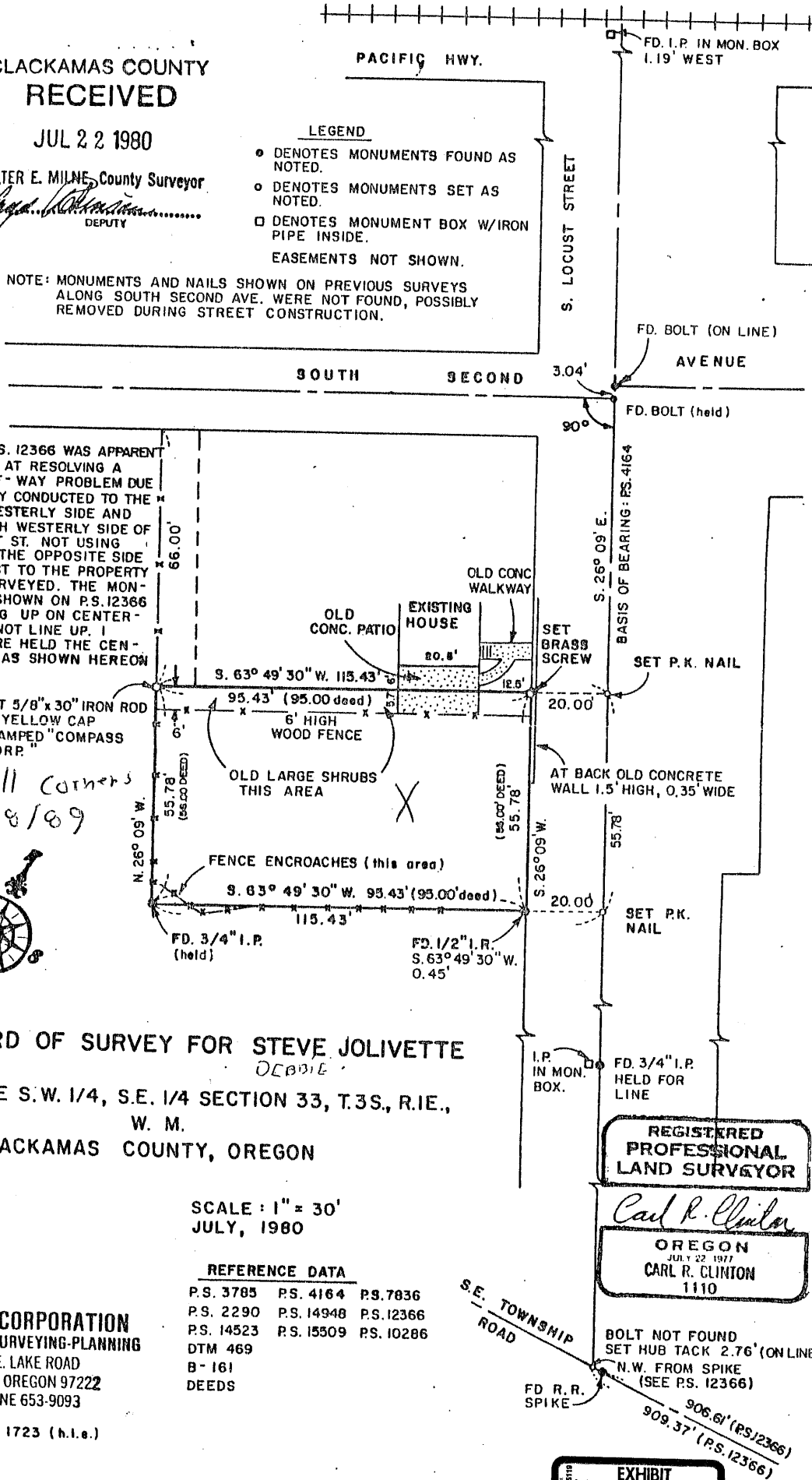
LEGEND

- DENOTES MONUMENTS FOUND AS NOTED.
 - DENOTES MONUMENTS SET AS NOTED.
 - DENOTES MONUMENT BOX W/IRON PIPE INSIDE.
- EASEMENTS NOT SHOWN.

NOTE: MONUMENTS AND NAILS SHOWN ON PREVIOUS SURVEYS ALONG SOUTH SECOND AVE. WERE NOT FOUND, POSSIBLY REMOVED DURING STREET CONSTRUCTION.

NOTE: P.S. 12366 WAS APPARENT ATTEMPT AT RESOLVING A RIGHT-OF-WAY PROBLEM DUE TO SURVEY CONDUCTED TO THE SOUTH WESTERLY SIDE AND THE NORTH WESTERLY SIDE OF S. LOCUST ST. NOT USING DATA ON THE OPPOSITE SIDE OF LOCUST TO THE PROPERTY BEING SURVEYED. THE MONUMENTS SHOWN ON P.S. 12366 AS LINING UP ON CENTERLINE DO NOT LINE UP. I THEREFORE HELD THE CENTERLINE AS SHOWN HEREON

*Found all corners
4/28/89*



RECORD OF SURVEY FOR STEVE JOLIVETTE

IN THE S.W. 1/4, S.E. 1/4 SECTION 33, T.3S., R.1E.,
W. M.
CLACKAMAS COUNTY, OREGON

SCALE: 1" = 30'
JULY, 1980

REFERENCE DATA

P.S. 3785	P.S. 4164	P.S. 7836
P.S. 2290	P.S. 14948	P.S. 12366
P.S. 14523	P.S. 15509	P.S. 10286
DTM 469		
B-161		
DEEDS		

COMPASS CORPORATION
ENGINEERING-SURVEYING-PLANNING
6564 S. E. LAKE ROAD
MILWAUKIE, OREGON 97222
TELEPHONE 653-9093

JOB NO. 80-1723 (h.i.e.)

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Carl R. Clinton
OREGON
JULY 22 1977
CARL R. CLINTON
1110

BOLT NOT FOUND
SET HUB TACK 2.76' (ON LINE)
N.W. FROM SPIKE
(SEE P.S. 12366)

EXHIBIT
"A"

VAR 90-02

DATE: June 15, 1990

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the City of Canby Planning Commission on Monday, July 9, 1990 at 7:30 p.m., in the City Council Chambers, N.W. Second Avenue, Canby, to consider CUP 90-03, an application by Ronald Wright. The applicant is requesting approval to construct a single family home in a C-1 zone (Downtown Commercial) (Tax Lot 3100 of Tax Map 3-1E-33CA).

In judging whether a Conditional Use should be approved, the Planning Commission shall find that the application complies with all applicable criteria, or can be made to comply by the application of certain conditions.

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title (Land Development Ordinance) and other applicable policies of the City;
- B. The characteristics of the site are suitable for the proposed use when considering size, shape, design, location, topography, existence of improvements and natural features;
- C. All required public facilities and services exist to adequately meet the needs of the proposed development;
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.

Anyone wishing to comment on the proposed Conditional Use may do so by submitting written or verbal testimony at the hearing.

Failure of an issue to be raised at a hearing, in person or by letter, or failure to provide sufficient specificity to afford the Planning Commission an opportunity to respond to the issue, precludes an appeal to the State Land Use Board of Appeals.

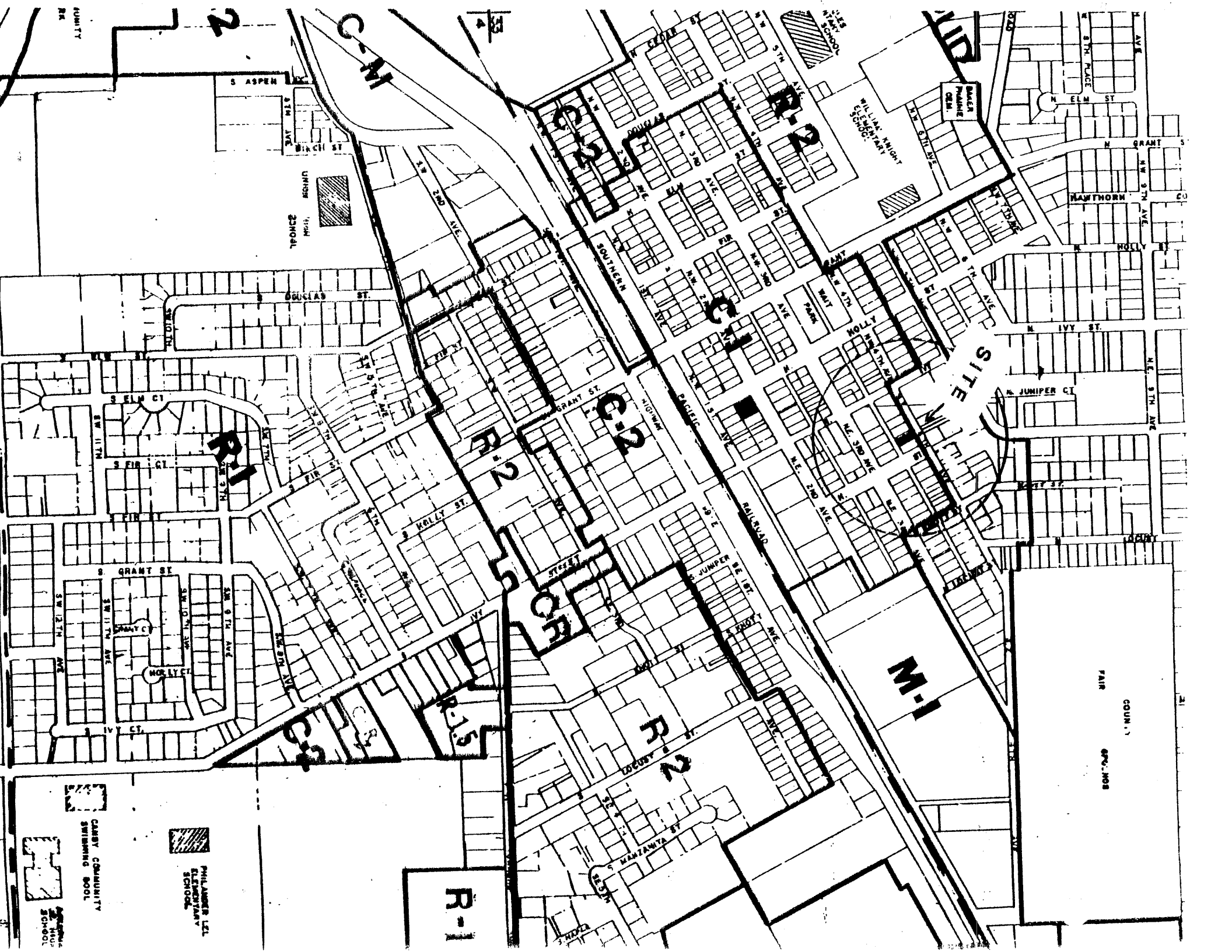
A copy of the application and record are available for inspection at no cost, in the office of the Canby Public Works Department, 182 N. Holly, Canby, Oregon, during regular working hours (8:00 a.m. to 5:00 p.m.).

A copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing, and will be provided at reasonable cost. Staff coordinator is Hank Skinner, 266-4021.

Notice of this hearing is as provided in Section 16.88.130 of the Land Development and Planning Ordinance (#740), as adopted February 1, 1984.

Publish: Canby Herald

Tuesday, June 19, 1990
Tuesday, June 26, 1990



UTILITY

2

C-M

S ASPEN

TRONCE
M.C. 12

WILLIAM NIGHT
SENIORS CENTER

BANKER
BUILDING

HAWTHORN

SITE

FAIRPORT
COUNTRY CLUB

R-1

R-2

R-2

R-3

I.M.

R-2

R-1

CANEY COMMUNITY
SWIMMING POOL

PHILLAMBER LETS
ELEMENTARY
SCHOOL

WILLIAM NIGHT
SENIORS CENTER

MAZANTIA ST

S ELM CT

S FIR CT

S GRANT ST

S WALNUT AVE

S PINE AVE

S SPRUCE AVE

S CHERRY AVE

S ALMOND AVE

S WALNUT AVE

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DATE: June 15, 1990

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the City of Canby Planning Commission on Monday, July 9, 1990 at 7:30 p.m., in the City Council Chambers, N.W. Second Avenue, Canby, to consider ANN 90-03, an application by Ron Tatone. The applicant is requesting approval to annex a 1.6 acre parcel along the east side of N. Locust Street to the City of Canby. If annexed, the parcel would be zoned R-1 (Low Density Residential (Tax Lot 1200 of Tax Map 3-1E-28DC)).

In judging whether an Annexation should be recommended for approval, the Planning Commission must consider the following standards:

- A. Compatibility with the text and maps of the Comprehensive Plan, giving special consideration to those portions or policies relating to the Urban Growth Boundary;
- B. Compliance with other applicable City ordinances or policies;
- C. Capability of the City and other affected service-providing entities to amply provide the area with urban level services;
- D. Compliance of the application with the applicable sections of ORS 222.
- E. Appropriateness of the annexation of the specific area proposed, when compared to other properties which might reasonably be expected to be annexed to the City.
- F. Risk of natural hazards which might be expected to occur on the subject property.
- G. Effect of the urbanization of the subject property on specially designated open space, scenic, historic, or natural resource areas.
- H. Economic impacts which are likely to result from the annexation.

Anyone wishing to comment on the proposed Annexation may do so by submitting written or verbal testimony at the hearing.

Failure of an issue to be raised at a hearing, in person or by letter, or failure to provide sufficient specificity to afford the Planning Commission an opportunity to respond to the issue, precludes an appeal to the State Land Use Board of Appeals.

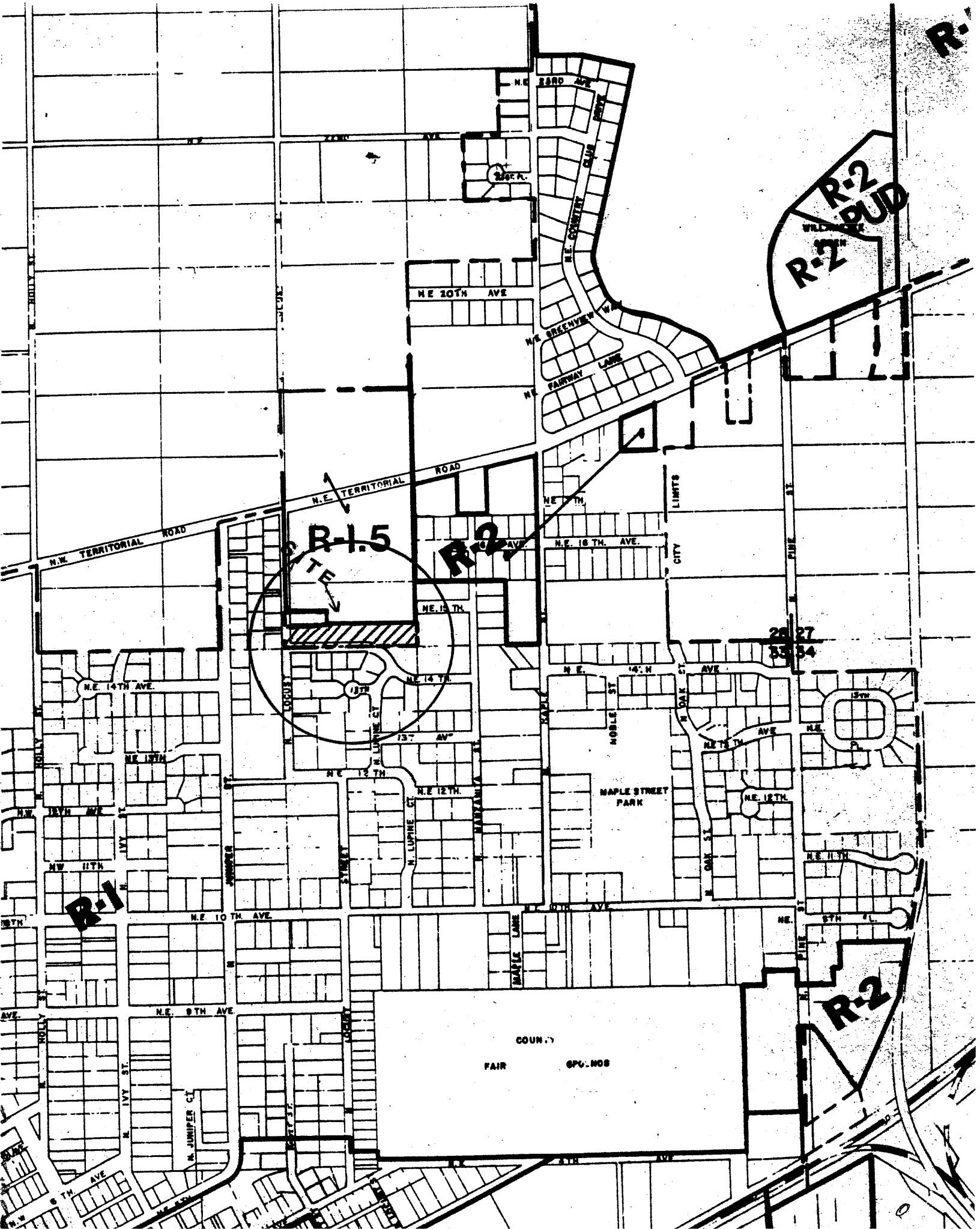
A copy of the application and record are available for inspection at no cost, in the office of the Canby Public Works Department, 182 N. Holly, Canby, Oregon, during regular working hours (8:00 a.m. to 5:00 p.m.).

A copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing, and will be provided at reasonable cost. Staff coordinator is Hank Skinner, 266-4021.

Notice of this hearing is as provided in Section 16.88.130 of the Land Development and Planning Ordinance (#740), as adopted February 1, 1984.

Publish: Canby Herald

Tuesday, June 19, 1990
Tuesday, June 26, 1990



R-1.5

R-2

R-2
R-2.5
R-3
R-4
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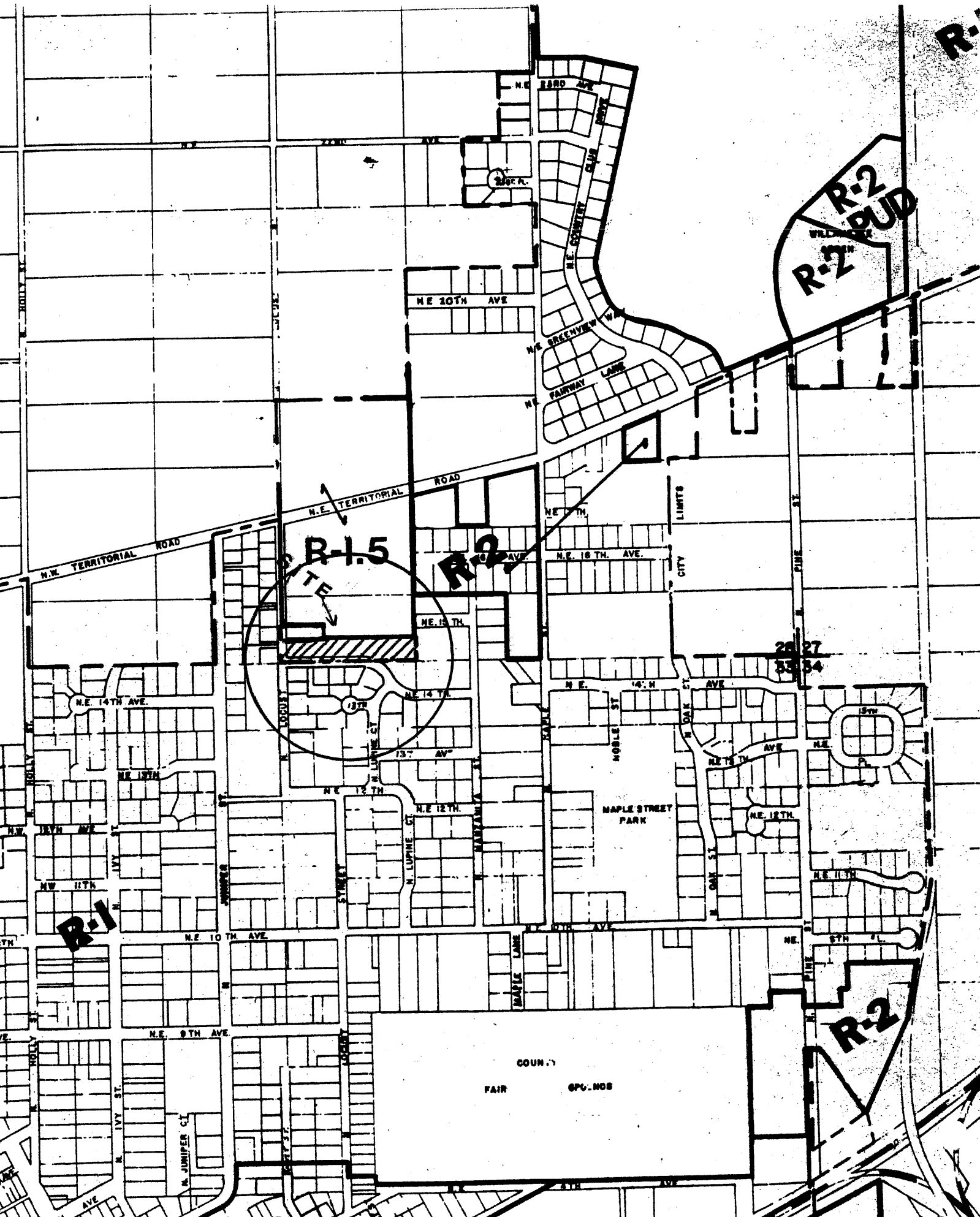
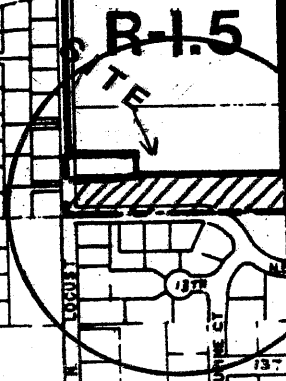
R-2

R-1

FAIR GPG. NOS

MAPLE STREET PARK

26 27
33 34



DATE: June 15, 1990

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the City of Canby Planning Commission on Monday, July 9, 1990 at 7:30 p.m., in the City Council Chambers, N.W. Second Avenue, Canby, to consider MLP 90-07, an application by Dean Bayless. The applicant is requesting approval to divide a 0.71 acre lot into two lots containing 0.46 and 0.26 acres respectively (Tax Lot 1601 of Tax Map 3-1E-33AD).

In judging whether a Minor Partition should be approved, the Planning Commission must consider the following standards:

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

Anyone wishing to comment on the proposed Minor Partition may do so by submitting written or verbal testimony at the hearing.

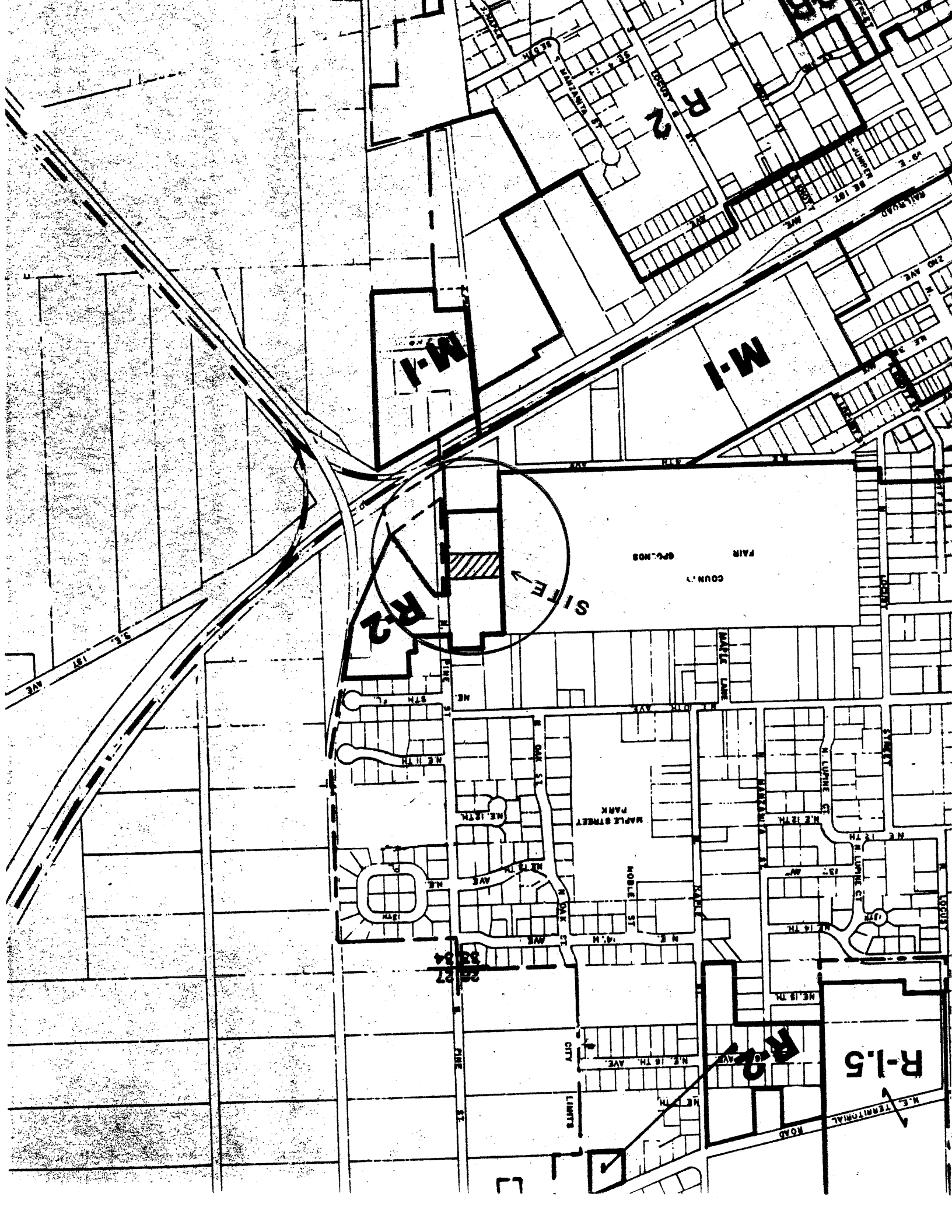
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A copy of the application and record are available for inspection at no cost, in the office of the Canby Public Works Department, 182 N. Holly, Canby, Oregon, during regular working hours (8:00 a.m. to 5:00 p.m.).

A copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing, and will be provided at reasonable cost. Staff coordinator is Hank Skinner, 266-4021.

Notice of this hearing is as provided in Section 16.88.130 of the Land Development and Planning Ordinance (#740), as adopted February 1, 1984.

Publish: Canby Herald
Tuesday, June 19, 1990
Tuesday, June 26, 1990



M-1

R-2

M-1

R-2

SITE

FAIR COUNTY SPACEDS

R-1.5

R-2

N.E. TERMINAL ROAD

CITY LIMITS

DATE: June 15, 1990

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the City of Canby Planning Commission on Monday, July 9, 1990 at 7:30 p.m., in the City Council Chambers, N.W. Second Avenue, Canby, to consider CUP 87-04(Mod.6-90), an application by St. Patrick's Church. The applicant is requesting approval to modify a 1987 conditional use approval to construct a storage facility for food, clothing and other goods, in conjunction with St. Vincent DePaul. The storage facility will be an addition to the existing church facilities located at 498 N.W. Ninth (Tax Lot 6500 of Tax Map 3-1E-33BC).

In judging whether a Conditional Use should be recommended for approval, the Planning Commission shall find that the application complies with all applicable criteria or can be made to comply by the application of certain conditions.

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title (Land Development Ordinance) and other applicable policies of the City.
- B. The Characteristics of the site are suitable for the proposed use when considering size, shape, design, location, topography, existence of improvements and natural features;
- C. All required public facilities and services exist to adequately meet the needs of the proposed development;
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.

Anyone wishing to comment on the proposed Annexation may do so by submitting written or verbal testimony at the hearing.

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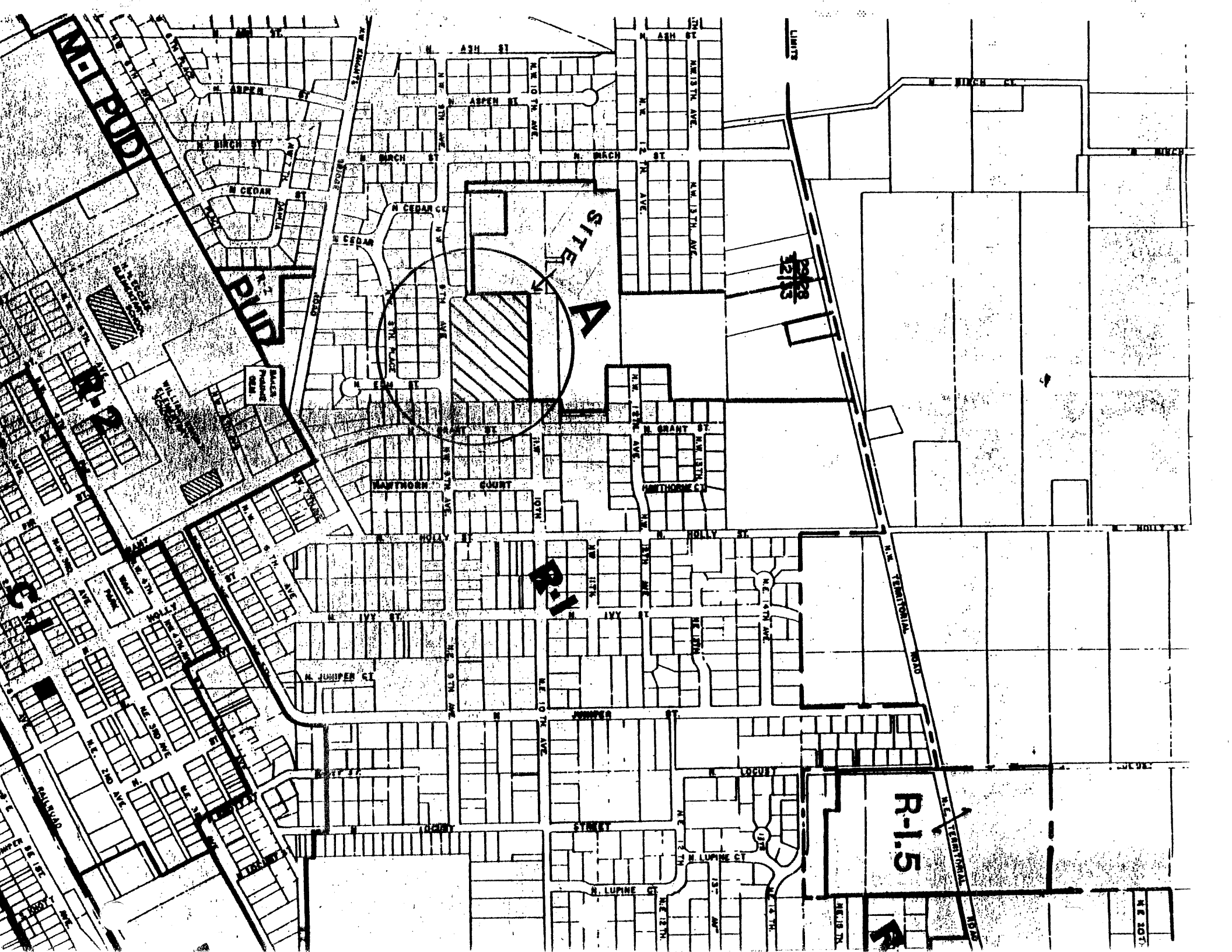
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Tuesday, June 26, 1990



SITE A

R-1

R-1.5

MO. PUB.

PUB.

2123

N. 10th

N. 19th

N. 12th

N. 10th

N. 9th

N. 8th

N. 7th

N. 6th

N. 5th

DATE: June 15, 1990

NOTICE OF PUBLIC HEARING

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In judging whether a Variance should be granted, the Planning Commission must determine that all of the following conditions are met:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owners of the property have no control; and
- B. The variance is necessary to preserve the property rights of the applicant, substantially the same as owners of other property in the same vicinity; and
- C. The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy; and
- D. The variance requested is the minimum variance necessary which would alleviate the hardship; and
- E. The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, his employees or relatives acting in deliberate violation of these or other City regulations.

Anyone wishing to comment on the proposed Annexation may do so by submitting written or verbal testimony at the hearing.

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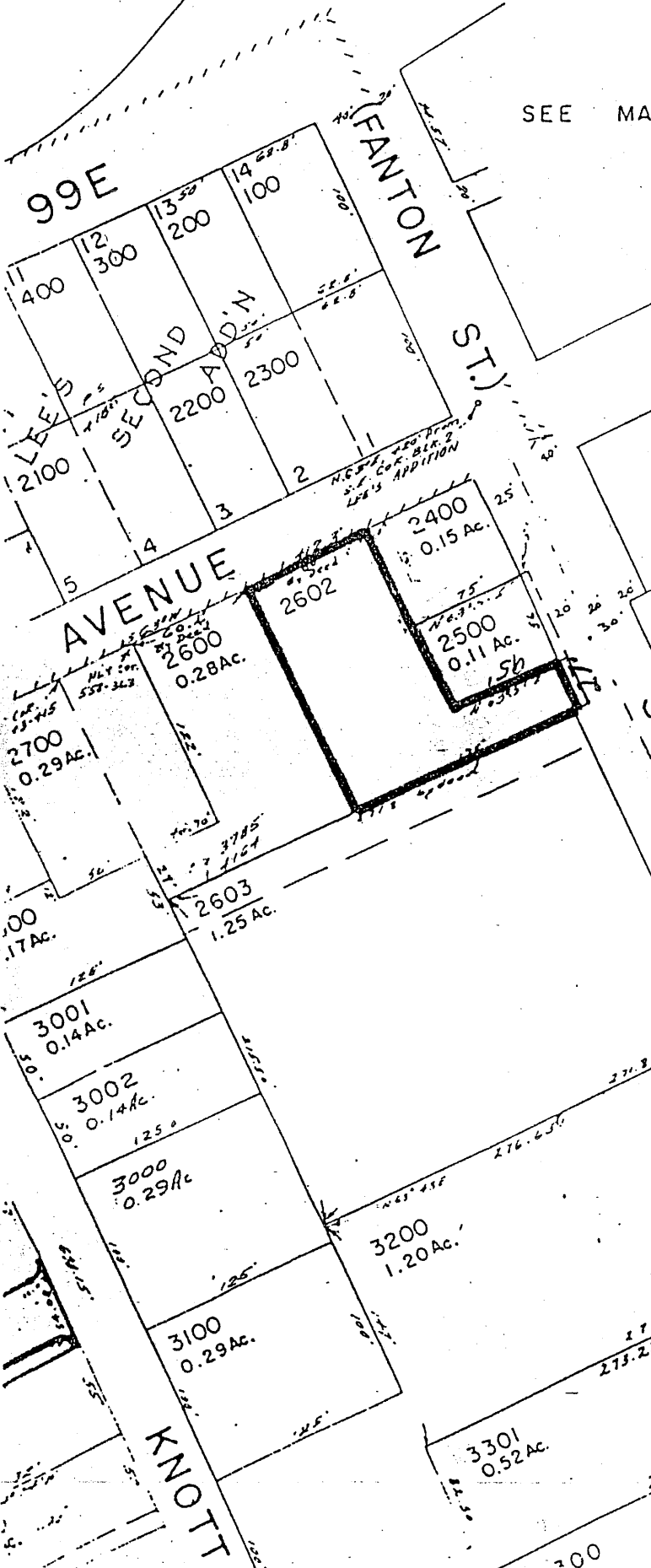
SW 1/4 SE 1/4 SEC. 33 T. 5. S. R. 1. E. W.M.

CLACKAMAS COUNTY

1"=100'

SEE MAP 3 1E 33 DB

CANCELLED T.L'S



SAFECO



"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."

ORDER No. C-33261

SAFECO TITLE INSURANCE COMPANY
 16201 S.E. MCLOUGHLIN BLVD.
 MILWAUKIE, OREGON 97222

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- 3701
- 2502
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*Road data from
 City of Canby.
 Locust to be 50 Rd.
 Deeds & Vacations
 to come.*