

## PLANNING COMMISSION

### Meeting Agenda

Monday, September 11, 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

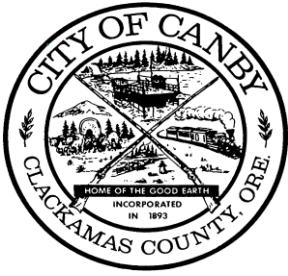
Commissioner Shawn Varwig

Commissioner Andrey Chernishov

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1. CALL TO ORDER
2. CITIZEN INPUT ON NON-AGENDA ITEMS
3. MINUTES
  - a. No Planning Commission Minutes available for this meeting.
4. NEW BUSINESS
5. PUBLIC HEARING
  - a. Consider a request for a Minor Land Partition to partition two lots located at 2570 and 2590 N Maple Court into three parcels to create a flag lot between 2 single family dwellings.
6. FINAL DECISIONS  
(Note: These are final, written versions of previous oral decisions. No public testimony.)
  - a. MLP 17-04 David Harris
7. ITEMS OF INTEREST/REPORT FROM STAFF
  - a. Next regularly scheduled Planning Commission Meeting September 25, 2017
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.*



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1. CALL TO ORDER
2. CITIZEN INPUT ON NON-AGENDA ITEMS
3. MINUTES
  - a. Approval of August 28, 2017 Planning Commission Minutes
4. NEW BUSINESS
5. PUBLIC HEARING
  - a. Consider a request for a Minor Land Partition to partition two lots located at 2570 and 2590 N Maple Court into three parcels to create a flag lot between 2 single family dwellings.
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## 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.



# City of Canby

## MINOR PARTITION STAFF REPORT

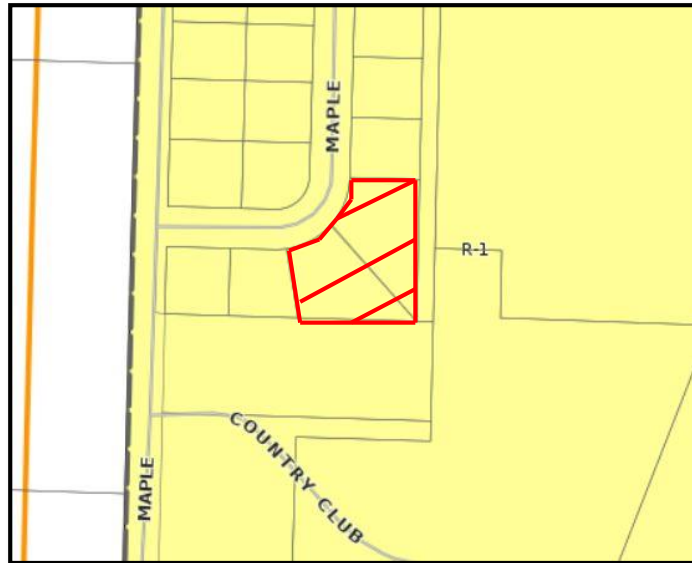
FILE #: MLP 17-04

Prepared for the September 11, 2017 Planning Commission Hearing

**LOCATION:** 2570 and 2590 N. Maple Court

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

**Tax lots:** 31E28AA03903 and 03904 (Red Bordered/Hatched Property in Map Below)



**LOT SIZES:** 32,671 TOTAL SQUARE FEET

**OWNER:** David W. Harris

**APPLICANT:** Pat Sisul, Sisul Engineering

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

**CITY FILE NUMBER:** MLP 17-04

### I. PROJECT OVERVIEW & EXISTING CONDITIONS

The applicant proposes to partition an existing 16,988.4 square foot lot and a 15,682.6 square foot lot into three parcels of approximately 10,463, 10,480, and 11,830 square foot each. Parcel 1 and Parcel 3 will contain existing dwellings, and the land division will create a flag lot between the two dwellings that is identified as Parcel 2. All utilities to serve the new lots will be accessed from N. Maple Court. Driveway access to the newly created lot is proposed from a single private 12 foot easement between Parcel 1 and Parcel 3.

**AGENCY COMMENTS:**

Review comments were solicited from the public, City departments, and applicable reviewing agencies. All comments received by the time of the hearing are included as 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:

- 16.08 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
- 16.60 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: The subject properties were created as Lot 3 and Lot 4 of the Country Club Estates Annex No. 2-A which was a replat of the Country Club Estates Annex No. 2 Subdivision. The properties are considered legally created lots 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 does not exist along the full N. Maple Court frontage of the existing properties. The existing subdivision was created in 1973 and replated in 1975 and sidewalks were not required with the original approval. The applicant intends to open a driveway approach to accommodate a new access easement to serve Parcel 2. Retrofitting street frontage by constructing sidewalks as a result of this application has no practical value because there are no other sidewalks on streets within the subdivision. Staff determined that constructing sidewalks is not applicable.

**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 one additional parcel eventually supporting a new single-family home would 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 exit 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: As previously mentioned, no sidewalks are in place along N. Maple Court, and sidewalk access from the street to the homes beyond the driveway itself is not 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. A 10 foot driveway separation between two driveways is required under Public Works Design Standards Section 2.211(g), and the proposed driveway will maintain a 5 foot driveway setback from the north property line of newly created Parcel 2. At the Planning Director's discretion, the applicant was permitted to move the north side of the driveway adjacent to property line to accommodate the**

setback. This results in the driveway cut or “wing” extending into the right-of-way in front of Parcel 1 and to extend back 20 feet along the property line from the access to the street. This does not result in a driveway separation issue for the existing driveway on Parcel 1 since that driveway is on the other side of the property. Due to the new property line between Parcel 2 and Parcel 3, the existing driveway on Parcel 3 will only be setback approximately 3.7 feet from the property line at the driveway entrance, thereby reducing the required 10 foot driveway separation to a total of approximately 8 feet. Staff has determined that this distance is the most reasonable acceptable distance that can be expected that still allow the applicant to create the new lot.

**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. Because this is a flag lot, the applicant is utilizing the minimum width.

### ***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 additional lot meets the 7,000 square foot minimum and is under the 10,000 maximum lot sizes. The new flag lot size is 9,849 square feet without including the “flag” portion. The flag portion can be excluded from the size of the lot under Section 16.64.040(I)(6). In this case, the flag portion of the partition is not under separate ownership but developed as an access and utility easement. The remaining two lots are over the 10,000 square foot maximum, but are exempt under Section 16.16.030(A). The existing dwellings will meet the minimum rear setback to the proposed new property boundary, and both lots will comply with the minimum 60 foot lot width. Verification of maximum impervious area for Parcel 2 will be verified during the building permit process for the new dwelling. Based on available information, it appears that Parcels 3 and 4 meet the standard.

### ***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 home will occur on

proposed Parcel 2 that is a flag lot and fronts only at the newly created access easement. 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 have existing dwellings with single-story homes. The proposed home on Parcel 2 may have to meet infill standards. 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.

***16.60 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 two parcels 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. Access to the newly created parcels will occur from a new driveway directly onto N. Maple Court. A condition of approval shall be placed to establish that any possible utility easement needed across the frontage of N. Maple Court 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 any parcel fronting on N. Maple Court. However, 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 how the proposed flag lot meets the 12 foot width of paved access for the parcel. The length of the access extends 44.22 feet before changing direction to shape the lot and meets the provision.**

**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 may 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. Maple Court.**

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.**

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, water lateral connections, and compliance with building and erosion control standards with development of Parcel 2.**

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. Maple Court 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 single 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 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 not required on local streets.**

**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 waived by the Planning Director because of availability of utilities and other facilities. 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 17-04 subject to the following conditions of approval:

**V. CONDITIONS OF APPROVAL**

Minor Partition Conditions Unique to This Request:

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- 1.** A new home on Parcel 2 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. Maple Court by utility service providers shall be made a part of the recorded partition plat.
  3. The driveway easement shall meet the 12' paved width standard stated in Section 16.64.040(I)(2) unless otherwise specified by the Planning Commission.
  4. The proposed paved driveway shall maintain a 5 foot setback from the adjacent property line at the right-of-way, and shall extend 20 feet back from the right-of-way line into the private property and to within 150 feet of the exterior wall of the structure served by the driveway.
  5. **The applicant shall record a service agency agreement to eliminate a 5 foot utility easement, created by Note 1 of recorded Plat 68/14, that runs the length of the common property line between existing lots 3 and 4, Country Club Estates Annex No. 2-A.**

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 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.

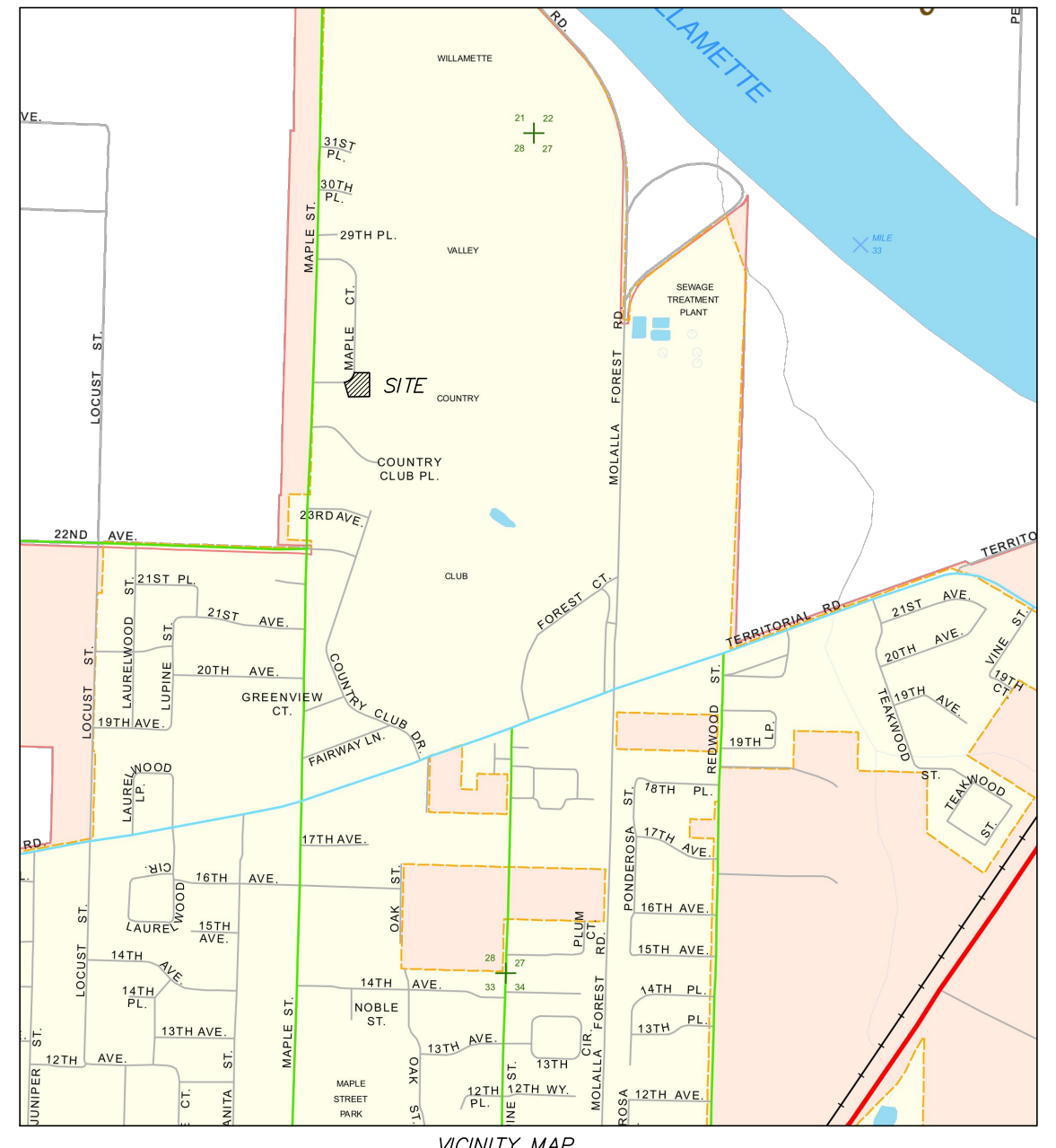
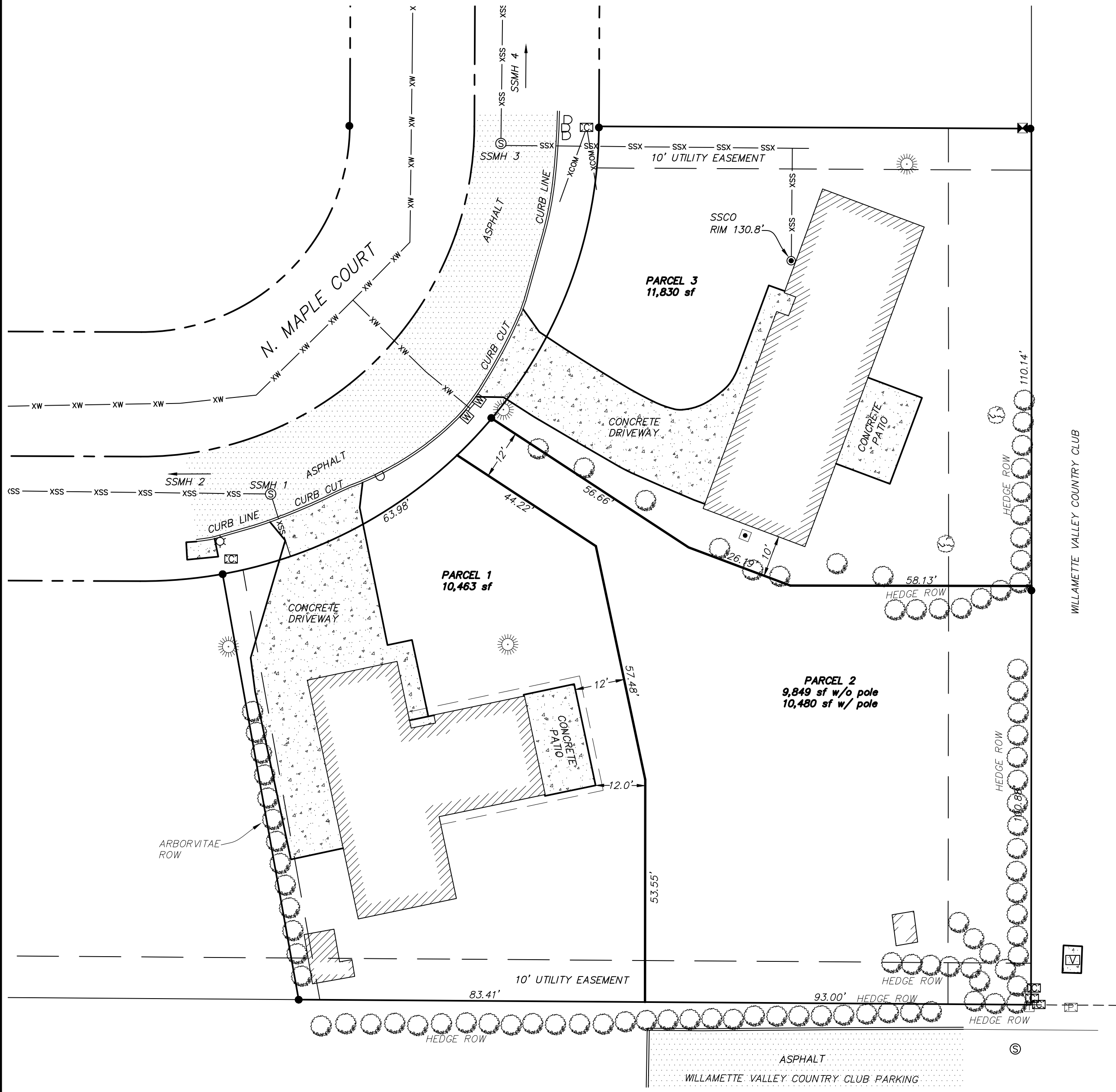


13. The homebuilder shall apply for a City of Canby Site Plan Permit and County Building Permit for any proposed home.
14. Per the Canby Public Works Design Standards, minimum residential driveway widths at the inside edge of the sidewalk shall be 12 feet and the maximum residential driveway widths shall 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 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.
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



**OWNER / APPLICANT** David Harris  
 170 Kakahiaka  
 Kailua, HI 96734  
 Telephone: (503) 830-1126  
 Email: davewentsurfing@gmail.com

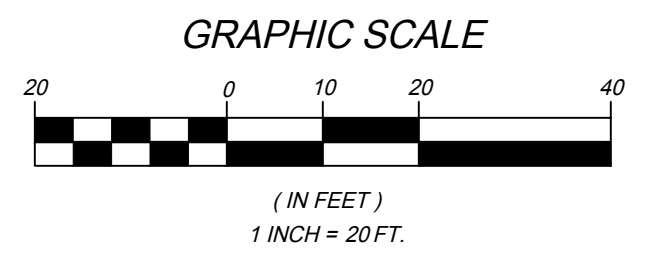
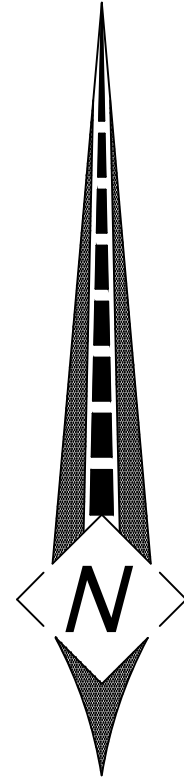
**PROPERTY #1:** Tax Lot 03903, T3S, R1E, Section 28AA  
 2570 N Maple Court  
 Canby, OR 97013  
 Lot Area = 15,710 sq. ft.

**PROPERTY #2:** Tax Lot 03904, T3S, R1E, Section 28AA  
 2590 N Maple Court  
 Canby, OR 97013  
 Lot Area = 17,052 sq. ft.

**PROPOSAL:** The proposal is to partition two existing lots into a third lot by taking some of the excess area from each of the existing lots. The new lot will be located in between the two existing homes on the east side of N Maple Court and it will back up to Willamette Valley Country Club.

**CONSULTANT:** Sisul Engineering, Pat Sisul  
 375 Portland Avenue  
 Gladstone, OR 97027  
 Telephone: (503) 657-0188  
 Email: patsisul@sisulengineering.com

**DATE:** July, 2017



REVISIONS	BY

**MINOR PARTITION**  
**DAVID HARRIS**

**Site Plan**

**SISUL ENGINEERING**  
 375 PORTLAND AVENUE  
 GLADSTONE, OREGON 97027  
 (503) 657-0188

DATE	JULY, 2017
SCALE	1" = 20'
DRAWN	PS
JOB	SGL17-030
SHEET	<b>1</b>
OF	2 SHEETS

# Application for Minor Partition

## 2570 & 2590 N Maple Court

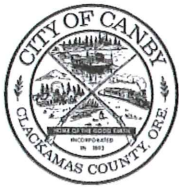
### Canby, OR 97013

Applicant / Owner:	Dave Harris 170 Kakahiaka Kailua, HI 96734 Telephone: (503) 830-1126 Email: <a href="mailto:davewentsurfing@gmail.com">davewentsurfing@gmail.com</a>
Location	2570 & 2590 N Maple Court Between N Maple Ct. & Willamette Valley County Club
Legal Description	Tax Lots 3903 & 3904, Sec. 28AA, T3S R1E WM (Assessor Map 3 1E 28AA)
Zoning	R-1, Low Density Residential
Proposal	The proposal is to partition two existing lots into a third by taking some of the excess area from each of the two existing lots. The new lot will be located between the two existing homes on the east side of N Maple Court.

# Table of Contents

- I. Application Form
- II. Written Narrative
- III. Maps
  - a. Vicinity Map
  - b. Aerial Map
  - c. Assessor Map
  - d. Zoning Map
  - e. Plat of Country Club Estates Annex No 2-A
  - f. Sheet 1 Site Plan
  - g. Sheet 2 Existing Conditions
- Loose Mailing Labels

# I. Application Form



City of Canby  
 Planning Department  
 222 NE 2<sup>nd</sup> Avenue  
 P.O. Box 930  
 Canby, OR 97013  
 Ph: 503-266-7001  
 Fax: 503-266-1574

# LAND USE APPLICATION

## MINOR PARTITION Process Type II

## MAJOR PARTITION Process Type III

**APPLICANT INFORMATION:** (Check ONE box below for designated contact person regarding this application)

Applicant Name: Dave Harris Phone: 503-830-1126  
 Address: 170 Kakahiaka Email: davewentsurfing@gmail.com  
 City/State: Kailua, HI Zip: 96734

Representative Name: Sisul Engineering, Pat Sisul Phone: 503-657-0188  
 Address: 375 Portland Avenue Email: patsisul@sisulengineering.com  
 City/State: Gladstone, OR Zip: 97027

Property Owner Name: Dave Harris Phone: 503-830-1126  
 Signature: *Dave W. Harris*  
 Address: 170 Kakahiaka Email: davewentsurfing@gmail.com  
 City/State: Kailua, HI Zip: 96734

Property Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

NOTE: Property owners or contract purchasers are required to authorize the filing of this application and must sign above

- ① All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- ② All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- ③ All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

**PROPERTY & PROJECT INFORMATION:**

<u>2570 &amp; 2590 N Maple Court</u>	<u>32,762 sf</u>	<u>T3S, R1E, Section 28AA, TL 3903 &amp; 3904</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>One single family home on each lot. 2 sheds on TL 3903.</u>	<u>R-1</u>	<u>LDR - Low Density Residential</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

To minor partition two existing lots into 3 & creating a new flag lot in between two existing homes.  
 Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

## II. Written Narrative

**Application for Minor Partition**

Owner/Applicant: Dave Harris  
170 Kakahiaka  
Kailua, HI 96734  
Telephone: (503) 830-1126  
Email: [davewentsurfing@gmail.com](mailto:davewentsurfing@gmail.com)

---

Property #1: Tax Lot: 03903, T3S, R1E, Section 28AA  
Address: 2570 N Maple Court  
Canby, OR 97013  
Lot Area: 15,710 sq. ft.  
Zoning: R-1 (Low Density Residential Zone)

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Property #2: Tax Lot: 03904, T3S, R1E, Section 28AA  
Address: 2590 N Maple Court  
Canby, OR 97013  
Lot Area: 17,052 square feet  
Zoning: R-1 (Low Density Residential Zone)

---

Representative Sisul Engineering  
375 Portland Avenue  
Gladstone, OR 97027  
Pat Sisul, Project Manager  
Telephone: (503) 657-0188  
Email: [patsisul@sisulengineering.com](mailto:patsisul@sisulengineering.com)

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Proposal The proposal is to partition two existing lots into a third by taking some of the excess area from each of the two existing lots. The new lot will be located between the two existing homes on the east side of N Maple Court.



## **SITE DESCRIPTION**

The lots being partitioned include two neighboring lots located on the east side of N Maple Court adjacent to the pro-shop and parking lot of Willamette Valley Country Club (WVCC). The properties include 2570 and 2590 N Maple Court, two irregular shaped lots located in the southeast corner of the 4-lot Country Club Estates Annex No 2-A subdivision that was platted in 1975. The south line of 2570 N Maple Court (TL 3903) backs up to the WVCC parking lot while the east line of 2590 N Maple Court (TL 3904) backs up to the pro-shop, rough and tee box of hole #1. The applicant was a long-time resident of the neighborhood, having owned and residing at the home at 2570 N Maple Court for many years. Within the past year he purchased the home at 2590 N Maple Ct.

Both lots are oversized for the R-1 zone, which typically features lot sizes between 7,000 and 10,000 square feet. Both existing lots involved in this partition measure more than 15,000 square feet, and the total land area in the two properties is 32,762 square feet. Each property is occupied by a single-story home constructed in 1976. The footprint of the home on TL 3903 measures approximately 2,010 square feet and the footprint of the home on TL 3904 measures approximately 2,130 square feet. Tax Lot 3903 has two small sheds in addition to the home. Existing homes of similar style and age are located north and west of the properties while WVCC is located to the east and south.

Public water, sewer, power, gas and communications are available in N Maple Court and in easements on the properties. Each home is served by City of Canby water and sanitary sewer, and Canby Utility electrical service. Street lighting is located along the frontage of both properties and communications facilities are located along the street frontage and in the SE corner of the two parcels. Utility easements 5 feet in width are located along the west side of TL 3903 and along both sides of the line common to TL's 3903 & 3904. Ten-foot-wide utility easements are located along the north line of TL 3904 & the south line of TL 3903.

Other than trees, the two properties have no identified natural resources and no identified physical hazards. The two properties appear nearly flat to the eye, with the elevation ranging from a high of 130 feet to a low of 128.5 feet.

## **PROPOSAL**

The proposal is to create a third lot, a flag lot, in between the two existing homes, with all three lots exceeding the dimensional requirements of the R-1 zone. The proposal was discussed with the Planning Director and no pre-application conference was held, at the discretion of the Director. A neighborhood meeting is not a requirement for a minor partition.

## APPLICABLE CRITERIA AND STANDARDS

### Identification of Applicable Criteria and Standards

The following sections of the City of Canby Land Development and Planning Ordinance apply to this application:

- 16.16 R-1 Low Density Residential Zone
- 16.56 Land Division General Provisions
- 16.60 Major or Minor Partitions
- 16.88 General Standards & Procedures
- 16.89 Application and Review Procedures

## LAND USE AND DEVELOPMENT ORDINANCE

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

Response: The proposed minor partition will create a new flag lot in between existing homes located at 2570 & 2590 N Maple Court. The new lot will alter the size of the two existing lots as follows:

	Current size	Proposed size
Tax Lot 3903	15,710 sq. ft.	10,463 sq. ft.
Tax Lot 3904	17,052 sq. ft.	11,830 sq. ft.

The new lot being created will measure 9,849 sq. ft. exclusive of the pole strip and 10,480 sq. ft. with the unbuildable driveway pole strip included in the lot area. Single family dwellings are an outright approved use in the R-1 zone.

The following table lists the dimensional requirements and how the application proposes to satisfy each standard:

### *Section 16.16.030 R-1 Zone Dimensional Standards*

Requirement
16.16.030.A Minimum and maximum lot area: 7,000 sq. ft. and 10,000 sq. ft.
The two existing lots measure 15,710 sq. ft. and 17,052 sq. ft. for a combined area of 32,762 sq. ft., which is more lot area than can be allocated into three lots of 10,000 sq. ft. or less. The maximum lot area standard is allowed flexibility through the provisions of Section 16.16.030.A, which states, "The maximum lot area standard does not apply to single family dwellings existing at the time of subdivision or partition plan approval". Additional flexibility to the lot area requirements is provided by Section 16.16.030.B, Lot Area Exceptions. Because both existing lots have existing homes located on them that will remain, the maximum lot area standard does not apply to either Parcel 1 or 3.

Parcel 2 is a flag lot, and therefore Section 16.64.040.I.6 also applies to the lot area calculation. This section states, “The area of a panhandle shaped or flag lot shall be considered to be the rear or buildable portion of the lot and shall not include the driveway or access strip.” Parcel 2 measures 10,480 square feet total, with 9,849 square feet being in the buildable portion of the lot and 631 square feet being in the access strip. Based on this criterion, the proposed area of Parcel 2 is within the required range of between 7,000 and 10,000 square feet.

The provisions of this section are met.

16.16.030.B Lot area exceptions:

Based on the two existing homes remaining on Parcels 1 and 3 and Parcel 2 being a flag lot, all three lots will meet the lot area standards of Section 16.16.030.A, with the flexibility offered by that section and the flag lot standards of Section 16.64.040.I.

The lot area exceptions provided by Section 16.16.030.B are not required.

16.16.030.C Minimum width and frontage: 60 feet

Parcel 1 will have over 64 feet of frontage on N Maple Street, a lot width at the building line of over 90 feet, and 83.41 feet of width along the rear property line. Parcel 3 will have more than 76 feet of frontage on N Maple Street and will measure 110.14 feet along its rear property line. Both parcels meet the minimum width and frontage requirement of 60 feet.

Parcel 2 will be a flag lot having a pole strip measuring 12 feet wide. This arrangement is allowed per Section 16.64.040.I. The body of Parcel 2 will measure approximately 93 feet east-west by 100 feet north-south, exceeding the 60-foot width requirement.

The provisions of this section are met.

16.18.030.D Minimum yard requirements: Street yard: 20 feet for side with driveway. Other street yards: 15 feet. Rear yard: 20 feet for two story building, 15 feet for one story. Interior yard: 7 feet, or zero lot line.

Parcel 1 will maintain the existing yards on the north, south and west sides of the home. The land division will only change the side yard setback on the eastern side of the home where a minimum of 12 feet will be maintained between the covered concrete patio and the property line shared with Parcel 2, exceeding the requirement of 7 feet from the foundation of the home.

Parcel 3 will maintain the existing yards on the north, west and east sides of the home. The land division will only change the side yard setback on the south side of the home, where a 10-foot side yard will be maintained between the side of the garage and the property line shared with Parcel 2, exceeding the requirement of 7 feet.

<p>Parcel 2 will be a flag lot and a future home on the lot will have to meet the yard provisions of this section, with modification as allowed by Section 16.64.040.I.7. The provisions of this section can be met when a building permit is applied for on Parcel 2.</p>
<p>16.16.030.E Maximum building height: 35 feet</p> <p>The provisions of this section can be met with a building permit is applied for on Parcel 2.</p>
<p>16.16.030.F Maximum amount of impervious surface: 60 percent</p> <p>The impervious percentage of Parcel 1 will be approximately 39 percent, while the impervious percentage of Parcel 3 will be approximately 32 percent. Both well under the 60 percent allowable.</p> <p>Parcel 2, having a lot area of 9,849 sq. ft. would be permitted to have up to 5,909 sq. ft. of impervious area, more than sufficient to construct a new home and driveway. The provisions of this section can be met when a building permit is applied for on Parcel 2.</p>
<p>16.16.30.G Other regulations.</p> <p>These regulations do not apply to the proposed partition.</p>

*Division IV Land Division Regulations*

*Chapter 16.56 Land Division General Provisions*

Response: As required by Sec. 16.56.050.A, an application for Minor Partition has been submitted by the applicant for the City to review in accordance with its rules and regulations for minor partitions.

*Chapter 16.60 Major or Minor Partitions*

*16.60.040 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.*

Response: The proposed partition will create one additional parcel from two existing lots that were platted in 1975. The existing lots are both oversized for the R-1 zone and there is adequate room to create a new R-1 lot in conformance with the R-1 zoning designation. Creation of the new lot will have little impact on the surrounding neighborhood as the new lot will be a flag lot and won't be easily seen from most other homes or much of the public right-of-way. The body of the new lot will measure approximately 93 feet x 100 feet, providing a large space that can accommodate a spacious building footprint.

Access will be provided by a twelve-foot-wide paved private driveway located between the two existing homes onsite. The distance from the new accessway to the existing homes was measured out onsite by the applicant and was found to allow for adequate circulation around both existing homes.

Public facilities and services are in N Maple Court and in easements on the rear of the properties, as shown on maps submitted with the application. Necessary extensions of the public services will be completed by the applicant as needed to extend public services out of the roadway (such as a new water service and sanitary lateral).

#### *Chapter 16.62 Subdivisions-Applications*

Response: No subdivision is proposed. The proposed application for a minor partition will create one additional building lot. The provisions of Chapter 16.60 apply to the application and while provisions of Chapter 16.62 Subdivisions – Applications do not. Some provisions of Chapter 16.64 Subdivisions – Design Standards also apply.

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

Response: Although no subdivision is proposed, certain provisions of Section 16.64.040 relating to flag lots apply to the proposed application.

##### *16.64.040 Lots*

- I. Flag Lots or Panhandle-shaped Lots. The commission may allow the creation of flag lots provided that the following standards are met:*
  - 1. Not more than one flag lot shall be created to the rear of any conventional lot and having frontage on the same street unless it is found that access will be adequate and that multiple flag lots are the only reasonable method to allow for development of the site. Every flag lot shall have access to a public street.*

Response: One flag lot is proposed to the side of two existing homes. No other access is available due to WVCC being located to the south and east of the two existing lots.

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.*

Response: The access strip will serve a single lot and will be less than one hundred feet in length from the street to the body of the lot. A twelve-foot-wide access strip is proposed.

3. *For residential flag lots, a minimum building setback of five feet from the access strip shall be maintained where such buildings exist prior to the creation of the flag lot.*

Response: A minimum setback to the access strip of 10 feet will be maintained to existing home on Parcel 3, exceeding the requirement. The home on Parcel 1 is not located adjacent to the proposed access strip. The requirement of this section is met.

4. *Design and locations of buildings on flag lots shall be such that normal traffic will have sufficient area to turn around, rather than necessitating backing motions down the access strip. The commission may establish special setback requirements at the time of approving the creation of flag lots.*

Response: The body of the new flag lot will measure 93 feet by 100 feet, allowing ample room for the design of a home that will permit for a turnaround onsite. The requirement of this section can be met at the time of building permit.

5. *Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials.*

Response: No access to the State Highway System is at issue. The provision of this section does not apply to the application.

6. *The area of a panhandle shaped or flag lot shall be considered to be the rear or buildable portion of the lot and shall not include the driveway or access strip.*

Response: The lot area, calculated exclusive of the area of the access strip, will be between the minimum and maximum permitted lot area for the R-1 zone.

7. For the purposes of defining setbacks, flag lots shall have three side yards and one rear yard. The rear yard may be placed on any side of the main dwelling.

Response: The determination as to which yard will be the rear yard, can be made at the time of building permit submittal when the footprint of the proposed home is known.

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.*

Response: The Infill Home standards of Section 16.21.050 may apply to the future home on Parcel 2. Infill home standards can be addressed at the time of building permit submittal if they are deemed to apply to this site.

#### *Chapter 16.88 General Standards and Procedures*

Response: The general standards and procedures set out in this chapter apply to the regulations of all sections of this title, except as may be specifically noted. The application has been submitted to the City by applicant, with the land use application signed by the property owner of the two existing lots, and the appropriate fees paid (Sec. 16.88.030).

#### *Chapter 16.89 Application and Review Procedures*

Response: The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to review applications and participate in the decision-making process in a timely and effective way.

Partitions are a Type III procedure. Neighborhood meetings are not a requirement for partitions.

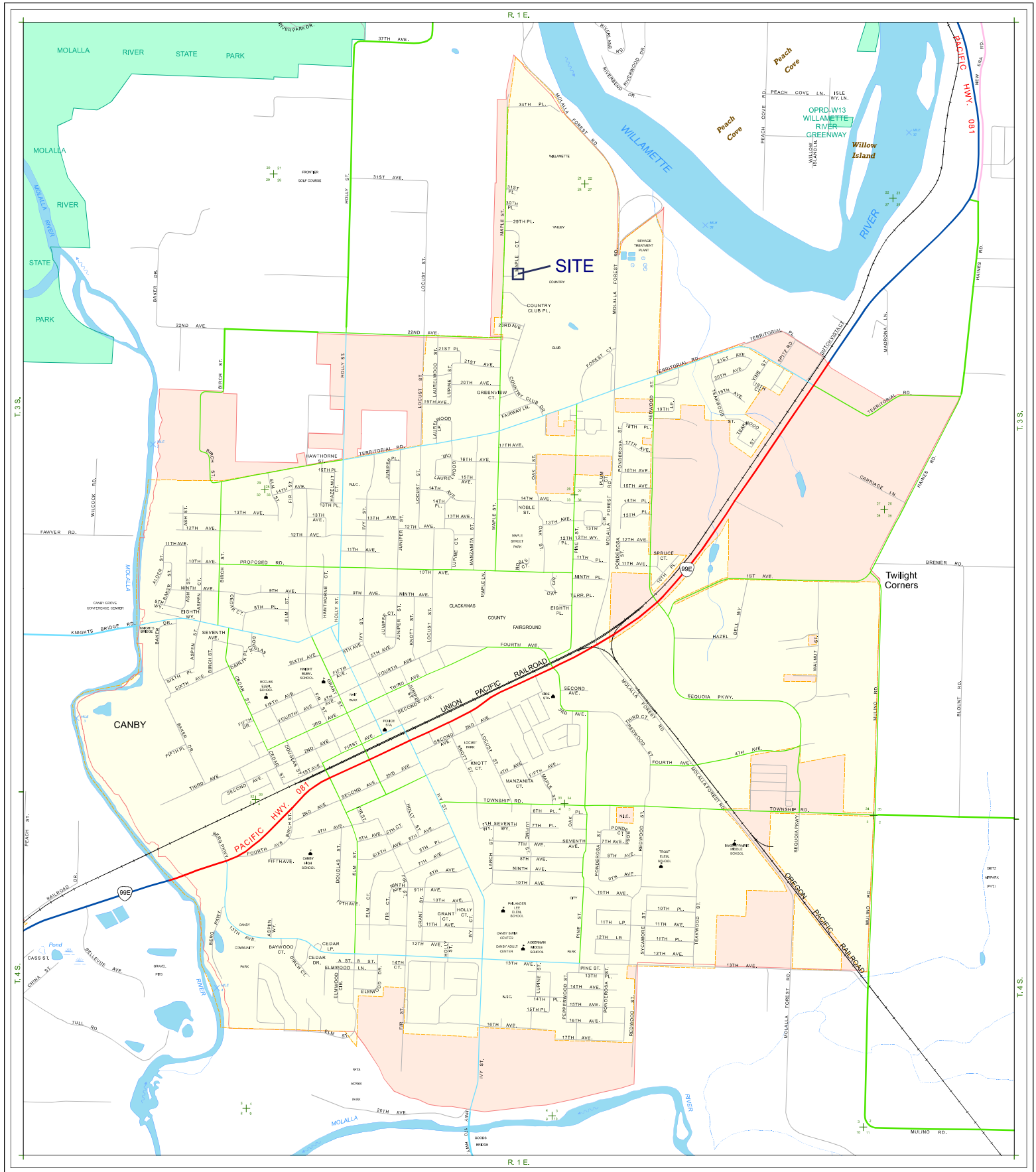
### **CONCLUSION**

The foregoing narrative and accompanying plans and documents, together demonstrate that the proposed Minor Partition conforms to the applicable criteria and standards of the City's Land Development and Planning Ordinance. Therefore, the applicant requests that the Planning Commission approve the application.

### III. Maps

- a. Vicinity Map
- b. Aerial Map
- c. Assessor Map
- d. Zoning Map
- e. Plat of County Club Estates Annex No-2A
- f. Sheet 1, Site Plan
- g. Sheet 2, Existing Conditions





### LEGEND

FOR FURTHER FUNCTIONAL CLASSIFICATION INFORMATION, CONTACT ODOT REGION OFFICE.

- INTERSTATE
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- URBAN COLLECTOR / RURAL MAJOR COLLECTOR
- MINOR COLLECTOR
- LOCAL ROAD
- INTERSTATE - US, ROUTE - ORE. ROUTE
- NATIONAL HIGHWAY SYSTEM ROUTE
- CITY LIMIT
- URBAN GROWTH BOUNDARY
- RAILROAD - AMTRAK PASSENGER STATION
- GRAVEL PIT, QUARRY, ODOT STOCKPILE
- ODOT MAINTENANCE STATION

Published by

PREPARED ORIGINALLY BY THE OREGON DEPARTMENT OF TRANSPORTATION IN COOPERATION WITH THE U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION

SCALE

0 650 1,300 2,600 Feet

0 195 390 780 Meters

## OREGON TRANSPORTATION MAP

Showing Federal Functional Classification of Roads  
City of

# CANBY

POPULATION 15,910

T. 3-4 S. R. 1 E. W.M.

PARK & RIDE

INTERBUS

AMTRAK

CLACKAMAS COUNTY  
2013 Edition

PORT

AIR

SEA

AVAILABLE TRANSPORTATION SERVICES SHOWN WITH YELLOW BACKGROUND

Copies Available: From the Oregon Department of Transportation, Geographic Information Services Unit, 1800 NE Oregon Street, Portland, Oregon 97232, (503) 888-1154. <http://www.oregon.gov/ODOT/IT/DT/3DATA/Pages/citymaps.aspx>  
 Population numbers are based on current Oregon Population Report, College of Urban and Public Affairs, Portland State University, <http://pub.usps.gov>

Willamette Valley Country Club

N Maple Ct

N Maple St

Country Club Pl



NE1/4 NE1/4 SEC.28 T.3S. R.1E. W.M.

CLACKAMAS COUNTY

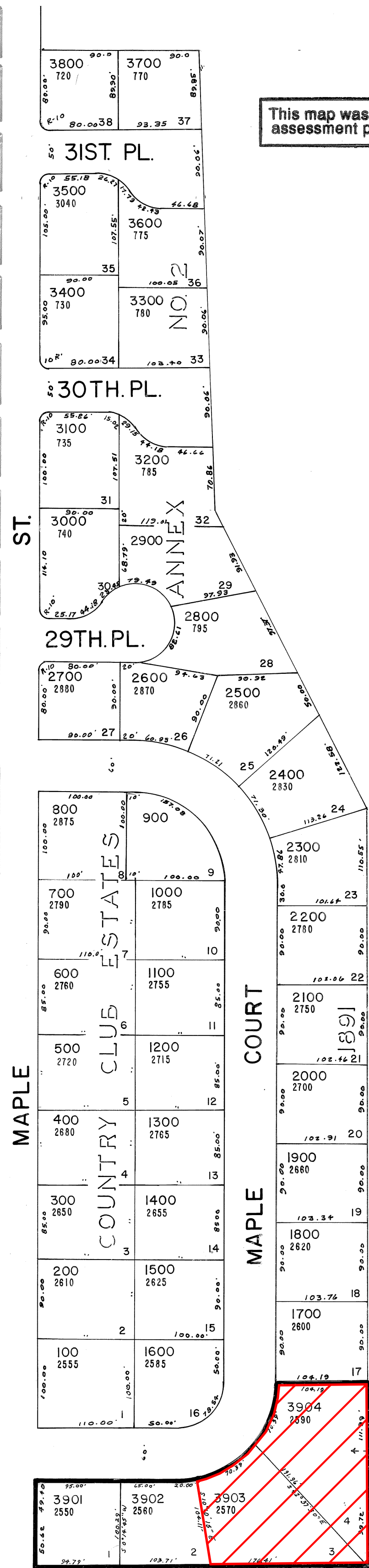
1" = 100'

21 22  
3 IE 28AA  
28 27

This map was prepared for  
assessment purpose only.

CANCELLED TL'S

3900



86-02

SEE MAP 3 IE 28

SEE MAP 3 IE 28 A

1/16Th Cor.

COUNTRY CLUB ESTATES  
ANNEX NO. 2A

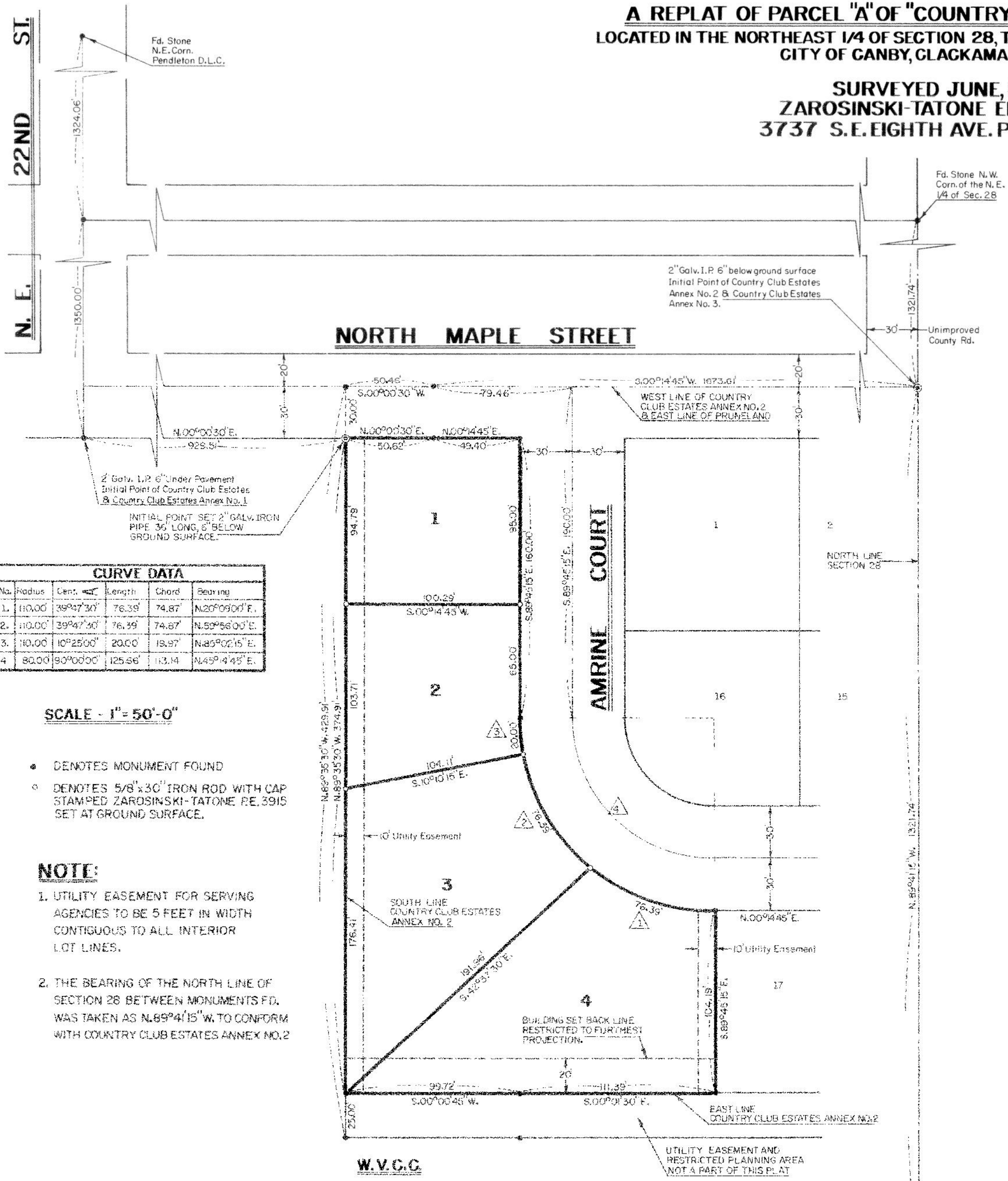
3 IE 28AA

BK 28

# "COUNTRY CLUB ESTATES ANNEX NO. 2-A"

A REPLAT OF PARCEL "A" OF "COUNTRY CLUB ESTATES ANNEX NO. 2"  
LOCATED IN THE NORTHEAST 1/4 OF SECTION 28, T.3S, R.1E OF THE WILLAMETTE MERIDIAN  
CITY OF GANBY, CLACKAMAS COUNTY, OREGON

SURVEYED JUNE, 1975 BY  
ZAROSINSKI-TATONE ENGINEERS, INC.  
3737 S.E. EIGHTH AVE. PORTLAND, OREGON



No.	Radius	Cent. A	Length	Chord	Bearing
1.	110.00'	39°47'30"	76.39'	74.87'	N.20°09'00"E
2.	110.00'	39°47'30"	76.39'	74.87'	N.59°56'00"E
3.	110.00'	10°25'00"	20.00'	19.97'	N.85°02'15"E
4.	80.00'	90°00'00"	125.86'	113.14'	N.45°4'45"E

SCALE - 1" = 50'-0"

- DENOTES MONUMENT FOUND
- DENOTES 5/8" x 30" IRON ROD WITH CAP STAMPED ZAROSINSKI-TATONE P.E. 3915 SET AT GROUND SURFACE.

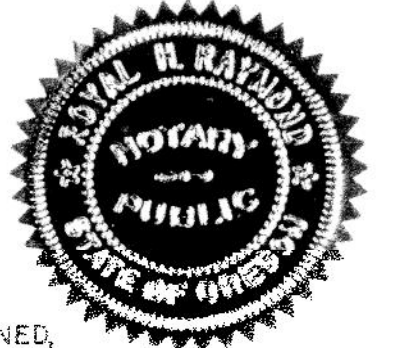
### NOTE:

- UTILITY EASEMENT FOR SERVING AGENCIES TO BE 5 FEET IN WIDTH CONTIGUOUS TO ALL INTERIOR LOT LINES.
- THE BEARING OF THE NORTH LINE OF SECTION 28 BETWEEN MONUMENTS FD. WAS TAKEN AS N.89°4'15"W. TO CONFORM WITH COUNTRY CLUB ESTATES ANNEX NO. 2

### DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT "PORTLAND ESCROWS INC" AN OREGON CORPORATION DOES HEREBY MAKE, ESTABLISH AND DECLARE THE MAP OF "COUNTRY CLUB ESTATES ANNEX NO. 2-A" AS DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE TO BE A TRUE AND CORRECT MAP AND PLAT THEREOF, ALL LOTS BEING OF THE DIMENSIONS SHOWN AND ALL STREETS AND ROADS BEING OF THE WIDTHS HEREIN SET FORTH AND THAT WE DO HEREBY DEDICATE TO THE USE OF THE PUBLIC AS PUBLIC WAYS FOREVER ALL STREETS AND ROADS SHOWN ON SAID PLAT.

WITNESS OUR SIGNATURES THIS 13<sup>TH</sup> DAY OF JUNE, 1975  
 WARD V. COOK - PRESIDENT  
 HATTIE W. VERMILYEA - SECRETARY

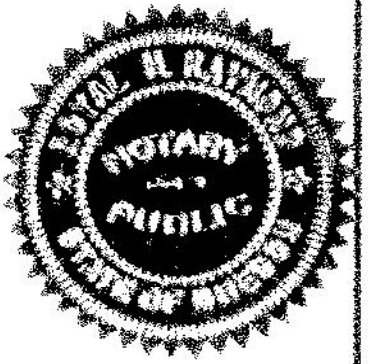


### ACKNOWLEDGEMENT:

STATE OF OREGON } S.S.  
 COUNTY OF CLACKAMAS }  
 BE IT REMEMBERED THAT ON THIS 13<sup>TH</sup> DAY OF June, 1975, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF OREGON PERSONALLY APPEARED WARD V. COOK AND HATTIE W. VERMILYEA KNOWN TO ME TO BE THE PERSONS NAMED IN THE FOREGOING DOCUMENT, WHO BEING FIRST DULY SWORN DID ACKNOWLEDGE TO ME THAT THEY EXECUTED THE FOREGOING DOCUMENT FREELY AND VOLUNTARILY, IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR FIRST IN THIS CERTIFICATE WRITTEN.  
 Ronald G. Tatone  
 NOTARY PUBLIC FOR THE STATE OF OREGON MY COMMISSION EXPIRES June 17, 1977

### SURVEYOR'S CERTIFICATE:

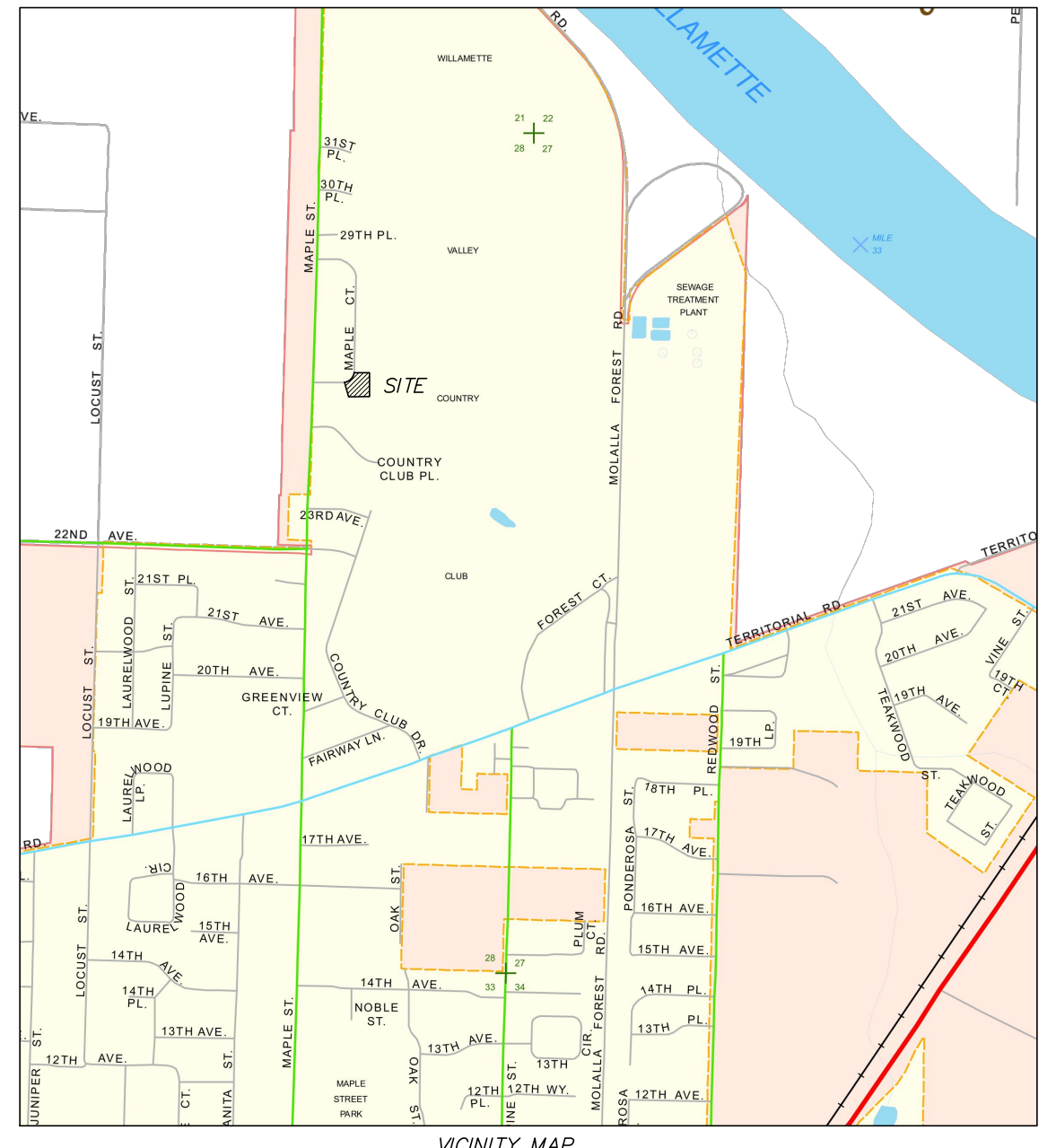
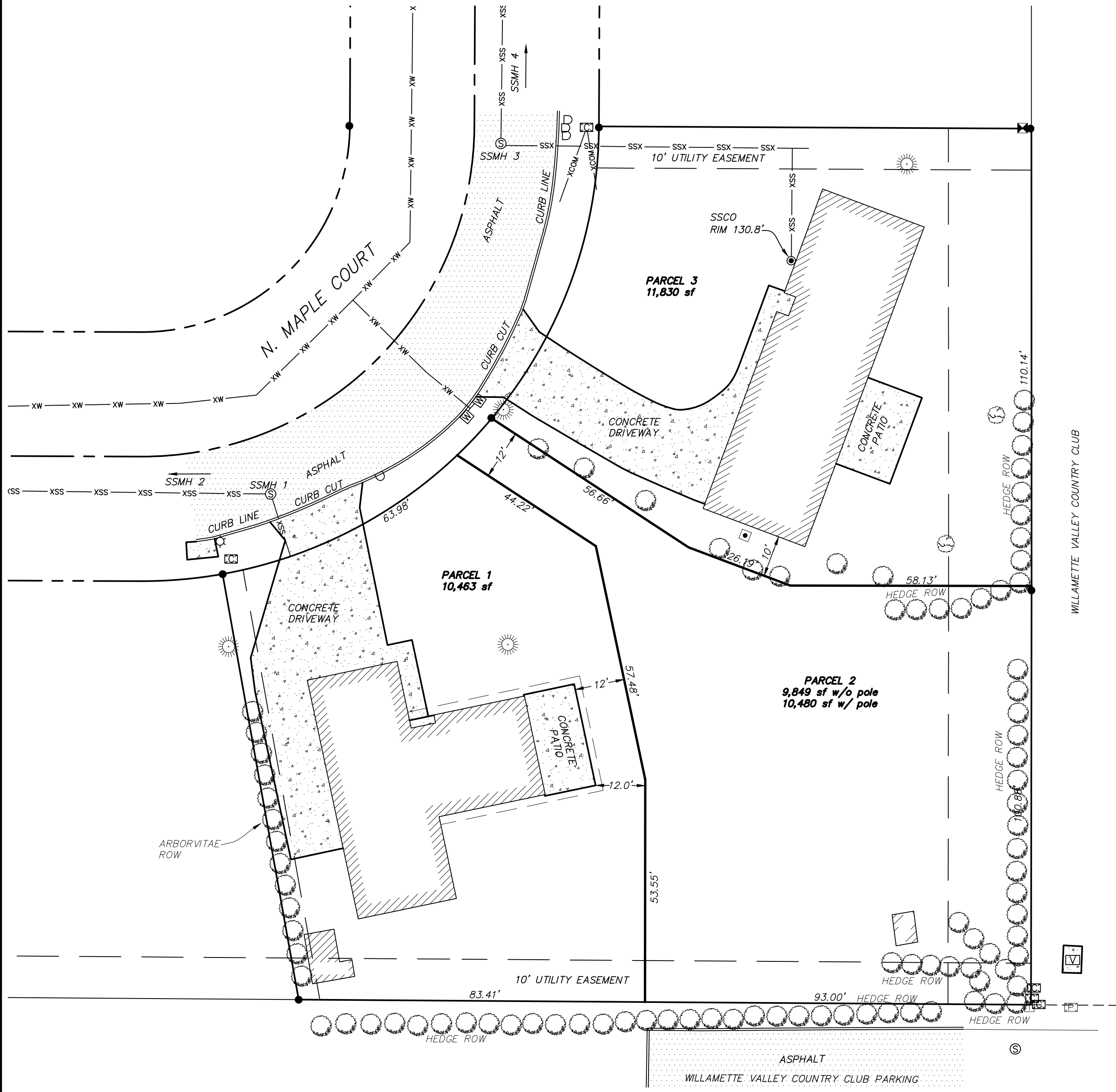
I, RONALD G. TATONE, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LANDS REPRESENTED ON THE ADJOINING MAP TO BE KNOWN HENCEFORTH AS "COUNTRY CLUB ESTATES ANNEX NO. 2-A" LOCATED IN THE NORTHEAST ONE QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, CITY OF GANBY, CLACKAMAS COUNTY, OREGON. SAID LANDS BEING FURTHER DESCRIBED AS "PARCEL A" OF "COUNTRY CLUB ESTATES ANNEX NO. 2" THAT AT THE INITIAL POINT OF COUNTRY CLUB ESTATES ANNEX NO. 2-A, I SET A 2 INCH GALVANIZED IRON PIPE, 36 INCHES LONG, DRIVEN 6 INCHES BELOW THE SURFACE OF THE GROUND AT A POINT ON THE EAST LINE OF NORTH MAPLE STREET, SAID POINT BEING SOUTH 00°14'45" WEST ALONG THE WEST LINE OF SAID "COUNTRY CLUB ESTATES ANNEX NO. 2" AS RECORDED IN RECORD OF PLATS CLACKAMAS COUNTY, OREGON A DISTANCE OF 1,673.61 FEET; THENCE SOUTH 00°00'30" WEST ALONG SAID WEST LINE A DISTANCE OF 50.46 FEET; THENCE SOUTH 89°35'30" EAST A DISTANCE OF 30.00 FEET FROM THE INITIAL POINT OF SAID "COUNTRY CLUB ESTATES ANNEX NO. 2" SAID POINT BEING ON THE NORTH LINE OF SAID SECTION 28 AND NORTH 89°4'15" WEST A DISTANCE OF 1,321.74 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 28.  
 THENCE FROM SAID INITIAL POINT OF BEGINNING NORTH 00°00'30" EAST ALONG THE EAST LINE OF SAID NORTH MAPLE STREET A DISTANCE OF 50.62 FEET; THENCE NORTH 00°14'45" EAST ALONG SAID EAST LINE A DISTANCE OF 49.40 FEET TO THE INTERSECTION OF SAID EAST LINE WITH THE SOUTHERLY LINE OF AMRINE COURT; THENCE SOUTH 89°45'15" EAST ALONG SAID SOUTHERLY LINE A DISTANCE OF 160.00 FEET TO A POINT OF CURVE; THENCE CONTINUING ALONG SAID SOUTHERLY LINE, ALONG A 110.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 90°00'00" AN ARC DISTANCE OF 172.79 FEET (THE LONG CHORD OF SAID CURVE BEARS NORTH 45°14'45" EAST A DISTANCE OF 155.56 FEET) TO THE SOUTHWEST CORNER OF LOT 17 OF SAID COUNTRY CLUB ESTATES ANNEX NO. 2; THENCE SOUTH 89°45'15" EAST ALONG THE SOUTH LINE OF SAID LOT 17, A DISTANCE OF 104.19 FEET TO A POINT ON THE EAST LINE OF SAID "COUNTRY CLUB ESTATES ANNEX NO. 2"; THENCE SOUTH 00°0'30" EAST ALONG SAID EAST LINE A DISTANCE OF 111.39 FEET; THENCE SOUTH 00°00'45" WEST ALONG SAID EAST LINE A DISTANCE OF 99.72 FEET TO THE SOUTHEAST CORNER OF SAID "COUNTRY CLUB ESTATES ANNEX NO. 2" THENCE NORTH 89°35'30" WEST ALONG THE SOUTH LINE OF SAID "COUNTRY CLUB ESTATES ANNEX NO. 2" A DISTANCE OF 374.91 FEET TO THE INITIAL POINT OF BEGINNING OF THE ABOVE DESCRIBED "COUNTRY CLUB ESTATES ANNEX NO. 2-A. I HEREBY CERTIFY THE ACCOMPANYING TRACING TO BE AN EXACT COPY OF THE ORIGINAL.  
 SUBSCRIBED AND SWORN BEFORE ME THIS 12<sup>TH</sup> DAY OF June, 1975  
 Ronald G. Tatone  
 NOTARY PUBLIC FOR THE STATE OF OREGON MY COMMISSION EXPIRES June 15, 1977



### APPROVALS:

- |                                                                               |                                                                  |
|-------------------------------------------------------------------------------|------------------------------------------------------------------|
| <i>Sharon K. Ross</i><br>CHAIRMAN CANBY PLANNING COMM.<br>DATE <u>6-11-75</u> | <i>Steve Schob</i><br>COUNTY COMMISSIONER<br>DATE                |
| <i>George D. Poppen</i><br>DEPUTY CO. ASSESSOR<br>DATE <u>7-10-75</u>         | <i>George D. Poppen</i><br>COUNTY CLERK<br>DATE <u>7-11-75</u>   |
| <i>Neville E. Malne</i><br>COUNTY SURVEYOR<br>DATE <u>6-30-75</u>             | <i>Delmina Tomlin</i><br>DEPUTY CO. CLERK<br>DATE <u>7-11-75</u> |
| <i>Thomas J. Sheppard</i><br>DEPUTY CO. SURVEYOR<br>DATE <u>6/22/75</u>       | TAXES PAID TO <u>6-30-75</u> DATE <u>7-11-75</u>                 |
| <i>John J. Shaw</i><br>CHAIRMAN CO. COMMISSIONERS<br>DATE                     | <i>Joe Shobe</i><br>CLACKAMAS CO. SHERIFF<br>DATE <u>7-11-75</u> |
| <i>John J. Shaw</i><br>COUNTY COMMISSIONER<br>DATE                            | <i>Ellen Pessen</i><br>DEPUTY CO. SHERIFF<br>DATE <u>7-11-75</u> |

28 21  
 27 22



**OWNER / APPLICANT** David Harris  
 170 Kakahiaka  
 Kailua, HI 96734  
 Telephone: (503) 830-1126  
 Email: daveventsurfing@gmail.com

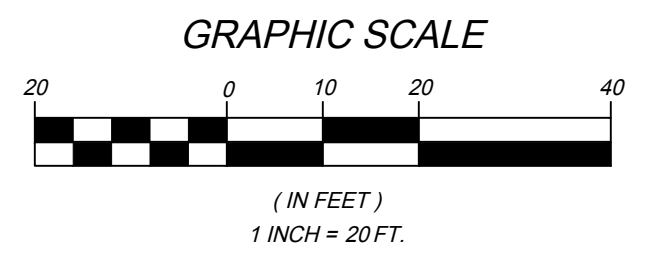
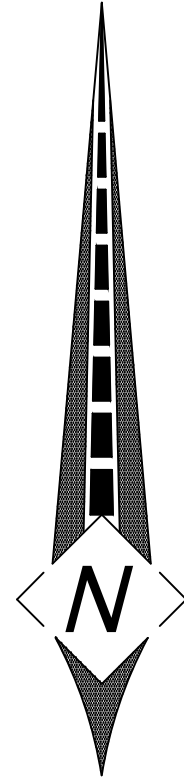
**PROPERTY #1:** Tax Lot 03903, T3S, R1E, Section 28AA  
 2570 N Maple Court  
 Canby, OR 97013  
 Lot Area = 15,710 sq. ft.

**PROPERTY #2:** Tax Lot 03904, T3S, R1E, Section 28AA  
 2590 N Maple Court  
 Canby, OR 97013  
 Lot Area = 17,052 sq. ft.

**PROPOSAL:** The proposal is to partition two existing lots into a third lot by taking some of the excess area from each of the existing lots. The new lot will be located in between the two existing homes on the east side of N Maple Court and it will back up to Willamette Valley Country Club.

**CONSULTANT:** Sisul Engineering, Pat Sisul  
 375 Portland Avenue  
 Gladstone, OR 97027  
 Telephone: (503) 657-0188  
 Email: patsisul@sisulengineering.com

**DATE:** July, 2017



REVISIONS	BY

**MINOR PARTITION**  
**DAVID HARRIS**

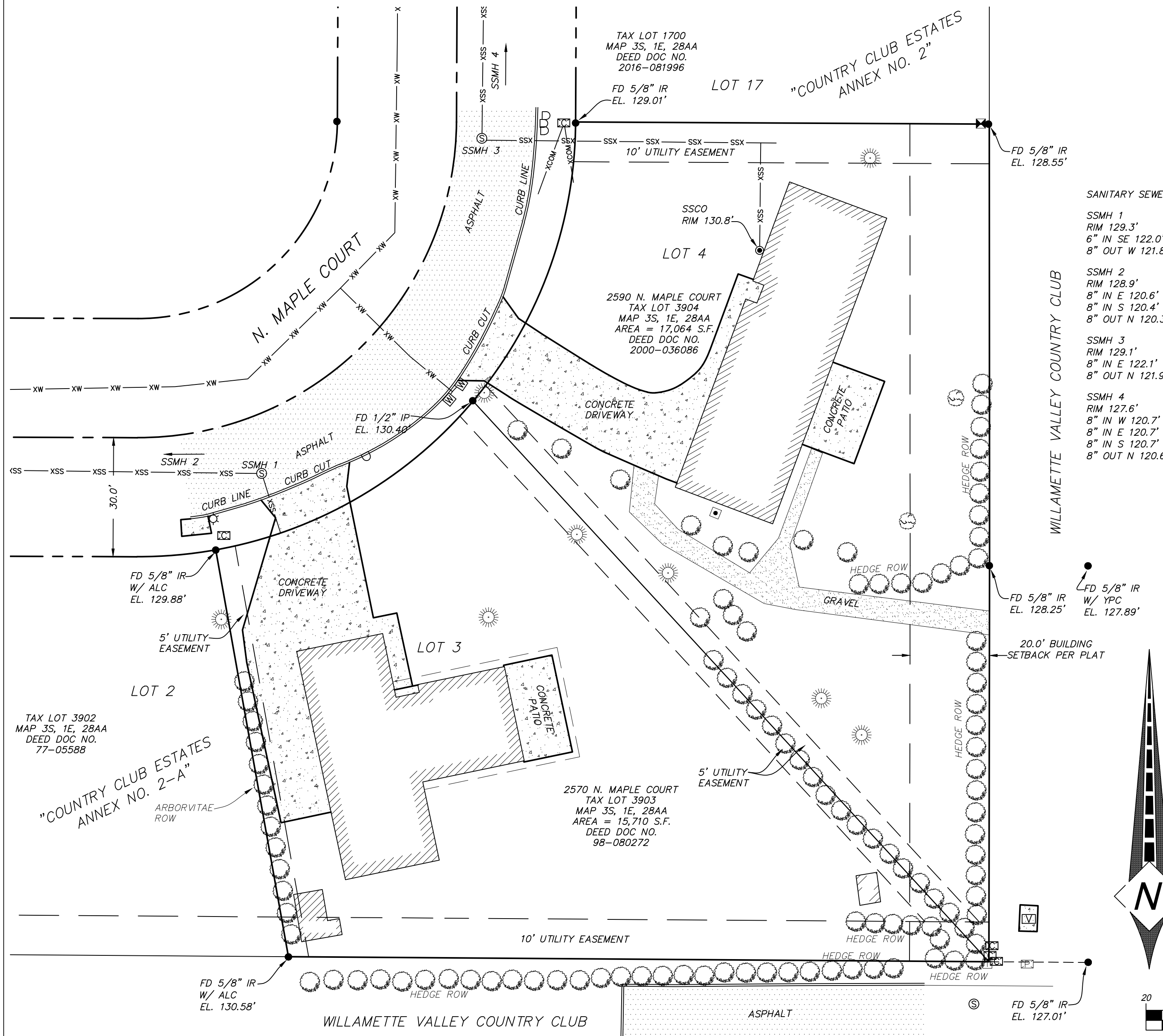
**Site Plan**

**SISUL ENGINEERING**  
 375 PORTLAND AVENUE  
 GLADSTONE, OREGON 97027  
 (503) 657-0188

<b>DATE</b>	JULY, 2017
<b>SCALE</b>	1" = 20'
<b>DRAWN</b>	PS
<b>JOB</b>	SGL17-030
<b>SHEET</b>	<b>1</b>
<b>OF 2 SHEETS</b>	

# EXISTING CONDITIONS MAP

TAX LOT 3903-3904, MAP 3S, 1E, 28AA  
 LOCATED IN THE N.E. 1/4 SECTION 28, T.3S., R.1E., W.M.,  
 CITY OF CANBY, CLACKAMAS COUNTY, OREGON  
 FEBRUARY 15, 2017 SCALE 1"=20'



## SURVEY NOTES:

THE DATUM FOR THIS SURVEY IS BASED UPON A STATIC GPS OBSERVATION OF LOCAL CONTROL POINTS, PROCESSED THROUGH OPUS AND CONVERTED FROM NAVD 88 TO NGVD 29 BY NOAA'S "VERTCON" UTILITY.

A TRIMBLE S6-SERIES ROBOTIC INSTRUMENT WAS USED TO COMPLETE A CLOSED LOOP FIELD TRAVERSE.

THE BASIS OF BEARINGS FOR THIS SURVEY IS PER MONUMENTS FOUND AND HELD PER THE PLAT OF "COUNTRY CLUB ESTATES ANNEX NO. 2", RECORDS OF CLACKAMAS COUNTY.

THE PURPOSE OF THIS SURVEY IS TO RESOLVE AND DETERMINE THE PERIMETER BOUNDARY OF THE SUBJECT PROPERTY, TO SHOW ALL PERTINENT BOUNDARY ISSUES AND ENCROACHMENTS. NO PROPERTY CORNERS WERE SET IN THIS SURVEY.

NO WARRANTIES ARE MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE, ETC.

NO TITLE REPORT WAS SUPPLIED OR USED IN THE PREPARATION OF THIS MAP.

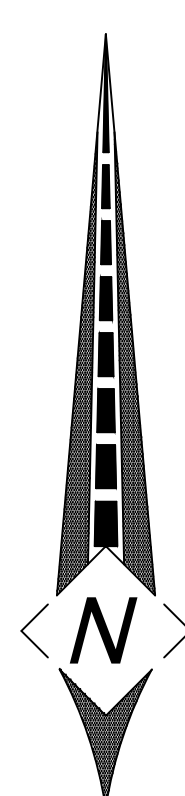
THE UNDERGROUND UTILITIES AS SHOWN ON THIS MAP HAVE BEEN LOCATED FROM FIELD SURVEY OF ABOVE GROUND STRUCTURES AND AS MARKED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR.

PER THE PLAT OF "COUNTRY CLUB ESTATES ANNEX NO. 2", RECORDS OF CLACKAMAS COUNTY, THERE IS A 5' UTILITY EASEMENT ALONG ALL INTERIOR LOT LINES.

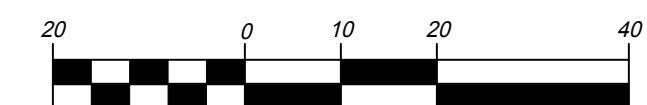
## LEGEND:

Some Symbols shown may not be used on map

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>DECIDUOUS TREE</li> <li>EVERGREEN TREE</li> <li>STORM SEWER MANHOLE</li> <li>CATCH BASIN</li> <li>SANITARY SEWER CLEANOUT</li> <li>SANITARY SEWER MANHOLE</li> <li>WATER VALVE</li> <li>WATER METER</li> <li>FIRE HYDRANT</li> <li>GAS VALVE</li> <li>GAS METER</li> <li>BOLLARD</li> <li>SIGN</li> <li>MAILBOX</li> <li>COMMUNICATIONS PEDESTAL</li> <li>COMMUNICATIONS MANHOLE</li> <li>COMMUNICATIONS BOX</li> <li>STORM OUTFALL</li> <li>FOUND MONUMENT</li> <li>DOWN SPOUT TO STORM SYSTEM</li> <li>FD = FOUND</li> <li>FI = FIR TREE</li> <li>PI = PINE TREE</li> <li>CE = CEDAR TREE</li> <li>YPC = YELLOW PLASTIC CAP</li> <li>DE = DECIDUOUS TREE</li> <li>IR = IRON ROD</li> <li>IP = IRON PIPE</li> <li>ALC = ALUMINUM CAP</li> </ul> | <ul style="list-style-type: none"> <li>UTILITY AND LIGHT POLE</li> <li>UTILITY POLE</li> <li>LIGHT POLE</li> <li>GUY WIRE</li> <li>ELECTRIC BOX</li> <li>ELECTRIC METER</li> <li>ELECTRICAL POWER PEDESTAL</li> <li>ELECTRIC RISER</li> <li>HEAT PUMP</li> <li>TRANSFORMER</li> <li>OVERHEAD LINE</li> <li>GAS LINE</li> <li>ELECTRICAL LINE</li> <li>COMMUNICATIONS LINE</li> <li>SANITARY SEWER LINE</li> <li>STORM DRAIN LINE</li> <li>WATER LINE</li> <li>FENCELINE</li> <li>UTILITY RISER</li> <li>UTILITY VAULT</li> </ul> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



## GRAPHIC SCALE



(IN FEET)  
 1 INCH = 20 FT.

SIGNED ON: \_\_\_\_\_  
 REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON  
 JULY 13, 2004  
 TOBY G. BOLDEN  
 60377LS

RENEWS: DECEMBER 31, 2017

## CENTERLINE CONCEPTS LAND SURVEYING, INC.

19376 MOLALLA AVE., SUITE 120  
 OREGON CITY, OREGON 97045  
 PHONE 503.650.0188 FAX 503.650.0189

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# City of Canby

## NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

The purpose of this Notice is to invite you to a Public Hearing at a Planning Commission meeting on Monday, August 28, 2017 at 7 pm in the City Council Chambers, 222 NE 2<sup>nd</sup> Avenue to review a Minor Land Partition application. The applicant proposes to partition two existing lots located at 2570 & 2590 N Maple Ct containing a total of 32,762 sq. ft. into a three lots of 11,830, 10,463 and 10,480 sq. ft. The new lot will be located between the two existing homes on the east side of N Maple Ct.



**Location:** 2570 & 2590 N Maple Ct

**Tax Lot:** 31E28AA03903 & 03904 (Properties are shown on map at the left.)

**Lot Size and Zoning:** R-1 Low Density Residential

**Owner:** Dave Harris

**Applicant:** Pat Sisul, Sisul Engineering

**Application Type:** Minor Land Partition

**City File Number:** MLP 17-04

**Contact:** Dave Epling, 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 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, P O Box 930, Canby, OR 97013; dropped off at 222 NE Second Avenue; 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, August 18, 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 upon request.

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

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.16 R-1 Low Density Residential Zone
- 16.21 Residential Design Standards
- 16.43 Outdoor Lighting Standards
- 16.46 Access Limitations on Project Density
- 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

*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> Avenue

**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, August 16, 2017. Written comments can also be submitted up to the time of the Public Hearing on Monday, August 28, 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.

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**APPLICATION:** *MLP 17-04 – 2570 & 2590 N Maple Ct, Dave Harris*

**COMMENTS:**

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**NAME:** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_

**EMAIL:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**AGENCIES: Please check one box and fill in your Name/Agency/Date below:**

- 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
- No Comments

**NAME:** \_\_\_\_\_

**AGENCY:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

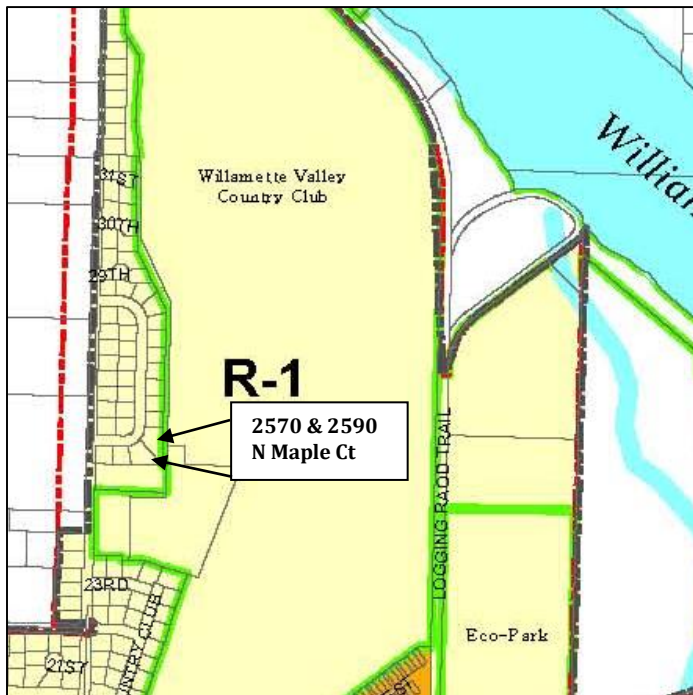
**Thank you!**



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**APPLICATION: *MLP 17-04 – 2570 & 2590 N Maple Ct, Dave Harris***

**COMMENTS:**

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**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**EMAIL:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

***AGENCIES: Please check one box and fill in your Name/Agency/Date below:***

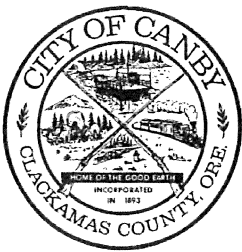
- Adequate Public Services (of your agency) are available
- Adequate Public Services will become available through the development
- Conditions are needed, as indicated
- Adequate public services are not available and will not become available
- No Comments

**NAME:** \_\_\_\_\_

**AGENCY:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

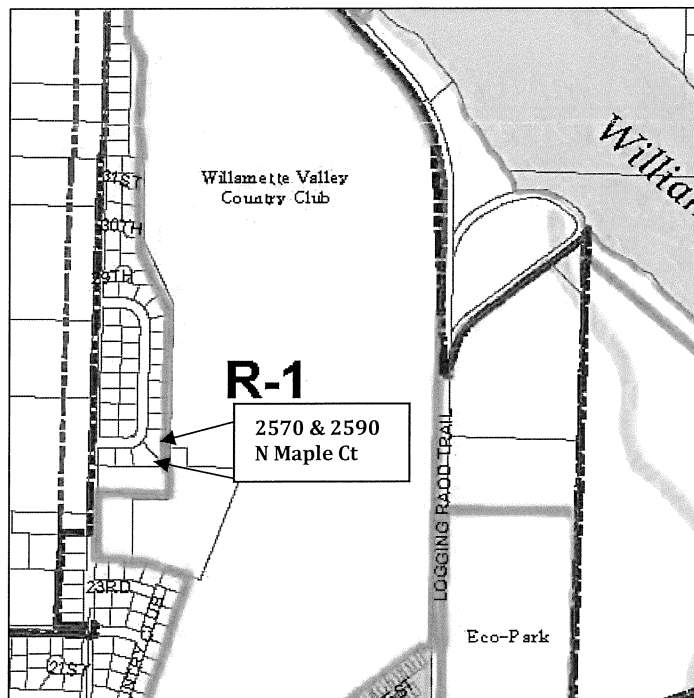
**Thank you!**



# City of Canby

## NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

The purpose of this Notice is to invite you to a Public Hearing at a Planning Commission meeting on Monday, September 11, 2017 at 7 pm in the City Council Chambers, 222 NE 2<sup>nd</sup> Avenue to review a Minor Land Partition application. The applicant proposes to partition two existing lots located at 2570 & 2590 N Maple Ct containing a total of 32,762 sq. ft. into a three lots of 11,830, 10,463 and 10,480 sq. ft. The new lot will be located between the two existing homes on the east side of N Maple Ct.



**Location:** 2570 & 2590 N Maple Ct

**Tax Lot:** 31E28AA03903 & 03904 (Properties are shown on map at the left.)

**Lot Size and Zoning:** R-1 Low Density Residential

**Owner:** Dave Harris

**Applicant:** Pat Sisul, Sisul Engineering

**Application Type:** Minor Land Partition

**City File Number:** MLP 17-04

**Contact:** Dave Epling, 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 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, P O Box 930, Canby, OR 97013; dropped off at 222 NE Second Avenue; 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, September 1, 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 upon request.

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

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.16 R-1 Low Density Residential Zone
- 16.21 Residential Design Standards
- 16.43 Outdoor Lighting Standards
- 16.46 Access Limitations on Project Density
- 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

*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.*

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**APPLICATION:** MLP 17-04 – 2570 & 2590 N Maple Ct, Dave Harris

**COMMENTS:**

DENSITY IS HIGH ENOUGH ALREADY ON MAPLE CT AND SURROUNDING AREA. INCREASING DENSITY WILL BRING DOWN CURRENT HOMEOWNERS HOME VALUES. INCREASED TRAFFIC REDUCES LIABILITY OF THE NEIGHBORHOOD. INCREASED DEMAND ON SEWER, WATER, POLICE, FIRE, INTERNET AND OTHER PUBLIC AND PRIVATE SERVICES IMPACTS CURRENT RESIDENTS. I OPPOSE THIS LOT DIVISION.

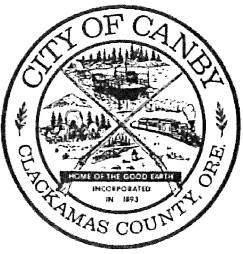
**NAME:** BRETT WELLS  
**ADDRESS:** 2655 N. MAPLE CT. CANBY OR. 97013  
**EMAIL:** JBWELLS@OUTLOOK.COM **DATE:** 8-14-2017

**AGENCIES:** Please check one box and fill in your Name/Agency/Date below:

- Adequate Public Services (of your agency) are available
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**DATE:** \_\_\_\_\_

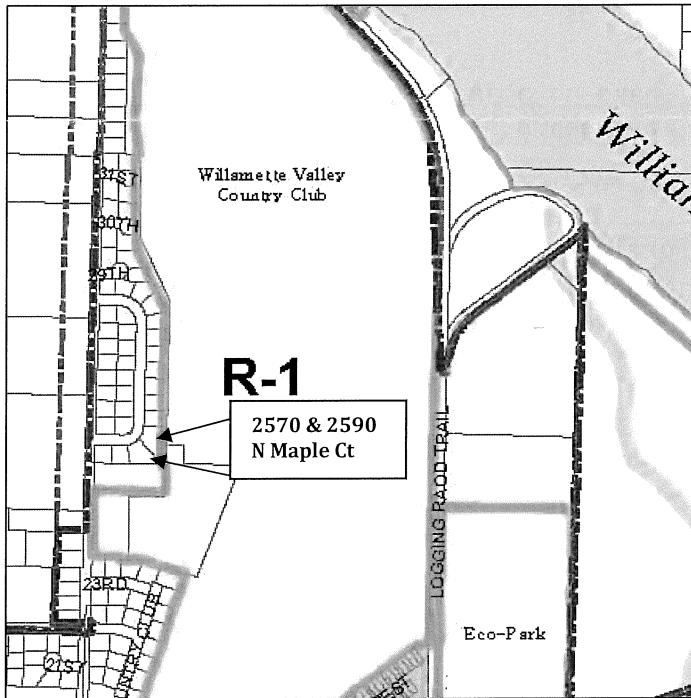
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# City of Canby

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**Owner:** Dave Harris

**Applicant:** Pat Sisul, Sisul Engineering

**Application Type:** Minor Land Partition

**City File Number:** MLP 17-04

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**APPLICATION: MLP 17-04 – 2570 & 2590 N Maple Ct, Dave Harris**

**COMMENTS:**

Having lived here for 40 years, I have no objections to this subdivision of these lots. It appears to be a good use of otherwise wasted buildable property

John W. Pursley  
2560 N. Maple Ct  
Canby, OR 97013-2115

NAME: John W Pursley

ADDRESS \_\_\_\_\_

EMAIL: \_\_\_\_\_ DATE: August 16, 2017

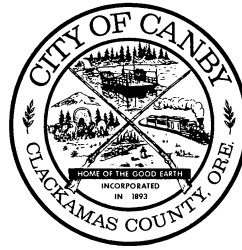
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AGENCY: \_\_\_\_\_  
DATE: \_\_\_\_\_

**Thank you!**

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



**A REQUEST FOR A MINOR LAND )  
PARTITION )  
2570, 2590 N. Maple Court )**

**FINDINGS, CONCLUSION & FINAL ORDER  
MLP 17-04  
DAVID W. HARRIS**

**NATURE OF THE APPLICATION**

The Applicant has sought approval for Minor Land Partition Application #MLP 17-04 to partition two existing lots of 16,988.4 square foot and 15,682.6 square foot into three parcels of approximately 10,462, 10,480, and 11,830 square feet each. Parcel 1 and Parcel 3 will contain existing dwellings. The properties are described as Tax Map/Lot 31E28AA03903 and 31E28AA03904, 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. Maple Court.

**HEARINGS**

The Planning Commission considered application MLP 17-04 after the duly noticed hearing on September 11, 2017 during which the Planning Commission approved MLP 17-04. 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 August 30, 2017 and presented at the September 11, 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 17-04 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 17-04** is approved, subject to the following conditions:

**CONDITIONS OF APPROVAL**

Minor Partition Conditions Unique to This Request:

1. A new home on Parcel 2 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. Maple Court by utility service providers shall be made a part of the recorded partition plat.
3. The driveway easement shall meet the 12' paved width standard stated in Section 16.64.040(1)(2) unless otherwise specified by the Planning Commission.
4. The proposed paved driveway shall maintain a 5 foot setback from the adjacent property line at the right-of-way, and shall extend 20 feet back from the right-of-way line into the private property and to within 150 feet of the exterior wall of the structure served by the driveway.
5. **The applicant shall record a service agency agreement to eliminate a 5 foot utility easement, created by Note 1 of recorded Plat 68/14, that runs the length of the common property line between existing lots 3 and 4, Country Club Estates Annex No. 2-A.**

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:

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11. All work associated with the required paved driveway or utility installations associated with the new vacant Parcel 2 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 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.
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 approving City File # MLP 17-04 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 11th day of September, 2017

\_\_\_\_\_  
John Savory  
Planning Commission Chair

\_\_\_\_\_  
Bryan Brown  
Planning Director

\_\_\_\_\_  
Laney Fouse, Attest  
Recording Secretary

**ORAL DECISION: September 11, 2017**

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>John Savory</i>				
<i>John Serlet</i>				
<i>Larry Boatright</i>				
<i>Derrick Mottern</i>				
<i>Tyler Hall</i>				
<i>Shawn Varwig</i>				
<i>Andrey Chernishov</i>				

**WRITTEN DECISION: September 11, 2017**

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>John Savory</i>				
<i>John Serlet</i>				
<i>Larry Boatright</i>				
<i>Derrick Mottern</i>				
<i>Tyler Hall</i>				
<i>Shawn Varwig</i>				
<i>Andrey Chernishov</i>				

## 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.

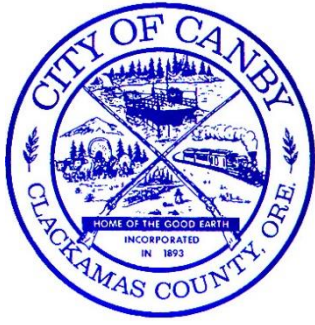
Testimony and evidence must be directed toward the applicable review criteria contained in the staff report, the Comprehensive Plan, or other land use regulations which the person believes to apply to the decision.

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.



# City of Canby

## MINOR PARTITION STAFF REPORT

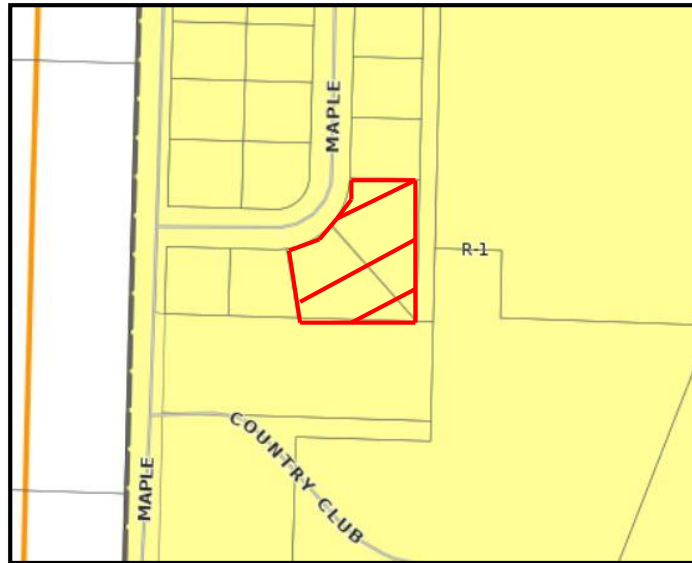
FILE #: MLP 17-04

Prepared for the September 11, 2017 Planning Commission Hearing

**LOCATION:** 2570 and 2590 N. Maple Court

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

**Tax lots:** 31E28AA03903 and 03904 (Red Bordered/Hatched Property in Map Below)



**LOT SIZES:** 32,671 TOTAL SQUARE FEET

**OWNER:** David W. Harris

**APPLICANT:** Pat Sisul, Sisul Engineering

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

**CITY FILE NUMBER:** MLP 17-04

### I. PROJECT OVERVIEW & EXISTING CONDITIONS

The applicant proposes to partition an existing 16,988.4 square foot lot and a 15,682.6 square foot lot into three parcels of approximately 10,463, 10,480, and 11,830 square foot each. Parcel 1 and Parcel 3 will contain existing dwellings, and the land division will create a flag lot between the two dwellings that is identified as Parcel 2. All utilities to serve the new lots will be accessed from N. Maple Court. Driveway access to the newly created lot is proposed from a single private 12 foot easement between Parcel 1 and Parcel 3.

**AGENCY COMMENTS:**

Review comments were solicited from the public, City departments, and applicable reviewing agencies. All comments received by the time of the hearing are included as 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:

- 16.08 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
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***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: The subject properties were created as Lot 3 and Lot 4 of the Country Club Estates Annex No. 2-A which was a replat of the Country Club Estates Annex No. 2 Subdivision. The properties are considered legally created lots 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 does not exist along the full N. Maple Court frontage of the existing properties. The existing subdivision was created in 1973 and replated in 1975 and sidewalks were not required with the original approval. The applicant intends to open a driveway approach to accommodate a new access easement to serve Parcel 2. Retrofitting street frontage by constructing sidewalks as a result of this application has no practical value because there are no other sidewalks on streets within the subdivision. Staff determined that constructing sidewalks is not applicable.

**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 one additional parcel eventually supporting a new single-family home would 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 exit 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: As previously mentioned, no sidewalks are in place along N. Maple Court, and sidewalk access from the street to the homes beyond the driveway itself is not 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. A 10 foot driveway separation between two driveways is required under Public Works Design Standards Section 2.211(g), and the proposed driveway will maintain a 5 foot driveway setback from the north property line of newly created Parcel 2. At the Planning Director's discretion, the applicant was permitted to move the north side of the driveway adjacent to property line to accommodate the**

setback. This results in the driveway cut or “wing” extending into the right-of-way in front of Parcel 1 and to extend back 20 feet along the property line from the access to the street. This does not result in a driveway separation issue for the existing driveway on Parcel 1 since that driveway is on the other side of the property. Due to the new property line between Parcel 2 and Parcel 3, the existing driveway on Parcel 3 will only be setback approximately 3.7 feet from the property line at the driveway entrance, thereby reducing the required 10 foot driveway separation to a total of approximately 8 feet. Staff has determined that this distance is the most reasonable acceptable distance that can be expected that still allow the applicant to create the new lot.

**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. Because this is a flag lot, the applicant is utilizing the minimum width.

### ***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 additional lot meets the 7,000 square foot minimum and is under the 10,000 maximum lot sizes. The new flag lot size is 9,849 square feet without including the “flag” portion. The flag portion can be excluded from the size of the lot under Section 16.64.040(I)(6). In this case, the flag portion of the partition is not under separate ownership but developed as an access and utility easement. The remaining two lots are over the 10,000 square foot maximum, but are exempt under Section 16.16.030(A). The existing dwellings will meet the minimum rear setback to the proposed new property boundary, and both lots will comply with the minimum 60 foot lot width. Verification of maximum impervious area for Parcel 2 will be verified during the building permit process for the new dwelling. Based on available information, it appears that Parcels 3 and 4 meet the standard.

### ***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 home will occur on



proposed Parcel 2 that is a flag lot and fronts only at the newly created access easement. 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 have existing dwellings with single-story homes. The proposed home on Parcel 2 may have to meet infill standards. 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.

***16.60 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 two parcels 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. Access to the newly created parcels will occur from a new driveway directly onto N. Maple Court. A condition of approval shall be placed to establish that any possible utility easement needed across the frontage of N. Maple Court 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 any parcel fronting on N. Maple Court. However, 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 how the proposed flag lot meets the 12 foot width of paved access for the parcel. The length of the access extends 44.22 feet before changing direction to shape the lot and meets the provision.**

**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 may 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. Maple Court.**

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.**

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, water lateral connections, and compliance with building and erosion control standards with development of Parcel 2.**

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. Maple Court 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 single 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 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 not required on local streets.**

**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 waived by the Planning Director because of availability of utilities and other facilities. 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 17-04 subject to the following conditions of approval:

**V. CONDITIONS OF APPROVAL**

Minor Partition Conditions Unique to This Request:

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- 1.** A new home on Parcel 2 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. Maple Court by utility service providers shall be made a part of the recorded partition plat.
  3. The driveway easement shall meet the 12' paved width standard stated in Section 16.64.040(I)(2) unless otherwise specified by the Planning Commission.
  4. The proposed paved driveway shall maintain a 5 foot setback from the adjacent property line at the right-of-way, and shall extend 20 feet back from the right-of-way line into the private property and to within 150 feet of the exterior wall of the structure served by the driveway.
  5. **The applicant shall record a service agency agreement to eliminate a 5 foot utility easement, created by Note 1 of recorded Plat 68/14, that runs the length of the common property line between existing lots 3 and 4, Country Club Estates Annex No. 2-A.**

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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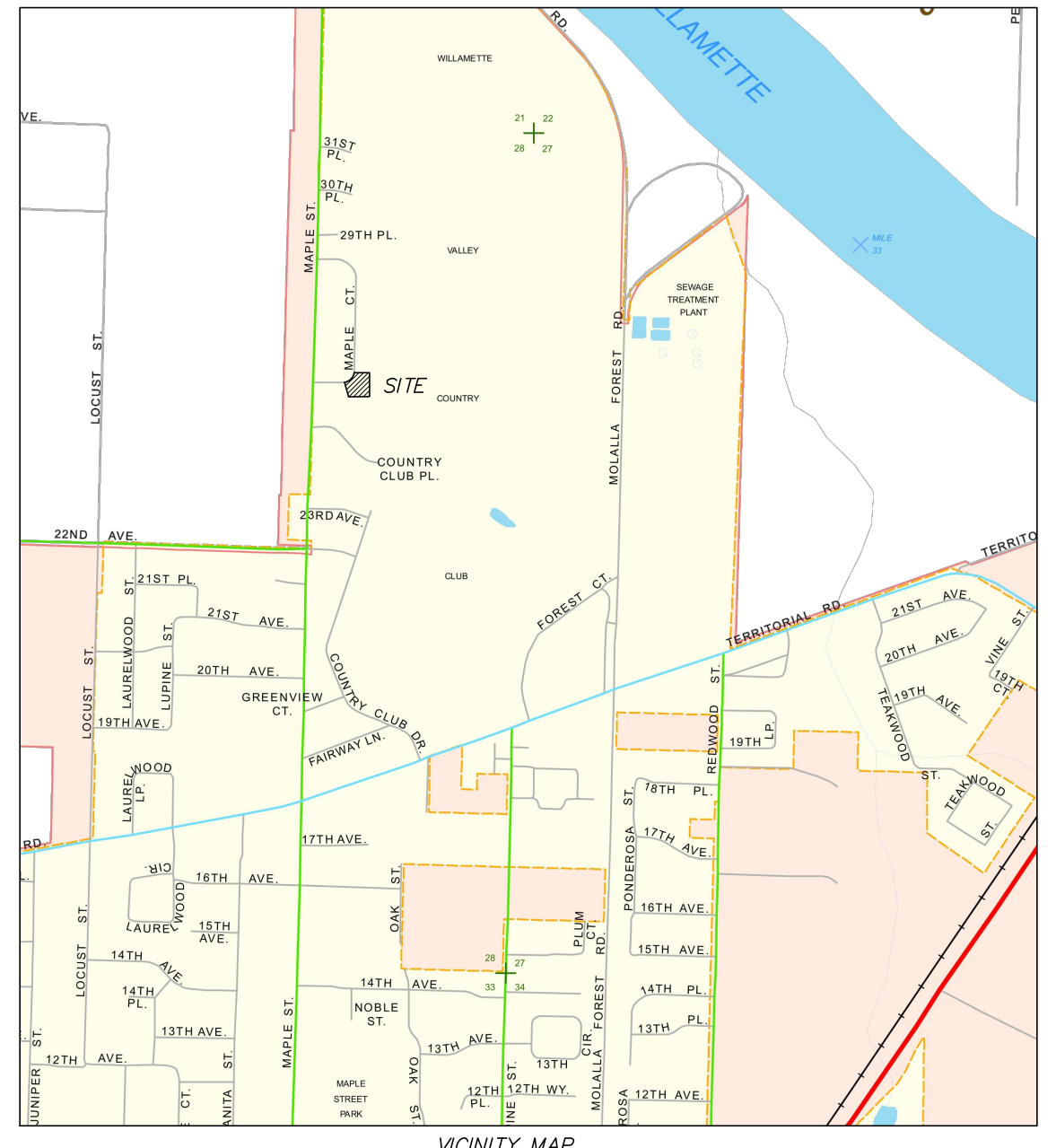
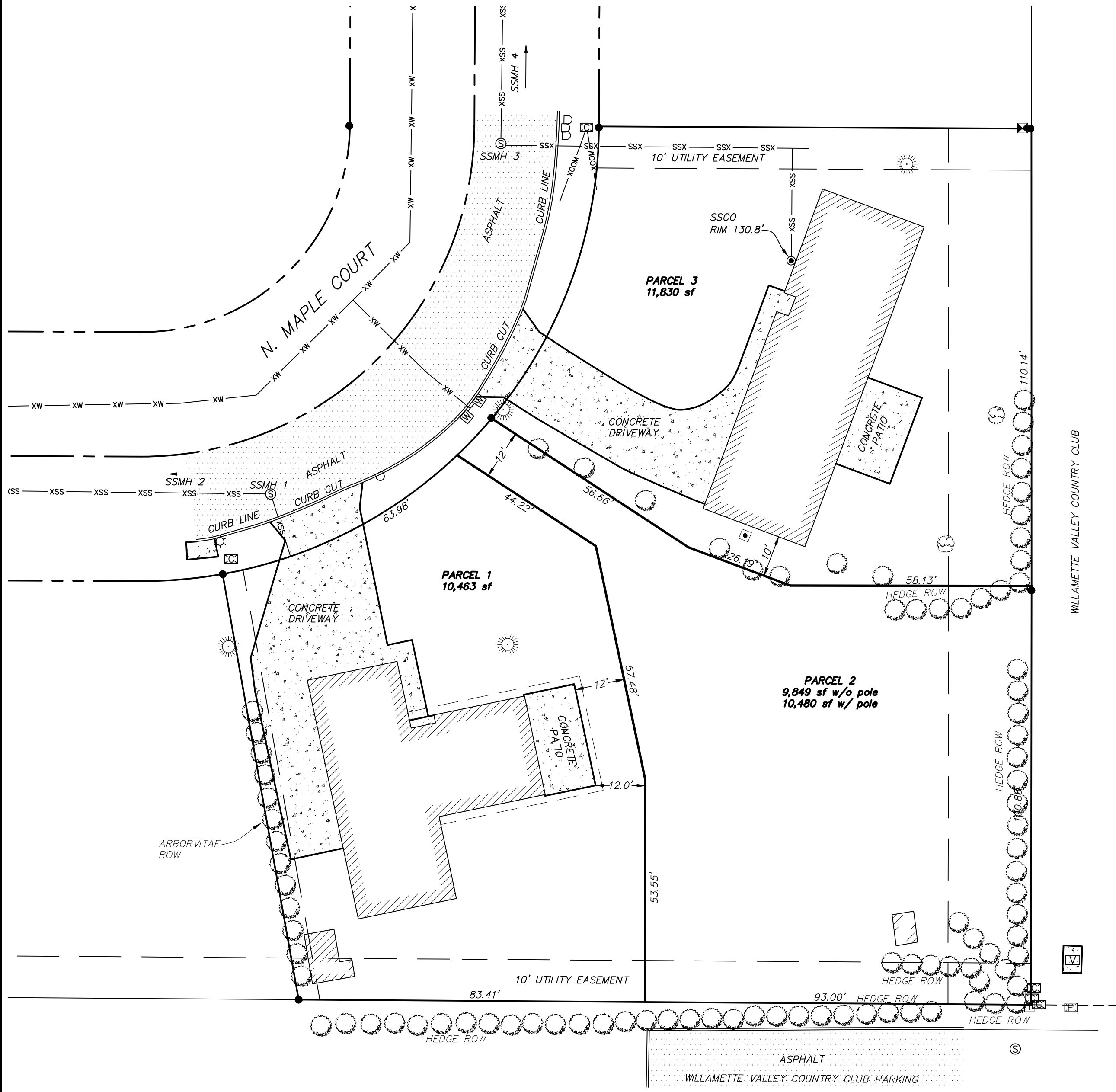
11. All work associated with the required paved driveway or utility installations associated with the new vacant Parcel 2 shall secure a street opening and/or driveway construction permit and comply with the City's current Public Works Design Standards.
12. Construction of all required public improvements 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 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.
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



OWNER / APPLICANT: David Harris  
 170 Kakahiaka  
 Kailua, HI 96734  
 Telephone: (503) 830-1126  
 Email: daveventsurfing@gmail.com

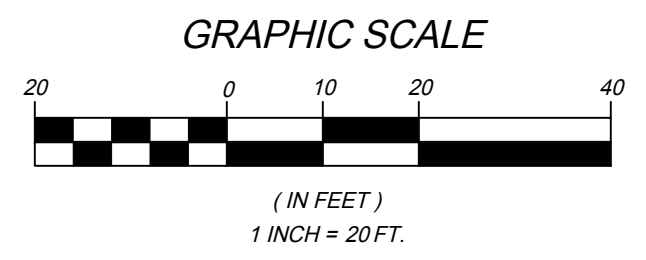
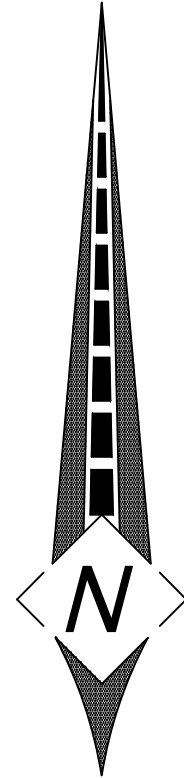
PROPERTY #1: Tax Lot 03903, T3S, R1E, Section 28AA  
 2570 N Maple Court  
 Canby, OR 97013  
 Lot Area = 15,710 sq. ft.

PROPERTY #2: Tax Lot 03904, T3S, R1E, Section 28AA  
 2590 N Maple Court  
 Canby, OR 97013  
 Lot Area = 17,052 sq. ft.

PROPOSAL: The proposal is to partition two existing lots into a third lot by taking some of the excess area from each of the existing lots. The new lot will be located in between the two existing homes on the east side of N Maple Court and it will back up to Willamette Valley Country Club.

CONSULTANT: Sisul Engineering, Pat Sisul  
 375 Portland Avenue  
 Gladstone, OR 97027  
 Telephone: (503) 657-0188  
 Email: patsisul@sisulengineering.com

DATE: July, 2017



REVISIONS	BY

MINOR PARTITION  
 DAVID HARRIS

Site Plan

**SISUL ENGINEERING**  
 375 PORTLAND AVENUE  
 GLADSTONE, OREGON 97027  
 (503) 657-0188

DATE	JULY, 2017
SCALE	1" = 20'
DRAWN	PS
JOB	SGL17-030
SHEET	<b>1</b>
OF	2 SHEETS

# Application for Minor Partition

## 2570 & 2590 N Maple Court

### Canby, OR 97013

Applicant / Owner:	Dave Harris 170 Kakahiaka Kailua, HI 96734 Telephone: (503) 830-1126 Email: <a href="mailto:davewentsurfing@gmail.com">davewentsurfing@gmail.com</a>
Location	2570 & 2590 N Maple Court Between N Maple Ct. & Willamette Valley County Club
Legal Description	Tax Lots 3903 & 3904, Sec. 28AA, T3S R1E WM (Assessor Map 3 1E 28AA)
Zoning	R-1, Low Density Residential
Proposal	The proposal is to partition two existing lots into a third by taking some of the excess area from each of the two existing lots. The new lot will be located between the two existing homes on the east side of N Maple Court.

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- III. Maps
  - a. Vicinity Map
  - b. Aerial Map
  - c. Assessor Map
  - d. Zoning Map
  - e. Plat of Country Club Estates Annex No 2-A
  - f. Sheet 1 Site Plan
  - g. Sheet 2 Existing Conditions
- Loose Mailing Labels

# I. Application Form



City of Canby  
 Planning Department  
 222 NE 2<sup>nd</sup> Avenue  
 P.O. Box 930  
 Canby, OR 97013  
 Ph: 503-266-7001  
 Fax: 503-266-1574

# LAND USE APPLICATION

## MINOR PARTITION Process Type II

## MAJOR PARTITION Process Type III

**APPLICANT INFORMATION:** (Check ONE box below for designated contact person regarding this application)

Applicant Name: Dave Harris Phone: 503-830-1126  
 Address: 170 Kakahiaka Email: davewentsurfing@gmail.com  
 City/State: Kailua, HI Zip: 96734

Representative Name: Sisul Engineering, Pat Sisul Phone: 503-657-0188  
 Address: 375 Portland Avenue Email: patsisul@sisulengineering.com  
 City/State: Gladstone, OR Zip: 97027

Property Owner Name: Dave Harris Phone: 503-830-1126  
 Signature: *Dave W. Harris*  
 Address: 170 Kakahiaka Email: davewentsurfing@gmail.com  
 City/State: Kailua, HI Zip: 96734

Property Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

*NOTE: Property owners or contract purchasers are required to authorize the filing of this application and must sign above*

- ① All property owners represent they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- ② All property owners understand that they must meet all applicable Canby Municipal Code (CMC) regulations, including but not limited to CMC Chapter 16.49 Site and Design Review standards.
- ③ All property owners hereby grant consent to the City of Canby and its officers, agents, employees, and/or independent contractors to enter the property identified herein to conduct any and all inspections that are considered appropriate by the City to process this application.

**PROPERTY & PROJECT INFORMATION:**

<u>2570 &amp; 2590 N Maple Court</u>	<u>32,762 sf</u>	<u>T3S, R1E, Section 28AA, TL 3903 &amp; 3904</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>One single family home on each lot. 2 sheds on TL 3903.</u>	<u>R-1</u>	<u>LDR - Low Density Residential</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

To minor partition two existing lots into 3 & creating a new flag lot in between two existing homes.  
 Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

## II. Written Narrative



**Application for Minor Partition**

Owner/Applicant: Dave Harris  
170 Kakahiaka  
Kailua, HI 96734  
Telephone: (503) 830-1126  
Email: [davewentsurfing@gmail.com](mailto:davewentsurfing@gmail.com)

---

Property #1: Tax Lot: 03903, T3S, R1E, Section 28AA  
Address: 2570 N Maple Court  
Canby, OR 97013  
Lot Area: 15,710 sq. ft.  
Zoning: R-1 (Low Density Residential Zone)

---

Property #2: Tax Lot: 03904, T3S, R1E, Section 28AA  
Address: 2590 N Maple Court  
Canby, OR 97013  
Lot Area: 17,052 square feet  
Zoning: R-1 (Low Density Residential Zone)

---

Representative Sisul Engineering  
375 Portland Avenue  
Gladstone, OR 97027  
Pat Sisul, Project Manager  
Telephone: (503) 657-0188  
Email: [patsisul@sisulengineering.com](mailto:patsisul@sisulengineering.com)

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Proposal The proposal is to partition two existing lots into a third by taking some of the excess area from each of the two existing lots. The new lot will be located between the two existing homes on the east side of N Maple Court.

## **SITE DESCRIPTION**

The lots being partitioned include two neighboring lots located on the east side of N Maple Court adjacent to the pro-shop and parking lot of Willamette Valley Country Club (WVCC). The properties include 2570 and 2590 N Maple Court, two irregular shaped lots located in the southeast corner of the 4-lot Country Club Estates Annex No 2-A subdivision that was platted in 1975. The south line of 2570 N Maple Court (TL 3903) backs up to the WVCC parking lot while the east line of 2590 N Maple Court (TL 3904) backs up to the pro-shop, rough and tee box of hole #1. The applicant was a long-time resident of the neighborhood, having owned and residing at the home at 2570 N Maple Court for many years. Within the past year he purchased the home at 2590 N Maple Ct.

Both lots are oversized for the R-1 zone, which typically features lot sizes between 7,000 and 10,000 square feet. Both existing lots involved in this partition measure more than 15,000 square feet, and the total land area in the two properties is 32,762 square feet. Each property is occupied by a single-story home constructed in 1976. The footprint of the home on TL 3903 measures approximately 2,010 square feet and the footprint of the home on TL 3904 measures approximately 2,130 square feet. Tax Lot 3903 has two small sheds in addition to the home. Existing homes of similar style and age are located north and west of the properties while WVCC is located to the east and south.

Public water, sewer, power, gas and communications are available in N Maple Court and in easements on the properties. Each home is served by City of Canby water and sanitary sewer, and Canby Utility electrical service. Street lighting is located along the frontage of both properties and communications facilities are located along the street frontage and in the SE corner of the two parcels. Utility easements 5 feet in width are located along the west side of TL 3903 and along both sides of the line common to TL's 3903 & 3904. Ten-foot-wide utility easements are located along the north line of TL 3904 & the south line of TL 3903.

Other than trees, the two properties have no identified natural resources and no identified physical hazards. The two properties appear nearly flat to the eye, with the elevation ranging from a high of 130 feet to a low of 128.5 feet.

## **PROPOSAL**

The proposal is to create a third lot, a flag lot, in between the two existing homes, with all three lots exceeding the dimensional requirements of the R-1 zone. The proposal was discussed with the Planning Director and no pre-application conference was held, at the discretion of the Director. A neighborhood meeting is not a requirement for a minor partition.

## APPLICABLE CRITERIA AND STANDARDS

### Identification of Applicable Criteria and Standards

The following sections of the City of Canby Land Development and Planning Ordinance apply to this application:

- 16.16 R-1 Low Density Residential Zone
- 16.56 Land Division General Provisions
- 16.60 Major or Minor Partitions
- 16.88 General Standards & Procedures
- 16.89 Application and Review Procedures

## LAND USE AND DEVELOPMENT ORDINANCE

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

Response: The proposed minor partition will create a new flag lot in between existing homes located at 2570 & 2590 N Maple Court. The new lot will alter the size of the two existing lots as follows:

	Current size	Proposed size
Tax Lot 3903	15,710 sq. ft.	10,463 sq. ft.
Tax Lot 3904	17,052 sq. ft.	11,830 sq. ft.

The new lot being created will measure 9,849 sq. ft. exclusive of the pole strip and 10,480 sq. ft. with the unbuildable driveway pole strip included in the lot area. Single family dwellings are an outright approved use in the R-1 zone.

The following table lists the dimensional requirements and how the application proposes to satisfy each standard:

### *Section 16.16.030 R-1 Zone Dimensional Standards*

Requirement
16.16.030.A Minimum and maximum lot area: 7,000 sq. ft. and 10,000 sq. ft.
The two existing lots measure 15,710 sq. ft. and 17,052 sq. ft. for a combined area of 32,762 sq. ft., which is more lot area than can be allocated into three lots of 10,000 sq. ft. or less. The maximum lot area standard is allowed flexibility through the provisions of Section 16.16.030.A, which states, "The maximum lot area standard does not apply to single family dwellings existing at the time of subdivision or partition plan approval". Additional flexibility to the lot area requirements is provided by Section 16.16.030.B, Lot Area Exceptions. Because both existing lots have existing homes located on them that will remain, the maximum lot area standard does not apply to either Parcel 1 or 3.

Parcel 2 is a flag lot, and therefore Section 16.64.040.I.6 also applies to the lot area calculation. This section states, “The area of a panhandle shaped or flag lot shall be considered to be the rear or buildable portion of the lot and shall not include the driveway or access strip.” Parcel 2 measures 10,480 square feet total, with 9,849 square feet being in the buildable portion of the lot and 631 square feet being in the access strip. Based on this criterion, the proposed area of Parcel 2 is within the required range of between 7,000 and 10,000 square feet.

The provisions of this section are met.

16.16.030.B Lot area exceptions:

Based on the two existing homes remaining on Parcels 1 and 3 and Parcel 2 being a flag lot, all three lots will meet the lot area standards of Section 16.16.030.A, with the flexibility offered by that section and the flag lot standards of Section 16.64.040.I.

The lot area exceptions provided by Section 16.16.030.B are not required.

16.16.030.C Minimum width and frontage: 60 feet

Parcel 1 will have over 64 feet of frontage on N Maple Street, a lot width at the building line of over 90 feet, and 83.41 feet of width along the rear property line. Parcel 3 will have more than 76 feet of frontage on N Maple Street and will measure 110.14 feet along its rear property line. Both parcels meet the minimum width and frontage requirement of 60 feet.

Parcel 2 will be a flag lot having a pole strip measuring 12 feet wide. This arrangement is allowed per Section 16.64.040.I. The body of Parcel 2 will measure approximately 93 feet east-west by 100 feet north-south, exceeding the 60-foot width requirement.

The provisions of this section are met.

16.18.030.D Minimum yard requirements: Street yard: 20 feet for side with driveway. Other street yards: 15 feet. Rear yard: 20 feet for two story building, 15 feet for one story. Interior yard: 7 feet, or zero lot line.

Parcel 1 will maintain the existing yards on the north, south and west sides of the home. The land division will only change the side yard setback on the eastern side of the home where a minimum of 12 feet will be maintained between the covered concrete patio and the property line shared with Parcel 2, exceeding the requirement of 7 feet from the foundation of the home.

Parcel 3 will maintain the existing yards on the north, west and east sides of the home. The land division will only change the side yard setback on the south side of the home, where a 10-foot side yard will be maintained between the side of the garage and the property line shared with Parcel 2, exceeding the requirement of 7 feet.

<p>Parcel 2 will be a flag lot and a future home on the lot will have to meet the yard provisions of this section, with modification as allowed by Section 16.64.040.I.7. The provisions of this section can be met when a building permit is applied for on Parcel 2.</p>
<p>16.16.030.E Maximum building height: 35 feet</p> <p>The provisions of this section can be met with a building permit is applied for on Parcel 2.</p>
<p>16.16.030.F Maximum amount of impervious surface: 60 percent</p> <p>The impervious percentage of Parcel 1 will be approximately 39 percent, while the impervious percentage of Parcel 3 will be approximately 32 percent. Both well under the 60 percent allowable.</p> <p>Parcel 2, having a lot area of 9,849 sq. ft. would be permitted to have up to 5,909 sq. ft. of impervious area, more than sufficient to construct a new home and driveway. The provisions of this section can be met when a building permit is applied for on Parcel 2.</p>
<p>16.16.30.G Other regulations.</p> <p>These regulations do not apply to the proposed partition.</p>

*Division IV Land Division Regulations*

*Chapter 16.56 Land Division General Provisions*

Response: As required by Sec. 16.56.050.A, an application for Minor Partition has been submitted by the applicant for the City to review in accordance with its rules and regulations for minor partitions.

*Chapter 16.60 Major or Minor Partitions*

*16.60.040 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.*

Response: The proposed partition will create one additional parcel from two existing lots that were platted in 1975. The existing lots are both oversized for the R-1 zone and there is adequate room to create a new R-1 lot in conformance with the R-1 zoning designation. Creation of the new lot will have little impact on the surrounding neighborhood as the new lot will be a flag lot and won't be easily seen from most other homes or much of the public right-of-way. The body of the new lot will measure approximately 93 feet x 100 feet, providing a large space that can accommodate a spacious building footprint.

Access will be provided by a twelve-foot-wide paved private driveway located between the two existing homes onsite. The distance from the new accessway to the existing homes was measured out onsite by the applicant and was found to allow for adequate circulation around both existing homes.

Public facilities and services are in N Maple Court and in easements on the rear of the properties, as shown on maps submitted with the application. Necessary extensions of the public services will be completed by the applicant as needed to extend public services out of the roadway (such as a new water service and sanitary lateral).

#### *Chapter 16.62 Subdivisions-Applications*

Response: No subdivision is proposed. The proposed application for a minor partition will create one additional building lot. The provisions of Chapter 16.60 apply to the application and while provisions of Chapter 16.62 Subdivisions – Applications do not. Some provisions of Chapter 16.64 Subdivisions – Design Standards also apply.

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

Response: Although no subdivision is proposed, certain provisions of Section 16.64.040 relating to flag lots apply to the proposed application.

##### *16.64.040 Lots*

- I. Flag Lots or Panhandle-shaped Lots. The commission may allow the creation of flag lots provided that the following standards are met:*
  - 1. Not more than one flag lot shall be created to the rear of any conventional lot and having frontage on the same street unless it is found that access will be adequate and that multiple flag lots are the only reasonable method to allow for development of the site. Every flag lot shall have access to a public street.*

Response: One flag lot is proposed to the side of two existing homes. No other access is available due to WVCC being located to the south and east of the two existing lots.

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.*

Response: The access strip will serve a single lot and will be less than one hundred feet in length from the street to the body of the lot. A twelve-foot-wide access strip is proposed.

3. *For residential flag lots, a minimum building setback of five feet from the access strip shall be maintained where such buildings exist prior to the creation of the flag lot.*

Response: A minimum setback to the access strip of 10 feet will be maintained to existing home on Parcel 3, exceeding the requirement. The home on Parcel 1 is not located adjacent to the proposed access strip. The requirement of this section is met.

4. *Design and locations of buildings on flag lots shall be such that normal traffic will have sufficient area to turn around, rather than necessitating backing motions down the access strip. The commission may establish special setback requirements at the time of approving the creation of flag lots.*

Response: The body of the new flag lot will measure 93 feet by 100 feet, allowing ample room for the design of a home that will permit for a turnaround onsite. The requirement of this section can be met at the time of building permit.

5. *Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials.*

Response: No access to the State Highway System is at issue. The provision of this section does not apply to the application.

6. *The area of a panhandle shaped or flag lot shall be considered to be the rear or buildable portion of the lot and shall not include the driveway or access strip.*

Response: The lot area, calculated exclusive of the area of the access strip, will be between the minimum and maximum permitted lot area for the R-1 zone.

7. For the purposes of defining setbacks, flag lots shall have three side yards and one rear yard. The rear yard may be placed on any side of the main dwelling.

Response: The determination as to which yard will be the rear yard, can be made at the time of building permit submittal when the footprint of the proposed home is known.

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.*

Response: The Infill Home standards of Section 16.21.050 may apply to the future home on Parcel 2. Infill home standards can be addressed at the time of building permit submittal if they are deemed to apply to this site.

#### *Chapter 16.88 General Standards and Procedures*

Response: The general standards and procedures set out in this chapter apply to the regulations of all sections of this title, except as may be specifically noted. The application has been submitted to the City by applicant, with the land use application signed by the property owner of the two existing lots, and the appropriate fees paid (Sec. 16.88.030).

#### *Chapter 16.89 Application and Review Procedures*

Response: The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to review applications and participate in the decision-making process in a timely and effective way.

Partitions are a Type III procedure. Neighborhood meetings are not a requirement for partitions.

### **CONCLUSION**

The foregoing narrative and accompanying plans and documents, together demonstrate that the proposed Minor Partition conforms to the applicable criteria and standards of the City's Land Development and Planning Ordinance. Therefore, the applicant requests that the Planning Commission approve the application.



### III. Maps

- a. Vicinity Map
- b. Aerial Map
- c. Assessor Map
- d. Zoning Map
- e. Plat of County Club Estates Annex No-2A
- f. Sheet 1, Site Plan
- g. Sheet 2, Existing Conditions



### LEGEND

FOR FURTHER FUNCTIONAL CLASSIFICATION INFORMATION, CONTACT ODOT REGION OFFICE.

- INTERSTATE
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- URBAN COLLECTOR/RURAL MAJOR COLLECTOR
- MINOR COLLECTOR
- LOCAL ROAD
- INTERSTATE - US ROUTE - ORE. ROUTE
- NATIONAL HIGHWAY SYSTEM ROUTE
- CITY LIMIT
- URBAN GROWTH BOUNDARY
- RAILROAD - AMTRAK PASSENGER STATION
- GRAVEL PIT - QUARRY - ODOT STOCKPILE
- ODOT MAINTENANCE STATION

Published by

PREPARED ORIGINALLY BY THE OREGON DEPARTMENT OF TRANSPORTATION IN COOPERATION WITH THE U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION

SCALE

0 650 1,300 2,600 Feet

0 195 390 780 Meters

## OREGON TRANSPORTATION MAP

Showing Federal Functional Classification of Roads  
City of

# CANBY

POPULATION 15,910

T. 3-4 S. R. 1 E. W.M.

**CLACKAMAS COUNTY**  
2013 Edition

PARK & RIDE

INTERBUS

AMTRAK

AVAILABLE TRANSPORTATION SERVICES SHOWN WITH YELLOW BACKGROUND

Copies Available: From the Oregon Department of Transportation, Geographic Information Services Unit, 1800 NE Oregon Street, Portland, Oregon 97232, (503) 888-1154. <http://www.oregon.gov/ODOT/IT/DT/3DATA/Pages/citymaps.aspx>  
 Population numbers are based on current Oregon Population Report, College of Urban and Public Affairs, Portland State University, <http://pub.usda.gov>

Willamette Valley Country Club

N Maple Ct

N Maple St

Country Club Pl



NE1/4 NE1/4 SEC.28 T.3S. R.1E. W.M.

CLACKAMAS COUNTY

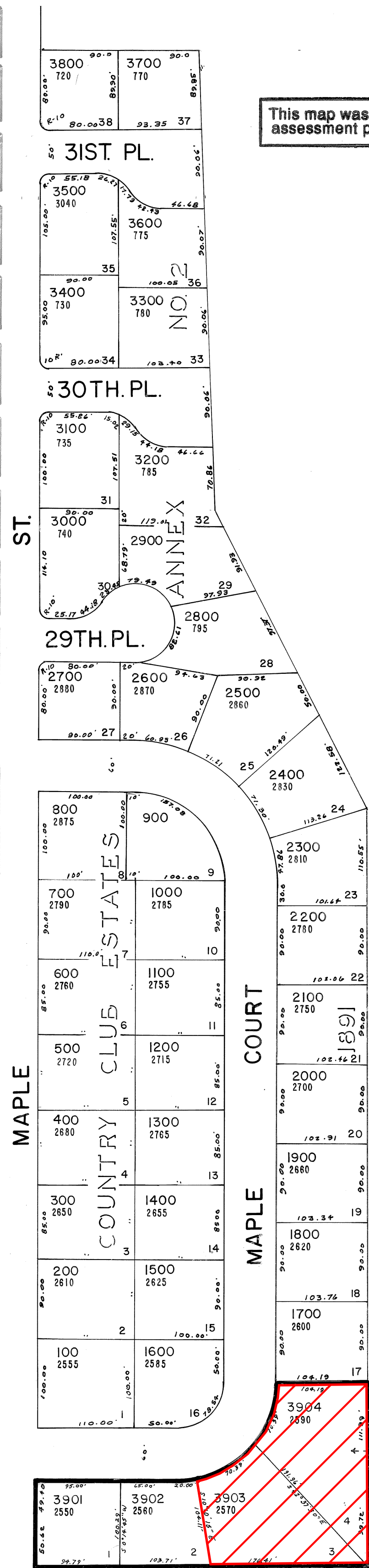
1" = 100'

21 22  
3 IE 28AA  
28 27

This map was prepared for  
assessment purpose only.

CANCELLED TL'S

3900



86-02

SEE MAP 3 IE 28

SEE MAP 3 IE 28 A

1/16Th Cor.

COUNTRY CLUB ESTATES  
ANNEX NO. 2A

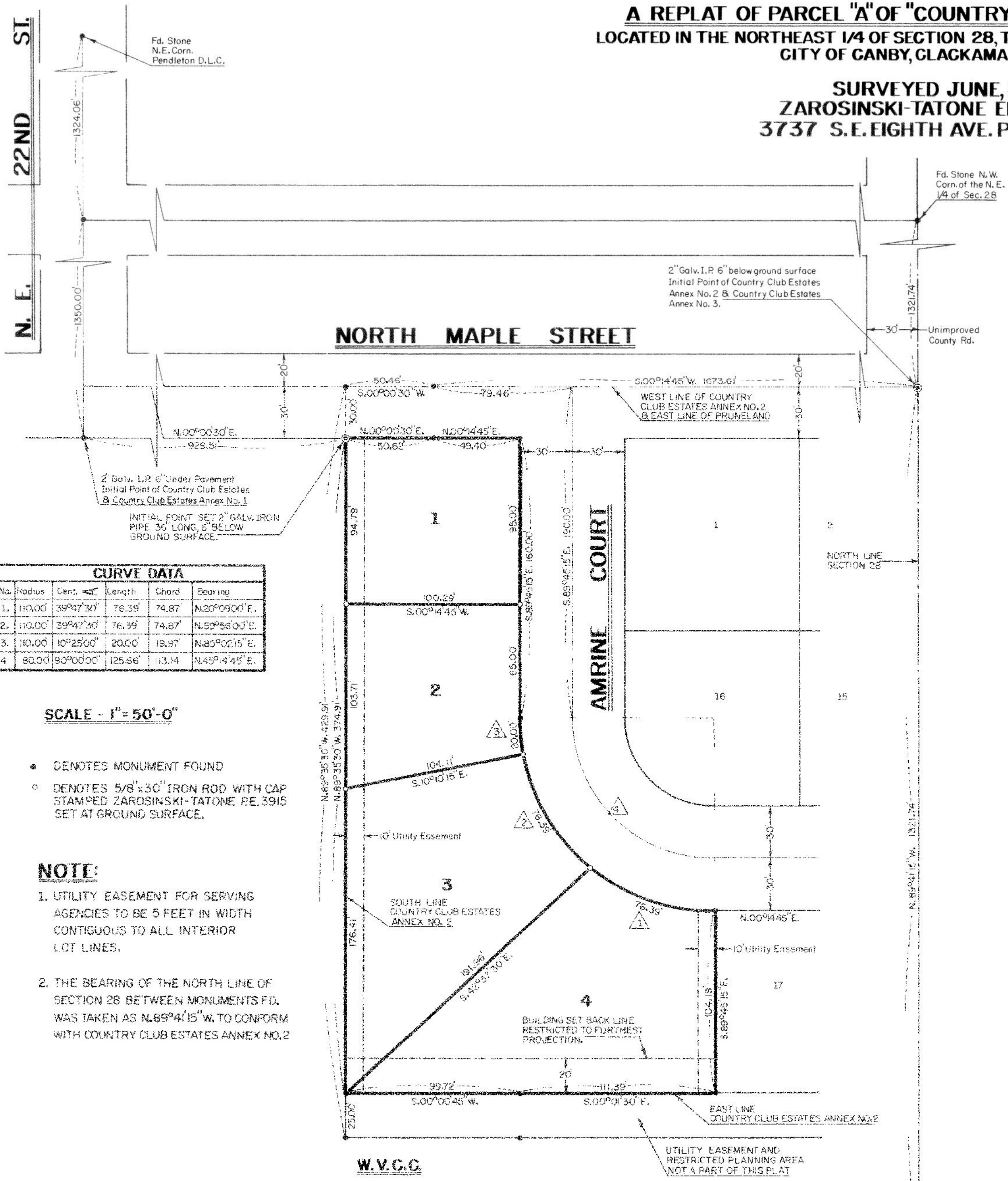
3 IE 28AA

BK 28

# "COUNTRY CLUB ESTATES ANNEX NO. 2-A"

A REPLAT OF PARCEL "A" OF "COUNTRY CLUB ESTATES ANNEX NO. 2"  
LOCATED IN THE NORTHEAST 1/4 OF SECTION 28, T.3S, R.1E OF THE WILLAMETTE MERIDIAN  
CITY OF GANBY, CLACKAMAS COUNTY, OREGON

SURVEYED JUNE, 1975 BY  
ZAROSINSKI-TATONE ENGINEERS, INC.  
3737 S.E. EIGHTH AVE. PORTLAND, OREGON



No.	Radius	Cent. A	Length	Chord	Bearing
1.	110.00	39°47'30"	76.39	74.87	N.20°09'00"E
2.	110.00	39°47'30"	76.39	74.87	N.59°56'00"E
3.	110.00	10°25'00"	20.00	19.97	N.85°00'15"E
4.	80.00	90°00'00"	125.86	113.14	N.45°4'45"E

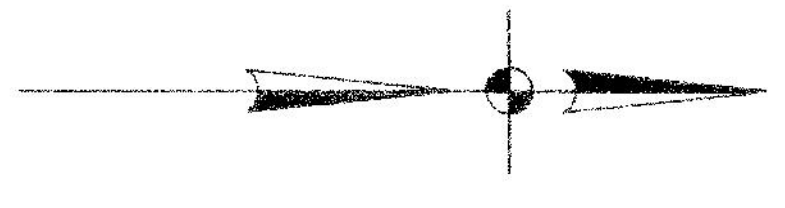
SCALE - 1" = 50'-0"

- DENOTES MONUMENT FOUND
- DENOTES 5/8" x 30" IRON ROD WITH CAP STAMPED ZAROSINSKI-TATONE P.E. 3915 SET AT GROUND SURFACE.

### NOTE:

- UTILITY EASEMENT FOR SERVING AGENCIES TO BE 5 FEET IN WIDTH CONTIGUOUS TO ALL INTERIOR LOT LINES.
- THE BEARING OF THE NORTH LINE OF SECTION 28 BETWEEN MONUMENTS F.D. WAS TAKEN AS N.89°4'15"W. TO CONFORM WITH COUNTRY CLUB ESTATES ANNEX NO. 2

W.V.C.C.



28 21  
27 22

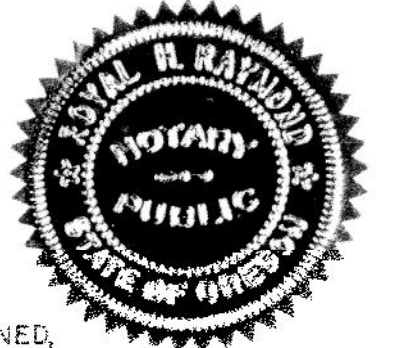
### DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT "PORTLAND ESCROWS INC" AN OREGON CORPORATION DOES HEREBY MAKE, ESTABLISH AND DECLARE THE MAP OF "COUNTRY CLUB ESTATES ANNEX NO. 2-A" AS DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE TO BE A TRUE AND CORRECT MAP AND PLAT THEREOF, ALL LOTS BEING OF THE DIMENSIONS SHOWN AND ALL STREETS AND ROADS BEING OF THE WIDTHS HEREIN SET FORTH AND THAT WE DO HEREBY DEDICATE TO THE USE OF THE PUBLIC AS PUBLIC WAYS FOREVER ALL STREETS AND ROADS SHOWN ON SAID PLAT.

WITNESS OUR SIGNATURES THIS 13<sup>TH</sup> DAY OF JUNE, 1975  
 WARD V. COOK - PRESIDENT  
 HATTIE W. VERMILYEA - SECRETARY

### ACKNOWLEDGEMENT:

STATE OF OREGON } S.S.  
 COUNTY OF CLACKAMAS }  
 BE IT REMEMBERED THAT ON THIS 13<sup>TH</sup> DAY OF JUNE, 1975, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF OREGON PERSONALLY APPEARED WARD V. COOK AND HATTIE W. VERMILYEA KNOWN TO ME TO BE THE PERSONS NAMED IN THE FOREGOING DOCUMENT, WHO BEING FIRST DULY SWORN DID ACKNOWLEDGE TO ME THAT THEY EXECUTED THE FOREGOING DOCUMENT FREELY AND VOLUNTARILY, IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR FIRST IN THIS CERTIFICATE WRITTEN.  
 NOTARY PUBLIC FOR THE STATE OF OREGON MY COMMISSION EXPIRES JUNE 17, 1977

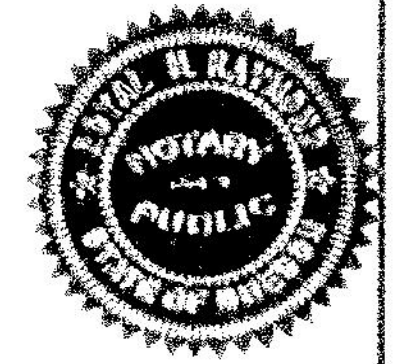


### SURVEYOR'S CERTIFICATE:

I, RONALD G. TATONE, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LANDS REPRESENTED ON THE ADJOINING MAP TO BE KNOWN HENCEFORTH AS "COUNTRY CLUB ESTATES ANNEX NO. 2-A" LOCATED IN THE NORTHEAST ONE QUARTER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, CITY OF GANBY, CLACKAMAS COUNTY, OREGON. SAID LANDS BEING FURTHER DESCRIBED AS "PARCEL A" OF "COUNTRY CLUB ESTATES ANNEX NO. 2" THAT AT THE INITIAL POINT OF COUNTRY CLUB ESTATES ANNEX NO. 2-A, I SET A 2 INCH GALVANIZED IRON PIPE, 36 INCHES LONG, DRIVEN 6 INCHES BELOW THE SURFACE OF THE GROUND AT A POINT ON THE EAST LINE OF NORTH MAPLE STREET, SAID POINT BEING SOUTH 00°14'45" WEST ALONG THE WEST LINE OF SAID "COUNTRY CLUB ESTATES ANNEX NO. 2" AS RECORDED IN RECORD OF PLATS CLACKAMAS COUNTY, OREGON A DISTANCE OF 1,673.61 FEET; THENCE SOUTH 00°00'30" WEST ALONG SAID WEST LINE A DISTANCE OF 50.46 FEET; THENCE SOUTH 89°35'30" EAST A DISTANCE OF 30.00 FEET FROM THE INITIAL POINT OF SAID "COUNTRY CLUB ESTATES ANNEX NO. 2" SAID POINT BEING ON THE NORTH LINE OF SAID SECTION 28 AND NORTH 89°4'15" WEST A DISTANCE OF 1,321.74 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 28.

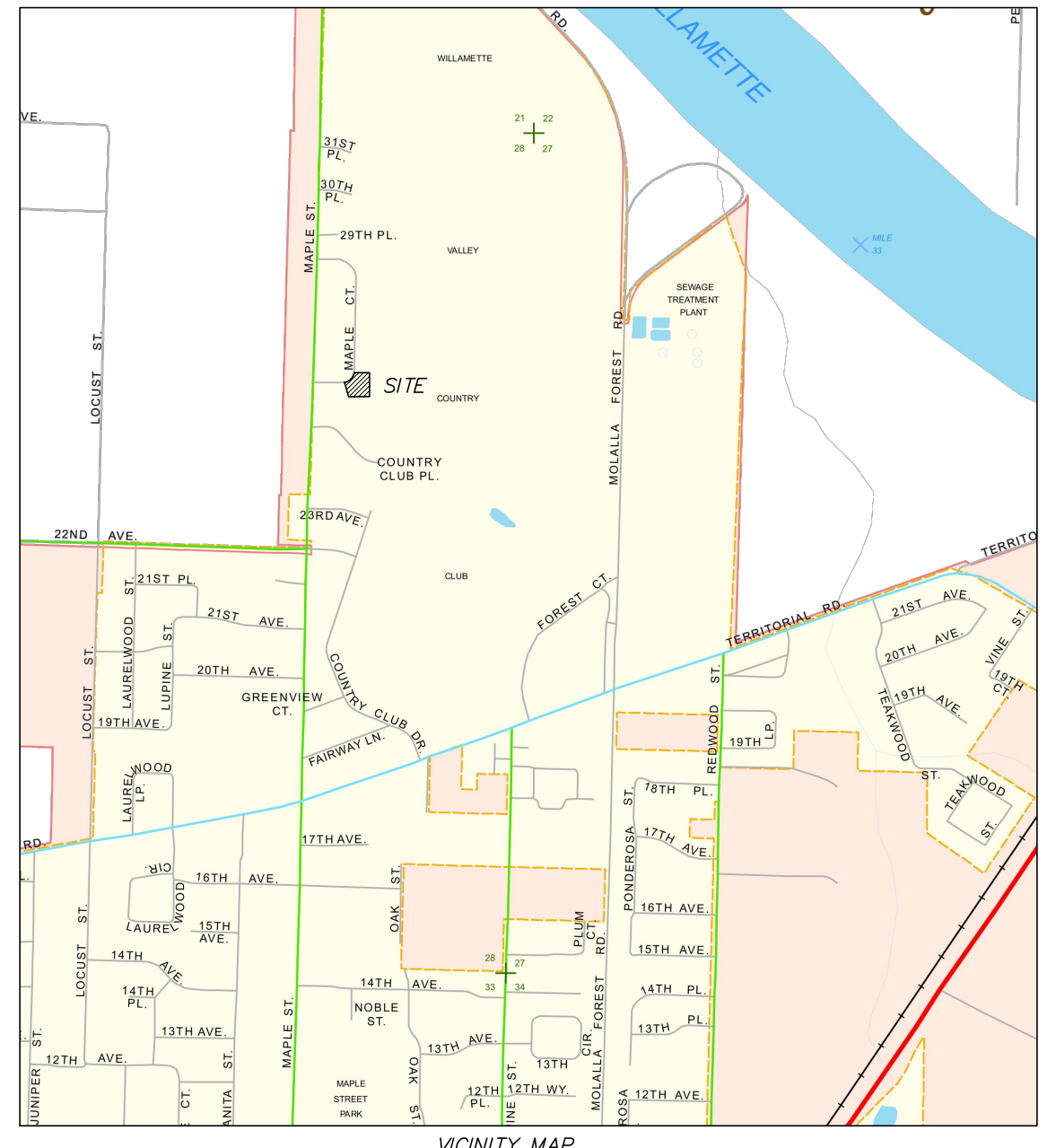
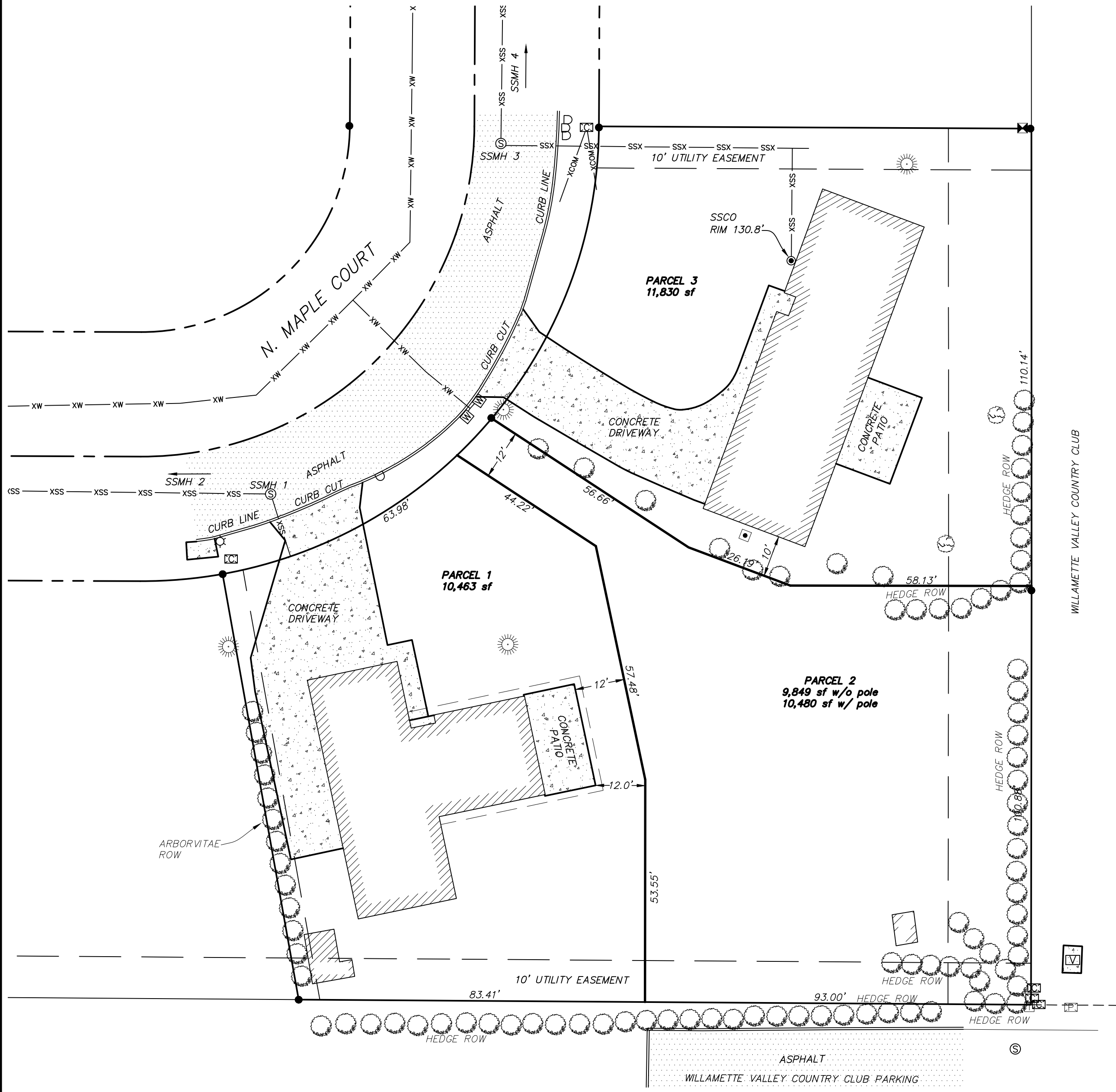
THENCE FROM SAID INITIAL POINT OF BEGINNING NORTH 00°00'30" EAST ALONG THE EAST LINE OF SAID NORTH MAPLE STREET A DISTANCE OF 50.62 FEET; THENCE NORTH 00°14'45" EAST ALONG SAID EAST LINE A DISTANCE OF 49.40 FEET TO THE INTERSECTION OF SAID EAST LINE WITH THE SOUTHERLY LINE OF AMRINE COURT; THENCE SOUTH 89°45'15" EAST ALONG SAID SOUTHERLY LINE A DISTANCE OF 160.00 FEET TO A POINT OF CURVE; THENCE CONTINUING ALONG SAID SOUTHERLY LINE, ALONG A 110.00 FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 90°00'00" AN ARC DISTANCE OF 172.79 FEET (THE LONG CHORD OF SAID CURVE BEARS NORTH 45°14'45" EAST A DISTANCE OF 155.56 FEET) TO THE SOUTHWEST CORNER OF LOT 17 OF SAID COUNTRY CLUB ESTATES ANNEX NO. 2; THENCE SOUTH 89°45'15" EAST ALONG THE SOUTH LINE OF SAID LOT 17, A DISTANCE OF 104.19 FEET TO A POINT ON THE EAST LINE OF SAID "COUNTRY CLUB ESTATES ANNEX NO. 2"; THENCE SOUTH 00°00'30" EAST ALONG SAID EAST LINE A DISTANCE OF 111.39 FEET; THENCE SOUTH 00°00'45" WEST ALONG SAID EAST LINE A DISTANCE OF 99.72 FEET TO THE SOUTHEAST CORNER OF SAID "COUNTRY CLUB ESTATES ANNEX NO. 2" THENCE NORTH 89°35'30" WEST ALONG THE SOUTH LINE OF SAID "COUNTRY CLUB ESTATES ANNEX NO. 2" A DISTANCE OF 374.91 FEET TO THE INITIAL POINT OF BEGINNING OF THE ABOVE DESCRIBED "COUNTRY CLUB ESTATES ANNEX NO. 2-A. I HEREBY CERTIFY THE ACCOMPANYING TRACING TO BE AN EXACT COPY OF THE ORIGINAL.

SUBSCRIBED AND SWORN BEFORE ME THIS 12<sup>TH</sup> DAY OF JUNE, 1975  
 NOTARY PUBLIC FOR THE STATE OF OREGON



### APPROVALS:

- |                               |                     |                              |                     |
|-------------------------------|---------------------|------------------------------|---------------------|
| <i>Charles K. Ross</i>        | DATE <u>6-11-75</u> | <i>Steve Schob</i>           | DATE                |
| CHAIRMAN CANBY PLANNING COMM. |                     | COUNTY COMMISSIONER          |                     |
| <i>George D. Poppen</i>       | DATE <u>7-10-75</u> | <i>George D. Poppen</i>      | DATE <u>7-11-75</u> |
| DEPUTY CO. ASSESSOR           |                     | COUNTY CLERK                 |                     |
| <i>Neville E. Malne</i>       | DATE <u>6-30-75</u> | <i>Delmina Tomlin</i>        | DATE <u>7-11-75</u> |
| COUNTY SURVEYOR               |                     | DEPUTY CO. CLERK             |                     |
| <i>Thomas J. Sheppard</i>     | DATE <u>6/22/75</u> | TAXES PAID TO <u>6-30-75</u> | DATE <u>7-11-75</u> |
| DEPUTY CO. SURVEYOR           |                     | <i>Joe Shobe</i>             | DATE <u>7-11-75</u> |
| <i>Thomas J. Sheppard</i>     | DATE <u>6/22/75</u> | <i>Ellen Pessen</i>          | DATE <u>7-11-75</u> |
| CHAIRMAN CO. COMMISSIONERS    |                     | CLACKAMAS CO. SHERIFF        |                     |
| <i>John J. Shaw</i>           | DATE <u>6/22/75</u> | <i>Ellen Pessen</i>          | DATE <u>7-11-75</u> |
| COUNTY COMMISSIONER           |                     | DEPUTY CO. SHERIFF           |                     |



**OWNER / APPLICANT** David Harris  
 170 Kakahiaka  
 Kailua, HI 96734  
 Telephone: (503) 830-1126  
 Email: daveventsurfing@gmail.com

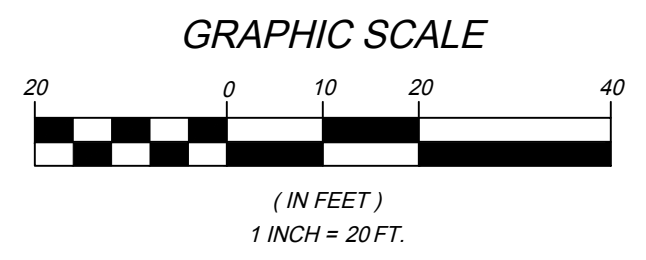
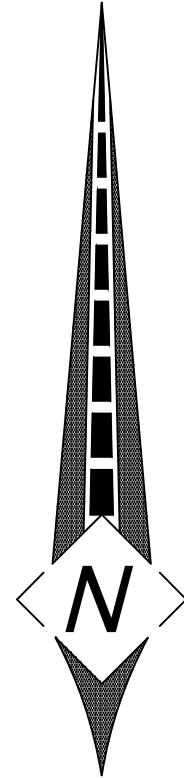
**PROPERTY #1:** Tax Lot 03903, T3S, R1E, Section 28AA  
 2570 N Maple Court  
 Canby, OR 97013  
 Lot Area = 15,710 sq. ft.

**PROPERTY #2:** Tax Lot 03904, T3S, R1E, Section 28AA  
 2590 N Maple Court  
 Canby, OR 97013  
 Lot Area = 17,052 sq. ft.

**PROPOSAL:** The proposal is to partition two existing lots into a third lot by taking some of the excess area from each of the existing lots. The new lot will be located in between the two existing homes on the east side of N Maple Court and it will back up to Willamette Valley Country Club.

**CONSULTANT:** Sisul Engineering, Pat Sisul  
 375 Portland Avenue  
 Gladstone, OR 97027  
 Telephone: (503) 657-0188  
 Email: patsisul@sisulengineering.com

**DATE:** July, 2017



REVISIONS	BY

**MINOR PARTITION**  
**DAVID HARRIS**

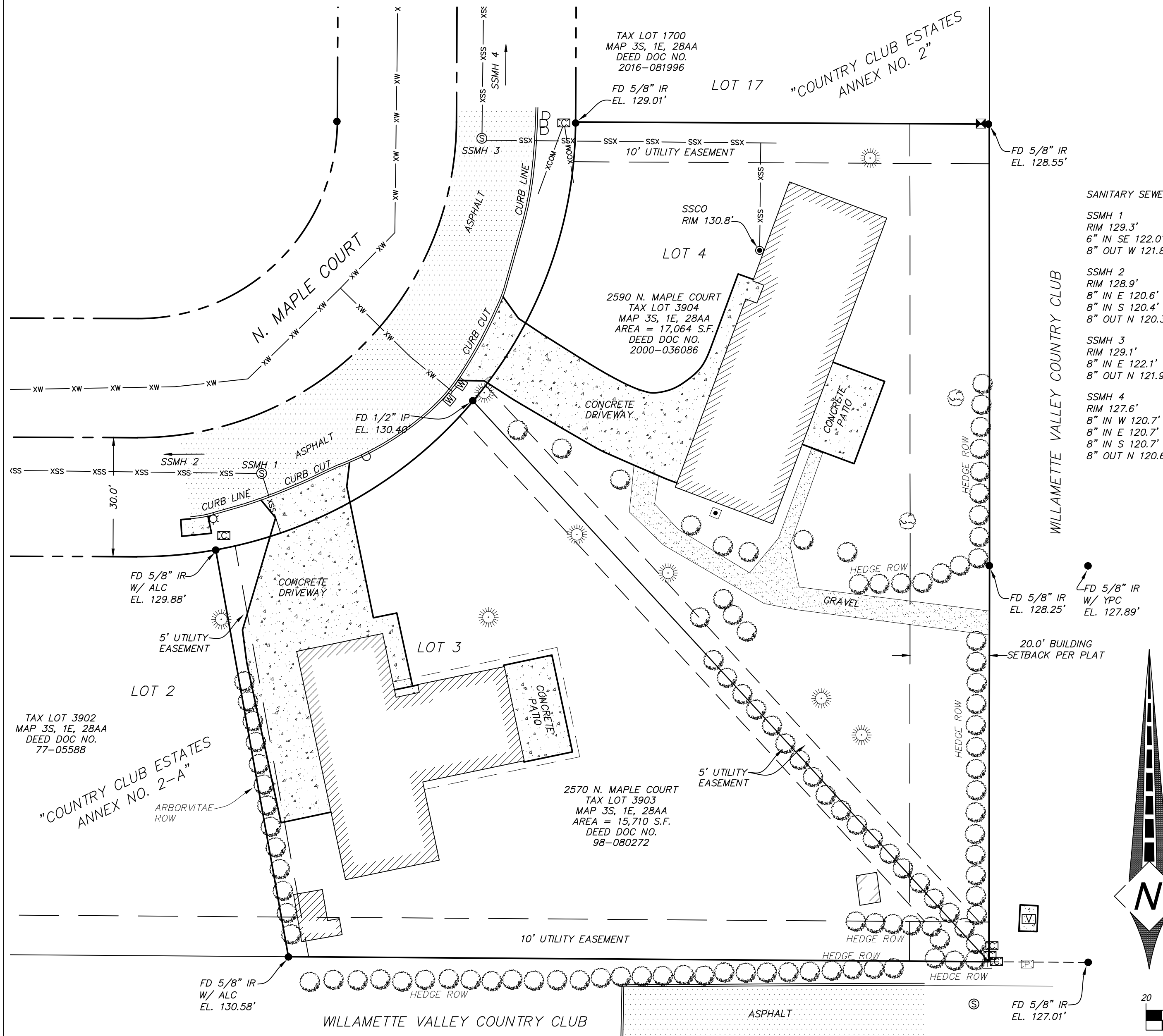
**Site Plan**

**SISUL ENGINEERING**  
 375 PORTLAND AVENUE  
 GLADSTONE, OREGON 97027  
 (503) 657-0188

DATE	JULY, 2017
SCALE	1" = 20'
DRAWN	PS
JOB	SGL17-030
SHEET	<b>1</b>
OF	2 SHEETS

# EXISTING CONDITIONS MAP

TAX LOT 3903-3904, MAP 3S, 1E, 28AA  
 LOCATED IN THE N.E. 1/4 SECTION 28, T.3S., R.1E., W.M.,  
 CITY OF CANBY, CLACKAMAS COUNTY, OREGON  
 FEBRUARY 15, 2017 SCALE 1"=20'



## SURVEY NOTES:

THE DATUM FOR THIS SURVEY IS BASED UPON A STATIC GPS OBSERVATION OF LOCAL CONTROL POINTS, PROCESSED THROUGH OPUS AND CONVERTED FROM NAVD 88 TO NGVD 29 BY NOAA'S "VERTCON" UTILITY.

A TRIMBLE S6-SERIES ROBOTIC INSTRUMENT WAS USED TO COMPLETE A CLOSED LOOP FIELD TRAVERSE.

THE BASIS OF BEARINGS FOR THIS SURVEY IS PER MONUMENTS FOUND AND HELD PER THE PLAT OF "COUNTRY CLUB ESTATES ANNEX NO. 2", RECORDS OF CLACKAMAS COUNTY.

THE PURPOSE OF THIS SURVEY IS TO RESOLVE AND DETERMINE THE PERIMETER BOUNDARY OF THE SUBJECT PROPERTY, TO SHOW ALL PERTINENT BOUNDARY ISSUES AND ENCROACHMENTS. NO PROPERTY CORNERS WERE SET IN THIS SURVEY.

NO WARRANTIES ARE MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE, ETC.

NO TITLE REPORT WAS SUPPLIED OR USED IN THE PREPARATION OF THIS MAP.

THE UNDERGROUND UTILITIES AS SHOWN ON THIS MAP HAVE BEEN LOCATED FROM FIELD SURVEY OF ABOVE GROUND STRUCTURES AND AS MARKED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR.

PER THE PLAT OF "COUNTRY CLUB ESTATES ANNEX NO. 2", RECORDS OF CLACKAMAS COUNTY, THERE IS A 5' UTILITY EASEMENT ALONG ALL INTERIOR LOT LINES.

## LEGEND:

Some Symbols shown may not be used on map

- |  |                            |  |                           |
|--|----------------------------|--|---------------------------|
|  | DECIDUOUS TREE             |  | UTILITY AND LIGHT POLE    |
|  | EVERGREEN TREE             |  | UTILITY POLE              |
|  | STORM SEWER MANHOLE        |  | LIGHT POLE                |
|  | CATCH BASIN                |  | GUY WIRE                  |
|  | SANITARY SEWER CLEANOUT    |  | ELECTRIC BOX              |
|  | SANITARY SEWER MANHOLE     |  | ELECTRIC METER            |
|  | WATER VALVE                |  | ELECTRICAL POWER PEDESTAL |
|  | WATER METER                |  | ELECTRIC RISER            |
|  | FIRE HYDRANT               |  | HEAT PUMP                 |
|  | GAS VALVE                  |  | TRANSFORMER               |
|  | GAS METER                  |  | OVERHEAD LINE             |
|  | BOLLARD                    |  | GAS LINE                  |
|  | SIGN                       |  | ELECTRICAL LINE           |
|  | MAILBOX                    |  | COMMUNICATIONS LINE       |
|  | COMMUNICATIONS PEDESTAL    |  | SANITARY SEWER LINE       |
|  | COMMUNICATIONS MANHOLE     |  | STORM DRAIN LINE          |
|  | COMMUNICATIONS BOX         |  | WATER LINE                |
|  | STORM OUTFALL              |  | FENCELINE                 |
|  | FOUND MONUMENT             |  | UTILITY RISER             |
|  | DOWN SPOUT TO STORM SYSTEM |  | UTILITY VAULT             |

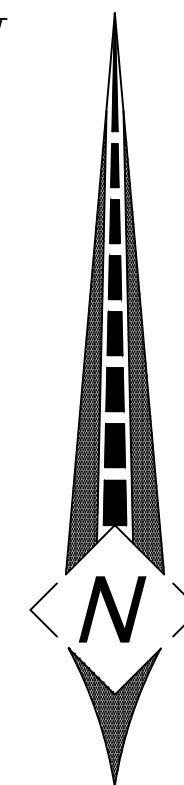
- FD = FOUND  
 FI = FIR TREE  
 PI = PINE TREE  
 CE = CEDAR TREE  
 YPC = YELLOW PLASTIC CAP  
 DE = DECIDUOUS TREE  
 IR = IRON ROD  
 IP = IRON PIPE  
 ALC = ALUMINUM CAP

SIGNED ON:

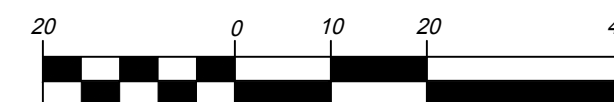
REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

OREGON  
 JULY 13, 2004  
 TOBY G. BOLDEN  
 60377LS

RENEWS: DECEMBER 31, 2017



GRAPHIC SCALE



(IN FEET)  
 1 INCH = 20 FT.

**CENTERLINE CONCEPTS**  
 LAND SURVEYING, INC.

19376 MOLALLA AVE., SUITE 120  
 OREGON CITY, OREGON 97045  
 PHONE 503.650.0188 FAX 503.650.0189

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# City of Canby

## NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

The purpose of this Notice is to invite you to a Public Hearing at a Planning Commission meeting on Monday, August 28, 2017 at 7 pm in the City Council Chambers, 222 NE 2<sup>nd</sup> Avenue to review a Minor Land Partition application. The applicant proposes to partition two existing lots located at 2570 & 2590 N Maple Ct containing a total of 32,762 sq. ft. into a three lots of 11,830, 10,463 and 10,480 sq. ft. The new lot will be located between the two existing homes on the east side of N Maple Ct.



**Location:** 2570 & 2590 N Maple Ct

**Tax Lot:** 31E28AA03903 & 03904 (Properties are shown on map at the left.)

**Lot Size and Zoning:** R-1 Low Density Residential

**Owner:** Dave Harris

**Applicant:** Pat Sisul, Sisul Engineering

**Application Type:** Minor Land Partition

**City File Number:** MLP 17-04

**Contact:** Dave Epling, 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 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, P O Box 930, Canby, OR 97013; dropped off at 222 NE Second Avenue; 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, August 18, 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 upon request.

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

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.16 R-1 Low Density Residential Zone
- 16.21 Residential Design Standards
- 16.43 Outdoor Lighting Standards
- 16.46 Access Limitations on Project Density
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**APPLICATION:** *MLP 17-04 – 2570 & 2590 N Maple Ct, Dave Harris*

**COMMENTS:**

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**NAME:** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_

**EMAIL:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**AGENCIES: Please check one box and fill in your Name/Agency/Date below:**

- 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
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**NAME:** \_\_\_\_\_

**AGENCY:** \_\_\_\_\_

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**Thank you!**



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**NAME:** \_\_\_\_\_

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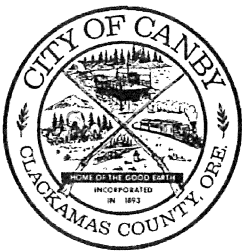
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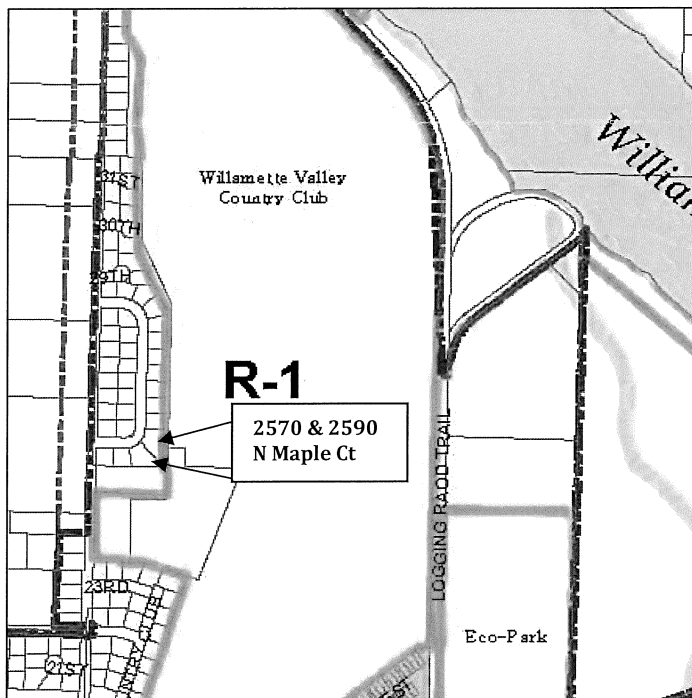
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**APPLICATION: MLP 17-04 – 2570 & 2590 N Maple Ct, Dave Harris**

**COMMENTS:**

DENSITY IS HIGH ENOUGH ALREADY ON MAPLE CT AND SURROUNDING AREA. INCREASING DENSITY WILL BRING DOWN CURRENT HOMEOWNERS HOME VALUES. INCREASED TRAFFIC REDUCES LIABILITY OF THE NEIGHBORHOOD. INCREASED DEMAND ON SEWER, WATER, POLICE, FIRE, INTERNET AND OTHER PUBLIC AND PRIVATE SERVICES IMPACTS CURRENT RESIDENTS. I OPPOSE THIS LOT DIVISION.

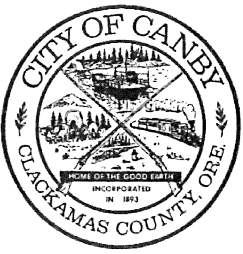
NAME: BRETT WELLS  
ADDRESS: 2655 N. MAPLE CT. CANBY OR. 97013  
EMAIL: JBWELLS@OUTLOOK.COM DATE: 8-14-2017

**AGENCIES: Please check one box and fill in your Name/Agency/Date below:**

- Adequate Public Services (of your agency) are available
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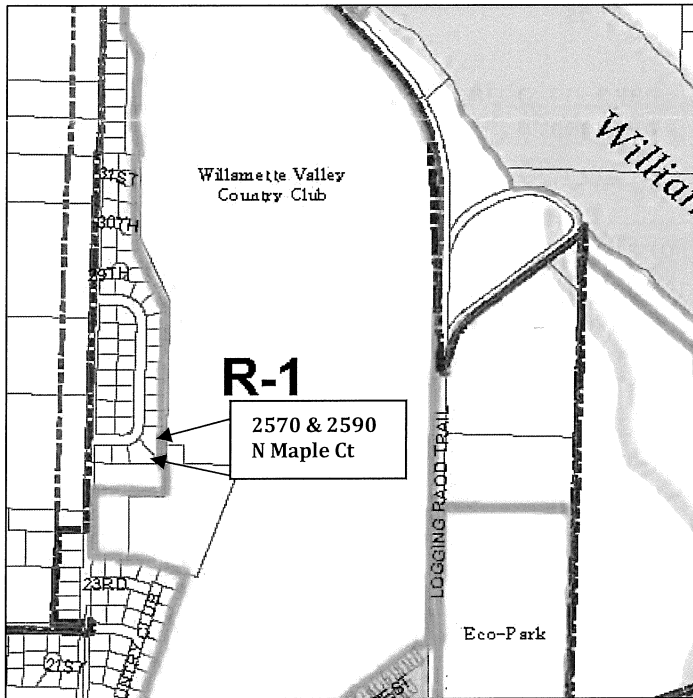
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**APPLICATION: MLP 17-04 – 2570 & 2590 N Maple Ct, Dave Harris**

**COMMENTS:**

Having lived here for 40 years, I have no objections to this subdivision of these lots. It appears to be a good use of otherwise wasted buildable property

John W. Pursley  
2560 N. Maple Ct  
Canby, OR 97013-2115

**NAME:** John W Pursley

**ADDRESS:** \_\_\_\_\_

**EMAIL:** \_\_\_\_\_ **DATE:** August 16, 2017

**AGENCIES: Please check one box and fill in your Name/Agency/Date below:**

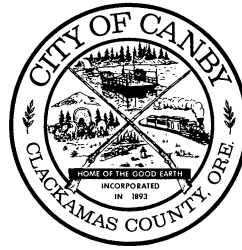
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**AGENCY:** \_\_\_\_\_  
**DATE:** \_\_\_\_\_

**Thank you!**



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



**A REQUEST FOR A MINOR LAND )  
PARTITION )  
2570, 2590 N. Maple Court )**

**FINDINGS, CONCLUSION & FINAL ORDER  
MLP 17-04  
DAVID W. HARRIS**

**NATURE OF THE APPLICATION**

The Applicant has sought approval for Minor Land Partition Application #MLP 17-04 to partition two existing lots of 16,988.4 square foot and 15,682.6 square foot into three parcels of approximately 10,462, 10,480, and 11,830 square feet each. Parcel 1 and Parcel 3 will contain existing dwellings. The properties are described as Tax Map/Lot 31E28AA03903 and 31E28AA03904, 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. Maple Court.

**HEARINGS**

The Planning Commission considered application MLP 17-04 after the duly noticed hearing on September 11, 2017 during which the Planning Commission approved MLP 17-04. 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 August 30, 2017 and presented at the September 11, 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 17-04 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 17-04** is approved, subject to the following conditions:

### **CONDITIONS OF APPROVAL**

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

1. A new home on Parcel 2 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. Maple Court by utility service providers shall be made a part of the recorded partition plat.
3. The driveway easement shall meet the 12' paved width standard stated in Section 16.64.040(1)(2) unless otherwise specified by the Planning Commission.
4. The proposed paved driveway shall maintain a 5 foot setback from the adjacent property line at the right-of-way, and shall extend 20 feet back from the right-of-way line into the private property and to within 150 feet of the exterior wall of the structure served by the driveway.
5. **The applicant shall record a service agency agreement to eliminate a 5 foot utility easement, created by Note 1 of recorded Plat 68/14, that runs the length of the common property line between existing lots 3 and 4, Country Club Estates Annex No. 2-A.**

#### 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:

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11. All work associated with the required paved driveway or utility installations associated with the new vacant Parcel 2 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 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.
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 approving City File # MLP 17-04 was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 11th day of September, 2017

\_\_\_\_\_  
John Savory  
Planning Commission Chair

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Bryan Brown  
Planning Director

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Laney Fouse, Attest  
Recording Secretary

**ORAL DECISION: September 11, 2017**

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>John Savory</i>				
<i>John Serlet</i>				
<i>Larry Boatright</i>				
<i>Derrick Mottern</i>				
<i>Tyler Hall</i>				
<i>Shawn Varwig</i>				
<i>Andrey Chernishov</i>				

**WRITTEN DECISION: September 11, 2017**

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>John Savory</i>				
<i>John Serlet</i>				
<i>Larry Boatright</i>				
<i>Derrick Mottern</i>				
<i>Tyler Hall</i>				
<i>Shawn Varwig</i>				
<i>Andrey Chernishov</i>				