

AGENDA

CANBY PLANNING COMMISSION

REGULAR MEETING City Council Chambers

AUGUST 27, 1990 - 7:30 p.m.

I. ROLL CALL

II. MINUTES

August 13, 1990

III. COMMUNICATIONS

IV. UNFINISHED BUSINESS

V. BUSINESS FROM THE AUDIENCE

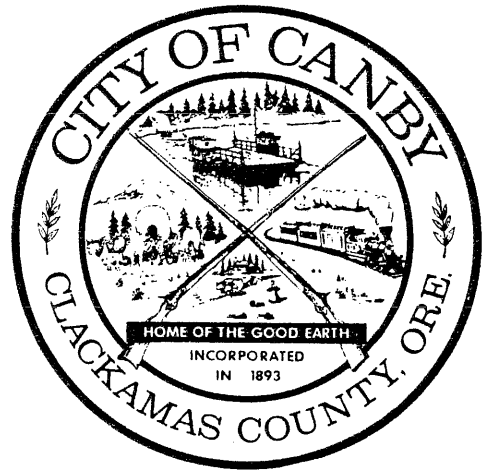
VI. PUBLIC HEARINGS

CUP 90-04, a request by Canby Care Center (Daniel J. Larson) for approval to construct a 60-bed long-term care facility and a 50-unit assisted living facility on a ten acre parcel located in the southeast corner of N. Redwood and Territorial Road (Tax Lots 700 and 900 of Tax Map 3-1E-37C).

VAR 90-03, a request by Hoffman Video Store for approval to construct an awning and sign which overhangs the State Highway 99E right-of-way. The subject property is located at the southeast corner of South Juniper and Highway 99E, and is identified as Tax Lot 901 of Tax Map 3-1E-33DC.

MLP 90-08, a request by Freda Milbradt for approval to divide a .59 acre parcel into three parcels and eliminate the 20'x 145' easement for Tax Lot 7700 of Tax Map 4-1E-4AB in favor of a public road dedicated to the City of Canby, to be 30' wide. The property is located on the west side of S. Ivy Street, north of S. 6th Avenue.

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



APPLICANT:

Canby Care Center
(Daniel Larson)

FILE NO.:

CUP 90-04

OWNER:

Earl Oliver

STAFF:

Hank Skinner, City Planner

LEGAL DESCRIPTION:

Tax Lots 700 & 900 of
Tax Map 3-1E-37C

DATE OF REPORT:

August 17, 1990

LOCATION:

Southwest corner of
Redwood and Territorial

DATE OF HEARING:

August 27, 1990

COMP. PLAN DESIGNATION:

High Density Residential/
Low Density Residential

ZONING DESIGNATION:

R-2/R-1

I. APPLICANT'S REQUEST:

The applicant is requesting approval to locate a 60-bed Long Term Care facility and a 50-unit Assisted Living facility as the first phase of a senior residential care complex, located at the southeast corner of N. Territorial Road and N. Redwood (see Exhibit "A").

II. APPLICABLE CRITERIA:

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 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 subject property is identified on the Clackamas County Assessor's Map as Tax Lots 700 and 900 of Tax Map 3-1E-27C.
- 2. The subject property is located at the southeast corner of N. Territorial and N. Redwood Roads.
- 3. The subject property contains two zoning designations. The northwesterly three acres is zoned R-2, Medium Density Residential, with the remainder of the property zoned R-1.
- 4. On August 24, 1989, the Portland Metropolitan Area Local Government Boundary Commission approved the annexation of Tax Lots 700 and 900 of Tax Map 3-1E-27C under Final Order 2658. The findings contained in the Final Order show that the Boundary Commission acknowledged the City's application of Both the R-2 and the R-1 zoning to that portion of the subject properties currently under review.

B. Consistent With the Comprehensive Plan and Other Applicable Requirements:

1. **LAND USE ELEMENT - POLICY NO. 1: CANBY SHALL GUIDE THE COURSE OF GROWTH AND DEVELOPMENT SO AS TO SEPARATE CONFLICTING OR INCOMPATIBLE USES WHILE GROUPING COMPATIBLE USES.**

IMPLEMENTATION MEASURES:

- 1a. . . . Allow for creative design in terms of multiple use concepts and clustering of developments.
- 1b. Utilize the allowable "conditions of approval" for discretionary applications as a means of minimizing or mitigating conflicts between land uses.

The applicants currently operate the Canby Care Center at 390 N.W. Second, in Canby, Oregon. This location is within a C-1, Downtown Commercial zone, where long term care facilities are not identified as permitted uses. This proposal would have the affect of relocating the existing facility to a location outside the downtown core and onto more appropriate residential zoned lands.

The opportunity for the Commission to condition the application so as to minimize any potential conflicts is present through the Conditional Use Process.

2. **ECONOMIC ELEMENT - POLICY NO. 2: CANBY SHALL ENCOURAGE FURTHER COMMERCIAL DEVELOPMENT AND REDEVELOPMENT AT APPROPRIATE LOCATIONS.**

In his proposal, the applicant has indicted that this move would result in the vacation of the existing care center at 390 N.W. Second. The existing structure contains approximately 13,000 square feet of floor area and can be remodeled into a medical clinic, office space, etc.

POLICY NO. 3: CANBY SHALL ENCOURAGE ECONOMIC PROGRAMS AND PROJECTS WHICH WILL LEAD TO AN INCREASE IN LOCAL EMPLOYMENT OPPORTUNITIES.

The applicant has indicated to staff that the proposed project, when completed, could potentially employ a staff of 800, with an annual payroll of approximately \$1,000,000.00.

3. **ENVIRONMENTAL ELEMENT: GOAL - TO PROTECT IDENTIFIED NATURAL AND HISTORIC RESOURCES, TO PREVENT AIR, WATER, LAND AND NOISE POLLUTION, TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.**

POLICY 8-R: CANBY SHALL SEEK TO PRESERVE AND MAINTAIN OPEN SPACE WHERE APPROPRIATE AND WHERE COMPATIBLE WITH OTHER LAND USES.

POLICY 2-H: CANBY SHALL CONTINUE TO PARTICIPATE IN AND SHALL ACTIVELY SUPPORT THE FEDERAL FLOOD INSURANCE PROGRAM.

- a. The National Flood Insurance Rate Maps (FIRM) show a portion of the subject properties within the 100-year and the 500-year flood plains. The applicant has noted in his proposal that any area identified within the 100-year flood plain will remain open and free from development. Any development within these designated areas must be shown to comply with Section 15.12.010-180 of the Canby Municipal Code.
- b. Joel Shaich, Wetlands Enforcement Officer for the Oregon Division of State Lands, has investigated the subject properties for the existence of wetlands and the possibility of violations of the State and Federal regulations related to the recent placement of fill within a wetland. Mr. Shaich indicated to staff that the subject 12 acres associated with this request may contain some isolated areas where the soils are marginal. However, there were no areas that clearly met the definition of wetlands. He further noted that the areas proposed for development, as shown on the plan, were outside even those areas that might be considered marginal. The proposed pond shown on the latest preliminary site plan would, in his opinion, function as a mitigating wetland for any area that may have been marginal and disturbed.

4. **TRANSPORTATION - GOAL: TO DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM WHICH IS SAFE, CONVENIENT AND ECONOMICAL.**

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:

- a. 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:

- 4) N.E. and N.W. Territorial Road
- 9) N. Redwood Street

The City's Public Works Director has required that Redwood Street is a County street and carries a load limit for vehicles. It will be a requirement of the applicant to rebuild the existing paved section of Redwood from the sub-grade up, and to dedicate and improve, to City standards, a full half street improvement along the western frontage of the subject properties.

N. Redwood is identified as a collector and N.E. Territorial is identified as an arterial. Each street would have to be built to meet the standards of their respective designations (see Exhibit "B").

The applicant has indicated that he will be dedicating an additional 10 feet of right-of-way along both street frontages and will be making half street improvements along both Redwood and Territorial, which will include paving, curbs and sidewalks.

The issue of traffic impact has been raised through comments from adjacent property owners. The applicant has provided staff with statistics produced by the Institute of Transportation Engineers which show the average number of daily trips that are produced by single family development, low-rise apartments, congregate care facilities and nursing homes (see Exhibit "C"). The statistics clearly indicate that a nursing home will generate less than half of the traffic of a single family subdivision and that a congregate care facility will generate nearly less than one-fourth of the traffic of a subdivision.

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

The applicant has indicated in his report that all necessary utilities are available to the site. This is not exactly the case. Because of the scale of this development and the large area of developable lands which surround this property, the Canby Utility Board, the City Public Works Department, and the Clackamas County Fire District all agree that main line water and sewer services must run to the site. This will require that the applicant extend a 12 inch water main down N. Redwood to the southernmost property line and loop an 8 inch line through the property. It also means the extension of a 12 inch sewer main along Territorial. A 12 inch main line sewer has already been installed along N. Redwood. Because of the expense in extending main lines and this development's proportionate needs, it will be necessary for the applicant to participate in preconstruction meetings with the City, CUB and the fire department prior to any approvals to begin construction.

Conclusion: Staff concludes that the applicant's proposal can be made to comply with the intent of the Comprehensive Plan and the other City ordinances.

C. **Suitability of the Site:**

1. **Size**

The subject property consists of approximately 10.55 acres. The applicant's proposal calls for development of less than 21% of the site upon completion of all phases of development.

2. **Shape and Topography**

The general shape of the property will lend itself extremely well to both development and preservation of open space. There is approximately 10 feet of elevation drop from southwest to northeast. The first phase of development will take place in the southwest corner. The property will have access to two public streets and a private easement, which will result in road frontage along three sides of the property.

3. Design

The proposal calls for looped traffic circulation at the front and the rear of the development. All service areas, loading areas, and employee parking areas have been separated from the visitor parking areas. This separation and looped concept in traffic circulation will minimize the impact of traffic and reduce congestion at critical points of intersections.

The plan, as proposed, calls for the installation of a number of trees and landscape features, including a new pond in the low-lying area of the site. Adjacent property owners have expressed the need for more trees and landscaping to areas of the property which abut existing, developed residential property, in an effort to minimize the impact of the project.

4. Natural Features

The applicant has identified the significant natural features of the subject property and the neighboring property to the east, and has made every effort to enhance the natural amenities of the property.

Conclusion: Staff concludes that the site characteristics are appropriate for the type of development being considered.

D. Public Facilities

1. Sewer

No detailed information related to specific capacity of the 12 inch sewer main along N. Redwood was provided for the report. However, assurances that more than adequate line size and capacity exist in this area for sewer.

2. Water

The water main must be extended along N.E. Territorial from west of N. Pine Street. This would be a 12 inch main which would be more than adequate for the proposal.

3. Streets

Both Territorial and Redwood will be widened and improved (half-streets).

4. Telephone and Electricity

Electricity is available to the site along with telephone and other private utilities.

Conclusion: Staff concludes that the necessary public facilities and services can be provided to the site.

E. Alteration to the Character of the Area

The subject property is the first along N. Redwood Street to develop. It is reasonable to assume that with it, will come some change in the character of the area. The fact that this particular development will have a minimal traffic impact and will be responsible for the provision of public facilities to other properties in the area, will greatly increase the opportunity for additional development and, thereby, assure the substantial property rights of the other people in the area.

Conclusion: Staff concludes that the application will not alter the character of the area in a manner which will limit the substantial property rights of adjacent land owners.

IV. RECOMMENDATION

Based on the findings and conclusions presented in this report, staff recommends approval of CUP 90-04, subject to the following conditions:

1. This approval is for the first phase of the development only. The congregate care facility, as shown on the plans, is not included in this approval. An additional Conditional Use Permit is required prior to development of the second phase of the project.
2. The applicant shall participate in a preconstruction meeting with City staff, CUB, the fire district, etc., prior to construction of the first phase of development.
3. The pond, as shown on the plans, shall be constructed in conjunction with the first phase of the development.

4. Additional trees and landscaping shall be required where the subject property abuts existing residences.
5. The applicant shall dedicate an additional ten feet of right-of-way along both Redwood and Territorial, to the City of Canby.
6. All necessary installations of public infrastructure shall be reviewed and approved by the appropriate governing body.

Exhibits:

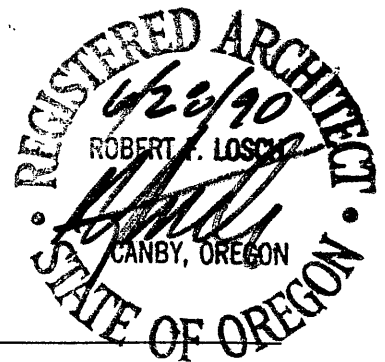
- A. Applicant's Proposal
- B. Transportation Map
- C. Trip Generation

RFL

6-27-90

CONDITIONAL USE APPLICATION
A PLACE IN THE COUNTRY
TERRITORIAL AND REDWOOD
CANBY, OREGON 97013

Prepared by
Robert F. Losch, A.I.A.
22018 S. Central Point Road
Canby, Oregon 97013
503-263-6375



robert f. losch, architect and planner, a.i.a.
22018 south central point road, canby, oregon 97013 (503)263-6375

medical facilities • long term and intermediate care facilities • retirement centers • clinics • office complexes • condominium
land planning • feasibility studies



CONDITIONAL USE APPLICATION

A PLACE IN THE COUNTRY

TABLE OF CONTENTS

- Exhibit I Application
- Exhibit II Land Option Agreement
- Exhibit III Quarter Section Map
- Exhibit IV Survey and Legal Description
- Exhibit V List of Property Owners Within 200' of Site
- Exhibit VI Photographs of Site
- Exhibit VII Description of Proposed Project
- Exhibit VIII Community Impact
- Exhibit IX Comprehensive Plan Findings in Support of Request
- Exhibit X Preliminary Drawings, Sheets 1-3 Inclusive

EXHIBIT I
APPLICATION

APPLICATION FOR CONDITIONAL USE

Date of Hearing _____

City of Canby Planning Commission
City Hall
Canby, Oregon

Receipt No. _____ Fee _____

Present Zone _____

Name of Applicant: Daniel J. Larson / CANBY CARE CENTER, Phone 266-5541

Mailing Address: 390 N.W. Second, Canby, OR 97013

Who Holds Title to Property: Oliver Family Trust

TITLED OWNER:

Signature: Oliver Family Trust
Earl Oliver Trustee trustee Date Acquired Optioned -

1078 N. Grant, Canby, OR 97013 266-3300
(Address) (City) (State) (Phone)

LEGAL DESCRIPTION OF PROPERTY INVOLVED IN APPLICATION

1. Location at intersection of Territorial and Redwood
2. Between _____ and _____
3. Tax Lot No. 900 & 700 Section 27, T 3.5, R 1EWM

(IF YOURS IS A METES AND BOUNDS DESCRIPTION, PLEASE ATTACH SEPARATE SHEET)

1. Present use of this property is; agricultural (green belt)
2. Describe briefly the type of use and improvements proposed, state whether new buildings will be constructed, existing buildings to be used or additions to be made: This request is to construct a 60 bed, long term care unit and a 50 bed assisted living unit.

All construction will be new.

3. I HEREBY CERTIFY THE STATEMENTS CONTAINED HEREIN, ALONG WITH THE EVIDENCE SUBMITTED, ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

June 29, 1990
Date

Oliver Family Trust
Earl Oliver Trustee
Owner's Signature

EXHIBIT II
LAND OPTION AGREEMENT

EXHIBIT III
QUARTER SECTION MAP

SW1/4 SEC 27 T.3S. R.1E. W.M.
CLACKAMAS COUNTY
1"=200'

D. L. C.
WALTER FISH NO. 45

3 1E 27C

Cancelled TL's
1602

86-02
3 1E 27C
LEMENTAL MAP

RRFF-5

86-05

ALICE ACRES 1973

GARDENS

PACIFIC HIGHWAY US 99

SEE MAP 3 1E 34B

SEE MAP 3 1E 34F

F.H.D.
3 1E 27C

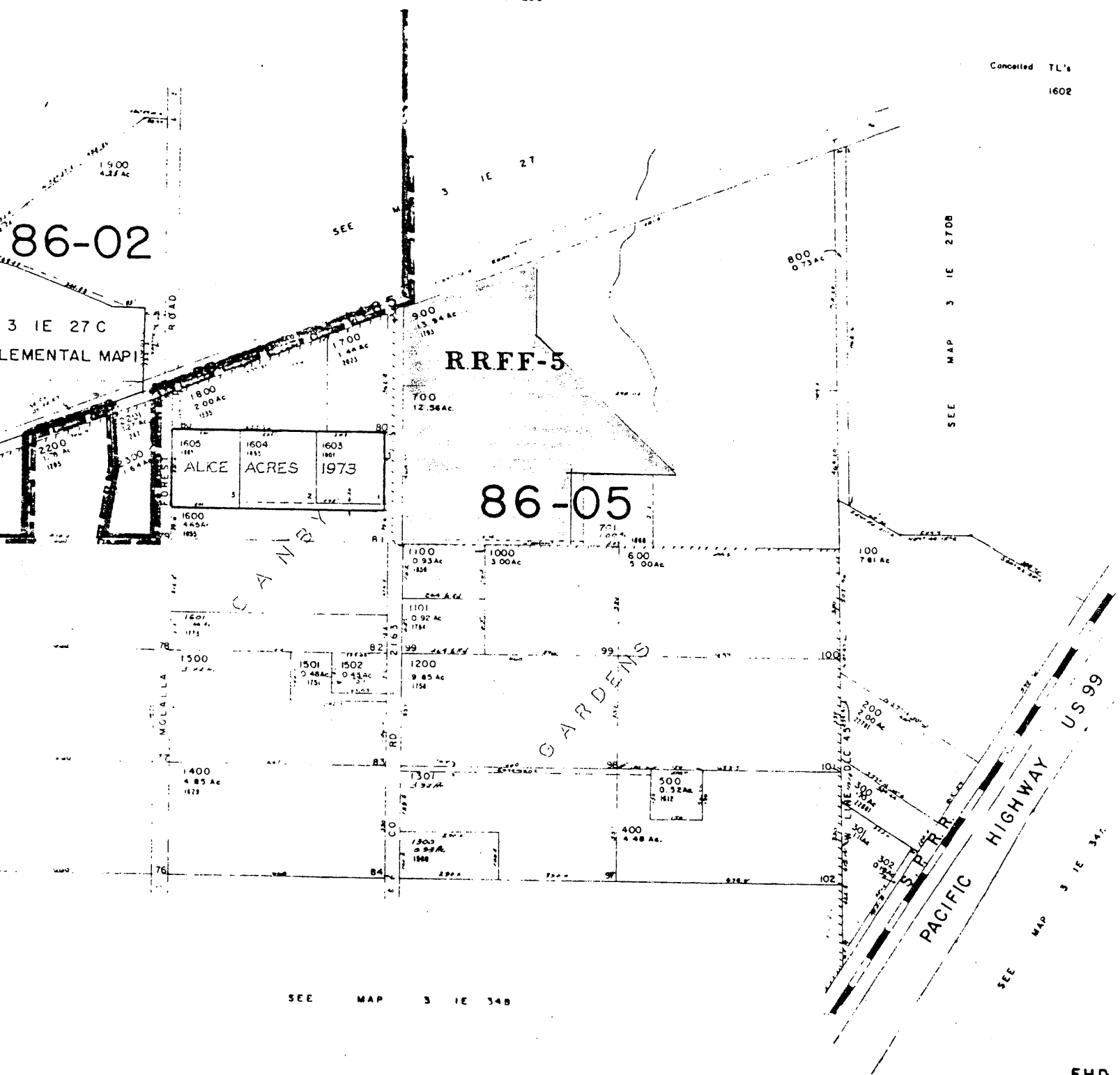
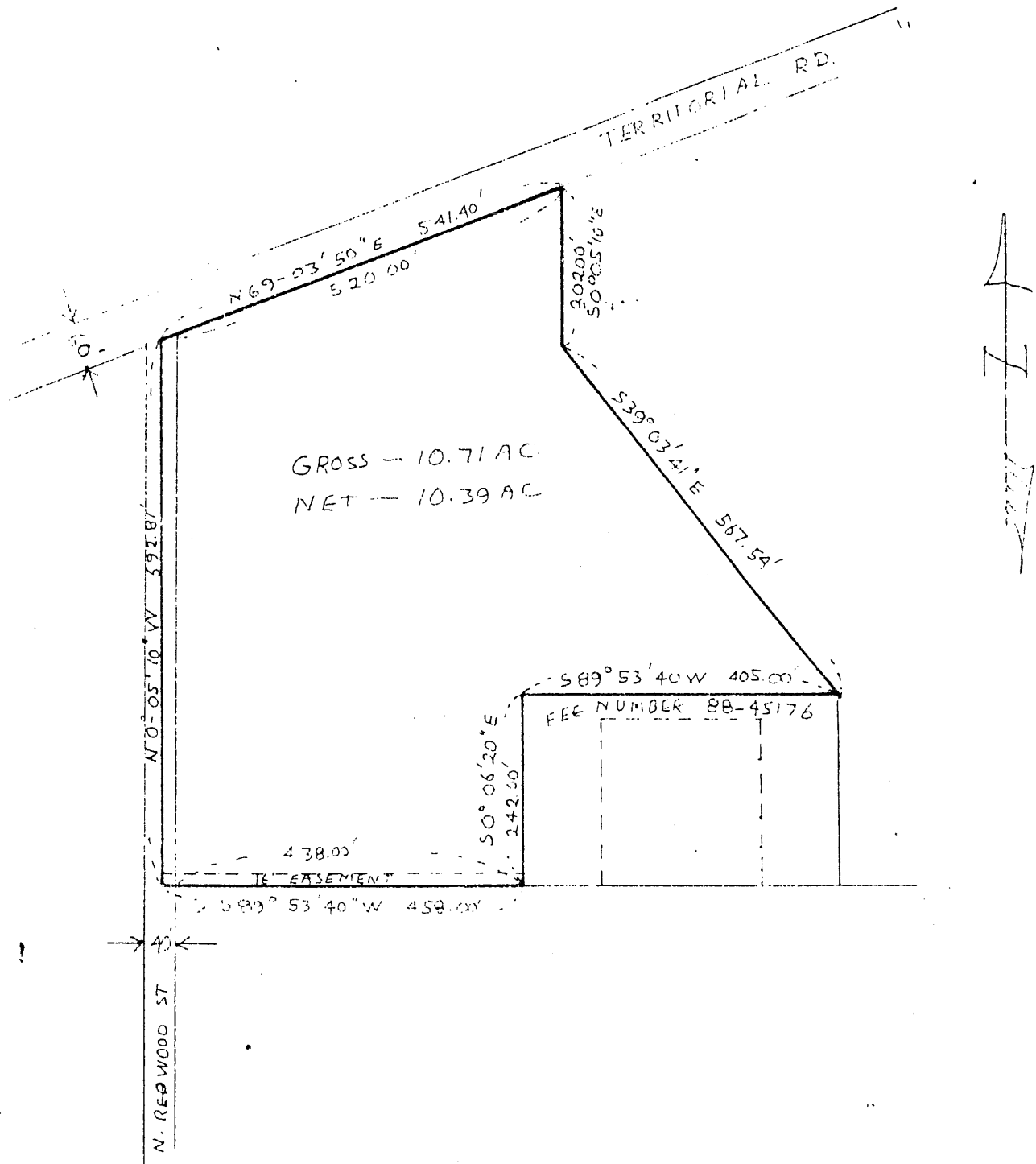


EXHIBIT IV
SURVEY AND LEGAL DESCRIPTION



LOCATION
1/4 SEC . T. . R. . W.M.
0 DENOTES 5/8" x 30" IRON ROD SET

PACIFIC SURVEYS
 141 N. GRANT ST.
 CANBY, OREGON 97013
 266-9979

CLIENT EARL OLIVER
JOB NO BY
DATE
SCALE -

A tract of land in the SW one-quarter of Section 27, T.3S., R.1E., WM., in Clackamas County, Oregon described as follows:

BEGINNING at the northwest corner of Lot 99 in the subdivision of Canby Gardens, which point is in the center of a 40.00 foot public road (N. Redwood St.); thence North $0^{\circ}05'10''$ West, along the center line of said road, 692.81 feet to a point on the South boundary of the County Road (Territorial Road) said point being the northeast corner of Lot 80 Canby Gardens; thence North $69^{\circ}03'50''$ East, along the South boundary of said County Road, 541.40 feet to a point; thence South $0^{\circ}05'10''$ East, 202.00 feet to a point; thence South $39^{\circ}03'41''$ East, 567.54 feet to the northeast corner of that tract of land conveyed to Carole Jean Berggren by deed recorded as Fee Number 88-45176 Clackamas County Deed Records; thence South $89^{\circ}53'40''$ West, along the North line of said Berggren tract, 405.00 feet to the northwest corner thereof; thence South $0^{\circ}06'20''$ East, along the West line of said Berggren tract, 242.00 feet to the southwest corner thereof, said point being on the North line of Lot 99, Canby Gardens; thence South $89^{\circ}53'40''$ West, along the North line of said Lot 99, 458.00 feet returning to the point of beginning.

SUBJECT TO the rights of the public to those portions lying within N. Redwood Street.

ALSO SUBJECT TO an easement for ingress and egress over and across a strip of land 16.00 feet wide described as follows:

BEGINNING at the northeast corner of Lot 99, Canby Gardens; thence North $89^{\circ}53'40''$ East, along the North line of said Lot 99, 458.00 feet to the southwest corner of that tract of land described in Fee Number 88-45176; thence North $0^{\circ}06'20''$ West, along the West line of Fee Number 88-45176, 16.00 feet to a point; thence South $89^{\circ}53'40''$ West, 16.00 feet North of and parallel to, when measured at right angles to said North line of Lot 99, a distance of 458.00 feet to a point in the center of the road running North and South through said Canby Gardens; thence South $0^{\circ}05'10''$ East, along the center of said road, 16.00 feet returning to the point of beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Charles H. Haylock

OREGON
JAN 21, 1988
CHARLES H. HAYLOCK
2319

EXHIBIT V

LIST OF PROPERTY OWNERS WITHIN 200' OF SITE

EXHIBIT V

LIST OF PROPERTY OWNERS WITHIN 200' OF SITE

Tax Lots From Map 31E 27

300 - Gordon Andurs Trust Co., PO Box 254, Canby, OR 97013

Tax Lots From Map 31E 27C

1603 - Floyd and Minnie Brooks, 1901 N. Redwood St., Canby, OR 97013

1600 - Dorothy Harder, 1855 N. Redwood, Canby, OR 97013

1604 - John and Donna Thompson, 1895 N. Redwood, Canby, OR 97013

1700 - Richard and Joan Hawley, 2023 N. Redwood, Canby, OR 97013

1800 - Harvey and Edith Hartman, 1335 N.E. Territorial, Canby, OR 97013

1100 - Hans and Meldrig Jacobsen, 1850 N. Redwood, Canby, OR 97013

1101 Lloyd and Joanne Walch, 1794 N. Redwood, Canby, OR 97013

1000 - Lloyd and Arlene Egli, 1864 N. Redwood, Canby, OR 97013

600 - Lloyd and Arlene Egli, 1864 N. Redwood, Canby, OR 97013

701 - Carole Jean Berggen, 1868 N. Redwood, Canby, OR 97013

1601 - John C and Betty J. Vaudt, 1773 N. Redwood, Canby, OR 97013

EXHIBIT VI
PHOTOGRAPHS OF SITE



- 1 -

View West to East



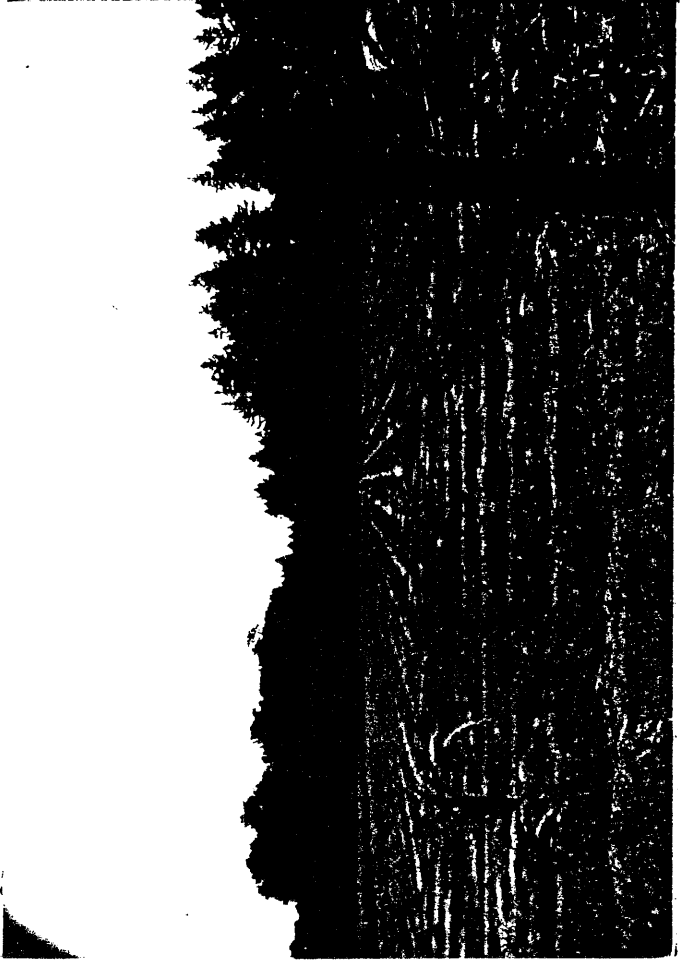
- 2 -



- 3 -



- 4 -



- 5 -



- 6 -



EXHIBIT VII
DESCRIPTION OF PROPOSED PROJECT

DESCRIPTION OF PROJECT

About the Project Called A Place In The Country

A Place In The Country is to be a planned campus that will offer alternate housing and life style for the elderly. The project is to be constructed in three phases. Phase I will consist of a sixty bed restorative nursing center, and a fifty unit, two story assisted living complex. This facility will be a medical role model, catering to frail elderly and other forms of handicap/impaired people. The sixty bed restorative nursing center is to be a replacement for the existing Canby Care Center.

With the annexation of the proposed site into the city and the desire of the Larson family to upgrade the existing facility to current health code standards and requirements, a wonderful opportunity has been presented. The site has been optioned with the intent of purchase only when a conditional use has been granted to allow such development on the specific site.

The essence of the rural nature of the site lends to a campus solution being designed as the ultimate goal. This will give both residences and the community access to its open areas which should and will be developed into a park like setting. The two story portion of Phase I should not exceed 28 feet in height from the average grade around the proposed structure.

Phase II is contemplated to be a three story, sixty unit congregate care center. This structure will be built on that portion of the site zoned R-2. The structure would not exceed 35'-0" in over all height. The foot print shown on the master plan is only suggestive, and may change when designed.

Phase III is to be a group of one story, fourplex type units housing some 24 apartments for independent living.

The total square footage of all the building foot prints would approximate 99,090 sq. ft. or 21% of the total site area of 459,511 sq. ft.

All structures will be designed to residential scale and character employing wood sidings, stone or brick veneer and tile or metal roofing. Both Phase I and II buildings will be Type V-1HR construction, fully sprinkled with fire alarm and detection. The open grounds will be landscaped mostly in grass with the use of plantings as screening at desired locations. Project cost for Phase I should be in the 3.5 to 4 million dollar range.

Description of Project continued

The Larson family has operated the Canby Care Center for 18½ years and wishes to continue to do so in the proposed new structure.

Phase I alone will create a total of _____ jobs, and bring an annual payroll of _____ to the community.

It is the Larson family's sincere desire that the community understand and accept this project as an additive attraction for people to desire Canby as a place of permanent residence.

EXHIBIT VIII
COMMUNITY IMPACT

Community Impact

1. Is this proposal consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the city?

FACT: Yes. This proposal is consistent with the Comprehensive Plan. However, the plan does not address specifically alternate housing for the elderly as so many other plans do. Please see excerpts and responses from Canby Comprehensive Plan.

FACT: This proposal is for a conditional use to allow construction of a campus type development for elderly housing which is permitted as a conditional use in an R-1 zone under 16.16.020 Conditional Uses, Line E, titled: Nursing Home; Convalescent Center; Home for the Aged, etc. of Canby Zoning Code.

2. Are the characteristics of the site suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features?

FACT: The site is basically flat with a slope from north to south and east to west. There is a natural swale that creates a wet area and is in the 100 year flood plain. The site will be developed so as not to impact this area. There are several groupings of trees which, if possible will be preserved. The total foot print of all structures will only cover 21% of the site, leaving quite a bit of area for natural flora and fauna to exist. See site plan for proposed building locations.

3. Do required public services and facilities exist to adequately meet the needs of the proposed development?

FACT: All utilities exist contiguous or immediately near site and can be expanded to serve the site. Public facilities are not a requirement for this type of development. Remember, this proposal, if granted will be to provide alternate housing for the frail elderly.

4. Will the proposed use alter the character of the surrounding area in a manner that will substantially limit or preclude the development of surrounding properties for similar use or as zoned?

FACT: This site was recently annexed into the city, and is somewhat rural in character. Surrounding properties are generally large parcels with one family residences. See ¼ section map enclosed herewith. Most surrounding properties are still in the county, but within Canby's urban growth boundary. The Phase I structure will be a single story building for the long term care portion

Community Impact continued

and two story in character for the assisted living. Height of roof should not exceed 28'-0". The proposed Phase II construction is on a site zoned R-2 and more than likely will be three stories in height not to exceed 35'-0" overall. With the annexation and the general development pattern for that side of town, it will not be long before the property is developed to its zone classification R-1 and R-2. This proposed project will not change the character of the area and will allow the area to be developed as defined by Canby Zoning Code. This is an alternative residential development for the elderly. It will neither pollute, make noise or bring a large influx of factory workers to the area. On the contrary, the Phase I portion of the development should be close to the 4 million dollar range in construction cost. This amount will afford a premium structure which does not exist in Canby at this time. Please remember that this request is for a conditional use allowed in the underlying zones of R-1 and R-2. Please remember too that old people are not bad neighbors.

EXHIBIT IX
COMPREHENSIVE PLAN FINDINGS
IN SUPPORT OF REQUEST

COMPREHENSIVE PLAN

ANALYSIS IN SUPPORT OF THIS PROJECT

Environmental Concerns

GOAL: To protect identified natural and historical resources, to prevent air, water, land and noise pollution, to protect lives and property from natural hazards.

FACT: This site, which has recently been annexed into the city, has been fallow farm land with Class III soils. There are no existing historical structures on the site.

FACT: This proposed development is for a campus-like living center for the elderly. There is no air, water, noise, or land pollution generated for the care and housing of the elderly. On the other hand, the development should enhance the development of its open areas into a landscaped park-like surrounding open to the public.

FACT: The only protection from natural hazard is to place all habitable floors of the development above the 100 year flood plain. Those areas subject to flooding will remain as part of the open area.

Transportation

GOAL: To develop and maintain a transportation system which is safe, convenient and economical.

FACT: Canby does not have a municipal transportation system.

FACT: The site is served by Tri Met.

POLICY #1: Canby shall provide the necessary improvement to City streets and will encourage the county to make the same commitment to local county roads to keep pace with growth.

FACT: Should the project go forward, a 10'-0" dedication shall be made along Redwood and Territorial.

FACT: Half of the street curb gutter and sidewalk improvements are part of the project cost.

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

Transportation continued

The improvement of Redwood and territorial fits within the city's plans for improvement of feeders and collection roads. In addition to bearing their own site improvement cost, the Larson family would participate in LID's providing improvements to their immediate involvement. All development work to be done will be done to City standards.

POLICY #3: Not applicable.

POLICY #4: Canby shall work to provide an adequate sidewalk and pedestrian pathway system to serve all residents.

FACT: See proposed master plan enclosed herewith for sidewalk and access lane layout open to public use.

POLICY #5: Not applicable.

POLICY #6: Canby shall continue its efforts to assure that all new developments provide adequate access for emergency vehicles and for safety and convenience of the general public.

FACT: See proposed master plan. Design allows for total access of fire, and other emergency vehicles

Public Facilities and Service

GOAL: To assure the provisions of a full range of public facilities and services to meet the needs of the residents and property owners of Canby.

FACT: This proposed project will have no immediate or long term effect on the public facilities and services in Canby. Because of the very nature of the project, there are no school children, so there is no impact on the schools.

FACT: There should be no more impact than there is now on Fire District 62. In fact, because of the type of construction and Fire Life Safety requirements, this project will afford its residents the optimum in fire life protection.

FACT: Because many of the residents in this proposed project are frail elderly, it becomes safe to say that the local and state park systems will not be impacted.

FACT: All required utilities are available to the site.

FACT: This site is served by Tri Met bus line.

FACT: All utilities exist to or near the site. Expansions, as required, will be part of the project development cost.

FACT: This project will have no impact on public facilities such as schools, library, senior center, etc..

FACT: This project, by the very nature of its design, may be used as a support facility during time of national emergency or natural calamity. The building will be self-sustaining during power failures.

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

Implementation Measures

- A. Continue to provide density bonuses for developments which are specifically designed to serve the handicapped and elderly.

FACT: The Phase I, 110 bed facility is somewhat more than the underlying zone may allow. But, the project meets or exceeds the intent of Line "A Implementation," above.

FACT: There are no specific goals or policies within the Comprehensive Plan that address alternate housing needs for the elderly.

Energy Conservation

GOAL: To conserve energy and encourage the use of renewable resources.

Policy #1: To encourage energy conservation and efficiency measures in construction practice.

FACT: The existing facility is a minimum insulated concrete block wall and frame roof constructed building.

FACT: The new structure, although exempt from energy code by classification of use, will exceed or meet all code requirements of Chapter 53 of the 1990 Uniform Building Code as revised to the Oregon Structural Specialty Code adopted January, 1990.

Public Facilities and Service continued

FACT: The Phase I structure will be a self-maintaining facility during emergencies, operating on its own emergency power systems. In time of great need, and because of its design use, the care center can support and provide shelter to the community in need.

FACT: Improvements to services required by this project will be developed and paid for by same.

Economic

GOAL: To diversify and improve the economy of the City of Canby.

POLICY #1: Canby shall promote increased industrial development at appropriate locations.

This policy should also include the words: businesses that raise the tax base, and employment and enhance the community.

Should this project go forward, the assisted living and long term care center will provide employment for _____ people and bring an annual payroll of _____ to the community. Not only will it provide permanent employment, but temporary employment for those involved in its construction.

This project will enhance the community and the ground it sets on using only 21% of the site for building coverage, with the remainder developed into a park-like setting with community access.

POLICY #2: Canby shall encourage further commercial development and redevelopment at appropriate locations.

With the relocation of the care center, the existing structure, of approximately 13,000 sq. ft., can be renovated into additional office space, medical clinic, community center, etc..

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

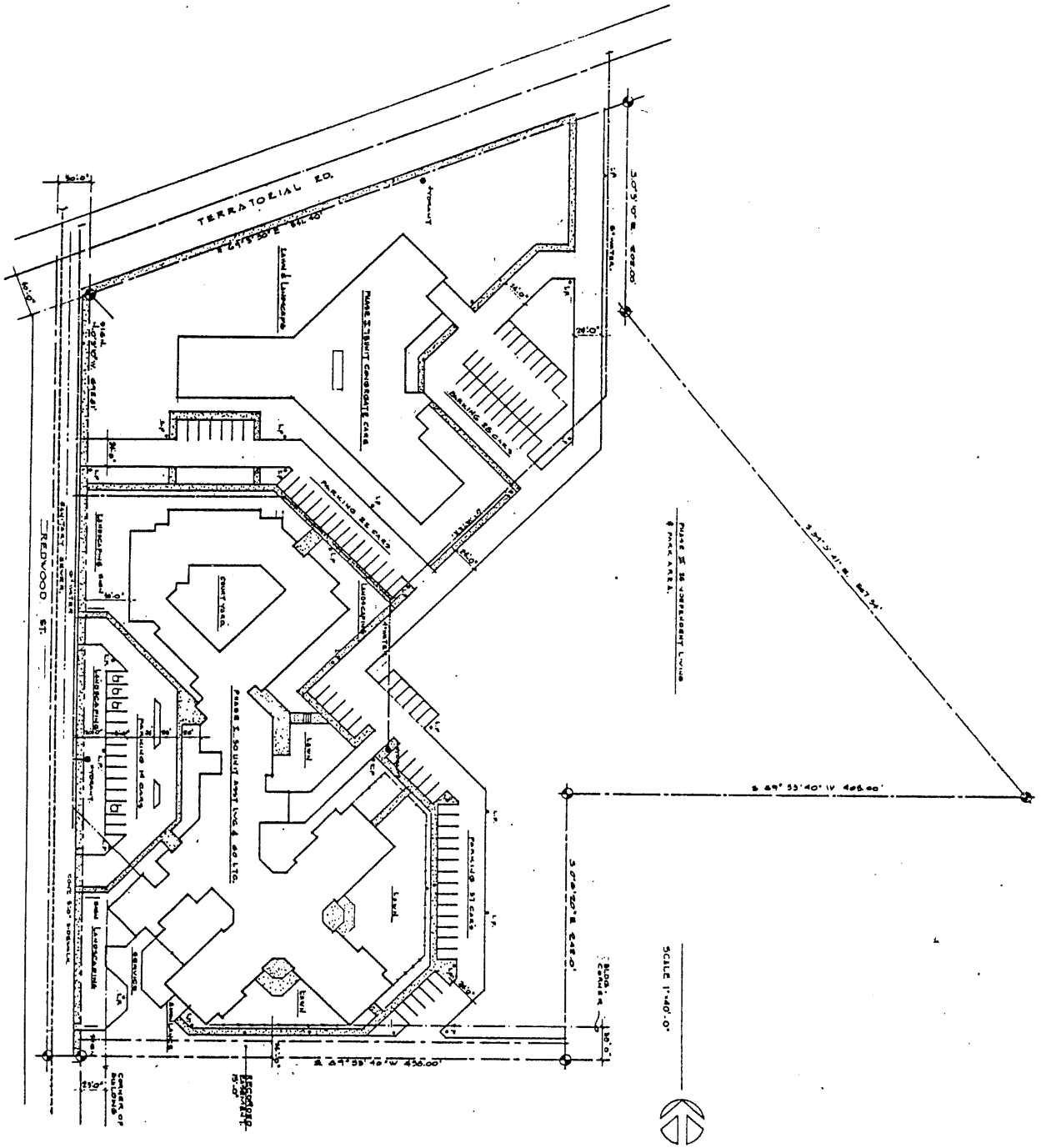
With the care center's relocation and expansion, there will be a total of _____ job openings. Not only will this project bring additional employment, but it will serve a necessary function for the community.

EXHIBIT X

PRELIMINARY DRAWINGS, SHEETS 1-3 INCLUSIVE

MASTER SITE PLAN FOR A PLACE IN THE COUNTRY
 A 75 UNIT CONGREGATE CARE FACILITY & A 110 BED ASSISTED LIVING & NURSING CENTER

0 20 40 60 80 100 120



SCALE 1"=40' 0"

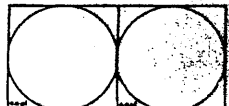


FACTS LEGEND

PHASE I	PHASE II	PHASE III
Building Center	75,000 sq ft	110,000 sq ft
Assisted Living Units	75	110
WALL FOOT PRINT	49,700 sq ft	70,700 sq ft
CONCRETE CURB	82,000 sq ft	110,000 sq ft
LAND COVERED	17,700 sq ft	70,700 sq ft
PAVE-MENT	107,300 sq ft	110,000 sq ft
TOTAL LAND AREA	479,211 sq ft	110,000 sq ft
ADDITIONAL COMMENTS	77,100 sq ft	110,000 sq ft
LANDSCAPING	110,000 sq ft	110,000 sq ft
EROSION CONTROL	110,000 sq ft	110,000 sq ft
CONCRETE CURB	110,000 sq ft	110,000 sq ft
PAVE-MENT	110,000 sq ft	110,000 sq ft
LANDSCAPING	110,000 sq ft	110,000 sq ft
EROSION CONTROL	110,000 sq ft	110,000 sq ft
CONCRETE CURB	110,000 sq ft	110,000 sq ft
PAVE-MENT	110,000 sq ft	110,000 sq ft
LANDSCAPING	110,000 sq ft	110,000 sq ft
EROSION CONTROL	110,000 sq ft	110,000 sq ft

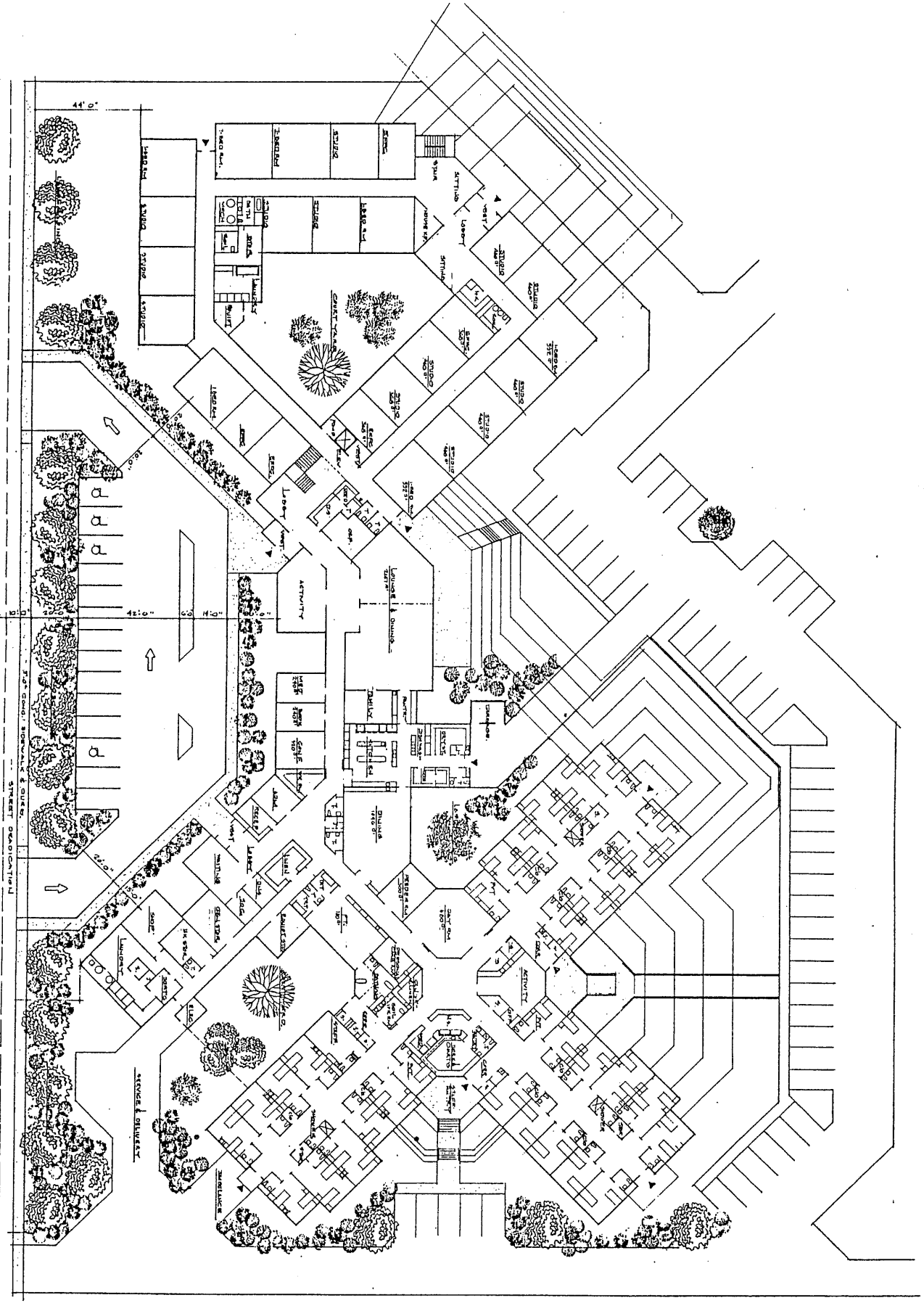
A PLACE IN THE COUNTRY
 LOCATION CANBY OR.

R. F. LOSCH & ASSOCIATES
 ARCHITECT PLANNER
 2208 S CENTRAL POINT ROAD CANBY OR. 97018
 304 765 4373



MAIN FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 SHEMATIC ONLY

REDWOOD STREET

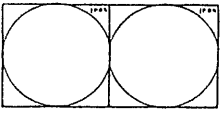


5005	2	DATE	
		BY	

A PLACE IN THE COUNTRY
 LOCATION CANBY OR

R. F. LOSCH & ASSOCIATES
 ARCHITECT PLANNER
 22016 S. CENTRAL POINT ROAD CANBY OR 97015
 303 262 6275

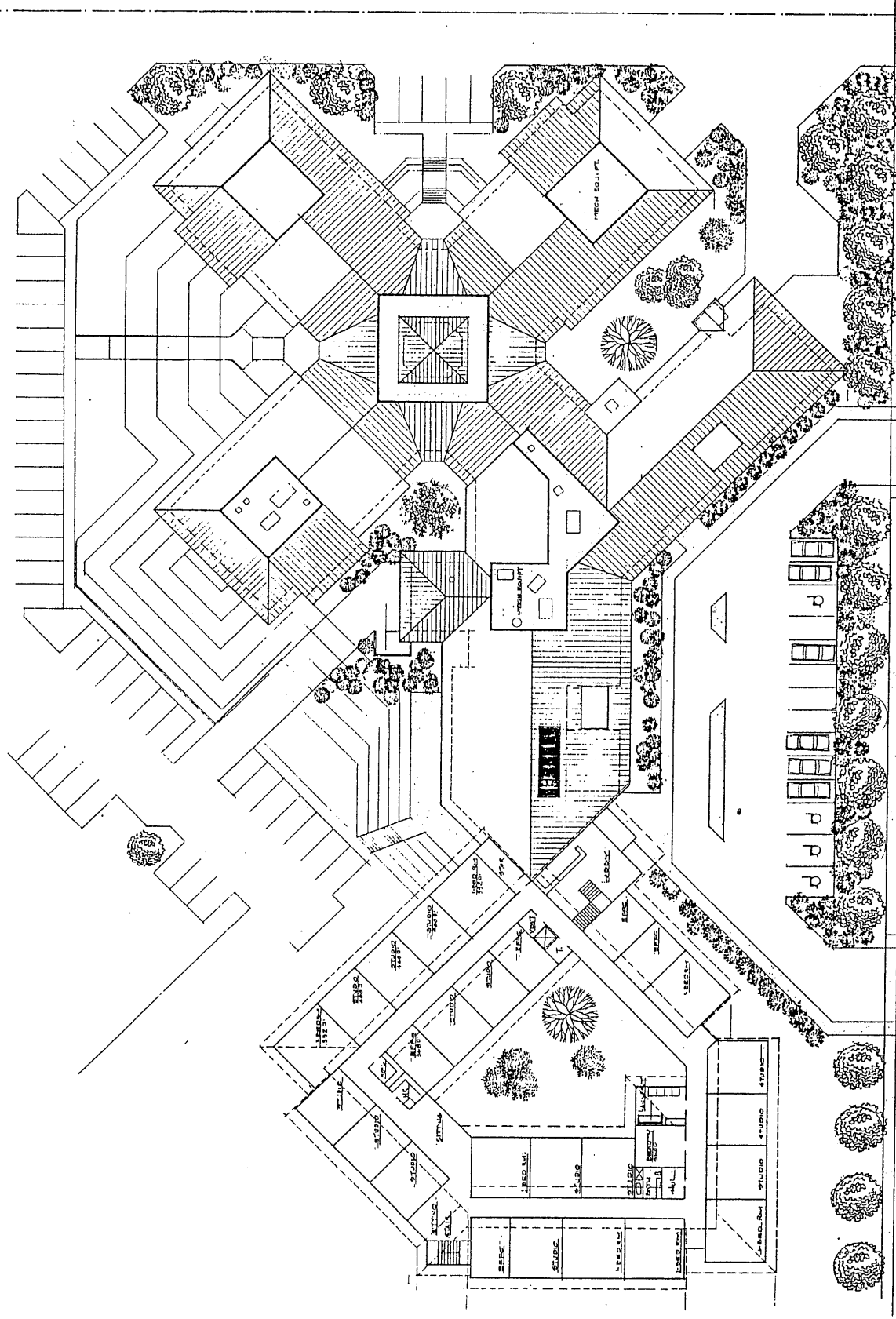
1116	1117
------	------



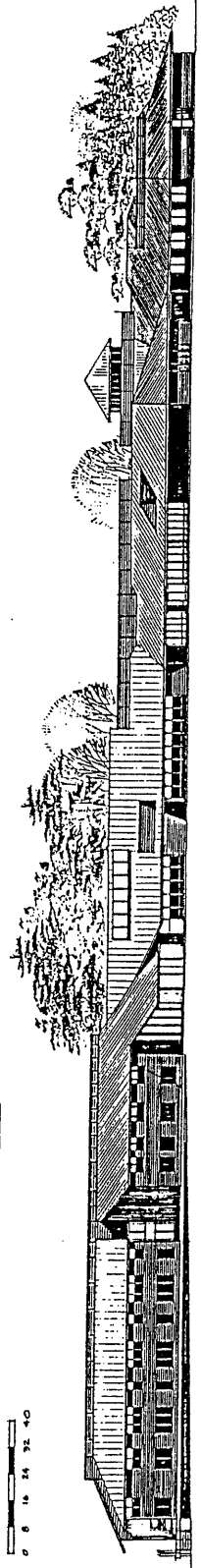
R. F. LOSCH & ASSOCIATES
 ARCHITECT PLANNER
 22016 E. CENTRAL POINT ROAD 263 4875
 CANBY, OR. 97102

A PLACE IN THE COUNTRY
 LOCATION CANBY OR.

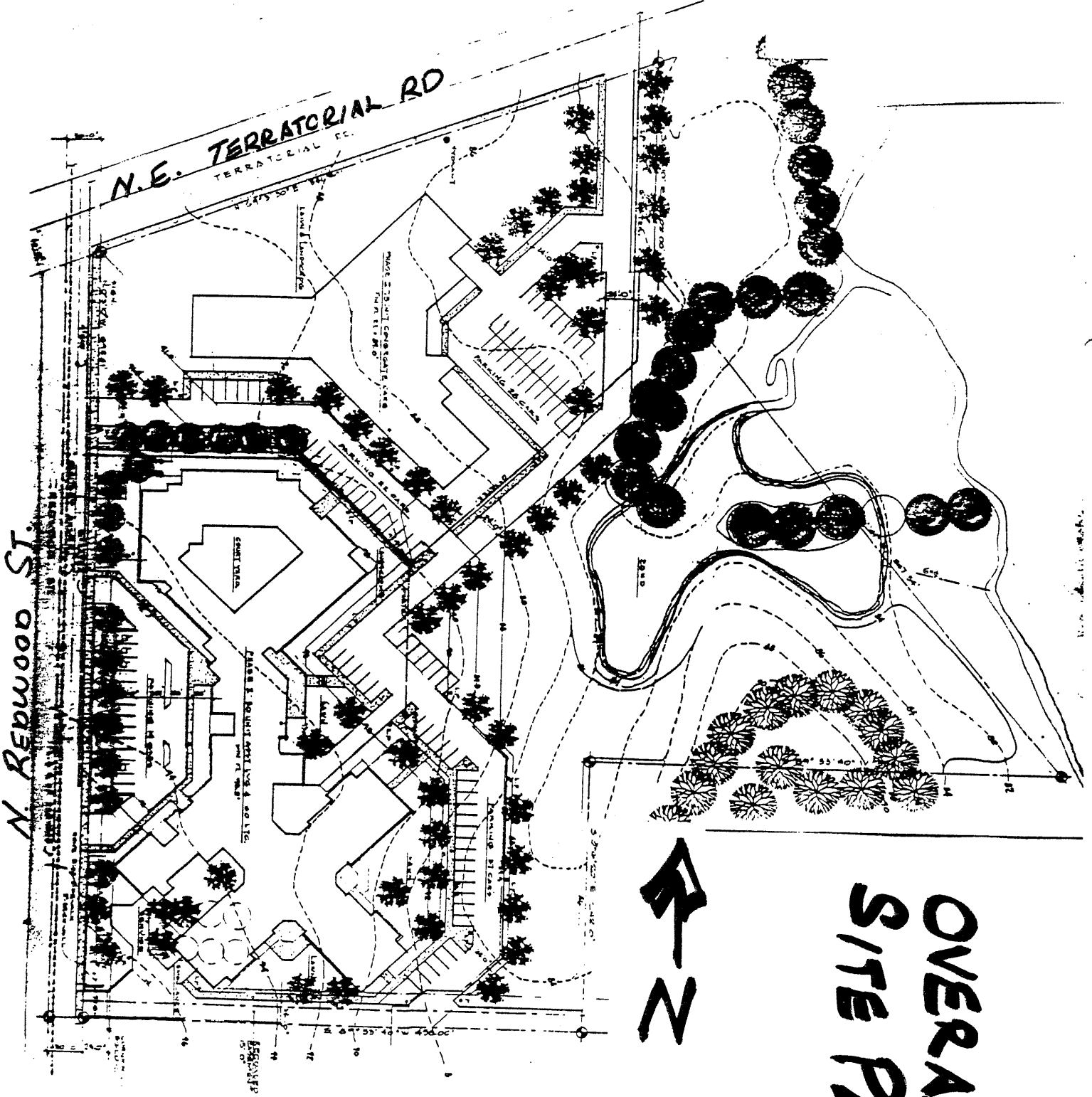
50000
 3



2ND FLOOR & ROOF PLAN 1/16" = 1'-0"

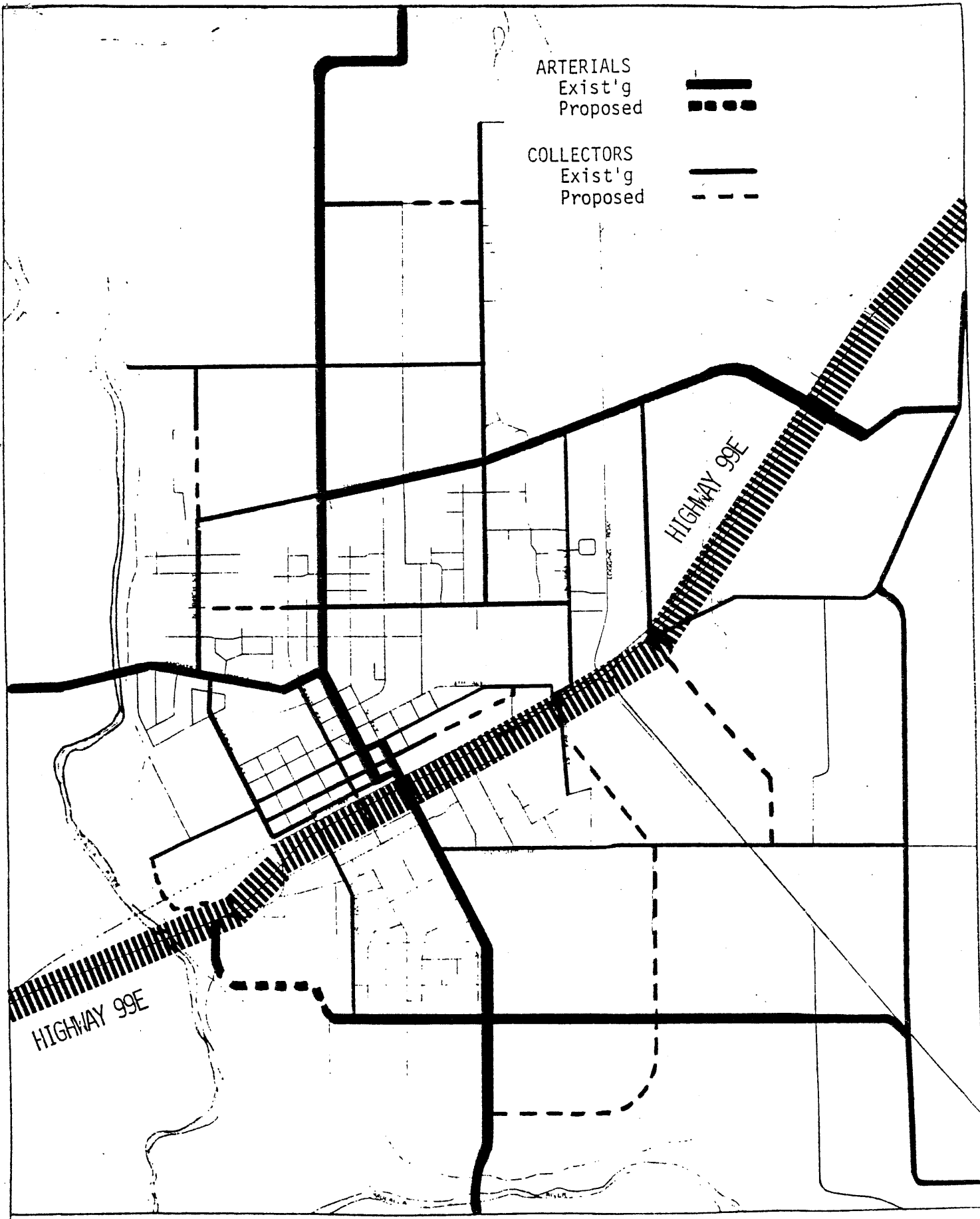


NORTH ELEVATION 1/16" = 1'-0"



R-N

**OVERALL
SITE PLAN**



CITY OF GANBY

STREET CIRCULATION

Blumberg No. 5119

EXHIBIT "B"

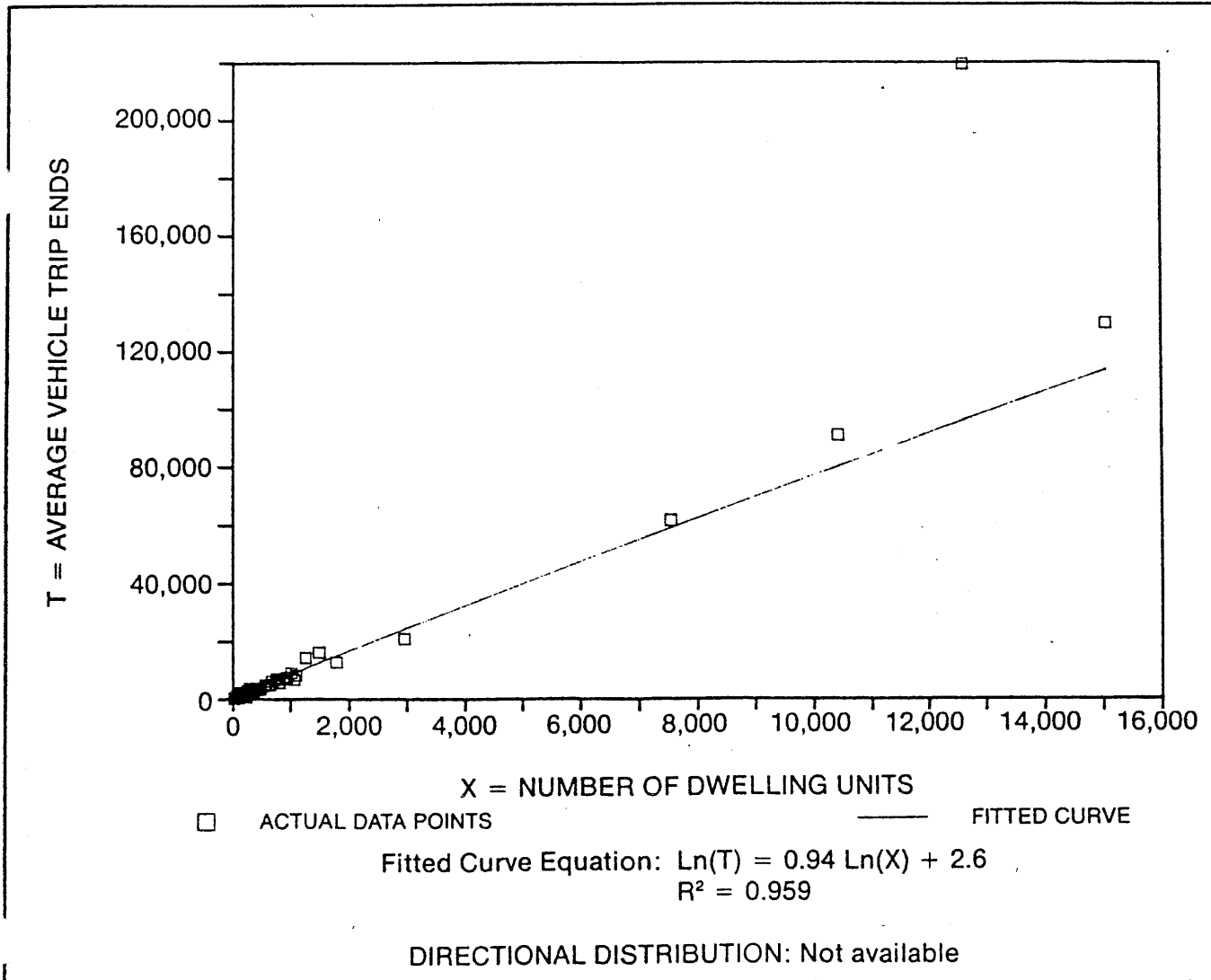
SINGLE FAMILY DETACHED HOUSING (210)

Average Vehicle Trip Ends vs: DWELLING UNITS
On a: WEEKDAY

TRIP GENERATION RATES

Average Weekday Vehicle Trip Ends per Dwelling Unit				
Average Trip Rate	Range of Rates	Standard Deviation	Number of Studies	Average Number of Dwelling Units
10.062	4.307-21.900	4.36	320	366.5

DATA PLOT AND EQUATION



LAND USE: 221 LOW-RISE APARTMENT

DESCRIPTION AND TRIP CHARACTERISTICS

This category includes apartments in buildings that have only one or two levels (floors). Examples include garden apartments and suburban apartments.

DATA LIMITATIONS

More information is required in order to provide detailed trip generation information.

AVERAGE WEEKDAY TRANSIT TRIP ENDS

0.274 per occupied unit.

SOURCE NUMBERS

11, 21, 71, 98, 110, 177, 192

LOW-RISE APARTMENT (221)

Average Vehicle Trip Ends vs: OCCUPIED DWELLING UNITS
On a: WEEKDAY

TRIP GENERATION RATES

Average Weekday Vehicle Trip Ends per Occupied Dwelling Unit				
<i>Average Trip Rate</i>	<i>Range of Rates</i>	<i>Standard Deviation</i>	<i>Number of Studies</i>	<i>Average Number of Occupied Dwelling Units</i>
6.595	5.103–9.236	2.84	22	263.6

NO PLOT OR EQUATION AVAILABLE—INSUFFICIENT DATA

DIRECTIONAL DISTRIBUTION: Not available.

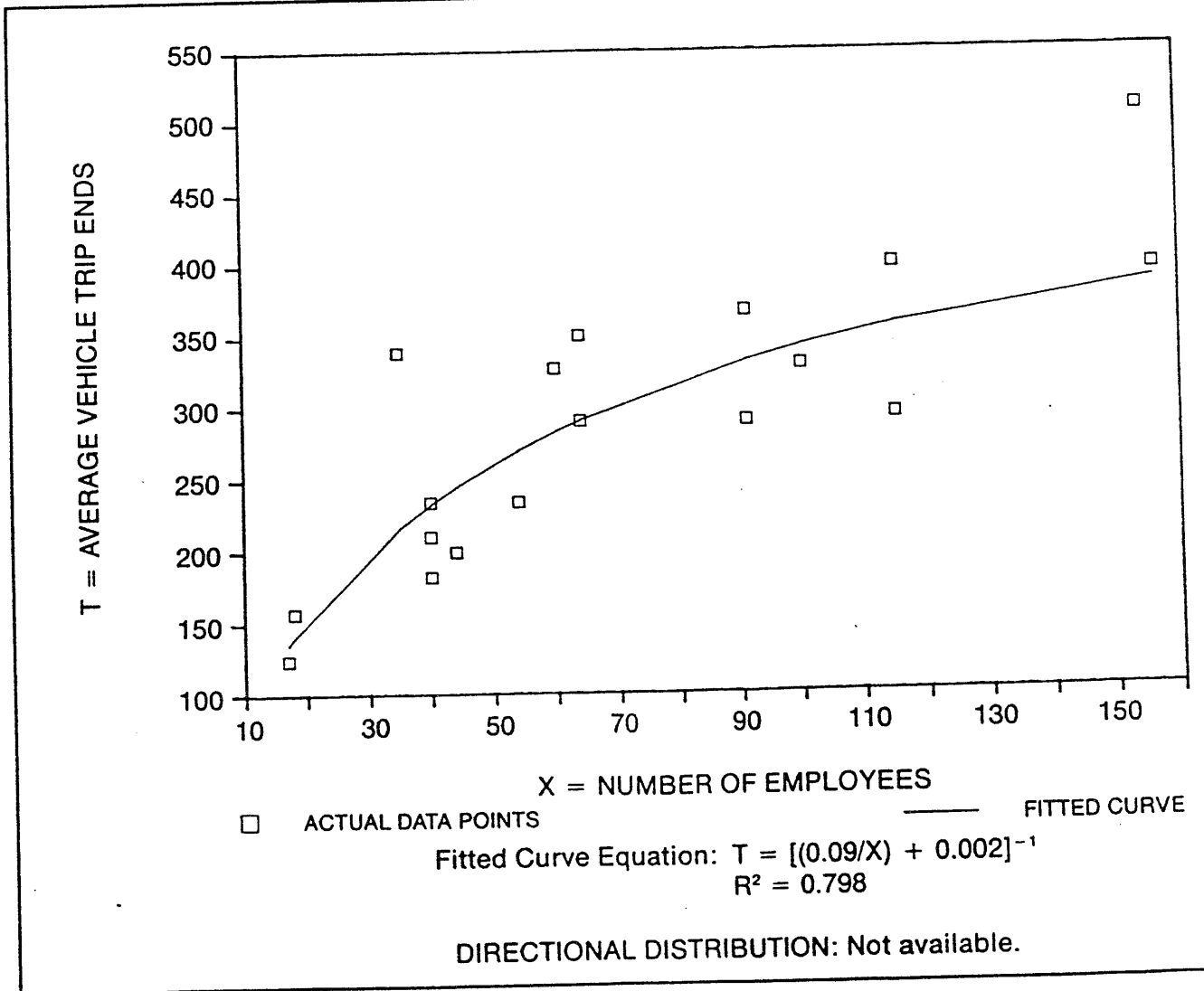
NURSING HOME (620)

Average Vehicle Trip Ends vs: **EMPLOYEES**
On a: **WEEKDAY**

TRIP GENERATION RATES

Average Weekday Vehicle Trip Ends per Employee				
Average Trip Rate	Range of Rates	Standard Deviation	Number of Studies	Average Number of Employees
4.027	2.532-9.686	*	18	72.1

DATA PLOT AND EQUATION



CONGREGATE CARE FACILITY (252)

Average Vehicle Trip Ends vs: OCCUPIED DWELLING UNITS
On a: WEEKDAY

TRIP GENERATION RATES

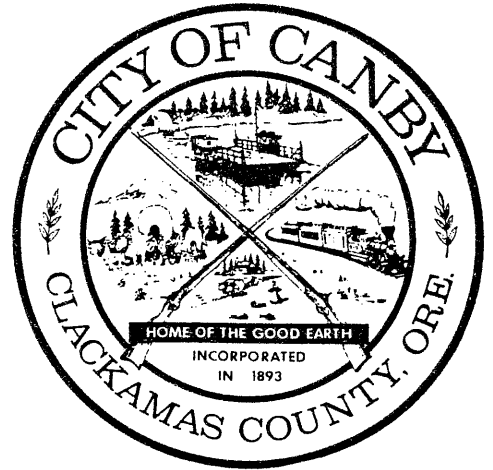
Average Weekday Vehicle Trip Ends per Occupied Dwelling Unit				
<i>Average Trip Rate</i>	<i>Range of Rates</i>	<i>Standard Deviation</i>	<i>Number of Studies</i>	<i>Average Number of Occupied Dwelling Units</i>
2.145	2.117-2.153	*	2	182.5

CAUTION—USE CAREFULLY—SMALL SAMPLE SIZE.

NO PLOT OR EQUATION AVAILABLE—INSUFFICIENT DATA

DIRECTIONAL DISTRIBUTION: Not available.

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



APPLICANT:

Gerald T. Hoffman
(Hoffman Video Rental)

FILE NO.:

VAR 90-03

OWNER:

Gerald T. Hoffman

STAFF:

Hank Skinner, City Planner

DESCRIPTION:

Tax Lot 901 of
Tax Map 3-1E-33DC

DATE OF REPORT:

August 17, 1990

LOCATION:

203 S.E. First

DATE OF HEARING:

August 27, 1990

COMP. PLAN DESIGNATION:

Highway Commercial

ZONING DESIGNATION:

C-2 (Highway Commercial)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to vary Section 16.28.030(C)(1) of the Canby Municipal Code to permit an awning to overhang approximately three feet into the Highway 99E right-of-way where zero feet of overhang is permitted.

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.

III. FINDINGS:

A. Background:

1. The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 901 of Tax Map 3-1E-1E-33DC.
2. The property contains approximately 15,225 square feet of area with frontage along Highway 99E and along S. Juniper Court.

B. Exceptional or Extraordinary Circumstances:

The building contained on the subject property was constructed during the 1940s, when Highway 99E was a smaller right-of-way. Over the years, as the highway has been widened, the subject building has been left without a setback from the right-of-way line.

Although this condition is not unique to the Canby area, it is a circumstance which has developed over many years. The newer construction to the west of the subject property, including Canby Telephone Association's new building and the convenience store at the corner of S. Ivy, both have a substantial setback from the Highway 99E right-of-way line.

Similarly, the properties to the north and east have been constructed at varying setbacks ranging from zero feet to over twenty feet.

Conclusion: Staff concludes that the nonconforming status of the building setback along the highway is a result of the gradual expansion of the Highway 99E right-of-way. Setbacks along this portion of the highway appear to all be unique and inconsistent.

C. Substantial Property Rights for the Zone:

The request, as proposed, will not alter the use of the property. A commercial retail business in the C-2 zone is permitted outright. The manufactured awning is also permitted, subject to appropriate building permits. It is only the unusual circumstance of the highway widening which has caused the need for this variance request.

Conclusion: Staff concludes that the request, as proposed, will assure the applicant the same substantial property rights as other businesses in the zone.

D. Material Detriment to the Intent of the Comprehensive Plan and Other City Ordinances:

The Comprehensive Plan identifies the subject property within a Highway Commercial District. The City Zoning Map identifies the property within the corresponding C-2 Highway Commercial Zone.

Table 16.42.100 of the Canby Sign Ordinance sets the maximum square footage requirements for signs in the C-2 zone. The subject building is permitted a maximum of 240 square feet of sign area. As shown on the awning plans (Exhibit B), the applicant is requesting approval to utilize approximately 240 square feet of the awning for signing. In order for this

to allow the request, all other existing signs, including the illuminated reader board facing S. Juniper, the main illuminated Hoffman's Video sign facing Highway 99E, and the three non-illuminated sheet metal signs must be permanently removed. The sign contractor for the job has told the staff that the applicant is willing to remove all existing signs and devote the permitted 240 square feet of sign area to the awning.

Additionally, Section 15.04.010(B) of the Canby Municipal Code states that it is the policy of the City to require any and all new development to meet State Uniform Building Codes and that any standards in the State Building Code applies as a City requirement in the same manner. In the event of a conflict between City and State codes, State Codes shall prevail.

The applicant has proposed to illuminate the awning from the inside. Chapter 5310 of the State Uniform Building Code regulates Exterior Lighting Power Budgets. The applicant would be required to limit the amount of lighting to remain in compliance with the requirements of Chapter 5310.

Conclusion: Staff concludes that this request can be made to comply so that there is no significant impact to the intent of the Comprehensive Plan or the Zoning and Municipal Code.

E. Material Detriment to Other Properties in the Vicinity:

The applicant is requesting approval to allow the construction of a 50 foot section of awning which will extend three feet over the existing five foot sidewalk along the south side of Highway 99E. It will not impact any other properties.

Mr. Bob Baker, District Maintenance Supervisor for the Oregon Department of Transportation was contacted by staff for comments regarding the request. He expressed no concern over the awning, provided that the applicant obtain all of the necessary local permits prior to construction.

Conclusion: Staff concludes that no material detriment to adjacent properties will result from the approval of this request.

F. Minimum Variance Necessary:

The application is for an awning which will extend no more than three feet from the building wall. This is the minimum which is possible for the type of awning proposed. The sidewalk in this area is five feet wide. Rather

than request approval for an awning which would cover the entire sidewalk, the applicant has limited the request to only as much as is necessary for the construction of the arched style of awning being proposed.

Conclusion: Staff concludes that the applicant has requested the minimum variance necessary to alleviate the hardship created by the unusual zero foot setback from Highway 99E.

G. Conditions not Caused by the Applicant:

The circumstances which created the zero foot setback were not caused by the applicant. The State Department of Transportation, in response to greater traffic demands along Highway 99E has, over the years, increased the width of the street right-of-way until no setback for the building existed.

Conclusion: Staff concludes that the exceptional circumstances associated with this request were not created by the applicant or his relatives acting in deliberate violation of the ordinance.

IV. RECOMMENDATION

Based on the findings and conclusions contained in this report, staff recommends that VAR 90-03 be approved, subject to the following conditions:

1. All existing exterior signs shall be removed prior to construction of the awning.
2. The lighting underneath the new awning shall not exceed the maximum exterior lighting power budget, as established by the Uniform Building Code.
3. The applicant shall obtain all necessary permits, as required by the Building Official.

EXHIBITS

- A. Application
- B. Site Plan and Awning Plans
- C. Vicinity Map

APPLICATION FOR VARIANCE

Date of Hearing _____

City of Canby Planning Commission
City Hall
Canby, Oregon

Receipt No. _____ Fee _____

Present Zone _____

Name of Applicant: HOFFMANN'S Video RENTAL Phone 266-5511

Mailing Address: 203 S.E. 1ST CANBY, OR

Who Holds Title to Property: GERARD T. HOFFMANN

Signature: _____ Date Acquired OCT. 1985

9915 MARQUAN Circle MOJAVE OR 97038
(Address) (City) (State) (Phone) #29-7533

LEGAL DESCRIPTION OF PROPERTY INVOLVED IN APPLICATION

1. Location CORNER OF JUNIPER & 99 E
2. Between _____ and _____
3. Tax Lot No. _____ Section _____, T _____, R _____

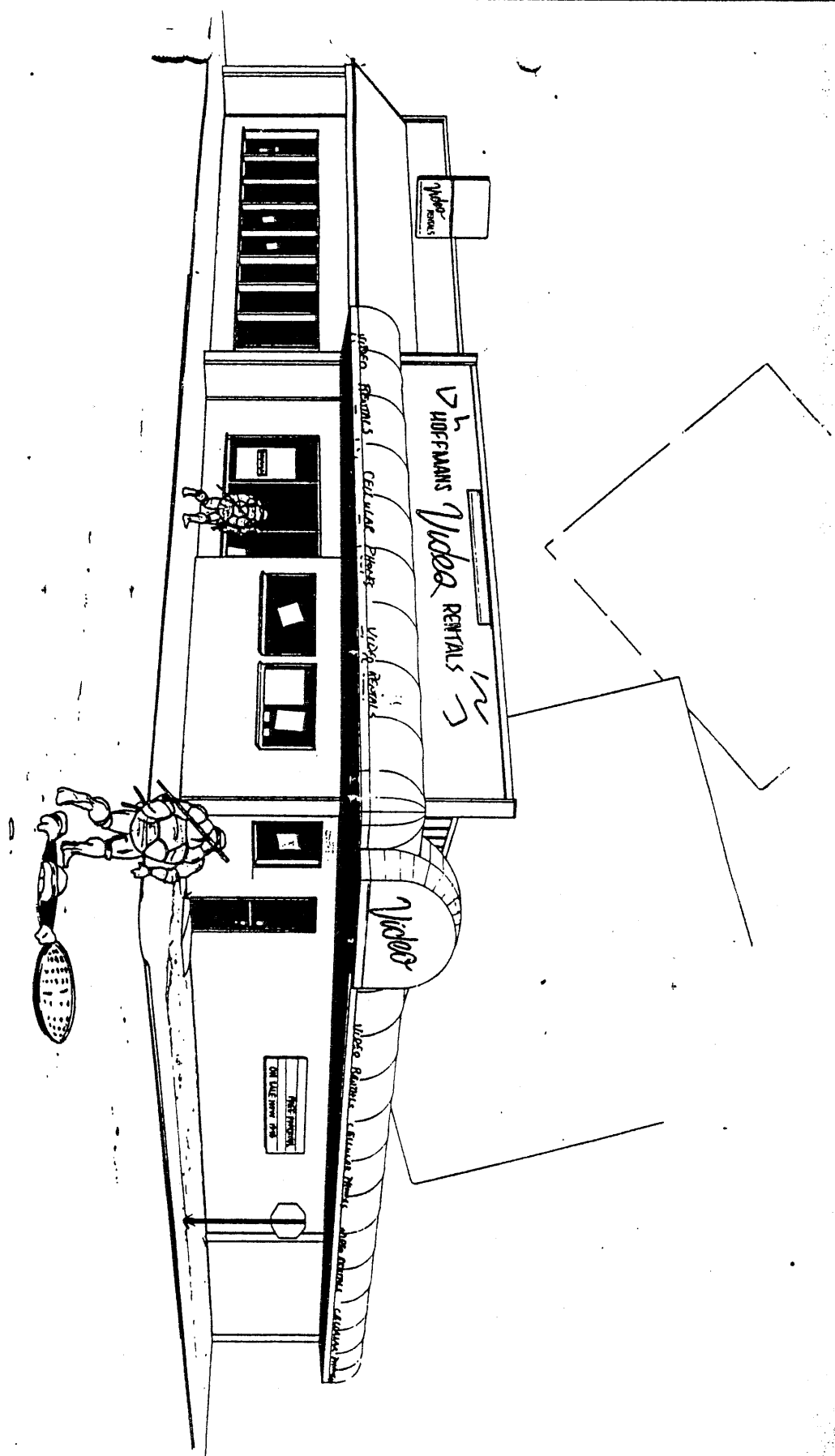
(IF YOURS IS A METES AND BOUNDS DESCRIPTION, PLEASE ATTACH SEPARATE SHEET)

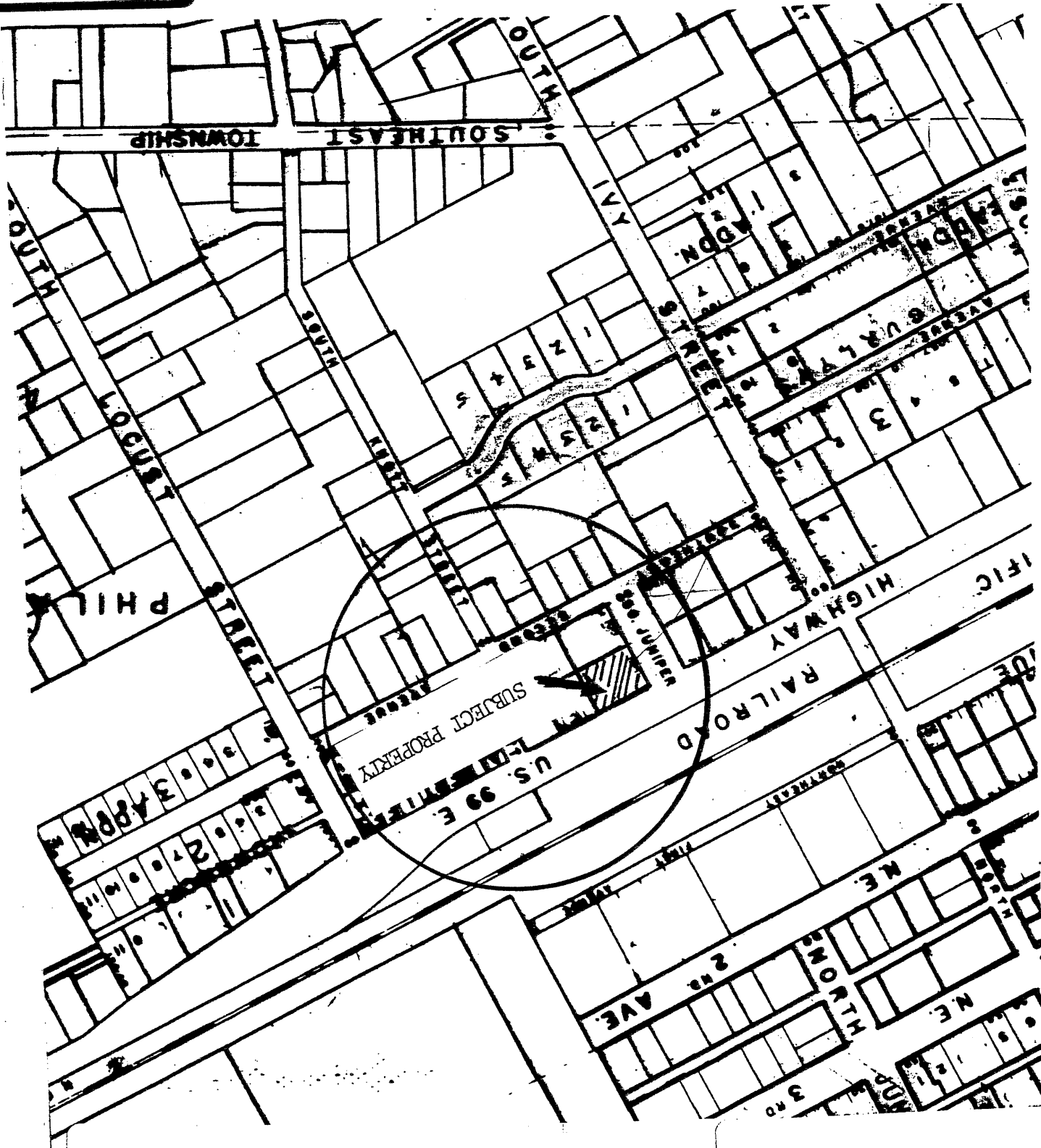
1. Square footage of property: _____
2. Present use of this property is: RETAIL STORE
3. Describe briefly the variance requested and reason for requesting the variance. TO ALLOW THE PLACING OF AN AWNING ON building extendy 3'0" OVER SIDEWALK OF STATE Right of way
4. I HEREBY CERTIFY THE STATEMENTS CONTAINED HEREIN, ALONG WITH THE EVIDENCE SUBMITTED, ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

6-15-90
Date

[Signature]
Applicants' Signature

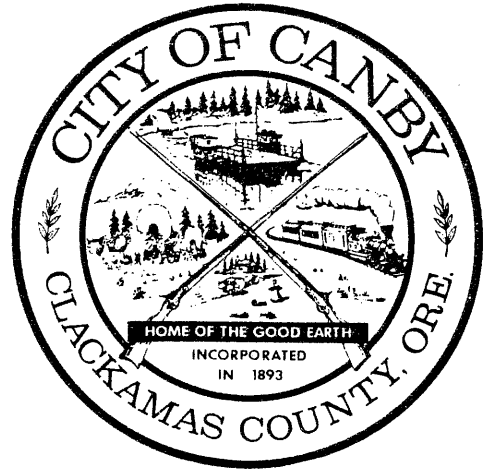






VICINITY MAP -

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



APPLICANT:

JoAnn C. Hamilton

FILE NO.:

MLP 90-09

OWNER:

JoAnn C. Hamilton

STAFF:

Hank Skinner, City Planner

LEGAL DESCRIPTION:

Tax Lot 2802
Tax Map 3-1E-28DD

DATE OF REPORT:

August 17, 1990

LOCATION:

1500 Block of N. Oak Street,
along the west side of the
southerly half street extension
of N. Oak, approved with MLP 90-06
(Helen Leach)

DATE OF REPORT:

August 27, 1990

COMP. PLAN DESIGNATION:

Low Density Residential

ZONING DESIGNATION:

R-1

I. APPLICANT'S REQUEST:

The applicant is requesting approval to divide a 0.25 acre parcel into two lots containing 0.125 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. Location:

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 2802 of Tax Map 3-1E-28DD. The property consists of approximately 2,500 square feet, with 165 lineal feet of frontage along N. Oak Street, a 30' dedicated half-street south from N.E. 16th Avenue.

The subject 2,500 square foot parcel was recently created through the approval of Major Partition 90-06 for Helen Leach (Clackamas County Survey Plat No. 1990-42).

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

1. The Canby Comprehensive Plan Map shows the subject property located in a Low Density Residential District.
2. The Residential Lands Policy No. 2 (page 140, Canby Comprehensive Plan) states the following:

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

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

C. Compliance with All Other Applicable City Ordinances:

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

In most cases, services will have to be extended a short distance to serve the parcels of property proposed to be created. The following comments can be made regarding each facility/service:

a. Sewer

The City has a sewer line in N.E. Oak, to the north. The depth of that sewer line is slightly less than five feet. The City also has a sewer line in N.E. Oak, to the south. The depth of that line is about seven feet. The extra two feet of depth makes a big difference. If sewer is brought from the north, staff would like to see engineering plans as detailed as possible, because it is going to be a tough stretch. If it comes from the south, it will be a lot easier. Sewer service will be better and it is across unimproved land.

b. Water

The water system is operated by Canby Utility Board. Capacity is available in the system. The expense of extending the lines to the newly created parcels will be the developer's responsibility.

c. Electricity

The electrical system is owned and operated by the Canby Utility Board. Service to the newly created parcel can be obtained. The expense of extending those services will be the responsibility of the developer.

d. Fire

The existing parcel is presently served by Fire District #62. The proposed parcel can easily be served as well.

e. Police

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

f. Storm Drainage

The City has a drywell at the intersection of N.E. Oak and N.E. 16th. There is an adjacent catch basin in Oak. Additional catch basins will have to be provided at the developer's expense, but the drywell has capacity and can serve the two proposed lots. All on-site storm water will be dealt with on site and not discharged to the City system.

2. Street/Traffic

Canby's ordinance requires that any newly created parcels have access to a public street. The two newly created parcels will have access to the recently dedicated Oak Street, to the east. At present, Oak Street right-of-way is only 30 feet wide. Eventually 30 feet will be dedicated from the other side of the property.

D. Overall Design of the Parcels:

The partition, as proposed, will result in the creation of two rectangular lots consisting of approximately 12,500 square feet each. Each lot will have approximately 87.5 feet of frontage along N. Oak Street. The applicant will be required to provide all necessary easements for utilities as a standard condition of approval.

The subject property is generally flat with adequate room for building.

Conclusion:

1. Staff finds that the partition requested is in conformance with the Comprehensive Plan Map and the Municipal Code.
2. Staff concludes that the overall design of the proposed partition will be compatible with the area and will provide adequate building area and area for the provision of public facilities and services.
3. Staff concludes that the partition will have adequate frontage on a public street to insure safe and efficient access.
4. Staff concludes that all necessary public services will become available through the development of the property, to adequately meet the needs of the proposed land division.

IV. 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 90-09, subject to the following conditions:

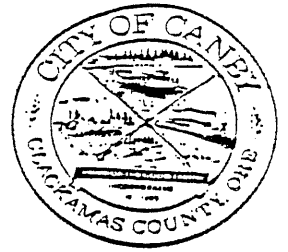
1. The applicant shall prepare a final partition map. The final partition map shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
2. A new deed and legal description for the new lot shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deed shall be provided to the Canby Planning Department.

3. A one-foot strip to the south and east shall be dedicated to the City of Canby separately, to prevent non-urban access to the City street by adjacent property owners.
4. Sidewalks along N. Oak shall be installed to City standards at the time buildings are constructed on the new parcels.
5. Construction of N. Oak to City standards shall precede development of the property.
6. Development of the extension of facilities shall be preceded by a preconstruction meeting.
7. Easements 12 feet in width shall be provided adjacent to the street dedication, 12 feet in width along the southern property line and six feet in width along all other property lines.
8. All monumentation and recording fees shall be borne by the applicant.

EXHIBITS

- A. Applicant's Application
- B. Vicinity Map

\$150.00



MINOR LAND PARTITION APPLICATION

OWNER

APPLICANT

Name JoAnn C. Hamilton
Address 1467 N. Pine St.
City Canby State Or Zip 97013
SIGNATURE JoAnn C. Hamilton

Name JoAnn C. Hamilton
Address _____
City _____ State _____ Zip _____
Phone 266-3371

DESCRIPTION OF PROPERTY

Tax Map 31E28DD Tax Lot(s) 2802 Lot Size 25000 SF
(Acres/Sq. Ft.)

or
Legal Description, Metes and Bounds (Attach Copy)
Plat Name Partition Plat 1990-42 Parcel 2 Lot _____ Block _____

PROPERTY OWNERSHIP LIST

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

USE

Existing Vacant Proposed Single Family Residential
Existing Structures None

PROJECT DESCRIPTION

Applicant proposes to divide Parcel 2 Partition plat 1990-42 into two single family residential lots. All utilities including the half street will be extended by the applicant.

ZONING R-1 COMPREHENSIVE PLAN DESIGNATION R-1

PREVIOUS ACTION (if any) MLP 90-06

File No. _____
Receipt No. _____
Received by _____
Date Received _____
Completeness Date _____
Pre-App Meeting _____
Hearing Date _____

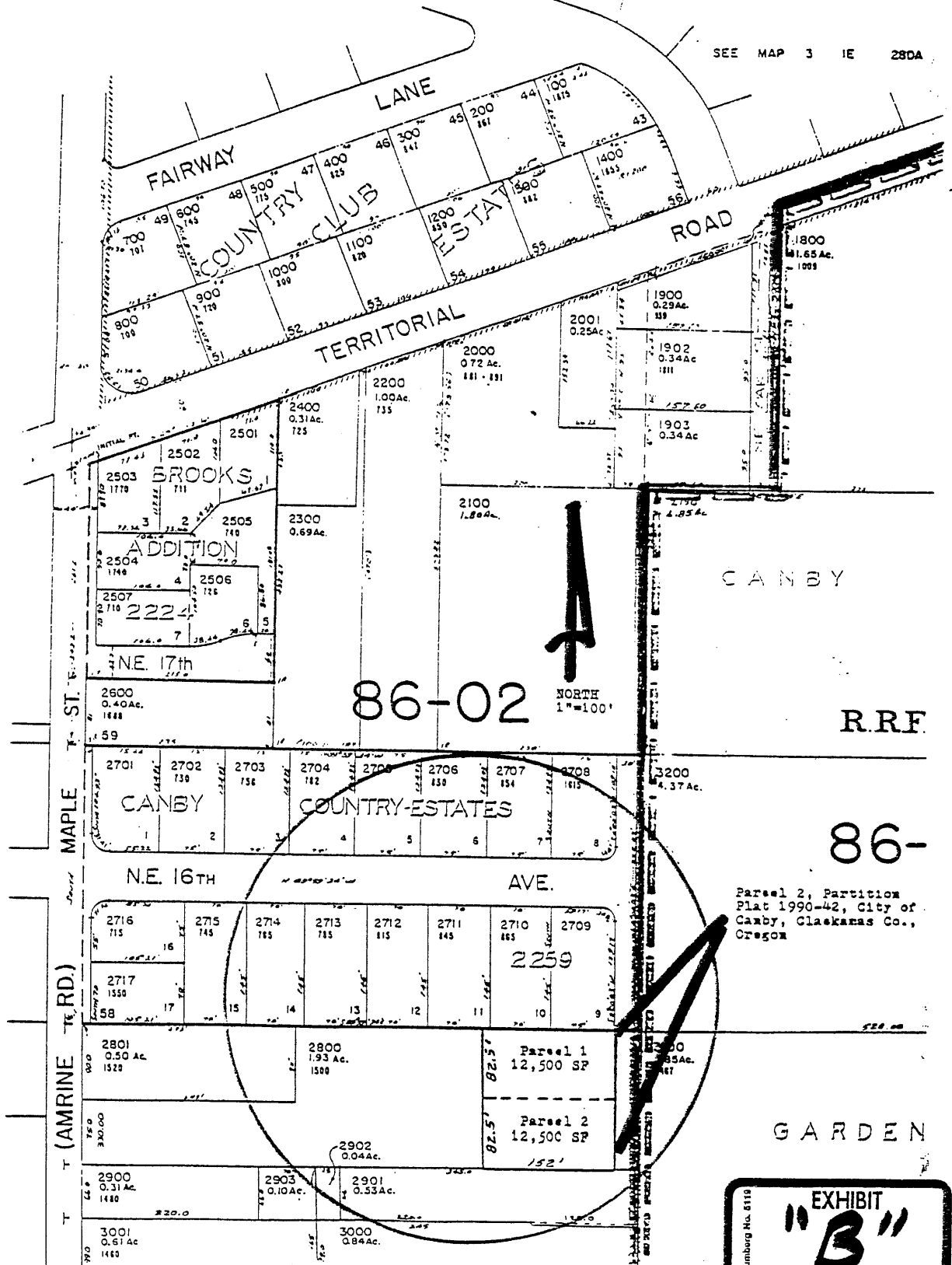
* If the applicant is not the property owner, he must attach evidence of his authority to act as agent in making application.



SE 1/4 SE 1/4 SEC. 28 T.3S. R.1E. W.M.
CLACKAMAS COUNTY

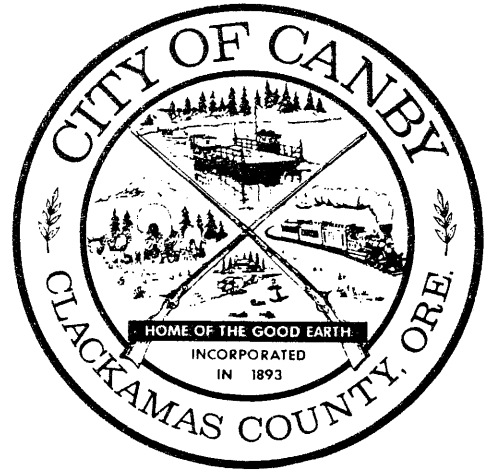
1" = 100'

SEE MAP 3 1E 280A



Blumberg No. 8119
EXHIBIT
"B"

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



APPLICANT:

Doug Sprague

FILE NO.:

ANN 90-04

OWNER:

Carl P. & Mildred E. Bremer

STAFF:

Hank Skinner, City Planner

LEGAL DESCRIPTION:

Tax Lot 200
Tax Map 3-1E-28DB

DATE OF REPORT:

August 17, 1990

LOCATION:

South side of N.E. 22nd Ave.

DATE OF HEARING:

August 27, 1990

COMP. PLAN DESIGNATION:

RRFF-5 (Rural Residential
Farm Forest 5)

ZONING DESIGNATION:

R-1 (Low Density Residential)

I. APPLICANT'S REQUEST:

The applicant is requesting approval to annex a 0.64 acre parcel along the south side of N.E. 22nd Avenue into the City of Canby.

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 that may be annexed to the City.
6. Risk of natural hazards that might be expected to occur on the subject property.
7. Effect of the urbanization of the subject property on specially designated open space, scenic, historic, or natural resource areas.
8. Economic impacts which are likely to result from the annexation.

III. FINDINGS:

A. Background:

1. Property Identification:

- a. The property is identified on the Clackamas County Assessor's Map as Tax Lot 200 of Tax Map 3-1E-28DC. The property consists of approximately 1.5 acres. The applicant is requesting approval to annex the eastern 0.64 acres of the subject property.
- b. The property is located on the south side of N.E. 22nd Avenue, and is adjacent to the Canby City Limits along its eastern property line.
- c. There is an existing residence to the west, a single family subdivision to the east, and farm land to the north and south.

2. Site Characteristics

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

B. Compliance with the Comprehensive Plan

1. Land Use Designation

The City Comprehensive Plan identifies the land use designation for the property as Low Density Residential. This land use map has been adopted by the City of Canby and Clackamas County and is subject to the City-County 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 that 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 RRFF-5 to City R-1 (Intermediate Density Residential). This zone is the corresponding zone to the Medium Density Residential Designation identified on the Comprehensive Plan Map.

3. **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. 22nd Avenue. This street currently has no 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.

C. Other City Ordinances and Policies

Zoning: The County has the subject property zoned RRFF-5 until such time as it is annexed to the City. When it is annexed, it will be zoned R-1 throughout.

D. 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).

E. Public Facilities/Services

1. Gravity Flow Sewer

Gravity flow sewer must be extended from N. Maple.

2. Water

Water is available along N. Maple and must be extended to the subject 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. 22nd Avenue. The Canby Telephone Association has provided staff with a list of requirements that 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 can be adequately services for annexation and future development.

F. Risk from Natural Hazard

No natural hazards have been identified on the subject property.

G. 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.

H. 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:

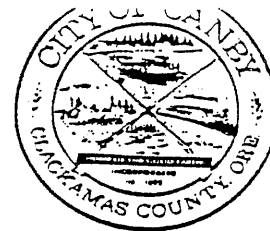
Based upon the findings and conclusions contained in this report and the additional information contained in the report, staff recommends approval of ANN 90-04, subject to the following condition:

1. The applicant shall obtain annexation approval from the PMALGBC prior to extending City services or obtaining building permits.

Exhibits:

- A. Application
- B. Assessor's Map
- C. Site Plan

ANNEXATION APPLICATION



OWNER

APPLICANT

Name Carl P. & Mildred E. Bremer
Address 597 NE 22nd Ave.
City Canby State OR Zip 97013
SIGNATURE [Signature]

Name Doug Sprague
Address 122 NE 4th Ave.
City Canby State OR Zip 97013
Phone 266-5042

DESCRIPTION OF PROPERTY

Tax Map 31E 28DB Tax Lot(s) 208 Lot Size approx 1 acre
(Acres/Sq.Ft.)

or

Legal Description, Metes and Bounds (Attach Copy) Pl. Lt.
Plat Name Pruneland Lot 52 Block _____

PROPERTY OWNERSHIP LIST

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

USE

Existing mowed Lawn Field Proposed New Residential Home
Existing Structures None

PROJECT DESCRIPTION

Four Bedroom, 2300 square foot House

ZONING County RRFF5 COMPREHENSIVE PLAN DESIGNATION Low Density Residential
PREVIOUS ACTION (if any) None

File No. ANN 90-04
Receipt No. #1031
Received by [Signature]
Date Received 7-26-90
Completeness Date 8-2-90
Pre-Ap Meeting _____
Hearing Date 9-10-90



* If the applicant is not the property owner, he must attach documentary

NW 1/4 SE 1/4 SEC. 28 T.3S. R.1E. W.M.
CLACKAMAS COUNTY

1"=100'

THIS MAP WAS FOR
ASSESSMENT PURPOSES

CANCELLED NOS.

TL 900
401
100

SEE MAP 3 1E 28 A

3 87-26'E

ROAD N. E. 22 ND AVE.

980

426.0

300
0.82 Ac.
591

200
1.50 Ac.
597

105
645

106
675

BRANDY

104
642

103
633

102
647

426.0

52

600
4.24 Ac.

86-05

F-5

PRUNE LAND

703
0.29
550

700
0.35
600

60
0.4
207

130'

Blumberg No. 519
EXHIBIT
"B"



SITE PLAN

N.E. 22ND. AVE.

50'0" 36'0"

Pl. 58' 1/2"

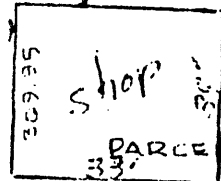
50'

Pl. 58' 1/2"
IN CONC
SW COR. LOT 52
"PRINCELAND"

120.00 LEV

50'0" 28' W 37'9.94"

Between
Building
and Prop
Line



50'0" 28' W

50'0" 37' W 30'9.5"

Mansfield

Area to be
Annexed

PARCEL II

Gate Gate

Yard

40'

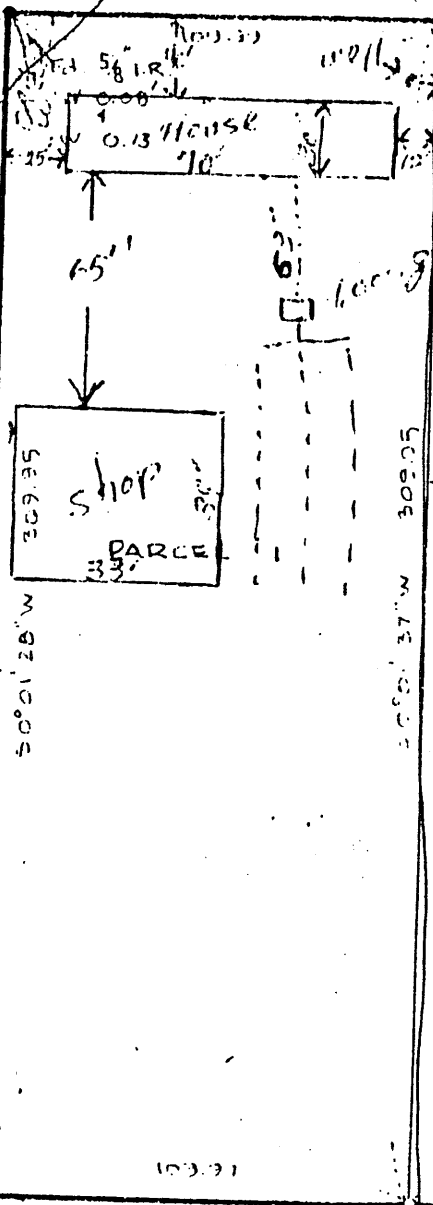
45'

90.00

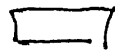
20'

Driveway

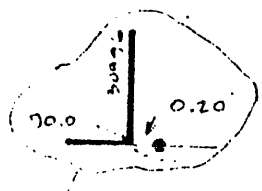
Septic



Pl. 22' 1/2"
INLET PT
"BRANDY ESTATES"



Pl. 58' 1/2"
NW COR. LOT 3
"BRANDY ESTATES"



Pl. 58' 1/2"
IN CONC

Pl. 58' 1/2"

Pl. 58' 1/2"
IN CONC
SW COR. LOT 52
"PRINCELAND"

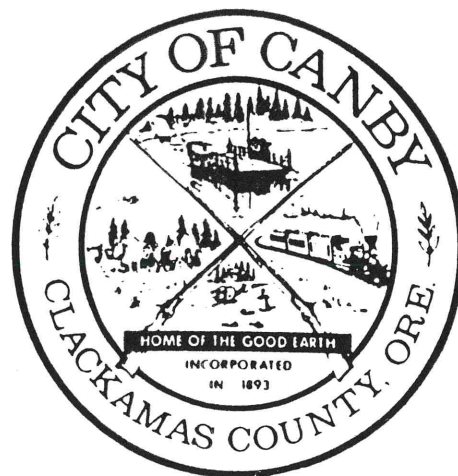
THE PURPOSE OF THIS SURVEY IS TO PARTITION THE LOT 52 AS SHOWN BEARING IN THE CENTERLINE OF NE AVENUE AS SHOWN ON P.L.S. 1974. USED WERE P.L.S. 1974 AND THE "BRANDY ESTATES". SEE LEGAL NOTES HAVE CAP PARTED "0.13".



PLANNING COMMISSION

TESTIMONY SIGN-IN SHEET

DATE: August 27, 1990



NAME (Please Print)

ADDRESS

Robert F. Losch

Jama W. Quinn

Carole Ristey

Joan Hawley

1751 N Redwood, Canby
2023 N. Redwood

Dan Larson

390 NW 2ND CANBY, OR. 97013

Miriam Larson

390 NW 2nd Canby

JOHN M. LARSON

2635 E. TERRITORIAL RD. CANBY, OR

Betsy Ross

751 N.W 5TH DR Canby, OR.

DATE: August 7, 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, August 27, 1990 at 7:30 p.m., in the City Council Chambers, N.W. Second Avenue, Canby, to consider MLP 90-08, an application by Freda Milbradt. The applicant is requesting approval to divide a .59 acre parcel into three lots and eliminate the 20' x 145' easement for Tax Lot 7700 of Tax Map 4-1E-4AB in favor of a public road dedicated to the City of Canby, to be 30' wide. The property is located east of N. Holly Street and south of S. Sixth Avenue.

In judging whether a Minor Partition should be approved, the Planning Commission must find that the application complies with all applicable criteria under Chapter 16.60.030 of the Canby Municipal Code or can be made to comply by the application of certain conditions.

Anyone wishing to comment on the proposed Minor Partition 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, August 14, 1990
Tuesday, August 21, 1990

DATE: August 7, 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, August 27, 1990 at 7:30 p.m., in the City Council Chambers, N.W. Second Avenue, Canby, to consider VAR 90-03, an application by Hoffman Video Store for approval to construct an awning and sign which overhangs the State Highway 99E right-of-way. The subject property is located at the southwest corner of South Juniper and Highway 99E (Tax Lot 901 of Tax Map 3-1E-33DC).

In judging whether a Variance should be granted, the Planning Commission must determine that the application complies with all applicable criteria under Chapter 16.88.150(D) of the Canby Municipal Code.

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, August 14, 1990
Tuesday, August 21, 1990

DATE: August 7, 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, August 27, 1990 at 7:30 p.m., in the City Council Chambers, N.W. Second Avenue, Canby, to consider CUP 90-04, an application by Daniel Larson. The applicant is requesting approval to construct a 60-bed assisted living unit, on a ten acre parcel located in the southwest corner of N. Redwood and Territorial Road (Tax Lots 700 and 900 of Tax Map 3-1E-27C).

In judging whether a Conditional Use should be approved, the Planning Commission shall find that the application complies with all applicable criteria under Chapter 16.50.010 of the Canby Municipal Code or can be made to comply by the application of certain conditions.

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, August 14, 1990

Tuesday, August 21, 1990

DATE: August 7, 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, August 27, 1990 at 7:30 p.m., in the City Council Chambers, N.W. Second Avenue, Canby, to consider ANN 90-04, an application by Doug Sprague. The applicant is requesting approval to annex an 0.64 acre parcel along the south side of N.E. 22nd Avenue into the City of Canby. If annexed, the parcel would be zoned R-1 (Low Density Residential (Tax Lot 200 of Tax Map 3-1E-28DC)).

In judging whether an Annexation should be recommended for approval, the Planning Commission must find that the application complies with all applicable criteria under Chapter 16.84.040 of the Canby Municipal Code, or can be made to comply by the application of certain conditions.

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, August 14, 1990

Tuesday, August 21, 1990

DATE: August 7, 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, August 27, 1990 at 7:30 p.m., in the City Council Chambers, N.W. Second Avenue, Canby, to consider MLP 90-09, an application by JoAnn C. Hamilton. The applicant is requesting approval to divide a 25,000 square foot lot into two lots containing 12,500 square feet each. (Tax Lot 2802 of Tax Map 3-1E-28DD).

In judging whether a Minor Partition should be approved, the Planning Commission must find that the application complies with all applicable criteria under Chapter 16.60.030 of the Canby Municipal Code, or can be made to comply by the application of certain conditions.

Anyone wishing to comment on the proposed Minor Partition 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, August 14, 1990
Tuesday, August 21, 1990