

## PLANNING COMMISSION

### Meeting Agenda

Monday, February 13, 2017

7:00 PM

City Council Chambers – 222 NE 2<sup>nd</sup> Avenue

Commissioner John Savory (Chair)

Commissioner Larry Boatright (Vice Chair)

Commissioner John Serlet

Commissioner Derrick Mottern

Commissioner Tyler Hall

Commissioner Shawn Varwig

Commissioner Andrey Chernishov

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#### 1. CALL TO ORDER

- a. Invocation and Pledge of Allegiance

#### 2. CITIZEN INPUT ON NON-AGENDA ITEMS

#### 3. MINUTES

- a. Approval of 1-23-17 Planning Commission Minutes

#### 4. NEW BUSINESS

#### 5. PUBLIC HEARING

- a. Consider a request for a Minor Land Partition of an existing 23,958 square foot lot into three parcels located at 582 N Knights Bridge Road. (**MLP 16-03 Brett & Shannon Allee**)

#### 6. FINAL DECISIONS (Note: These are final, written versions of previous oral decisions. No public testimony.)

- a. **MLP 16-03 Brett & Shannon Allee**

#### 7. ITEMS OF INTEREST/REPORT FROM STAFF

- a. Next Regularly Scheduled Planning Commission Meeting – February 27, 2017
  - SUB 17-01 Northwood Estates, Phase III Residential Subdivision
  - DR 17-01 Canby Utility Board Office and Operational Facility

#### 8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

#### 9. ADJOURNMENT

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting at 503-266-7001. A copy of this agenda can be found on the City's web page at [www.canbyoregon.gov](http://www.canbyoregon.gov). City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5. For a schedule of the playback times, please call 503-263-6287.*

## PUBLIC HEARING FORMAT

The public hearing will be conducted as follows:

- **STAFF REPORT**
  - **QUESTIONS** (If any, by the Planning Commission or staff)
  - **OPEN PUBLIC HEARING FOR TESTIMONY:**
    - APPLICANT** (Not more than 15 minutes)
    - PROPONENTS** (Persons in favor of application) (Not more than 5 minutes per person)
    - OPPONENTS** (Persons opposed to application) (Not more than 5 minutes per person)
    - NEUTRAL** (Persons with no opinion) (Not more than 5 minutes per person)
    - REBUTTAL** (By applicant, not more than 10 minutes)
  - **CLOSE PUBLIC HEARING** (No further public testimony allowed)
  - **QUESTIONS** (If any by the Planning Commission)
  - **DISCUSSION** (By the Planning Commission)
  - **DECISION** (By the Planning Commission)
- All interested persons in attendance shall be heard on the matter. If you wish to testify on this matter, please be sure to complete a Testimony Card and hand it to the Recording Secretary. When the Chair calls for Proponents, if you favor the application; or Opponents if you are opposed to the application please come forward and take a seat, speak into the microphone so the viewing public may hear you, and state your name, address, and interest in the matter. You may be limited by time for your statement, depending upon how many people wish to testify.

**EVERYONE PRESENT IS ENCOURAGED TO TESTIFY, EVEN IF IT IS ONLY TO CONCUR WITH PREVIOUS TESTIMONY.** All questions must be directed through the Chair. Any evidence to be considered must be submitted to the hearing body for public access.

Testimony and evidence must be directed toward the applicable review criteria contained in the staff report, the Comprehensive Plan, or other land use regulations which the person believes to apply to the decision.

Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision-maker and interested parties an opportunity to respond to the issue, may preclude appeal to the City Council and the Land Use Board of Appeals based on that issue.

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue may preclude an action for damages in circuit court.

Before the conclusion of the initial evidentiary hearing, any participant may ask the hearings body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The Planning Commission shall grant such requests by continuing the public hearing or leaving the record open for additional written evidence or testimony. Any such continuance or extension shall be subject to the limitations of the 120-day rule, unless the continuance or extension is requested or agreed to by the applicant.

If additional documents or evidence are provided by any party, the Planning Commission may, if requested, allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any such continuance or extension of the record requested by an applicant shall result in a corresponding extension of the 120-day time period.

**MINUTES**  
**CANBY PLANNING COMMISSION**  
7:00 PM – January 23, 2017  
City Council Chambers – 222 NE 2<sup>nd</sup> Avenue

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**PRESENT:** Commissioners John Savory, Larry Boatright, John Serlet, Derrick Mottern, Tyler Hall, Shawn Varwig, and Andrey Chernishov

**ABSENT:** None

**STAFF:** Bryan Brown, Planning Director, and Laney Fouse, Recording Secretary

**OTHERS:** Alan Olsen, Tracie Heidt, Nancy Muller, Barbara Lavis, Gloria Randolph, Carol Long, Arlena, Dana, Jean Frame, Carol Luce, Kristie Chilcote, Julie Wehling, Michelle Poyourow, Justin Sandoval, and Therese McLain

**1. CALL TO ORDER**

Chair Savory called the meeting to order at 7:00 pm.

**2. CITIZEN INPUT ON NON-AGENDA ITEMS - None**

**3. MINUTES – December 12, 2016 and January 9, 2017 Planning Commission Minutes**

*Motion:* Commissioner Boatright made a motion to approve the December 12, 2016 minutes and Commissioner Hall seconded. Motion passed 7/0.

*Motion:* Commissioner Serlet made a motion to approve the January 9, 2017 minutes and Commissioner Mottern seconded. Motion passed 7/0.

**4. PUBLIC HEARING**

- a. a. Consider a request for a Lot Line Adjustment and Minor Partition to adjust the size of two existing parcels and then create two new parcels involving property at 623 and 595 N Knott St. **(Olsen/Pierce-MLP 16-04/LLA 16-09)**

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had a conflict of interest to declare. Commissioner Serlet lived within 200 feet of this property and submitted a comment form. He would abstain from voting. Chair Savory was a neighbor and good friend of Ellen Olsen who would be testifying on this matter.

Chair Savory asked if any Commissioner had any ex parte contacts to declare. Commissioner Serlet walked by the property every day and was friends with Lyle Pierce.

Bryan Brown, Planning Director, entered his staff report into the record. This was two separate applications, a lot line adjustment and a minor partition. A lot line adjustment by itself would not normally come before the Planning Commission, but since there was a minor partition involved, it was in front of the Commission for review. The lot line adjustment would move the lot line further north to make the northern lot smaller which had an existing house, and the larger lot would be on the south. The minor partition took the larger lot and created three lots out of it. The applicants planned to construct a home site on one of the three lots. One of three lots might be rezoned to R-2. These lots met the minimum size requirements and were a few inches shy of the normal 60 foot lot width. There was discretion on the Planning Commission's part to determine if the configuration of the lots and the

street they were fronting provided an adequate means of access. Staff thought in this case since the only obstacle was being a few inches short in access along the street, it was not something to be concerned about. Normal driveways would be accessing these lots for home sites, they met the normal lot size standards, and they were reasonable for this area. He thought a finding could be made that there was appropriate and adequate access available for these lots as configured. No traffic analysis was done as there was enough capacity on Knott Street for three more lots. Because this was an already platted area and in order to implement any approval that night, there would be a partition plat filed of record to make the lots officially available. Before the plat could be done, the lot line adjustment had to be completed. The applicants might be filing two different plats to make this happen. The applicants would have to work out the details with the County. He then reviewed the conditions of approval. The homes would be subject to the residential design standards and the lots would be subject to the infill requirements in the Code that could limit or restrict how they might do a two story home. Conditions #4 and #5 would be removed as they related to flag lot partitions and did not apply. Staff recommended approval with conditions.

**Applicant:** Allen Olsen of Custom Construction Services was representing the applicants. When the tax lots were originally configured, the total square footage was 238.24 feet. To get 60 foot lots, it should have been 240 feet, so they were slightly short of that. The existing northern lot was 131.77 feet. The request was to take 12.27 feet off that to make it 119.5 feet. This would create a 60 foot lot, a 59 foot, 6 inch lot, and a 59 foot, 5 and five and a quarter inch lot. It would still create 7,000 square foot lots. Moving the lot line allowed two buildable lots plus another lot to build a home. This would fill in two large vacant areas in the neighborhood and completed the subdivision. They were willing to meet all of the necessary requirements. All utilities were available to serve the lots and they would be put in for all three lots at the same time so the street would not have to be cut again.

**Proponents, Opponents, Neutral Testimony:** None.

Chair Savory closed the public hearing at 7:25 p.m.

**Motion:** Commissioner Mottern made a motion to approve MLP 16-04/LLA 16-09 with the conditions proposed by staff except Conditions #4 and #5, Commissioner Hall seconded the motion. Motion passed 6/0 with 1 abstention by Commissioner Serlet.

## 5. NEW BUSINESS

- b. Presentation of Transit Choices Report – A Critical Decision Point in the planning process for Updating the Canby Area Transit Master Plan – presentation by Michelle Poyourow, transit planner

Michelle Poyourow, Transit Planner, discussed the Canby Transit Master Plan update. She explained the existing conditions of Canby Area Transit including the fixed route, paratransit, and dial-a-ride services.

There was discussion regarding the differences between paratransit and dial-a-ride.

Ms. Poyourow then compared transit service levels and ridership levels from 2002 to 2016. She discussed ridership relative to cost, how a transit agency should allocate its resources, and the need to balance maximizing ridership and maximizing coverage in the community. She explained barriers to ridership and access in Canby, public input from 2013, and key choices in this Master Plan update process. One of the choices was how to balance demand-response services like dial-a-ride and paratransit versus fixed routes. If Canby wanted to shift back towards fixed route service, then should service on inter-city routes like

Route 99 be increased or should a local circulator be restored. Some alternatives were keeping the existing services, adding a new local fixed route, or more Route 99 service. She discussed the next steps in the process.

c. One-year Extension of Development Agreement and Conceptual Master Plan for Phases 3 & 4, Northwood Estates Subdivision

Mr. Brown said the Northwood Estates Subdivision was part of a master plan and a signed development agreement. Not knowing how soon the phases would be developed, there was an option to extend the agreement and master plan. These had been extended for several years so that each phase could follow the concept that was originally approved. The public parks had already been dedicated to the City and constructed, so there were no additional parks planned and any Parks SDCs would be waived for the next phases. Staff recommended continuing to extend the agreement and master plan for another year. There had not been any major development changes, but there had been some change over time how drainage was handled.

**Motion:** Commissioner Varwig made a motion to continue to extend the Northwood Estates Development Agreement and Conceptual Master Plan for Phases 3 & 4, Commissioner Serlet seconded the motion. Motion passed 7/0.

## **FINAL DECISIONS**

(Note: These are final, written versions of previous oral decisions. No public testimony.)

a. Olsen/Pierce (**MLP 16-04/LLA16-09**)

**Motion:** Commissioner Boatright made a motion to the Final Findings for MLP 16-04/LLA 16-09 (Olsen/Pierce), Commissioner Hall seconded the motion. Motion passed 6/0 with 1 abstention by Commissioner Serlet.

b. Bristol (**ZC 16-05**)

**Motion:** Commissioner Mottern made a motion to approve Final Findings for Bristol (**ZC 16-05**) Commissioner Boatright seconded the motion. Motion passed 6/1 with Commissioner Serlet opposed.

## **6. ITEMS OF INTEREST/REPORT FROM STAFF**

The next regularly scheduled Planning Commission meeting would be held on Monday, February 13, 2017, for the Allee Minor Partition (**MLP 16-03**) application.

## **7. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**

Commissioner Mottern would not be able to attend the February 13, 2017 Planning Commission meeting due to work obligations.

## **8. ADJOURNMENT**

Commissioner Varwig made a motion to adjourn the meeting at 8:42 pm.



# City of Canby

## MINOR PARTITION STAFF REPORT

FILE #: MLP 16-03

Prepared for the February 13, 2017 Planning Commission Hearing

**LOCATION:** 582 N. Knights Bridge Road

**ZONING:** R-1 Low Density Residential

**Tax lots:** 31E33BC06300 (Red Bordered/Hatched Property in Map Below)



**LOT SIZES:** 23,958 SQUARE FEET (.55 AC)

**OWNERS:** Brett and Shannon Allee

**APPLICANT:** Rick Givens, Planning Consultant

**APPLICATION TYPE:** Minor Partition (Type III)

**CITY FILE NUMBER:** MLP 16-03

### I. **PROJECT OVERVIEW & EXISTING CONDITIONS**

The applicant proposes to partition an existing 23,958 square foot lot into three parcels of approximately 8,993, 7,908, and 7,002 square feet each. Parcel 1 will contain an existing dwelling. All utilities to serve the new lots will be accessed from N. Knights Bridge Road. Access to all three newly created lots is proposed from a single private 20 foot easement along the west side of the property.

**AGENCY COMMENTS:**

Review comments were solicited from the public, City departments, and applicable reviewing agencies. Summaries of comments received by the time the staff report was written are included in the report, and complete comments are part of the file.

**II. APPLICABLE CRITERIA & STAFF FINDINGS**

Applicable criteria used in evaluating this application are found in Chapter 16 of the *City of Canby's Land Development and Planning Ordinance (Zoning Code)* as follows:

- 16.04 Definitions
- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.16 R-1 Zone
- 16.21 Residential Design Standards
- 16.43 Outdoor Lighting Standards
- 16.46 Access Limitations on Project Density
- 16.56 Land Division General Provisions
- 16.58 Lot Line Adjustment
- 16.60 Major or Minor Partitions
- 16.64 Subdivisions-Design Standards
- 16.86 Street Alignments
- 16.89 Application and Review Procedures
- 16.120 Parks, Open Space, and Recreation Land General Provisions

***Chapter 16.08 General Provisions***

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***16.08.070. Illegally created lots***

In no case shall a lot which has been created in violation of state statute or city ordinance be considered as a lot of record for development purposes, until such violation has been legally remedied. (Ord. 740 section 10.3.05(G), 1984)

**Findings:** Based on available information, it appears that the subject property is a remnant parcel of land previously divided by subdivision and partitioning. The property can be considered legally created for land use purposes.

**16.08.090 Sidewalks required.**

B. The Planning Commission may impose appropriate sidewalk and curbing requirements as a condition of approving any discretionary application it reviews.

**Findings:** A sidewalk with street curb exists along the full N. Knights Bridge Road frontage of the existing property. The applicant intends to widen the existing driveway approach to accommodate a new access easement to serve Parcels 2 and 3 and the existing dwelling.

**16.08.150 Traffic Impact Study (TIS).**



This section contains standards pertaining to traffic studies including purpose, scoping, determination, submittal requirements, content, methodology, neighborhood and through-trip studies, mitigation, conditions of approval, and rough proportionality determination.

**Findings: The Planning Director determined that the increased traffic from the additional parcels eventually supporting new single-family homes does not warrant a traffic study, considering no mobility deficiency is known to exist within the area.**

**16.08.160 Safety and Functionality Standards**

The City will not issue any development permits unless the proposed development complies with the city's basic transportation safety and functionality standards, the purpose of which is to ensure that development does not occur in areas where the surrounding public facilities are inadequate. Upon submission of a development permit application, an applicant shall demonstrate that the development property will meet the standards listed in A-E of this section.

**Findings: The standards listed in the section are determined to be met as follows:**

- a. Adequate street drainage exists.**
- b. The street intersection has safe access and clear vision**
- c. Public utilities are available and adequate to serve the new homes**

***Chapter 16.10 Off Street Parking & Loading***

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Table 16.10.050 Off-street Parking Provisions

**Findings: Two Parking spaces are required for each single-family dwelling, and adequate parking will be reviewed during the building permit process. It should be noted that flag lot requirements state that adequate onsite turnarounds be provided so vehicles exist forward onto the public street.**

**16.10.070 Parking lots and access**

**B. Access**

- 6. To afford safe pedestrian access and egress for properties within the city, a sidewalk shall be constructed along all street frontages, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section shall be constructed to city standards...**

**Findings: Existing sidewalks are in place along N. Knights Bridge Road, and no sidewalk access from the street to the homes beyond the driveway itself is required for a 1 or 2 family dwelling unit.**

**16.10.070(10) (f): Distance between Driveways and Intersections for Single-family Residential Houses...:**

**Findings: It appears by the submitted site plan that access for the newly created lots will be able to comply with the required 50' separation from the nearest street intersection. The proposed driveway will maintain a 5 foot driveway setback from the property line. However, the developed adjacent parcel has an existing driveway that does not meet the standard, so the proposal will not meet a 10 foot separation from adjacent driveways. The adjacent existing non-compliance should not prevent the property owner of the subject property from developing his lot, and the Planning**



Director determined that the provision is met.

**Table 16.10.070:** Minimum dimensional Standard for Parking:

**Findings:** Parking standards will be verified during the building permit process. Minimum driveway width is 12' with a maximum of 24' for a home with a 2 car garage.

### ***16.16 R-1 Low Density Residential Zone***

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**16.16.010 Uses permitted outright:** Uses permitted outright in the R-1 zone shall be as follows:

**B.** Single family dwelling; one single-family dwelling per lot.

**Findings:** The proposed and existing single-family homes are permitted outright in the zone.

**16.16.030 Development standards:** The required development standards of the R-1 zone are listed in this section.

**Findings:** The proposed three additional lots each meet the 7,000 square foot minimum and 10,000 maximum lot sizes. In this case, the "flag" portion of the partition is not under separate ownership but developed as an access and utility easement across the property lines of Parcel 1 and 2. Subsequently, the flag area can be included with the lot size of the three parcels. The existing dwelling will meet the minimum rear setback to the proposed new property boundary, and both lots will comply with the minimum 60 foot lot width, and verification of maximum impervious area will be verified during the building permit process for new dwelling construction on Parcel 2 and 3.

### ***16.21 Residential Design Standards***

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**16.21.020 Applicability and review procedure for single family and two family dwellings.**

The standards in sections 16.21.030 through 16.21.050 apply to single family dwellings, manufactured homes, and two family dwellings (duplexes)...

**16.21.030 Single family and two-family dwelling design menu**

**16.21.040 Main entrances for single family and two family dwellings**

**Findings:** The residential design standards of Section 16.21.020-040 are applicable to new homes that will have a street facing façade. In this case, construction of the new homes will occur on proposed Parcel 2 and 3 that front on the newly created access easement and the above standards are not applicable.

**16.21.050 Infill Homes**

**B.** Applicability. These standards apply to all new infill homes as defined by 16.04.255.

**Findings:** Infill homes are defined in 16.04.255 as "existing and new single family dwellings, manufactured homes, two-family dwellings, duplexes and triplexes on lots that are located in an R-1 or R-1.5 zoning district, and that have existing homes on two adjacent sides. Each adjacent home must be within 25 feet of the common lot line with the infill homes and have pre-existed for at least 5 years (dated from the existing homes final building permit approval)."

Based on available information, parcels surrounding proposed Parcel 2 and Parcel 3 have existing dwellings with single-story homes that will be within 25 feet of a common lot line. A condition of approval to alert the home builder to the applicable infill home evaluation criteria shall be placed to assure code compliance at the time of submittal of a building permit. These include the additional 35% maximum lot coverage (building without garage area), maximum height of 28', and compliance with two story step-up height standard at the interior and rear setback lines.

### ***16.43 Outdoor Lighting Standards***

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#### **16.43.030 Applicability**

The outdoor lighting standards in this section apply to the following:

- A. New uses, buildings, and major additions or modifications:
  - 1. For all proposed new land uses, developments, buildings, and structures that require a building permit, all outdoor lighting fixtures shall meet the requirements of this Code.

#### **16.43.060 Prohibited Light and Lighting.**

- A. All outdoor light sources, except street lights, shall be shielded or installed so that there is no direct line of sight between the light source and its reflection at a point 3 feet or higher above the ground at the property line of the source. Light that does not meet this requirement constitutes light trespass. Streetlights shall be fully shielded. However, the applicant is permitted to have some unshielded lighting if lumens are within the limits of Table 16.43.070 below.

**Findings: The Planning Commission has determined with previous applications that lighting standards are not applicable to street lights. Lighting standards for new single-family homes in 16.43 are applicable. No change to street lighting is proposed or needed with this request.**

### ***16.46 Access Limitations on Project Density***

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**Findings: There is no evidence that the additional lots will impact the suitability of the existing access to lots within the neighborhood. No new roads are proposed to trigger minimum access standards. The majority of the remaining access standards of this section do not apply to residential driveways.**

### ***16.56 Land Division Regulation***

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**Findings: Chapter 16.56 contains general language regarding land divisions and has no specific evaluation criteria applicable to this minor partition.**

### ***16.60 Major or Minor Partitions***

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#### **16.60.020 Standards and criteria**

The same improvements shall be installed to serve each building site of a partition as is required of a subdivision, and the same basic design standards shall apply. If the improvements are not constructed or installed prior to the filing of the signed partition plat with the county, they shall be guaranteed in a manner approved by the City Attorney. However, if the commission finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the commission shall except those improvements. In lieu of excepting an improvement, the

commission may recommend to the council that the improvement be installed in the area under special assessment financing or other facility extension policies of the city.

**Findings: As indicated above, the standards of Chapter 16.64, Subdivision Design Standards are applicable to this proposal. The above section also gives the Planning Commission the authority to be flexible with public improvement requirements that may be unique to this case.**

**16.60.030 Minor partitions.**

Application for a minor partition shall be evaluated based upon the following standards and criteria:

- A. Conformance with the text and applicable maps of the Comprehensive Plan;
- B. Conformance with all other applicable 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 partitioning shall be allowed 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.

**Findings: The application meets the definition of a partition stated in Section 16.04.470, and more specifically as a Minor Partition in that the applicant intends to divide a single parcel into three separate lots and does not propose any new streets or roadway. Public facilities and services are presently available to serve the proposed lot by extending individual service laterals, and in the case of sanitary sewer a new sewer main, from adjacent N. Knights Bridge Road. Access to the newly created parcels will occur from a new driveway easement directly onto N. Knights Bridge Road. A condition of approval shall be placed to establish that any possible utility easement needed across the frontage of N. Knights Bridge Road by utility service providers shall be made a part of the recorded partition plat.**

**16.60.060 Final procedures and recordation.**

- A. Following the action of the city in approving or conditionally approving a tentative plat for a partition, the applicant shall be responsible for the completion of all required improvements, or the posting of adequate assurances in lieu thereof, to the satisfaction of the city engineer prior to the transfer of title of any of the parcels involved.

**Findings: The above criteria shall be listed as a condition of approval.**

- B. Recordation of an accurate survey map (Partition Plat), prepared by a registered engineer or licensed surveyor, must be completed within one year of the approval of the tentative map. One copy of the recorded survey map shall be filed with the City Planner for appropriate record keeping.
- C. The applicant shall bear full responsibility for compliance with applicable state and city regulations regarding the recordation of documents and subsequent transfer of ownership.
- D. The Planning Director may approve a single one-year extension to the original one-year period. Applicants must file a request for such extension in writing, stating the reasons the request is

needed. The Planning Director shall review such requests and may issue the extension after reviewing any changes that may have been made to the text of this title and any other pertinent factors, including public comment on the original application.

**Findings: A condition of approval shall state that a surveyed partition plat prepared by a licensed surveyor or engineer shall be recorded at Clackamas County after City review. The proposed final plat must be submitted to the city for review within one year of Planning Commission approval, or the applicant must request that the Planning Director approve a one-year extension for submittal. The applicant or county shall provide the city with a copy of the final plat in a timely manner after it is recorded at Clackamas County.**

#### ***16.64 Subdivisions-Design Standards***

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##### **16.64.010 Streets**

**M. Planting Easements.** The Planning Commission may require additional easements for planting street trees or shrubs.

##### **16.64.070**

**C. (3) Street Trees.** Street trees shall be provided consistent with the provisions of Chapter 12.32.

**K.** Street tree planting is required of the sub divider and shall be according to city requirements.

**Findings: Generally, a condition of approval would require the applicant to submit a Street Tree Plan applicable to the parcel fronting on N. Knights Bridge Road. However, in this case, existing trees are in place within the front yard of the dwelling that will remain on newly created Parcel 1 that fronts on the arterial roadway. Additionally, street tree easement standards have not been applied to partitions with flag lots and developed frontage parcels. Subsequently, the street tree criterion is not applicable to this particular application.**

##### **16.64.030 Easements**

**A. Utility Lines.** Easements for electric lines or other public utilities are required, subject to the recommendations of the utility providing agency. Utility easements twelve feet in width shall be required along all street lot lines unless specifically waived. The commission may also require utility easements alongside on rear lot lines when required for utility provision. The construction of buildings or other improvements on such easements shall not be permitted unless specifically allowed by the affected utility providing agency.

**Findings: A condition of approval shall require that all provisions of applicable utility agencies are met prior to the recordation of the partition plat.**

##### **16.64.040 Lots**

**A. Size and Shape.** The lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel shall not exceed three times its width (or four times its width in rural areas) unless there is a topographical or environmental constraint or an existing man-made feature such as a railroad line.

**Findings: The proposed lots meet the above size, width, and shape criteria.**

**B. Minimum Lot Sizes:**

1. Lot sizes shall conform to requirements of Division III...

**C. Lot Frontage.** All lots shall meet the requirements specified in Division III...

**E. Lot Side Lines.** The side lines of lots shall run at right angles to the street upon which the lots face...

**Findings: The proposal meets the above criteria.**

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

2. The access strip is to be a minimum of twenty feet in width and shall be paved for its full width from its connection with the public street to the main body of the lot. Except, however, that the width requirement may be reduced to twelve feet, for accessing a single flag lot, where the total length of the access strip does not exceed one hundred feet. Access strips not less than ten feet in width may be permitted where two such drives abut and are provided with reciprocal easements for use. For drives accessing more than two flag lots, the access strip shall be a minimum of twenty feet with reciprocal access and maintenance agreements for all lots.

**Findings: The submitted site plan delineates the required 20' wide access and utility easement along the west side of the property. However, the applicant states that only 15' of paved width will be provided for the easement. Based on the criteria listed above, the full 20' width of the easement must be paved in order to meet the provisions. The applicant mentioned that the placement of a transformer could not be included within the 20' foot paved area. If that is a problem, the easement could jog or block out an area for any utility equipment outside of the required 20' paved easement. The transformer easement area must be shown on the final plat.**

**J. Designation of Lots as 'Infill Home' Sites.** The Planning Commission may require that homes built on one or more lots adjacent to existing development be subject to any or all of the requirements of 16.21.050 - Infill Homes. Furthermore, for subdivisions where the parent parcel(s) is less than two acres in size, the Planning Commission may require that all homes built on lots in the subdivision be subject to any or all of the requirements of 16.21.050. These requirements are to be shown on the subdivision plat or included in the deed restrictions.

Infill Lots are defined in Section 16.04.255 as follows: "Infill homes mean existing and new single family dwellings, manufactured homes, two-family dwellings, duplexes and triplexes on lots that are located in an R-1 or R-1.5 zoning district, and that have existing homes on two adjacent sides. Each adjacent home must be within 25 feet of the common lot line with the infill homes and have pre-existed for at least 5 years (dated from the existing homes final building permit approval). (Ord. 1107, 2002; Ord 1237, 2007; Ord 1323, 2010)"

**Findings: It appears that proposed Parcel 2 and 3 meet the definition of an infill lot. As a condition of approval, the applicant must address criteria in 16.21.050 during the building permit site plan review process.**

**16.64.060 Grading of building sites.**

The commission may impose bonding requirements, similar to those described in section 16.64.070, for the purpose of ensuring that grading work will create no public hazard nor endanger public facilities where either steep slopes or unstable soil conditions are known to exist.

**Findings: The subject parcel is situated on level property without any indication of hazard to public facilities. Staff does not recommend a bonding requirement for grading purposes.**

**16.64.070 Improvements**

A. Improvement Procedures. In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations, or at his own option, shall conform to the requirements of these regulations and improvement standards and specifications followed by the city, and shall be installed in accordance with the following procedure:

1. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plat of a subdivision or partition. No work shall commence until the developer has signed the necessary certificates and paid the subdivision development fees specified elsewhere in this division.
2. Improvement work shall not commence until after the city is notified and if work is discontinued for any reason it shall not be resumed until after the city is notified.
3. Improvements shall be constructed under the inspection and to the satisfaction of the City. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction which warrants the change.

**Findings: Public Works department through the City's Engineer has not recommended any street improvements associated with this partition. A paved driveway approach to city standards is required for the new access onto N. Knights Bridge Road.**

5. A map showing public improvements "as built" shall be filed with the city engineer within sixty days of the completion of the improvements.

**Findings: Public improvement plans are not required so as-built plans would not be needed for this project except for the public sewer main to serve the three new lots.**

B. The following improvements shall be installed at the expense of the sub divider unless specifically exempted by the Planning Commission:

1. Streets, including drainage and street trees;
2. Complete sanitary sewer system;
3. Water distribution lines and fire hydrants;
4. Sidewalks and any special pedestrian ways;
5. Street name and traffic-control signs;
6. Streetlights;
7. Lot, street and perimeter monumentation;
8. Underground power lines and related facilities;
9. Underground telephone lines, CATV lines, natural gas lines, and related facilities;

**Findings: As previously discussed, staff recommends that improvements be limited to paved driveway approach to city standards, sewer main extension, water lateral connections, and compliance with building and erosion control standards with development of Parcel 2 and 3.**

C. Streets

2. ...monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street centerlines as required by Oregon Revised Statutes Chapter 92.

**Findings: A condition of approval addresses monumentation requirements.**

4. Prior to city approval of the partition plat, all perimeter and back lot line monumentation shall be installed and the installation of the front lot monumentation (along and within street rights-of-way) shall be guaranteed. Any monuments destroyed during improvement installation shall be replaced at the developer's expense.

**Findings: A condition of approval addresses monumentation requirements.**

9. Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, access ways, paths, or streets that serve the proposed use where the existing transportation system may be burdened by the proposed use.

**Findings: There is no evidence that the existing transportation system may be burdened by the proposal.**

D. Surface Drainage and Storm Sewer System.

3. All new subdivisions in Canby are required to treat storm water on site. Storm water management using LID practices is required where feasible, pursuant to requirements of this chapter and other applicable sections of this code. LID facilities shall be constructed in accordance with Canby Public Works Design Standards.

**Findings: All residential storm water must be retained onsite per Chapter 4 of the Canby Public Works Design Standards.**

- G. Sidewalks. Sidewalks shall be required on both sides of a public street and in any special pedestrian way within the subdivision, except that in the case of identified arterials, or industrial districts, the commission may approve a subdivision without sidewalks if alternative pedestrian routes are available. Sidewalk construction may be postponed until the actual construction of buildings on the lots, provided that adequate assurance is given that such sidewalks will be installed.

**Findings: Construction of a sidewalk along the N. Knights Bridge Road is not necessary.**

- J. Street Lighting System. Streetlights shall be required to the satisfaction of the manager of the Canby Utility Board.

**Findings: No new streetlights are proposed in conjunction with this partition.**

K. Other Improvements.

1. Curb cuts and driveway installation are not required of the sub divider but, if installed, shall be according to city standards.



2. Street tree planting is required of the sub divider and shall be according to city requirements.
3. The developer shall make necessary arrangements with utility companies or other persons or corporations affected, for the installation of underground lines and facilities....

**Findings: A condition of approval states that a city Street Opening Permit is required when curb cuts are proposed prior to home construction. Otherwise access spacing requirements will be reviewed during the building permit process, but would appear to be met based on distance to the intersection and to the nearest adjacent driveway. Street trees are not required for this case. Any existing overhead utility lines are not proposed to be placed underground with a two new lot creation.**

**M. Survey Accuracy and Requirements.** In addition to meeting the requirements as set forth in Oregon Revised Statutes relative to required lot, street and perimeter monumentation, the criteria listed in **Section 16.64.070** shall be required.

**Findings: A condition of approval states that the City Engineer or County surveyor shall verify that the above standards are met prior to the recordation of the partition plat.**

**N. Agreement for Improvements.** Before commission approval of a subdivision plat or partition map, the land divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or execute and file with the city engineer, an agreement specifying the period within which required improvements and repairs shall be completed and provided that, if the work is not completed within the period specified, the city may complete the work and recover the full cost and expense, together with court costs and reasonable attorney fees necessary to collect the amounts from the land divider. The agreement shall also provide for reimbursement to the city for the cost of inspection by the city which shall not exceed ten percent of the improvements to be installed.

**O. Bond.**

1. The land divider shall file with the agreement, to assure his full and faithful performance thereof, one of the financial choices listed in this section and meet stated provisions of the section.

**P. Guarantee.** All improvements installed by the sub divider shall be guaranteed as to workmanship and materials for a period of one year following written notice of acceptance by the city to the developer.

**Findings: Any public improvements required by the Commission shall meet the above criteria. Only a sewer main extension is proposed with the partition and will be installed prior to recording the partition plat, and if not, bonding will be necessary.**

## ***16.86 Street Alignments***

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### **16.86.020 General provisions.**

- F.** Bikeways and bike lanes shall be provided consistent with the Bicycle Plan element of the Transportation System Plan.
- G.** Pedestrian facilities shall be provided consistent with the Pedestrian Plan element of the Transportation System Plan.

**Findings: Bike lanes are currently provided on N. Knights Bridge Road.**

**16.86.040 Recommended Roadway Standards**

Specific standards for roadway design are located in the Transportation System Plan and Canby Public Works Design Standards.

**Findings: No new streets are proposed with this partition. The criterion is not applicable.**

**16.89 Application and Review Procedures**

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**Findings: This application is being processed in accordance with Chapter 16.89. Notice of the public hearing was mailed to owners and residents of lots within 200 feet of the subject development and to applicable agencies. Notice of the meeting was posted at City Hall, Library and published in the Canby Herald. This chapter requires a Type III process for minor partitions. A neighborhood meeting is not required for minor partitions. A pre-application conference was held for this application. The review procedures have been met.**

**16.120 Parks, Open Space, and Recreation Land-General Provision**

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**16.120.020 Minimum standard for park, open space and recreation land**

**A. Parkland Dedication:** All new residential, commercial and industrial developments shall be required to provide park, open space and recreation sites to serve existing and future residents and employees of those developments.

**Findings: Criteria in this section requires that System Development Charges (SDCs) be collected at the time of construction of any new home when the site is not suitable for dedication of a park or open space.**

**III. PUBLIC TESTIMONY**

Notice of this application and opportunity to provide comment was mailed to owners and residents of lots within 200 feet of the subject properties and to all applicable public agencies. All citizen and agency comments/written testimony will be presented to the Planning Commission.

**IV. Decision**

Based on the application submitted and the facts, findings, and conclusions of this report, staff recommends that the Planning Commission **approve** Minor Land Partition File MLP 16-03 subject to the following conditions of approval:

**V. CONDITIONS OF APPROVAL**

**Minor Partition Conditions Unique to This Request:**

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- 1.** New homes on Parcel 2 and 3 will be subject to the residential infill standards. The home builder must meet applicable infill home evaluation criteria listed in Section 16.21.050 that shall be addressed to assure code compliance at the

- time of submittal of a building permit and site plan review.
2. Any possible utility easement needed across the frontage on N. Knights Bridge Road by utility service providers shall be made a part of the recorded partition plat.
  3. The driveway easement shall meet the 20' paved width standard stated in Section 16.64.040(I)(2) unless otherwise specified by the Planning Commission.
  4. At the required pre-construction meeting for developing the parcels, the applicant must provide approved improvement plans that show any public water and sewer main extensions and a 5' separation between driveways.
  5. The applicant shall record a reciprocal access and maintenance agreement to accompany the final plat.

Final Partition Plat Conditions:

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6. A surveyed partition plat prepared by a licensed surveyor shall be recorded with Clackamas County after application and review of a Final Partition Plat by the City. The partition plat must be submitted to the city within one year of Planning Commission approval of the partition or the applicant must request, in writing, a one year extension from the Planning Commission. The applicant or county shall provide the city with a recorded copy of the plat in a timely manner.
7. The applicant shall bear full responsibility for compliance with applicable State or county regulations regarding the recordation of deed documents and subsequent transfer of ownership related to the newly established lot(s).
8. All provisions of applicable utility agencies shall be met prior to the recordation of the partition plat.

Monumentation/Survey Accuracy Conditions

9. The county surveyor shall verify that the survey accuracy and monumentation requirements set forth in Oregon Revised Statutes and CMC 16.64.070(M) are met prior to the recordation of the partition plat. Installation of the front lot monumentation (along and within street rights-of-way) and the replacement of any existing monuments destroyed during improvement installation shall be confirmed by the city engineer or county surveyor prior to the recordation of the partition plat.
10. Monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street centerlines as required by Oregon Revised Statutes Chapter 92. The county surveyor shall verify compliance with this condition prior to the recordation of the final plat.

Residential Building Permits Conditions:

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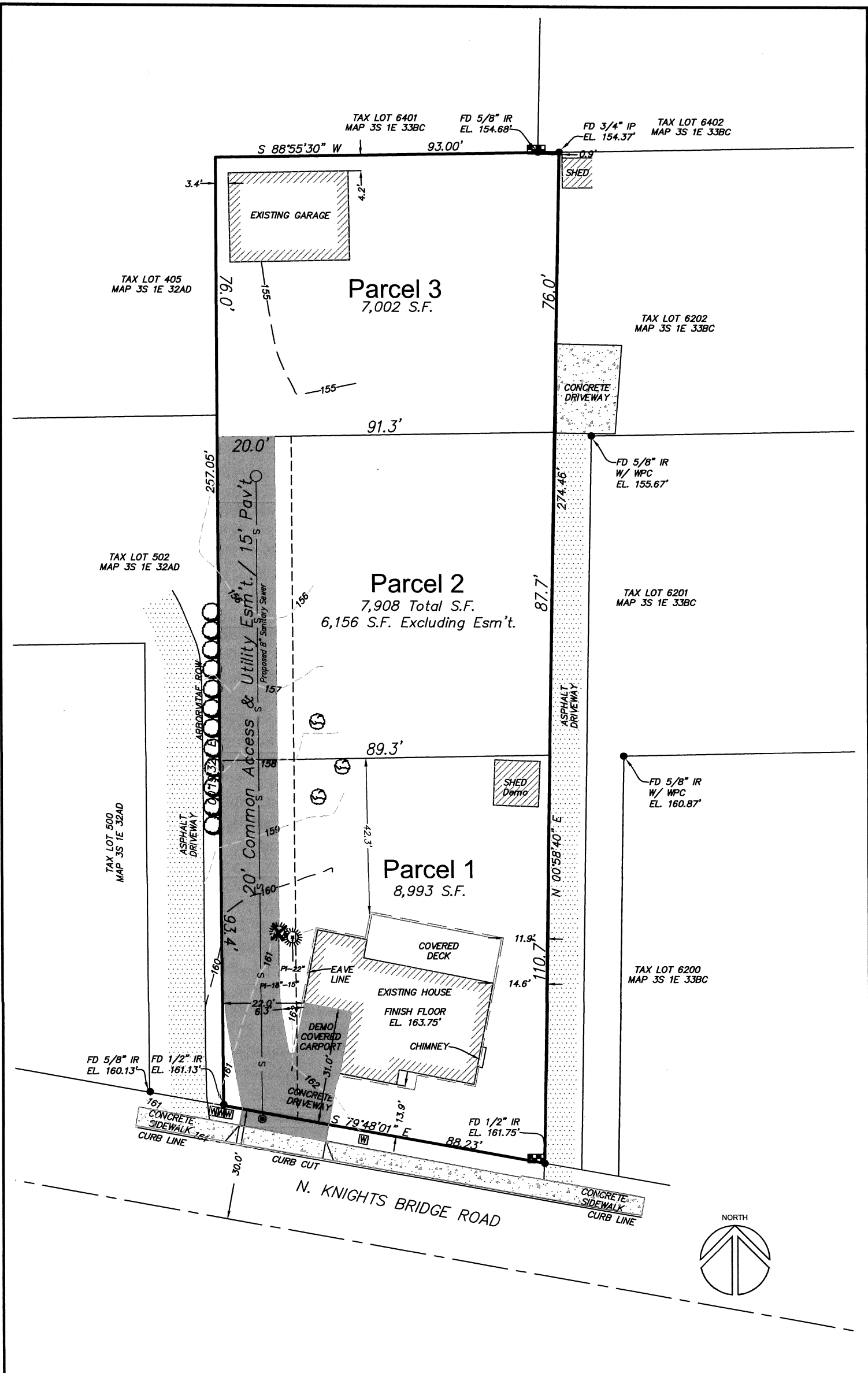
11. All work associated with the required paved driveway or utility installations associated with the new vacant Parcel 2 and 3 shall secure a street opening and/or driveway construction permit and comply with the City's current Public Works Design Standards.
12. Construction of all required public improvements and the recordation of the partition plat must be completed prior to the issuance of building permits and comply with all applicable City of Canby Public Works Design Standards.
13. The homebuilder shall apply for a City of Canby Site Plan Permit and County Building Permit for any proposed home.

14. Per the Canby Public Works Design Standards, minimum residential driveway widths at the inside edge of the sidewalk shall be 12 feet and the maximum residential driveway widths shall be 24 feet with an allowed exception for 28 feet for a home with 3 or more garages doors that face the street in a row.
15. The homebuilder for Parcel 2 and 3 shall apply for a City of Canby Erosion Control Permit.
16. On-site storm water management shall be designed in compliance with the Canby Public Works Design Standards when development is proposed for Parcel 2 and 3.
17. Clackamas County Building Codes Division will provide structural, electrical, plumbing, and mechanical plan review and inspection services for home construction. The applicable county building permits are required prior to construction of each home.

**Attachments:**

Partition Tentative Site Plan

Applicant's Narrative



Richard E. Givens, Planning Consultant  
 18680 Sunblaze Dr.  
 Oregon City, OR 97045  
 PH: (503) 479-0097

SCALE 1" = 30'

DATE: Nov. 2016

PROJECT 16-ALL-100

Minor Partition Site Plan

582 Knights Bridge Road

Brett Allee

## Application for Minor Partition

Applicant: Brett & Shannon Allee  
582 Knights Bridge Road  
Canby, OR 97013  
(503) 341-2104

Location: 582 Knights Bridge Road

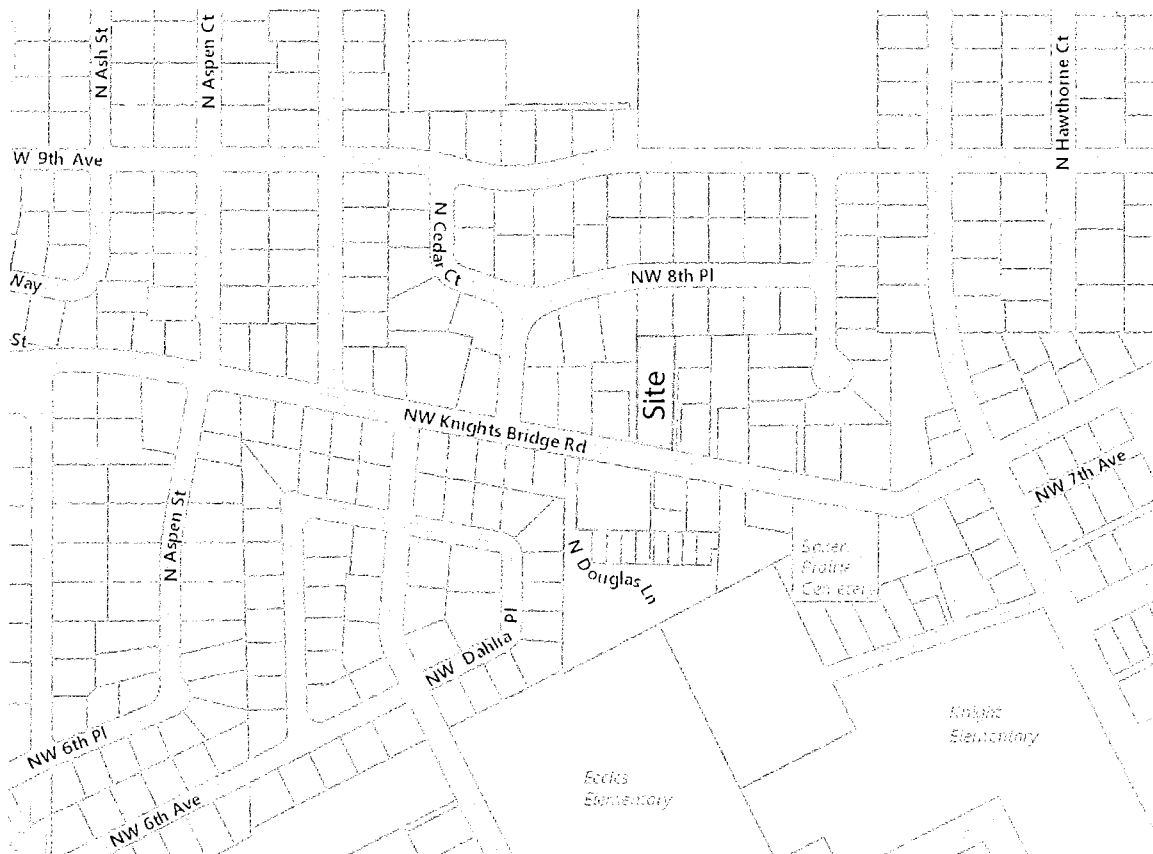
Legal Description: Tax Lot 6300, Assessor Map 3 1E 33BC

Comprehensive Plan Designation: Low Density Residential

Zone: R-1 Low Density Residential

Site Size: 0.55 Acre (23,903 square feet)

Proposal: Partition to create two new parcels for single-family residences and a parcel for the existing new single-family residence on the property, together with shared access driveway.



**SITE & PROPOSAL DESCRIPTION**

This application requests approval for a minor partition to divide property into three parcels. The existing single-family residence will reside on Parcel 1, which fronts onto Knights Bridge Rd. Parcels 2 and 3 will be used for future construction of single-family detached homes. The site is zoned R-1 and is located east of N Douglas Lane.

The site is located in an area of existing single-family residences with some redevelopment creating new single-family residences on flag lots. The site is presently developed with a single-family residence. The site is nearly flat, with no identified natural resources or physical hazards. A few trees are scattered around the site, including a street tree that will remain on Parcel 1. Two outbuildings are located on the property, but will likely be removed with the development of the property.

Parcels 2 and 3 will be accessed via a shared driveway located within a 20 foot wide easement across Parcels 2 and 3. The existing driveway approach serving the residence on Parcel 1 will be widened and be shared by all three lots. There is an existing covered driveway on Parcel 1 which will be removed to allow for the construction of the new access drive.

The following table lists adjacent uses:

**Uses Adjacent to the Site**

|       |   |
|-------|---|
| North | Single-family housing in the Oliver Addition subdivision. |
| East  | Single-family housing on flag lots.                       |
| West  | Single-family housing, including a flag lot.              |
| South | Single-family housing                                     |

The following table identifies the existing public facilities and utilities:

**Existing Public Facilities**

| Facility/Service      | Existing Status  | Proposed Improvements  |
|-----------------------|--|--|
| Streets:<br>N Knights | Sufficient right of way;<br>sidewalk                                     | Improvements to include widening of existing driveway approach to 24'      |
| Sanitary sewer        | City sewer in Knights Bridge with 8 inch stub to property with cleanout. | Connect Parcel 1 to main through a new on-site 6" pipe                     |
| Domestic water        | Line in both N Maple St and NE 10 <sup>th</sup> Ave                      | Extend new 8" City line from cleanout up easement to serve new parcels.    |
| Storm water           | Storm sewer in Knights Bridge.   | Provide infiltration chambers in rear yard of new parcels for roof drains. |



## **Applicable Criteria and Standards**

### **Identification of Applicable Criteria and Standards**

The following sections of the City of Canby Comprehensive Plan and Land Development and Planning Ordinance (“LDPO”) apply to this application:

1. Comprehensive Plan:

Urban Growth Element

Land Use Element

Transportation Element

Housing Element

2. Land Development and Planning Ordinance:

Division I. General Provisions

Division III. Zoning

16.08 General Provisions

16.10 Off-Street Parking and Loading

16.16 R-1 Low Density Residential Zone

Division IV. Land Division Regulations (sections pertinent to minor partitions)

16.56 General Provisions

16.60 Major or Minor Partitions

16.62-16.68 Subdivisions – (some standards apply to partitions)

Division VII. Street Alignments

16.86 Regulations

Division XI. Park, Open Space and Recreation Land

16.120 General Provisions

## **Discussion of Criteria and Standards**

### **COMPREHENSIVE PLAN GOALS AND POLICIES**

#### Urban Growth Element

*Goal 1) To preserve and maintain designated agricultural and forest lands by protecting them from urbanization.*

*Goal 2) To provide adequate urbanizable area for the growth of the city, within the framework of an efficient system for the transition from rural to urban land use.*

*Policy No. 3: Canby shall discourage the urban development of properties until they have been annexed to the city as provided with all necessary urban services.*

Response: The subject site is within the City's Urban Growth Boundary and is part of the land intended to accommodate the City's projected population. The proposal supports the Urbanization Element of the Comprehensive Plan.

Wise use of land within an urban growth boundary reduces the need for expanding the boundary, and impacting farmland. Higher densities, where appropriate, further this goal.

Public facilities and services are generally available to the site.

Public sewer and water are available in Knights Bridge Rd. The applicant has been advised that the City has adequate capacity to serve the site. Storm water will be managed on-site through infiltration, as with surrounding developments.

The proposal supports the City's Urban Growth Goals and Policies.

#### Land Use Element

*Goal: To guide the development and uses of land so that they are orderly, efficient, aesthetically pleasing, and suitably related to one another.*

*Policy No. 1: Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses while grouping compatible uses.*

*Policy No. 2: Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.*

*Policy No. 3: Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.*

*Policy No. 4: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.*

*Policy No. 6: 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.*

Response: The City's Comprehensive Plan designation for the site calls for Low Density Residential development. The proposal provides for needed housing within an area planned for residential development. The existing R-1 zone applied to the property implements the Low Density Residential plan designation.

Public facilities are available to the site, as discussed above. There are no natural hazards associated with the site, and no wetland or other environmental issues.

The site is not designated as an "Area of Special Concern" in Policy No. 6.

Based on this review of relevant policies, the proposal has been shown to support the Land Use Element of the Comprehensive Plan.

#### Transportation Element

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

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

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

*Policy 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.*

Response: N. Knights Bridge Road is constructed to full City standards. The pre-application conference notes indicate that no improvements to the street are needed. The existing driveway approach will be widened to serve all three parcels and a shared driveway will be constructed to service Parcels 2 and 3.

Based on this review of relevant policies, the proposal has been shown to support the Transportation Element of the Comprehensive Plan.

#### Housing Element

*Goal: To provide for the housing needs of the citizens of Canby.*

*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.*

Response: The site is designated for Low Density Residential development and has sufficient site area to allow for a total of 3 lots under the implementing R-1 zone. The site is well located for development, fronting on a major street, with connections to the established area of Canby, including downtown and the shopping area along Highway 99E.

Based on this review of relevant policies, the proposal has been shown to support the Housing Element of the Comprehensive Plan.

### *Division III. Zoning*

#### *Chapter 16.08 General Provisions*

Knights Bridge Road has appropriate sidewalk and curbing and no improvements are needed. The existing driveway approach will be widened and a new access driveway extended from it to serve Parcels 2 and 3. The required easements will be granted for shared access and utilities, as well as to the City of Canby for maintenance of the sanitary sewer easement to be constructed within the accessway.

All fencing heights will meet the requirements of Sec. 16.08.110.

A Traffic Impact Study per Sec. 16.08.150 isn't required per Planning Director.

#### *Chapter 16.10 Off-Street Parking and Loading*

The parking requirement for single-family dwellings is two spaces per dwelling unit (Table 16.10.050). The existing residence on Parcel 1 will meet this requirement by having one space in the driveway where the covered carport will be removed, and one within the garage on the property. Parcels 2 and 3 will meet this requirement with driveways and garages to be constructed on these parcels in the future. Compliance will be reviewed at the time of building permit application.

The minimum access width per Sec. 16.10.070.B for single-family dwelling is 12 feet for up to 2 units and 20 feet for 3 units. The driveway will be more than 20 feet wide to the point where Parcel 1 is accessed and then will be reduced to 15 feet in width at the point where it services Parcels 2 and 3. The access driveway will be located within a 20-foot wide easement to meet minimum clearance requirements for fire purposes.

#### *Chapter 16.16 R-1 Low Density Residential Zone*

The proposal for minor partition will create three parcels. The existing single-family residence will reside on Parcel 1. Parcels 2 and 3 will be suitable for single-family residences. The proposed residential use is allowed outright in the zone (Sec. 16.16.010.A).

New lots in the R-1 Zone are required to meet the development standards specified in Sec. 16.16.030.

The minimum and maximum lot areas per Sec. 16.16.030.A are seven thousand and 10,000 square feet, respectively. Parcels 1 and 3 meet this requirement. The total area of Parcel 2 is 7,908 sq. ft. However, the provisions of Sec. 16.04.300 preclude inclusion of the access easement in the calculation of lot area with respect to this parcel:

***16.04.300 Lot area. Lot area means the total horizontal area within the boundary lines of a lot, excluding the access strip servicing a flag lot.***

The area of Parcel 2, exclusive of the 20' access easement is 6,156 sq. ft. Section Sec. 16.16.030.B allows the creation of lots as small as 6,000 sq. ft. in the R-1 zone as long as the average of all lots proposed is at least 7,000 sq. ft. In this instance, the average lot area is 7,384 sq. ft. Where more than 10 percent of the lots in a development are less than 7,000 sq. ft., it must be demonstrated that there is a public benefit associated with allowing the smaller lots. In this instance, since one lot out of three is 33.3% of the proposed lots, that test must be met.

The public benefit associated with allowing the lot area exception proposed, as required in Sec. 16.16.030.B.2, is making the most efficient use of the supply of vacant land within the Urban Growth Boundary, thereby reducing the future need to expand the UGB to include more resource land. It also makes the most efficient use of existing public facilities and services in the area by increasing the number of lots served by those existing services. Finally, this proposal will create a lot pattern similar to that found on adjoining property to the east, which leads to a uniformity in lot configuration and thus better fitting in with existing neighborhood.

Per Sec. 16.16.030.C, the minimum width and frontage of a lot is 60 feet. Parcel 1 is 88.23 feet wide and satisfies this requirement. The parcels to the rear of Parcel 1 lack road frontage, but meet width standards. A lesser frontage may be approved by the Planning Commission with conditions to assure adequate access. The proposed shared access driveway will serve to meet this requirement.

All minimum yard requirements will be met, Sec. 16.16.030.D. The setbacks for homes to be built on Parcels 2 and 3 will be reviewed at the time of building permit application. The standards for the existing home on Parcel 1 are as follows: Front yard: The ordinance requires a 20' setback on the driveway side and 15 feet elsewhere. The setback to the garage measures 31 feet, but elsewhere the setback measures 13.9 feet. This is a pre-existing condition resulting from the widening of Knights Bridge Road and is not being impacted by the proposed partition. As such, the non-conforming structure provisions of Section 16.52 are applicable and no variance is required. A ten foot rear yard is required, and 42' is proposed. A seven foot side yard is required and the proposed yards measure 22' feet on the west and 11.9' on the east.

*Division IV. Land Division Regulation*

*Chapter 16.60 Major or Minor Partitions*

An application that satisfies the filing procedures and information required in Sec. 16.60.030 has been submitted.

Standards and criteria for approval of a minor partition are set forth in Sec. 16.60.030, as follows:

- A. Conformance with the text and applicable maps of the Comprehensive Plan;*
- B. Conformance with other applicable requirements of the Land Development and Planning Ordinance;*
- C. The overall design and arrangement of lots shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;*
- D. No minor partitioning shall be allowed 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.*

Goals and policies of the Comprehensive Plan are discussed in other sections of this narrative, demonstrating the proposed uses conform to applicable criteria.

Standards and criteria of the LUDO are also shown to be satisfied in other sections of this narrative and on the maps included with the application.

The overall design and layout of the site is functional and provides adequate building sites, as demonstrated by the Site Plan. Access for Parcels 2 and Parcel 3 is provided with a 20' access easement and driveway from Knights Bridge Road. Development of adjacent properties will not be negatively affected, as adjacent properties are already developed and have frontage on a public street.

All necessary public facilities and services are available to the site, as discussed in other sections of this narrative and as shown on the plans and maps included with the application.

No private road is proposed for this development.

Based on this discussion of approval standards and criteria, the proposed minor partition has been shown to comply with all relevant requirements.

#### *Chapter 16.64 Subdivisions Design Standards*

##### *Section 16.64.010 Streets*

No new streets are proposed.

##### *Section 16.64.015 Access*

The site does not propose access to a state highway; this section does not apply.

##### *Section 16.64.020 Blocks*

No new blocks will be created by this proposal. The surrounding properties are fully developed to densities allowed by the R-1 zone so no new streets or blocks are required.

##### *Section 16.64.030 Easements*

Easements will be provided as necessary to satisfy requirements of the City and to provide for necessary and appropriate access for each lot within the development.

##### *Section 16.64.040 Lots*

The application requests the creation of a flag lot. Flag lots may be allowed provided that the standards set forth in Section 16.64.040.I.1-7 are met:

1. The proposal would be for two flag lots. The subject property is deep, contains sufficient area for 3 parcels and is surrounded by fully developed land that affords no other opportunity for access. The proposed design is the only reasonable option to allow for full development of this property. The proposed access easement and driveway will provide for access to all proposed parcels, meeting the requirements of Sec. 16.64.040.I.1.
2. The proposed access strip is to be a minimum of 20 feet in width and is proposed to be paved 15 feet wide, as discussed and agreed to at the pre-application conference. If the Planning Commission requires that the full 20' easement be paved, the plan could be revised accordingly, but this section of the ordinance seems in conflict with the last sentence, where the 20 foot width is only applicable when more than 2 lots are being accessed. The 20 foot paved width is met at the point where three parcels will be making use of the driveway.
3. The setback to the access driveway proposed is 6.3 feet, as shown on the Site Plan.



4. The design and location of the buildings on Parcels 2 and 3 will be reviewed at the time of building application to ensure sufficient area to turn around to satisfy Sec. 16.64.040.I.4.
5. The proposal does not have direct and individual access connection to a State Highway System or other arterials. Therefore, Sec. 16.64.040.I.5 is not applicable.
6. The lot areas shown on the Site Plan are exclusive of the panhandle strip per Sec. 16.64.040.I.6.
7. The proposed buildings to be built on Parcels 2 and 3 will comply with the standard of identifying three side yards and one rear yard. The layout will be reviewed at the time of building application to ensure yard requirements to satisfy Sec. 16.64.040.I.7.

*Section 16.64.060 Grading of Building Sites*

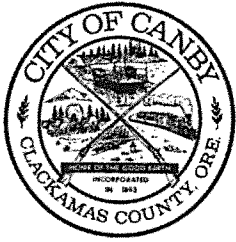
Minor grading will be accomplished on the site accordingly to create suitable building site and access driveways.

*Section 16.64.070 Improvements*

Improvements for the partition will be accomplished as required by this section. Plans have been submitted as part of this application to show the arrangement of streets and sidewalks, public utilities, and other improvements necessary to provide for the convenience, health, and safety of future residents of this community and of the City. Please refer to specific plans for details; more detailed construction plans will be filed with the City following approval of the preliminary plan.

## **CONCLUSION**

The foregoing narrative and accompanying plans and documents, together demonstrate the proposed minor partition complies with applicable criteria and identified standards and complies with purposes and requirements of the City's code. Therefore, the applicant requests that the Planning Commission approve the proposal.

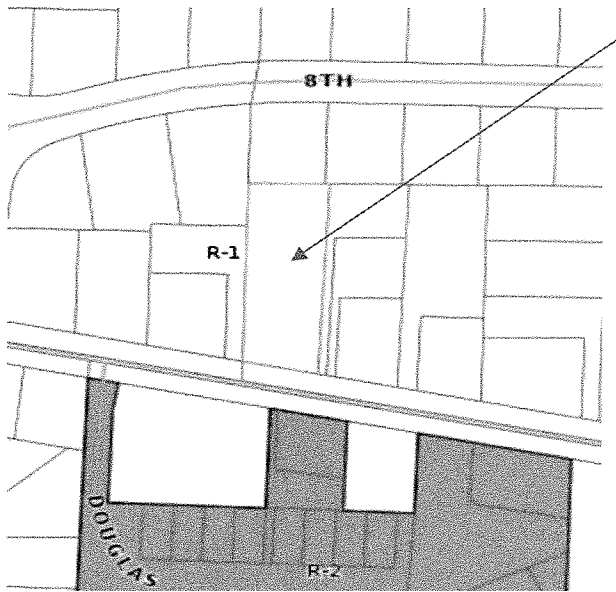


# City of Canby

## NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

This Notice is to invite you to a Public Hearing at a Planning Commission meeting on Monday, February 13, 2017 at 7 pm in the Council Chambers, 222 NE 2<sup>nd</sup> Ave, 1<sup>st</sup> Floor, to review a Minor Land Partition application and to request your comments on this project. The applicant is requesting to partition a .55 ac lot into three parcels.

**Comments due**– If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form by Wednesday, February 1, 2017.



**LOCATION:** 582 N Knights Bridge Road

**Tax Lots:** 31E33BC06300

**Lot Size:** 23,958 Square Feet (.55 Acres)

**Zoning:** R-1, Low Density Residential Zone

**Owner:** Brett and Shannon Allee

**Applicant:** Rick Givens, Planning Consultant

**Application Type:** Minor Partition (Type III)

**City File Number:** MLP-16-03

**Contact:** David Epling, Associate Planner, 503-266-0686

**What is the Decision Process?** The Planning Commission will make a decision after the Public Hearing. The Planning Commission’s decision may be appealed to the City Council.

**Where can I send my comments?** Written comments can be submitted up to the time of the Public Hearing on January 9, 2017 and may also be delivered in person to the Planning Commission during the Public Hearing. (Please see *Comment Form*). Comments can be mailed to the Canby Planning Department, PO Box 930, Canby, OR 97013; dropped off at 222 NE 2<sup>nd</sup> Ave, or emailed to [eplingd@canbyoregon.gov](mailto:eplingd@canbyoregon.gov).

**How can I review the documents and staff report?** Weekdays from 8 AM to 5 PM at the Canby Planning Department. The staff report to the Planning Commission will be available for inspection starting Friday, January 13, 2017 and can be viewed on the City’s website: <http://www.canbyoregon.gov>. Copies are available at \$0.25 per page or can be emailed to you at no charge upon request.

**Applicable Criteria:** Canby Municipal Code Chapters:

- 16.08 General Provisions
- 16.10 Off-Street Parking & Loading
- 16.16 R-1 Low Density Residential
- 16.56 General Provisions
- 16.60 Major or Minor Partitions
- 16.62 – 16.68 Subdivisions
- 16.86 Street Alignments - Regulations
- 16.89 Application & Review Procedures
- 16.120 Park, Open Space & Recreation Land

*Note: Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue.*

## **CITY OF CANBY –COMMENT FORM**

If you are unable to attend the Public Hearing, you may submit written comments on this form or in a letter addressing the Planning Commission. Please send comments to the City of Canby Planning Department:

- By mail:** Planning Department, PO Box 930, Canby, OR 97013  
**In person:** Planning Department at 222 NE 2<sup>nd</sup> Ave, Canby, OR 97013  
**E-mail:** [eplingd@canbyoregon.gov](mailto:eplingd@canbyoregon.gov)

Written comments to be included in the Planning Commission’s meeting packet are due by Noon on Wednesday, February 1, 2017. Written comments can also be submitted up to the time of the Public Hearing on Monday, February 13, 2017 and may also be delivered in person to the Planning Commission during the Public Hearing at 7 pm in the City Council Chambers, 222 NE 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor.

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***Application: MLP 16-03 – Minor Land Partition 582 N Knights Bridge Road, Brent & Shannon Allee***

**COMMENTS:**

1. The existing driveway to the existing residence shall be removed and replaced with a commercial driveway approach consisting of 6-inches reinforced concrete and in conformance with current ADA guidelines. The driveway width shall be a maximum of 24 feet.

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2. The new sewer easement for the 8" public line shall abut the westerly property line, this line will be maintained by the City while all the individual services shall be made private and maintained by the individual property owners.

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3. All private storm drainage shall be discharged on-site.

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**NAME:** Hassan Ibrahim  
**EMAIL:** hai@curran-mcleod.com  
**AGENCY/ORGANIZATION/BUSINESS (if any):** Curran-McLeod Consulting Engineers  
**ADDRESS:** 6655 SW Hampton St, suite 210, Portland, OR 97223  
**PHONE # (optional):** 503-684-3478  
**DATE:** January 12, 2017

**Public Agencies please check one box and fill in your Name/Agency/Date above:**

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

**Thank you!**

**CITY OF CANBY –COMMENT FORM**

If you are unable to attend the Public Hearing, you may submit written comments on this form or in a letter addressing the Planning Commission. Please send comments to the City of Canby Planning Department:

- By mail:** Planning Department, PO Box 930, Canby, OR 97013
- In person:** Planning Department at 222 NE 2<sup>nd</sup> Ave, Canby, OR 97013
- E-mail:** [eplingd@canbyoregon.gov](mailto:eplingd@canbyoregon.gov)

Written comments to be included in the Planning Commission’s meeting packet are due by Noon on Wednesday, February 1, 2017. Written comments can also be submitted up to the time of the Public Hearing on Monday, February 13, 2017 and may also be delivered in person to the Planning Commission during the Public Hearing at 7 pm in the City Council Chambers, 222 NE 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor.

**Application: MLP 16-03 – Minor Land Partition 582 N Knights Bridge Road, Brent & Shannon Allee**

**COMMENTS:**

Must meet all access and fire flow requirements of the 2014 Oregon Fire Code.

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**NAME:** Todd Gary

**EMAIL:** tgary@canbyfire.org

**AGENCY/ORGANIZATION/BUSINESS (if any):** Canby Fire

**ADDRESS:** 221 S Pine Canby Oregon 97013

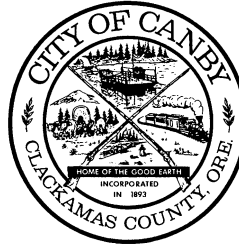
**PHONE # (optional):** 503-266-5851

**DATE:** 01/16/2017

**Public Agencies please check one box and fill in your Name/Agency/Date above:**

- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available

**Thank you!**



**BEFORE THE PLANNING COMMISSION  
OF THE CITY OF CANBY**

**A REQUEST FOR A )  
MINOR LAND PARTITION )  
582 N. KNIGHTS BRIDGE ROAD )**

**FINDINGS, CONCLUSION & FINAL ORDER  
MLP 16-03  
BRETT AND SHANNON ALLEE**

**NATURE OF THE APPLICATION**

The Applicant has sought approval for Minor Land Partition Application #MLP 16-03 to partition an existing 23,958 square foot lot into three parcels of approximately 8,993, 7,908, and 7002 square feet each. Parcel 1 will contain an existing dwelling. The property is described as Tax Map/Lot 31E33BC 06300, Clackamas County, Oregon. The property is zoned Low Density Residential (“R-1”) under the Canby Municipal Code (“CMC”). All utilities to serve the new lot will be accessed via N. Knights Bridge Road.

**HEARINGS**

The Planning Commission considered application MLP 16-03 after the duly noticed hearing on February 13, 2017 during which the Planning Commission approved MLP 16-03. These Findings are entered to document the approval.

**CRITERIA AND STANDARDS**

In judging whether or not a Minor Land Partition application shall be approved, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable code criteria and standards were reviewed in the Staff Report dated January 11, 2017 and presented at the February 13, 2017 meeting of the Canby Planning Commission.

**FINDINGS AND REASONS**

The Staff Report was presented, and written and oral testimony was received at the public hearing. Staff recommended approval of the Minor Partition application and applied Conditions of Approval in order to ensure that the proposed development will meet all required *City of Canby Land Development and Planning Ordinance* approval criteria.

**CONCLUSION**

In summary, the Planning Commission adopted the findings contained in the Staff Report along with the additional findings concluded at the public hearing and noted herein, concluding that the Minor Land Partition application meets all applicable approval criteria, and recommending that File #MLP 16-03 be approved with the Conditions of Approval reflected in the written Order below.

## ORDER

The Planning Commission concludes that, with the following conditions, the application meets the requirements for Minor Land Partition approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **MLP 16-03** is approved, subject to the following conditions:

## CONDITIONS OF APPROVAL

Minor Partition Conditions Unique to This Request:

1. New homes on Parcel 2 and 3 will be subject to the residential infill standards. The home builder must meet applicable infill home evaluation criteria listed in Section 16.21.050 that shall be addressed to assure code compliance at the time of submittal of a building permit and site plan review.
2. Any possible utility easement needed across the frontage on N. Knights Bridge Road by utility service providers shall be made a part of the recorded partition plat.
3. The driveway easement shall meet the 20' paved width standard stated in Section 16.64.040(1)(2) unless otherwise specified by the Planning Commission.
4. At the required pre-construction meeting for developing the parcels, the applicant must provide approved improvement plans that show any public water and sewer main extensions and a 5' separation between driveways.
5. The applicant shall record a reciprocal access and maintenance agreement to accompany the final plat.

Final Partition Plat Conditions:

6. A surveyed partition plat prepared by a licensed surveyor shall be recorded with Clackamas County after application and review of a Final Partition Plat by the City. The partition plat must be submitted to the city within one year of Planning Commission approval of the partition or the applicant must request, in writing, a one year extension from the Planning Commission. The applicant or county shall provide the city with a recorded copy of the plat in a timely manner.
7. The applicant shall bear full responsibility for compliance with applicable State or county regulations regarding the recordation of deed documents and subsequent transfer of ownership related to the newly established lot(s).
8. All provisions of applicable utility agencies shall be met prior to the recordation of the partition plat.

## Monumentation/Survey Accuracy Conditions

9. The county surveyor shall verify that the survey accuracy and monumentation requirements set forth in Oregon Revised Statutes and CMC 16.64.070(M) are met prior to the recordation of the partition plat. Installation of the front lot monumentation (along and within street rights-of-way) and the replacement of any existing monuments destroyed during improvement installation shall be confirmed by the city engineer or county surveyor prior to the recordation of the partition plat.

10. Monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street centerlines as required by Oregon Revised Statutes Chapter 92. The county surveyor shall verify compliance with this condition prior to the recordation of the final plat.

Residential Building Permits Conditions:

11. All work associated with the required paved driveway or utility installations associated with the new vacant Parcel 2 and 3 shall secure a street opening and/or driveway construction permit and comply with the City's current Public Works Design Standards.
12. Construction of all required public improvements and the recordation of the partition plat must be completed prior to the issuance of building permits and comply with all applicable City of Canby Public Works Design Standards.
13. The homebuilder shall apply for a City of Canby Site Plan Permit and County Building Permit for any proposed home.
14. Per the Canby Public Works Design Standards, minimum residential driveway widths at the inside edge of the sidewalk shall be 12 feet and the maximum residential driveway widths shall be 24 feet with an allowed exception for 28 feet for a home with 3 or more garages doors that face the street in a row.
15. The homebuilder for Parcel 2 and 3 shall apply for a City of Canby Erosion Control Permit.
16. On-site storm water management shall be designed in compliance with the Canby Public Works Design Standards when development is proposed for Parcel 2 and 3.
17. Clackamas County Building Codes Division will provide structural, electrical, plumbing, and mechanical plan review and inspection services for home construction. The applicable county building permits are required prior to construction of each home.



**I CERTIFY THAT THIS ORDER that MLP 16-03 BRETT & SHANNON ALLEE was presented to and approved for recommendation to the City Council by the Planning Commission of the City of Canby**

**DATED** this 13th day of February, 2017

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John Savory  
Planning Commission Chair

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Bryan Brown  
Planning Director

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Laney Fouse, Attest  
Recording Secretary

**ORAL DECISION: February 13, 2017**

| COMMISSIONER      | AYES | NOES | ABSTAIN | ABSENT |
|-------------------|------|------|---------|--------|
| JOHN SAVORY       |      |      |         |        |
| LARRY BOATRIGHT   |      |      |         |        |
| JOHN SERLET       |      |      |         |        |
| DERRICK MOTTERN   |      |      |         |        |
| TYLER HALL        |      |      |         |        |
| SHAWN VARWIG      |      |      |         |        |
| ANDREY CHERNISHOV |      |      |         |        |

**WRITTEN DECISION: February 13, 2017**

| COMMISSIONER      | AYES | NOES | ABSTAIN | ABSENT |
|-------------------|------|------|---------|--------|
| JOHN SAVORY       |      |      |         |        |
| LARRY BOATRIGHT   |      |      |         |        |
| JOHN SERLET       |      |      |         |        |
| DERRICK MOTTERN   |      |      |         |        |
| TYLER HALL        |      |      |         |        |
| SHAWN VARWIG      |      |      |         |        |
| ANDREY CHERNISHOV |      |      |         |        |