

**PLANNING COMMISSION
Meeting Agenda**

REVISED

Monday, September 25, 2017

7:00 PM

City Council Chambers – 222 NE 2nd 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

-
- 1. CALL TO ORDER**
 - a. Invocation and Pledge of Allegiance
 - 2. CITIZEN INPUT ON NON-AGENDA ITEMS**
 - 3. MINUTES**
 - a. Approval of August 28, 2017 and September 11, 2017 Planning Commission Minutes
 - 4. NEW BUSINESS**
 - 5. PUBLIC HEARING**
 - a. Consider a request for a Minor Land Partition to create two parcels in the Sequoia Grove Industrial Park, 279 S Sequoia Parkway (**MLP 17-05 Craig Galvin/Jeff Gordon**).
 - b. Consider a request for a Minor Land Partition of 861 S Redwood St into three parcels and Lot Line Adjustment to the existing lot line between 861 & 853 S Redwood St (**MLP 17-06/LLA 17-02 Hostetler**).
 - 6. FINAL DECISIONS**

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

 - (**MLP 17-05 Craig Galvin/Jeff Gordon**)
 - **MLP 17-06/LLA 17-02 Hostetler**
 - 7. ITEMS OF INTEREST/REPORT FROM STAFF**
 - a. Next Planning Commission Meeting scheduled October 9, 2017
 - S Ivy Subdivision and Zone Change
 - 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. City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5.

For a schedule of the playback times, please call 503-263-6287.

PUBLIC HEARING FORMAT

The public hearing will be conducted as follows:

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

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

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

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

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

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

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

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – Monday, August 28, 2017
City Council Chambers – 222 NE 2nd Avenue

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

ABSENT: Commissioner Andrey Chernishov

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

OTHERS: Jason Bristol, Natalie Bristol, Havlin Kemp, and City Councilor Tyler Smith

1. CALL TO ORDER

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

2. CITIZEN INPUT – None

3. MINUTES

Approval of the June 26, and July 10, 2017 Planning Commission Minutes

Motion: A motion was made by Commissioner Serlet and seconded by Commissioner Varwig to approve the June 26, 2017 Planning Commission minutes. The motion passed 6/0.

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Mottern to approve the July 10, 2017 Planning Commission minutes. The motion passed 6/0.

4. NEW BUSINESS – None

5. PUBLIC HEARINGS

a. Consider a request for a Zone Change and Comprehensive Plan Amendment for 853 & 861 S Redwood St. (**ZC 17-01/CPA 17-01 Hostetler**)

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had a conflict of interest or ex parte contact to declare.

Commissioner Varwig said Peter Hostetler and he attended church together. He did not think that would have any bearing on his decision.

Commissioner Boatright drove by the site.

Bryan Brown, Planning Director, entered his staff report into the record. This was a request for a zone change and Comprehensive Plan map amendment for two tax lots on S Redwood Street to be changed from R-1 to R-1.5. The original application included a subdivision as well, but that had been withdrawn. The applicant was now planning to only divide the lower tax lot into three lots and only needed to do a partition. He showed a map of what was on the property today, two existing homes and a detached garage. There were existing easements around the outside edge of the property and two street frontages. If

the applicant partitioned the upper lot, it would leave a detached garage without an associated residence on the tax lot which would create a non-conformity. The garage would need to be removed and the applicant was not ready to do that. Staff thought the change in zoning would be a more efficient use of the land, it extended the higher density to the street boundaries, and there was a need for smaller residential lots. A traffic analysis was done and no expected further degradation of the traffic conditions on the two adjacent streets was found. Staff recommended approval of the application.

Commissioner Boatright asked where on Redwood was the higher density. Mr. Brown said immediately to the north and west there was R-1.5. These were the only two lots left in the area that did not have that designation.

Chair Savory asked why staff was not recommending improvements on Redwood with the rezoning. Mr. Brown replied there was a subsequent application for a partition and a half street improvement would be required to be done through that application. Redwood was a County road and the County dictated what would be done on that road. That was another reason the applicant decided not to do a subdivision because the County would have made him remove the existing driveway on the northern lot, which was his parent's lot. He decided to start with a less impactful partition on the southern lot.

Commissioner Varwig asked if medium density residential allowed for attached dwelling units. Mr. Brown said it allowed detached or attached duplexes or triplexes. The applicant was proposing single family homes on the partitioned lots.

Public Testimony: None.

Chair Savory closed the public hearing.

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Varwig to approve ZC 17-01/CPA 17-01 Hostetler. The motion passed 6/0.

b. Consider Minor Land Partition and Variance applications to partition a .21 acre property into three parcels. **(MLP 17-03/VAR 17-02 Bristol)**

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had a conflict of interest or ex parte contact to declare. There was none.

Mr. Brown entered his staff report into the record. This was a request for a minor land partition and variance to divide a .21 acre property on NE 4th Avenue into three parcels. It was in a high density zone area and N Locust ran north and south of the east boundary of the property. He explained the proposed lot lines and how the applicant intended to build common wall townhomes. The minor variance was needed in order to save the existing house. The variance was for the rear setback to allow a 9.5 foot rear yard instead of the required 10 foot. This was a 5% variance that the Planning Director could approve, and he did support the variance. There would be a new driveway for the existing home off of N Locust Street. There would also be driveways accessing the townhomes as well. One of the City's standards was a 10 foot separation between individual residential driveways on local streets, which meant at the right-of-way line there was a five foot separation from an adjacent property line. Another issue was related to the half street improvements. There was no need for improvements on NE 4th Avenue except an ADA ramp at the intersection. The City had a street improvement project planned for this section of N Locust Street, however the final design had not been decided. No additional right-of-way was being requested because it was very unlikely the street would be widened. They were asking the applicant not to make the half street improvements at this time, but to have their engineer calculate the cost of a standard half street improvement with a curb tight sidewalk and contribute cash that the City would use for the project. The

project would be done next fiscal year. In fill home standards did not apply to high density residential zone properties, but there were residential design standards that the townhomes would have to follow. He then reviewed the conditions of approval. He recommended changing the wording on the condition about the driveways to say the driveways proposed on Parcels 2 and 3 would have a five foot separation from the adjacent property lines. Staff recommended approval of the application with conditions.

Chair Savory said the Fire Department recommended residential fire sprinklers due to the proximity of the proposed buildings to other structures. He asked if that needed to be included in the conditions. Mr. Brown said it was a recommendation, not a requirement.

Public Testimony:

Applicant: Jason Bristol, Canby resident, said there were duplexes and Habitat for Humanity homes in the area. He was doing a complete update to the existing house. It would be a nice corner lot with an updated house that would lead into the area. Regarding the fire sprinklers, there would be standard setbacks for the homes. The common walls would be built per fire standards. He was willing to contribute his share for the street improvements.

Proponents and Opponents: None.

Chair Savory closed the public hearing.

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Varwig to approve MLP 17-03/VAR 17-02 Bristol with the change to Condition #7 regarding the driveways. The motion passed 6/0.

c. Consider a request for Site & Design Review, Conditional Use Permit, and Variance applications to construct a 73, 215 sq. ft. warehouse and building on 4.4 acres in the Canby Industrial Park. **(DR 17-06/CUP 17-04/VAR 17-03 VLMK/BE Group)**

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had a conflict of interest or ex parte contact to declare. There was none.

Mr. Brown entered his staff report into the record. This proposed project was located in the Canby Pioneer Industrial Park. The BE Group was currently in Wilsonville and wanted to relocate in Canby. It would be a distribution facility for pressure washers and small farm equipment. They were also proposing some rental lease spaces. These were two parcels, and one parcel had two zoning designations, M-1, light industrial, and M-2, heavy industrial. The uses that were proposed fit in with the M-1 zone. It fronted on SE 4th Avenue. There were industrial uses on both sides of the property. It was part of the Trend Business Center that had been built along Sequoia Parkway who was selling off these parcels. One issue was there were existing utility easements at the property line and the applicant was planning to build over the property line and the easements. There was a condition that the applicant would replat this area to consolidate the lots and to gain consent from the utility providers that might want to utilize the easements. There were no utilities currently in the easements. He discussed the site plan for the property. They met all of the standards. There would be two driveways on each side for truck circulation. They also had planned for the required 78 parking spaces, but were asking that 46 spaces be delayed because they were not needed at this time. It would set precedent and other applicants might request less parking than what was in the standards, however no one wanted a lot of extra pavement when it was not needed. Staff recommended the Commission look at the delay and to put a set time period on it. Because the property was located in the Industrial Overlay Zone, there was supposed to be 200 foot spacing between driveways. They had 450 feet of frontage and if they put their driveway in the middle of the site, they

could meet the standard. However, that would cause them a hardship in terms of the size of the building and adequate circulation around the building that separated the truck use from employee parking. There were issues with trying to combine driveways with adjacent properties, especially the cost. There was low traffic volume in this location. The applicant was requesting a variance for the driveway spacing. The Conditional Use had to do with the standard for 12 employees per acre in the Industrial Park. Most of the current uses did not meet the standard and the Council's direction was that the standard was aspirational, but there could be discretion for the suitability of the businesses proposed. Staff thought this was the right kind of use in the Industrial Park. They might meet the standard in the future with the leased space, but they did not know now if it could be met. Staff recommended approval with conditions.

Public Testimony:

Applicant: Havlin Kemp, VLMK Engineering, was representing the BE Group. Currently they only needed about half of the building and the other half would be used for two tenants. Regarding the parking request, they planned to design the site with all of the required spaces in mind, but not put in the parking on the south side at this time but to put in a curb and landscaping. It was not a cost issue. BE Group did not have the need for the extra parking, but it could be required at the time of a building permit application for tenant improvements. The BE Group had need for outdoor storage which would occur in the back of the building. There would be a screening fence around the perimeter so it was not viewed from the street. Regarding the driveways, they were trying to maximize the size of the site and provide a building that worked for the BE Group. They would like to have angled docks on the back of the building which required trucks to be able to come in from both directions around the building. The request was to have a driveway on either side of the property. They were also trying to keep the truck traffic separated from passenger vehicle traffic. In reviewing the traffic report, the traffic volumes were very low on the street.

There was discussion regarding the delay in putting in all of the parking and setting a precedent for future applications.

Proponents and Opponents: None.

Chair Savory closed the public hearing.

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Varwig to approve DR 17-06/CUP 17-04/VAR 17-03 VLMK/BE Group and that all the parking be required up front and not delayed. The motion passed 6/0.

6. FINAL DECISIONS

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

a. ZC 17-01/CPA 17-01 Hostetler

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Serlet to approve ZC 17-01/CPA 17-01 Hostetler. Motion passed 6/0.

b. MLP 17-03/VAR 17-02 Bristol

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Hall to approve MLP 17-03/VAR 17-02 Bristol. Motion passed 6/0.

c. DR 17-06/CUP 17-04/VAR 17-03 VLMK/BE Group

Motion: A motion was made by Commissioner Serlet and seconded by Commissioner Hall to approve DR 17-06/CUP 17-04/VAR 17-03 VLMK/BE Group. Motion passed 6/0.

7. ITEMS OF INTEREST/REPORT FROM STAFF

The next Planning Commission meeting scheduled for Monday, September 11, 2017.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION – None

9. ADJOURNMENT - Meeting adjourned at 8:28 pm.

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – Monday, September 11, 2017
City Council Chambers – 222 NE 2nd Avenue

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

ABSENT: Commissioner John Serlet

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

OTHERS:

1. CALL TO ORDER

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

2. CITIZEN INPUT – None

3. MINUTES – None

4. NEW BUSINESS – None

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 (**MLP 17-04 David Harris**).

Chair Savory opened the public hearing and read the public hearing format. He asked if any Commissioner had a conflict of interest or ex parte contact to declare. There was none.

Bryan Brown, Planning Director, entered his staff report into the record. This was a request for a minor partition of two lots on N Maple Court into three parcels to create a flag lot. The two existing lots each had a home on them and were much larger than the surrounding lots in the subdivision. That allowed for the creation of a flag lot behind these homes. Flag lots generally did not cause a problem, but it was becoming a little more difficult to meet all of the ordinance and Public Works residential design standards. The setbacks had been met and there was a 12 foot arm that was required to be paved its full width to the street. The standards said there needed to be a ten foot separation between driveways at the right-of-way, however there would be a seven to eight foot separation from the existing property boundary and a three foot separation from the adjacent existing drive. They had done everything they could to put this driveway in the best position it could be in. The new lot would be subject to the residential infill standards. If a utility service agency requested a utility easement along the front of the property on the arm, the applicant would be required to dedicate the easement. All of the utilities were already in the street, and there should not be a need for an easement. There was a utility easement on the existing property line between the two lots and that would become the new building site for the new lot. The applicant would have to vacate the utility easement on the plat. Staff recommended approval of the application.

Public Testimony:

Applicant: Pat Sisul, Sisul Engineering, was representing the applicant. The applicant had lived at the home on 2570 N Maple Court for many years. He had always viewed the deep corner as a location for another home and when the opportunity came to buy the neighboring property, he purchased it. He had owned the neighboring property for a little over a year. The two properties combined had nearly 33,000 square feet. The R-1 zone allowed for lot sizes of 7,000 to 10,000 square feet. Even with a third parcel, the properties would average more than the maximum permitted in the R-1 zone. It was a good spot to add one new home with little impact. There were no utilities in the easement between the property lines and it should not be a problem to vacate that easement. Regarding the driveways, the separation was usually for curb tight sidewalks and ADA access, but there were no sidewalks in the neighborhood. The applicant would like to maintain a parking space between the driveway and the approach. Fully meeting the design standard eliminated the space by a couple of feet.

Proponents and Opponents: None

Chair Savory closed the public hearing.

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Mottern to approve MLP 17-04 David Harris with conditions. The motion passed 6/0.

6. FINAL DECISIONS

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

- a. MLP 17-04 David Harris

Motion: A motion was made by Commissioner Hall and seconded by Commissioner Varwig to approve the final decisions for MLP 17-04 David Harris. The motion passed 6/0.

7. ITEMS OF INTEREST/REPORT FROM STAFF

- a. Parking spaces – Mr. Brown asked the Commission to continue thinking about when it was appropriate for developers to delay putting in parking spaces. They could think about certain circumstances, such as warehouse uses, where there could be different parking standards than what was used for manufacturing uses. It could be a future text amendment.
- b. Next Planning Commission Meeting – September 25, 2017 – Mr. Brown said there would be two minor land partitions and a proposed subdivision on N Maple on this agenda.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION – None

9. ADJOURNMENT

The meeting was adjourned at 7:29 pm.

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City of Canby

MINOR PARTITION STAFF REPORT

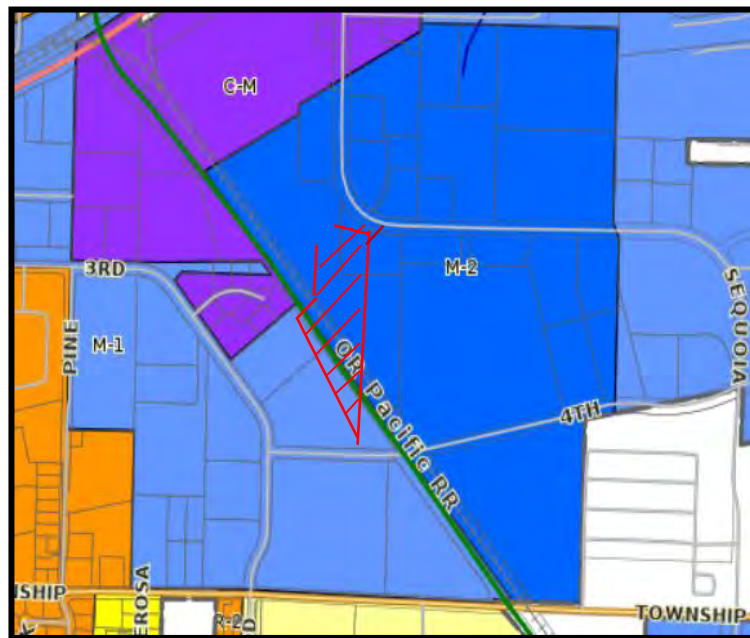
FILE #: MLP 17-05

Prepared for the September 25, 2017 Planning Commission Hearing

LOCATION: 279 S Sequoia Parkway

ZONING: M-2 Heavy Industrial Zone/I-O Canby Industrial Area Overlay Zone

Tax lot: 31E34C04900 (Red Bordered/Hatched Property in Map Below)



LOT SIZES: 5.018 ACRES

OWNER: Jeff Gordon

APPLICANT: Craig Galvin

APPLICATION TYPE: Minor Partition (Type III)

CITY FILE NUMBER: MLP 17-05

I. **PROJECT OVERVIEW & EXISTING CONDITIONS**

The applicant proposes to partition an existing 5.018 acre parcel into two parcels of 2.28 acres and 2.74 acres each. The southern portion of the property will be delineated as proposed Parcel 2 and contains an existing parking lot and building, while Parcel 1 is currently vacant land. The purpose of the partition is to convey the developed portion of the property to the existing school bus transit business that is located on proposed Parcel 2 and Parcel 1 will be developed for a separate industrial use. All utilities to serve the new parcels will be accessed from S. Sequoia Parkway, and driveway access and utilities to newly created Parcel 2 were previously developed as part of the existing

business land use approval and currently extend to the southern portion of the property that will be delineated as Parcel 2 on the new plat.

AGENCY/PUBLIC 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
- 16.34 M-2 Heavy Industrial Zone
- 16.35 I-O Canby Industrial Area Overlay Zone
- 16.46 Access Limitations on Project Density
- 16.60 Major or Minor Partitions
- 16.64 Subdivisions-Design Standards
- 16.89 Application and Review Procedures
- 16.120 Parks, Open Space, and Recreation Land General Provisions

Chapter 16.08 General Provisions

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 property was created as Parcel 2 of Partition Plat No. 2016-113 (LLA 15-04) which was a "replat" of the Lot 1 of the Canby Market Center Subdivision (DR 98-08/SUB 99-02). The property is considered a legally created lot 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 S. Sequoia Parkway frontage of the existing property. Sidewalk and street improvements are required under Section 16.10. Section 16.10.070(B)(6) states: "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 applicant is not proposing any new construction on the northerly undeveloped parcel at this time, but future development of the site will require sidewalk construction along the S. Sequoia Parkway frontage and also require interior pedestrian walkways within the parcels.

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: An existing traffic study is on record which anticipated development on both proposed parcels. However, the use on Parcel 2 changed to a more impactful use than accounted for in the study which resulted in a requirement to update the traffic study results prior to moving forward with development on Parcel 1. With a condition of approval this criterion is met.

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 development.

16.34 M-2 Heavy Industrial Zone

16.34.030 Development Standards:

The following subsections indicate the required development standards of the M-2 zone that are applicable to this case:

- A. Minimum lot area: five thousand square feet;
- B. Minimum width and frontage: fifty feet;

Findings: The subject property is situated within the M-2 Zone and the minimum lot size is 5000 square feet per Section 16.34.030. The smallest lot in the proposed partition is 2.28 acres, and the proposed parcels also meet minimum width and frontage requirements. Parcel 2 is guaranteed access to a public street by a 51’ wide access and utility easement across Parcel 1.

16.35 I-O Canby Industrial Area Overlay Zone

Findings: The properties are also located within the I-O Zone, (Canby Industrial Area Overlay Zone). However, the zone provides development standards and design guidelines for particular uses and construction projects and does not contain criteria for land divisions. Subsequently, criteria listed in the zone chapter are not applicable to this proposal.

16.46 Access Limitations on Project Density

Findings: There is no evidence that the additional lot will impact the suitability of the existing access to lots within the area. No new roads are proposed to trigger minimum access standards. An existing driveway is in

place that was constructed under previous land use approval and serves the current use on the proposed southerly 2.74 acre parcel (Parcel 2) as well as the adjacent apartment complex. An additional driveway access onto S. Sequoia Parkway will not be allowed as part of future development of the northerly 2.28 parcel (Parcel 1). Access for any future use on newly created Parcel 1 will also have to use the existing driveway as access onto S. Sequoia Parkway.

16.60 Major or Minor Partitions

16.60.020 Standards and criteria

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

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

16.60.030 Minor partitions.

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

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

Findings: The application meets the definition of a partition stated in Section 16.04.470, and more specifically as a Minor Partition in that the applicant intends to divide a single parcel into two separate parcels and does not propose any new streets or roadway. Public facilities and services are presently available to serve the proposed parcels. Access to the newly created parcels will occur onto S. Sequoia Parkway from an existing driveway.

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

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: The street trees are in the public right-of-way so a street tree easement is not needed. Trees will be planted with the development of Parcel 1 unless they are already in place as a result of a City demonstration planting project.

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.

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 somewhat 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.

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: Staff recommends that improvements be limited to water lateral connections and compliance with building and erosion control standards with development of Parcel 1.

- C. 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: A revised Traffic Study is required prior to development of Parcel 1.

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 S. Sequoia Parkway frontage can be completed at time of development of Parcel 1.

- 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: The proposed parcels must use the existing shared access, therefore, a city Street Opening Permit is not required for this case. Street trees are required as a conditional of approval. Any existing overhead utility lines are not proposed to be placed underground with a single new lot creation.

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.

16.89 Application and Review Procedures

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

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 building when the site is not suitable for dedication of a park or open space.

|||. 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 17-05 subject to the following conditions of approval:

V. CONDITIONS OF APPROVAL

Minor Partition Conditions Unique to This Request:

1. Street trees shall be installed as part of the approved landscape plan when Parcel 1 develops unless they are already in place.
2. Any possible utility easement needed across the frontage on S. Sequoia Parkway by utility service providers shall be made a part of the recorded partition plat.
3. Additional driveway access is not allowed onto S. Sequoia Parkway. Any future development shall use the existing shared access from the parcels.
4. A Traffic Study shall be updated prior to moving forward with development on Parcel 2.

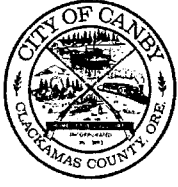
Final Partition Plat Conditions:

5. 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.
6. 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).
7. All provisions of applicable utility agencies shall be met prior to the recordation of the partition plat.
8. 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.

Attachments:

Partition Tentative Site Plan

Applicant's Narrative



City of Canby
 Planning Department
 222 NE 2nd 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: Craig Galvin Phone: 360-694-3313
 Address: 2200 E. Evergreen Blvd. Email: cag@mgsurvey.com
 City/State: Vancouver/WA Zip: 98661

Representative Name: _____ Phone: _____
 Address: _____ Email: _____
 City/State: _____ Zip: _____

Property Owner Name: Jeff Gordon Phone: 888-228-4508
 Signature: [Signature]
 Address: 4200 SE Columbia Way Suite F Email: jeffg@columbiatechcenter.com
 City/State: Vancouver/WA Zip: 98664

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

- 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.
- 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.
- 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:

²⁷⁹ 289 South Sequoia Parkway, Canby, OR 97013 5.018 Acres 31E34C 04900
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

Industrial M-2 HI
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

Partition the site into two parcels (2.28 Acres and 2.74 Acres)

Describe the Proposed Development or Use of Subject Property

06		STAFF USE ONLY		
<u>MLP 17-XXX</u>	<u>01/17</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

PARTITION (MINOR OR MAJOR) – TYPE III–INSTRUCTIONS

All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email: PlanningApps@canbyoregon.gov

Applicant City
 Check Check

- One (1) copy of this application packet. The City may request further information at any time before deeming the application complete.

- Payment of appropriate fees – cash, check or credit card. Refer to the city’s Master Fee Schedule for current fees. Checks should be made out to the *City of Canby*.
 “Major” Partition – includes the creation of a road or street.
 “Minor” Partition – does not include the creation of a road or street.

- Please submit one (1) electronic copy of mailing addresses in either an EXCEL SPREADSHEET or WORD DOCUMENT** for all property owners and all residents within 200 feet of the subject property. **If the address of a property owner is different from the address of a site, an address for each unit on the site must also be included and addressed to “Occupant.”** A list of property owners may be obtained from a title insurance company or from the County Assessor’s office.

- One (1) copy of a written, narrative statement describing the proposed development and detailing how it conforms with the Municipal Code and to the approval criteria. **Ask staff for applicable Municipal Code chapters and approval criteria.**
 Applicable Code Criteria for this application includes:

- Three (3) copies of a Traffic Impact Study (TIS), conducted or reviewed by a traffic engineer that is contracted by the City and paid for by the applicant (payment must be received by the City before the traffic engineer will conduct or review a traffic impact study.
 Ask staff to determine if a Traffic Impact Study is required.

- No Neighborhood Meeting is required

- One (1) copy in written format of the minutes of the pre-application meeting

- One copy of either the recorded plat or the recorded deeds or land sales contracts that demonstrates how and when legal property lines were established and where the boundaries of the legal lot(s) of record are located. If the property is a lot or parcel created by plat, a copy of the recorded plat may be obtained from the Clackamas County Surveyor’s office. If the property is a legal lot of record created by recorded deed or land sales contract at a time when it was legal to configure property lines by deed or contract, then those recorded deeds may be obtained from the Clackamas County Office of the Clerk, or a Title Company can also assist you in researching and obtaining deeds.

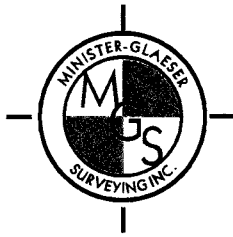
Applicant City
Check Check

NA

If the development is located in a Hazard ("H") Overlay Zone, submit one (1) copy of an affidavit signed by a licensed professional engineer that the proposed development will not result in significant impacts to fish, wildlife and open space resources of the community. If major site grading is proposed, or removal of any trees having trunks greater than six inches in diameter is proposed, then submit one (1) copy of a grading plan and/or tree-cutting plan.

Two (2) 11" x 17" paper copies of the proposed plans, printed to scale no smaller than 1"=50'. The plans shall include the following information:

- Vicinity Map. Vicinity map at a scale of 1"=400' showing the relationship of the project site to the existing street or road pattern.
- Name of Proposed Partition Plat (subject to review and approval by Clackamas County).
- Partition boundary, parcel lines, parcel dimensions, gross area in square feet of each parcel (excluding the square footage of access ways for flag lots), and proposed public and private easements;
- If any undevelopable tract is proposed to be created, the dimensions, gross area, and purpose of the tract shall be included.
- If any oversized parcels are proposed, which in the opinion of the Planning Director are likely to be further divided in the future, provide an illustration of how the parcel could be further divided in conformance with all CMC standards in a manner which provides for continuation of streets and provides adequate building envelopes.
- Site Plan-the following general information shall be included on the site plan:
 - Property lines (legal lot of record boundaries);
 - Location of all proposed hardscape, including driveways, parking lots, compact cars and handicapped spaces, loading areas, bicycle paths, bicycle parking, sidewalks, and pedestrian ways;
 - Callouts to identify dimensions and distances between structures and other significant features, including property lines, yards and setbacks, building area, building height, lot area, impervious surface area, lot densities and parking areas;
 - Location of vision clearance areas at all proposed driveways and streets.
 - Location and description of all existing structures (i.e., buildings, signs, fences, mechanical or utility structures, etc.) on the property, including those under construction or pending under an issued building permit. Indicate which structures are to remain and which are to be removed. For structures to remain, call out the distance between the structure and all proposed boundaries of the parcel upon which the structure is located.
 - Location and proposed disposition of all existing: driveways, wells, septic tanks, drain fields, easements, drainage ways, and jurisdictional watercourses or wetlands on or abutting the property.
 - Location, names, right-of-way width, improvement dimensions, curve radius, and grades of all existing and proposed streets and public access ways within the proposed partition and abutting the partition.
 - Identify the classification of all streets in accordance with the Canby Transportation System Plan. Show typical cross-sections of proposed street improvements, including identification of proposed street trees. Provide street center profiles showing the finished grade of all streets as approved by the City Engineer, including extensions for a reasonable distance beyond the limits of the proposed subdivision.
 - Location and type of existing and proposed transit facilities.
 - Location of all proposed utilities, including sewer, water, storm water, electric, telephone, and natural gas; including utility sizes and grades.



MINISTER & GLAESER SURVEYING, INC.
2200 E. EVERGREEN BLVD.
VANCOUVER, WA 98661
360-694-3313
FAX 360-694-8410

July 31, 2017

MINOR PARTITION APPLICATION
NARRATIVE
PARCEL 2
PARTITION PLAT NO. 2016-113
TAXLOT NO. 31E34C 04900

Description of Proposed Partition:

The property to be partitioned is Parcel 2 of Partition Plat No. 2016-113 in the Southwest quarter of Section 34, T.3S., R.1E., W.M., City of Canby, Clackamas County, Oregon. The existing parcel will be partitioned into 2 parcels of 2.28 Acres and 2.74 Acres respectively. The subject property is currently zoned M-2 (Heavy Industrial) and designated HI (Heavy Industrial) in the city's comprehensive plan. This minor partition will not result in the creation of any new roads. The primary reason for this partition is to convey the proposed Parcel 2 to the Canby School District for additional school bus parking area. The property has been partially developed as follows:

Most of the site has been paved and water, storm drainage and sanitary sewer utilities have been constructed to serve the site as part of the Sequoia Grove Industrial Park Development which started construction in 2016 and is currently under way. The sanitary sewer line serving the site enters the site from Parcel 1 of Partition Plat No. 2016-113 near the northwest corner of the site. A new sanitary sewer easement will need to be created across said Parcel 1 to benefit the new parcels created by this partition. A building (with 8,400 SF footprint) has been constructed near the railroad right-of-way on the southerly portion of the site. This new building is located on the proposed Parcel 2. The proposed partition will result in two parcels described as follows:

Parcel 1 will have an area of 2.28 Acres with approximately 235 feet of frontage on the south side of Sequoia Parkway. A large building (with 39,000 SF footprint) is proposed for construction near the easterly boundary of the site on Parcel 1. The new building will have parking on the north and south sides.

Parcel 2 will have an area of 2.74 Acres and will access Sequoia Parkway through a variable-width access easement along the west side of Parcel 1. The existing building on Parcel 2 is served by existing utilities (water, storm drainage, sanitary sewer) that will be accommodated by a utility easement in the same area as the access easement, in addition to two separate water line easements.

16.60.030 Minor Partition Standards and Approval Criteria:

A. *Conformance with the text and applicable maps of the Comprehensive Plan:*

The property is zoned M-2 (Heavy Industrial) and designated HI (Heavy Industrial) in the city's comprehensive plan. The current and future development of the two resulting parcels conform with current zoning standards.

B. *Conformance with other applicable requirements of the Land Development and Planning Ordinance;*

Development standards in the M2 zone (Heavy Industrial) are addressed in Chapter 16.34 of the code. Covered in later portions of the narrative.

C. *The overall design and arrangement of parcels shall be functional and shall adequately provide building site, utility easements and access facilities and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;*

The two new parcels will have access from the public right-of-way of South Sequoia Parkway. Parcel 1 has direct access along its frontage and Parcel 2 will have an access easement through Parcel 1. Utilities including sewer and water services are available to both parcels through new utility easements. All the adjacent tax lots to the east and west have been developed.

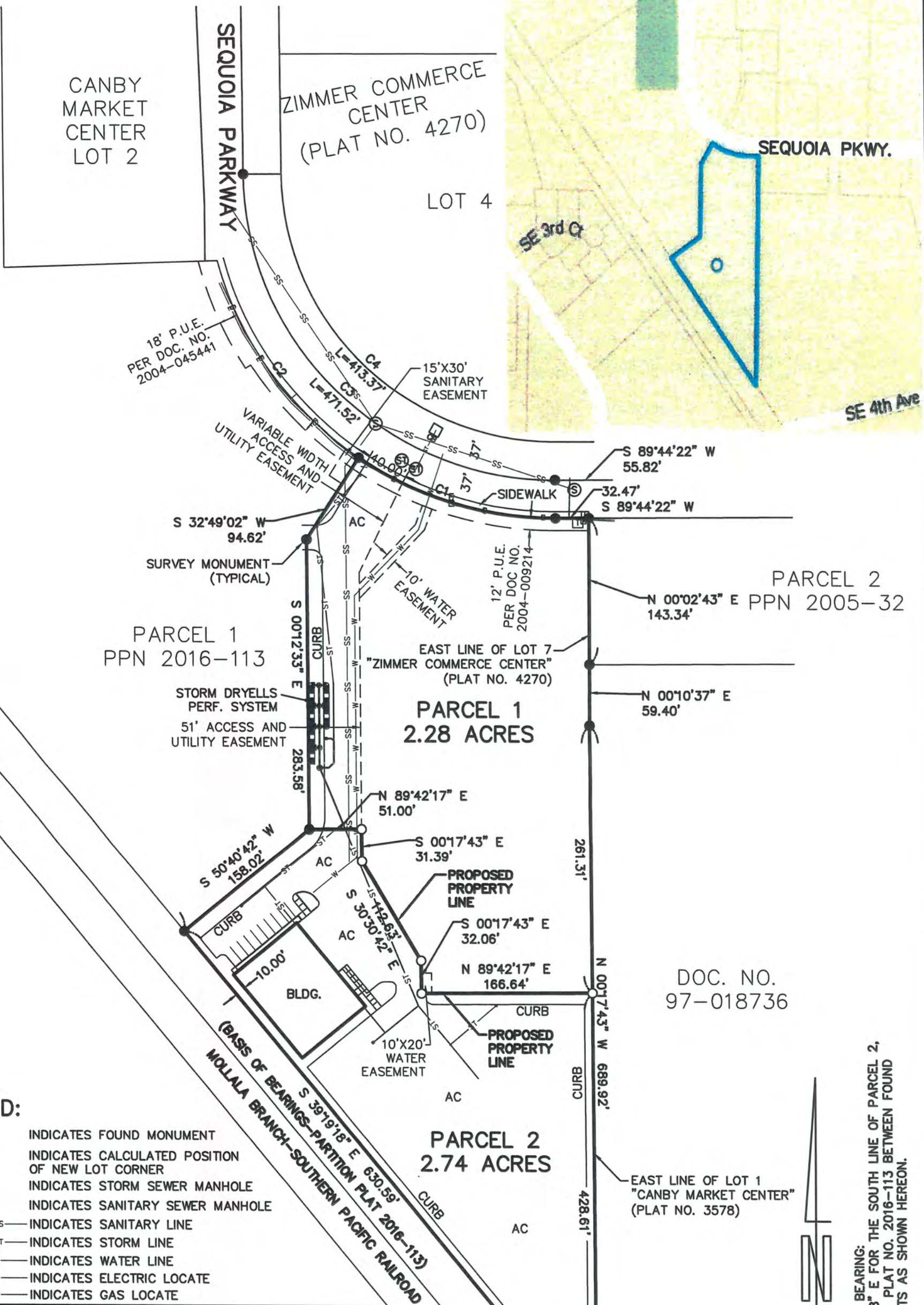
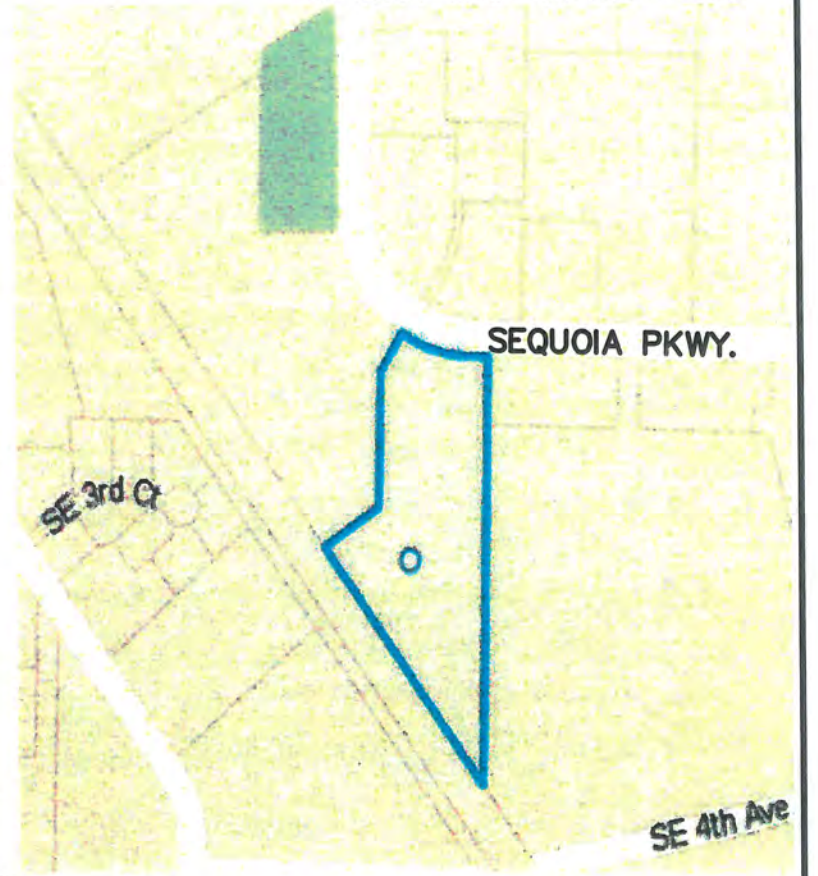
D. *No minor partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels.*

The existing paved driveway will continue to provide safe and efficient access for the two new parcels. A maintenance agreement describing rights and maintenance responsibilities for the shared driveway will be prepared, recorded and later referenced on the partition plat to be recorded with the Clackamas County Surveyor's Office. Emergency vehicles will continue to have unhindered use of the driveway.

E. *It must be demonstrated that all required public facilities and services are available, or will become available through development, to adequately meet the needs of the proposed land division.*

Utilities including sewer, storm, water, power, communications and natural gas are available in the Sequoia Parkway right-of-way. There is an existing 12-foot wide public utility easement per Document No. 2004-009214 along the frontage of Parcel 1. Parcel 2 will have a new utility easement through a portion of Parcel 1 to make both public and private utilities available.

Public facilities and services are either already available to each parcel or can be easily extended to each parcel if required.



LEGEND:

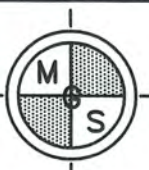
- INDICATES FOUND MONUMENT
- INDICATES CALCULATED POSITION OF NEW LOT CORNER
- Ⓢ INDICATES STORM SEWER MANHOLE
- Ⓢ INDICATES SANITARY SEWER MANHOLE
- SS—SS— INDICATES SANITARY LINE
- ST—ST— INDICATES STORM LINE
- W—W— INDICATES WATER LINE
- E—E— INDICATES ELECTRIC LOCATE
- G—G— INDICATES GAS LOCATE

CURVE TABLE

CURVE	RADIUS	DELTA	ARC DIST.	CHORD BEARING	CHORD DIST.
C1	337.00'	34°32'50"	203.20'	N 72°59'13" W	200.13'
C2	337.00'	41°00'07"	241.16'	N 35°12'44" W	236.05'
C3	300.00'	90°03'14"	471.52'	N 45°14'01" W	424.46'
C4	263.00'	90°03'14"	413.37'	N 45°14'01" W	372.11'

BASIS OF BEARING:
S 39°19'18" E FOR THE SOUTH LINE OF PARCEL 2,
PARTITION PLAT NO. 2016-113 BETWEEN FOUND
MONUMENTS AS SHOWN HEREON.

SCALE 1 INCH = 100 FEET



PREPARED BY:
MINISTER-GLAESER
SURVEYING INC.
2200 E. EVERGREEN BLVD.
VANCOUVER, WA 98661
(360) 694-3313

**A REPLAT OF PARCEL 2
OF PARTITION PLAT NO. 2016-113
LOCATED IN THE SW 1/4
OF SECTION 34, T.3S., R.1E., W.M.,
CITY OF CANBY, CLACKAMAS COUNTY, OREGON**

SCALE: 1"=100'
JOB NO. 15-409
DATE: 07-31-17
DWG FILE: 15409PP2
DRAWN BY: CAG



City of Canby

NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

The purpose of this Notice is to Request Your Comments and invite you to a Public Hearing at a Planning Commission meeting on Monday, September 25, 2017 at 7 pm, City Council Chambers, 222 NE 2nd Ave, 1st Floor to review a Minor Land Partition application. The applicant is requesting approval to partition Parcel 2 of Partition Plat No. 2016-113 located at 279 S Sequoia Parkway, into 2 parcels of 2.28 and 2.74 acres.

Comments due– If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form by Wednesday, September 13, 2017



Location: 279 S Sequoia Parkway (bordered in red on map at left)

Tax Lots: 31E34C04900

Lot Size and Zoning: 5.02, M-2 Heavy Industrial

Owners: Jeff Gordon

Applicant: Craig Galvin

Application Type: Minor Land Partition

City File Number: MLP 17-05

Contact: David Epling at 503-266-0686 or email eplingd@canbyoregon.gov

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 on Monday, September 25, 2017. (Please see *Comment Form*). Comments can be

mailed to the Canby Planning Department, PO Box 930, Canby, OR 97013; dropped off at 222 NE 2nd Ave; or emailed to 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 15, 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
- 16.34 M-2 Heavy Industrial
- 16.46 Access Limitations on Project Density
- 16.60 Major or Minor Partitions
- 16.64 Subdivisions – Design Standards
- 16.89 Application & Review Procedures

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

MINOR PARTITION & LOT LINE ADJUSTMENT STAFF REPORT

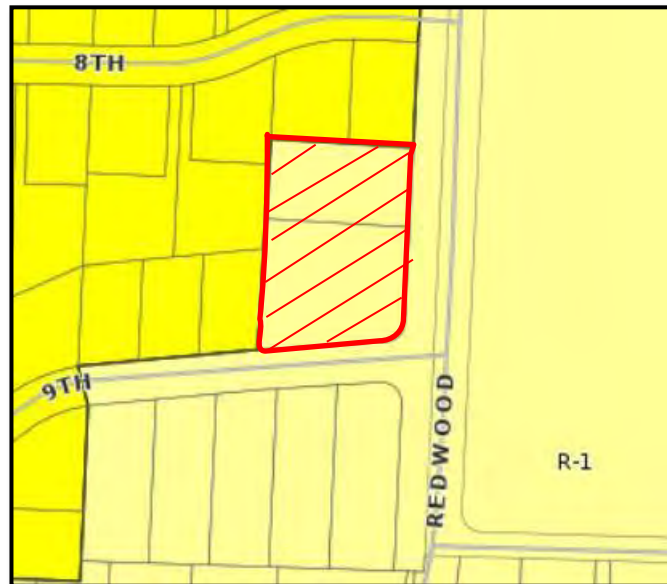
FILE #: MLP 17-06/LLA 17-02

Prepared for the September 25, 2017 Planning Commission Hearing

LOCATION: 853 and 861 S Redwood Street

ZONING: R-1.5 Medium Density Residential Zone

Tax lots: 41E03BB00503, 00504 (Red Bordered Property in Map Below)



LOT SIZES: 11,429 SQUARE FEET AND 17,608 SQUARE FEET

OWNER: Gabriel and Tennille Hostetler and Kenneth and Judy Hostetler

APPLICANT: Peter Hostetler

APPLICATION TYPE: Minor Partition/Lot Line Adjustment (Type III)

CITY FILE NUMBER: MLP 17-06/LLA 17-02

I. **PROJECT OVERVIEW & EXISTING CONDITIONS**

The applicant proposes to adjust the lot line on an existing 11,429 square foot parcel and an existing 17,608 square foot parcel to create an 11,984 square foot parcel and a 17,053 square foot parcel and then partition the resulting 22,093 square foot lot into three lots of 5,024 square feet, 6,515 square feet, and 5,514 square feet each. An existing dwelling will remain on the newly created 11,984 square foot lot and the 6,515 square foot lot. Access for the three lots created by the partition will be onto SE 9th Avenue. South Redwood Street is under Clackamas County jurisdiction, and the applicant must meet the County's street improvement requirements along the S. Redwood Street frontage. The

applicant previously applied for a Comprehensive Plan Amendment and Zone Change to change the zoning and Comprehensive Plan designation of the properties from R-1, Low Density Residential to R 1.5, Medium Density Residential. The City Council must approve the request, and an Ordinance must be enacted changing the zone and Comprehensive Plan prior to final approval of this application.

AGENCY/PUBLIC 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
- 16.18 R 1.5 Medium Density Residential Zone
- 16.46 Access Limitations on Project Density
- 16.58 Lot Line Adjustments
- 16.60 Major or Minor Partitions
- 16.64 Subdivisions-Design Standards
- 16.89 Application and Review Procedures
- 16.120 Parks, Open Space, and Recreation Land General Provisions

Chapter 16.08 General Provisions

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 Parcel 1 and Parcel 2 of the South Redwood Estates Subdivision recorded in 1994 with the Clackamas County Clerk. The properties are considered a 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: Sidewalk and street improvements are required under Section 16.10. Section 16.10.070(B)(6) states: "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 applicant is not proposing any new construction on the proposed undeveloped parcels at this time, but future development of the site will require sidewalk, curb and other construction on SE 9th Avenue and S. Redwood Street as old driveways are removed and new driveways are constructed along lot frontages. Conditions of approval for improvements are called out in the City Engineers comments and a memo from Clackamas County (see attached).

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: A limited traffic analysis was performed with the Comprehensive Plan Map and Zoning Map Amendment to show conformance with the Transportation Planning Rule in State statute assuring that no new impacts to the transportation system is expected that was not already accounted for within the currently adopted Transportation System Plan

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 development.

16.18 R-1.5 Medium Density Residential Zone

16.18.010 Uses permitted outright: Uses permitted outright in the R-1.5 zone shall be as follows:

- A. Uses permitted outright in the R-1 zone.
- B. Two-family or three-family dwellings. One duplex or triplex on each lot.

Findings: The R-1.5 zone allows uses permitted outright in the R-1 zone. The existing single-family homes and proposed development are permitted outright.

16.18.030 Development standards: The required development standards of the R-2 zone are listed in this section.

Findings: The R-1.5 zone has a minimum lot size of 5,000 square feet and a maximum of 6,500 square feet. For multi-family dwellings a minimum density of 6 units per acre must be maintained for development. The applicant is proposing to divide the property at this time and will construct dwellings on the two new vacant lots at a later date. According to information provided by the applicant, the proposed lots appear to meet the minimum width and frontage requirements as well as impervious surface. All proposed and existing dwellings must meet the setbacks listed in Section 16.18.030(D). The applicant should be aware that future development of the lots may have to meet provisions for "infill homes" listed in Section 16.21.050(B)

16.46 Access Limitations on Project Density

Findings: There is no evidence that the additional lots will impact the suitability of the existing access to lots within the area. No new roads are proposed to trigger minimum access standards. The applicant proposes

the three new lots with access onto SE 9th Avenue which will require new driveway construction and curb and sidewalk alteration. All improvements must have approval from the City of Canby Public Works.

16.58 Lot Line Adjustment

SECTION 16.58.030 Review by Planner and Engineer of Lot Line Adjustment

Findings: Prior to dividing the properties, the applicant has proposed a lot line adjustment to move the northern property line of the southerly 17,608 square foot parcel to accommodate rear and side yard setbacks for the existing dwelling. The remaining southerly parcel resulting from the lot line adjustment will, subsequently, be divided into three parcels with the Minor Partition Application attached to this file. Based on available information both of the subject properties are legally created lots. The two lots are each currently developed with a single-family dwelling. It appears that the properties will remain in compliance with setbacks as well as other provisions of Section 16.18 if the adjustment receives approval. New lots or building sites in hazardous locations will not be created as a result of the adjustment, and utilities are available at the site. The R-1.5 zone cites a maximum lot size of 6,500 square feet and both the existing parcels are currently larger than the maximum. After the adjustment, the size of the northerly 11,429 square foot lot is slightly increased to 11,984 square feet which increases the nonconformity but working around existing homes warrant an exception as the south lot becomes more conforming and when partitioned will comply with lot size standards. The northern lot is expected to be partitioned in the future lessening its current nonconformity in size. The resulting adjustment to the property boundary is neutral in terms of lot nonconformity. The proposal meets criteria listed above. As a condition of approval, the applicant shall have the properties surveyed and a lot line adjustment deed recorded for the resulting parcels that includes a single perimeter description of each property prior to recording the final partition plat.

16.60 Major or Minor Partitions

16.60.020 Standards and criteria

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

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

16.60.030 Minor partitions.

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

- A.** Conformance with the text and applicable maps of the Comprehensive Plan;
- B.** Conformance with all other applicable requirements of the Land Development and Planning Ordinance;
- C.** The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;

- D. No minor partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels;
- E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

Findings: The application meets the definition of a partition stated in Section 16.04.470, and more specifically as a Minor Partition in that the applicant intends to divide a single parcel into three separate parcels and does not propose any new streets or roadway. Public facilities and services are presently available to serve the proposed parcels. An existing home on the southerly 17,608 square foot parcel currently has access onto S. Redwood Street, which is under Clackamas County jurisdiction. The applicant will remove the existing driveway and create a new access for the dwelling onto SE 9th Avenue. Subsequently, all access to the newly created parcels will occur onto SE 9th Avenue. However, Clackamas County has requested extensive conditions concerning street improvements on S. Redwood Street. The County's suggested conditions will be made conditions of approval.

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.
- 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

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: A temporary street tree easement to plant trees on private property is required along SE 9th Avenue and must be delineated and noted on the final plat. The applicant shall provide a fee based on the placement of a tree at every 30' of street frontage, where possible, or submit a formal Street Tree Plan. Mature street trees along S. Redwood Street are currently in place.

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: It appears that the proposed lots meet the above size, width, and shape criteria. However, since the tentative site layout is not based on a certified survey, the minimum lot width of 40 feet listed in 16.18.030(A) and the lot depth of no more than three times its width listed above shall be verified at the time of filing the final plat.

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: These provision shall be verified at the time of filing the final plat.

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

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

(dated from the existing homes final building permit approval). (Ord. 1107, 2002; Ord 1237, 2007; Ord 1323, 2010)”

Findings: It appears that some of the proposed lots 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 somewhat level terrain 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 recommended sidewalks and driveway modifications. A paved driveway approach to city standards are required for any the new access onto SE 9th Avenue, and new improvements will be limited to replacing curbs and sidewalks where new driveways are constructed and existing driveways are removed and replaced. The recommended improvements shall be made conditions of approval.

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 by the City Engineer so City as-built plans would not be needed for this project. However, the applicant must work with Clackamas County and complete street improvements on S. Redwood Street to the County’s satisfaction.

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: Staff recommends that improvements be limited to paved driveway approaches to city standards, replacement of curbs and sidewalks, sewer and water lateral connections, and compliance with building and erosion control standards with development of the newly created parcels.

- C. 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 and other improvements recommended by Clackamas County along the S. Redwood Street frontage must be completed prior to filing of the final plat as the County has stated in their comments. Improvements on SE 9th Avenue can be completed to City standards at the time of development of the parcels.

- 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 as shown on the applicant's submitted drawings. Street trees are required for this case. Any existing overhead utility lines are not proposed to be placed underground with a three new lot creation.

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.

16.89 Application and Review Procedures

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, and since the related rezoning of these properties share the lot creation plans. The review procedures have been met.

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

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 building when the site is not suitable for dedication of a park or open space.

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/Lot Line Adjustment File MLP 17-06/LLA 17-02 subject to the following conditions of approval:

V. **CONDITIONS OF APPROVAL**

Minor Partition Conditions Unique to This Request:

1. **Prior to the recordation of the final plat, the City Council must approve the Zone Change/Comprehensive Plan Amendment request, and an Ordinance must be enacted changing the Zone from R-1 to R-1.5 and Comprehensive Plan from Low Density Residential to Medium Density Residential.**
2. A temporary street tree easement to plant trees on private property along SE 9th Avenue is required and must be delineated and noted on the partition plat. The applicant shall provide a fee based on the placement of a tree at every 30' of street frontage, where possible, or submit a formal Street Tree Plan.
3. Any possible utility easement needed across the frontage on S. Redwood Street or SE 9th Avenue by utility service providers shall be made a part of the recorded partition plat.
4. Additional driveway access is not allowed onto S. Redwood Street. Any future development shall access onto SE 9th Avenue.
5. As a condition of approval, the applicant must address criteria in 16.21.050 during the building permit site plan review process if infill provisions apply to the new dwellings.
6. **The applicant shall meet the recommended conditions of approval in the City Engineers comments dated September 5, 2017 that are attached to the file.**
7. **The applicant shall meet the recommended conditions of approval from Clackamas County in the memo dated September 11, 2017 that is attached to the file.**

Final Partition Plat Conditions:

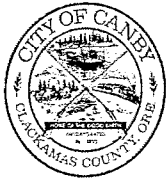
8. A surveyed partition plat prepared by a licensed surveyor shall be recorded with Clackamas County after application and review of a Final Partition Plat by the City. The partition plat must be submitted to the city within one year of Planning Commission approval of the partition or the applicant must 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.
9. 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).
10. All provisions of applicable utility agencies shall be met prior to the recordation of the partition plat.
11. Construction of all required public improvements on S. Redwood Street, as required by Clackamas County, must be completed prior to the recordation of the partition plat.

12. Construction of all required public improvements of SE 9th Avenue must be completed prior to the issuance of home occupancy permits and comply with all applicable City of Canby Public Works Design Standards.
13. The minimum lot width of 40 feet listed in 16.18.030(A) and the lot depth of no more than three times its width shall be verified at the time of filing the final plat.

Attachments:

Partition Tentative Site Plan

Applicant's Narrative



City of Canby
 Planning Department
 222 NE 2nd Avenue
 PO Box 930
 Canby, OR 97013
 (503) 266-7001

LAND USE APPLICATION

LOT LINE ADJUSTMENT

Type II Process

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

Applicant Name: Peter Hostetler Phone: 503-505-0149
 Address: 10060 S New Era Rd Email: design@draftcraft.com
 City/State: Canby, OR Zip: 97013

Representative Name: _____ Phone: _____
 Address: _____ Email: _____
 City/State: _____ Zip: _____

Property Owner Name: Gabriel ~~Gilbert~~ Hostetler Phone: _____
 Signature: Signature on file (see City File CPA 17-01)
 Address: 861 S Redwood St Email: _____
 City/State: Canby, OR Zip: 97013

Property Owner Name: Kenneth D. Hostetler Phone: _____
 Signature: Signature on file (see City file CPA 17-01)
 Address: 861 S Redwood St Email: _____
 City/State: Canby, OR Zip: 97013

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

- ❶ 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.
- ❷ 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.
- ❸ 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:

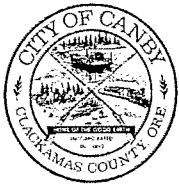
853 & 861 S Redwood St 29,037 41E03BB00503 & 504
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

Single family homes R-1 R-1.5
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

Create additional lots
 Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE
<u>2017-07-26-17-01-02</u>	<u>7/26/17</u>	<u>[Signature]</u>		

Visit our website at: www.canbyoregon.gov
 Email Application to: PlanningApps@canbyoregon.gov



City of Canby
 Planning Department
 222 NE 2nd 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: Peter Hostetler Phone: 503-505-0149
 Address: 10060 S New Era Rd Email: design@draftcraft.com
 City/State: Canby, OR Zip: 97013

Representative Name: _____ Phone: _____
 Address: _____ Email: _____
 City/State: _____ Zip: _____

Property Owner Name: Cabriel Gilbert Hostetler Phone: _____
 Signature: Signature on file (See City File CPA 17-01)
 Address: 861 S Redwood St Email: _____
 City/State: Canby, OR Zip: 97013

~~Property Owner Name: Kenneth Hostetler Phone: _____~~
~~Signature: Signature on file (See City File CP 17-01)~~
~~Address: 853 S Redwood St Email: _____~~
~~City/State: Canby, OR Zip: 97013~~

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>853 & 861 S Redwood Street</u>	_____	<u>41E03BB00503 & 504</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>Single family homes</u>	<u>R-1</u>	<u>R-1.5</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

Create additional lots _____
 Describe the Proposed Development or Use of Subject Property _____

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

APPLICATION FOR LOT LINE ADJUSTMENT & MINOR PARTITION

NARRATIVE

Applicant:

DraftCraft, LLC.
Peter Hostetler
10060 S New Era Road
Canby, OR 97013
503-505-0149
design@draftcraft.com

Owners:

Gabriel Hostetler
861 S Redwood Street
Canby, OR 97013

Ken Hostetler
853 S Redwood Street
Canby, OR 97013

Location:

853 & 861 S Redwood Street, Canby Oregon

Legal Description:

Tax Lots 503 & 504;
Sec. 3, T4S R1E WM;
Assessor Map: 4 1E 03BB

Zoning:

R-1 (Low Density Residential Zone)

Size:

29037 Square Feet

Proposal:

To adjust the lot lines between 861 and 853 S Redwood and complete a minor partition to 861 S Redwood. Existing houses to remain.

Date:

August 10th, 2017

SITE DESCRIPTION

The Lots are located on the NW corner of SE 9th Avenue and S Redwood Street. 861 S Redwood Street is the corner Lot and the Lot immediately to the North is 853 S Redwood Street. Both currently have access on Redwood Street. To the South, West, and North are R1.5 Residential lots and to the East is Trost Elementary School.

The lots are currently occupied by two single family residences and one detached garage. Lots are relatively flat with a slight fall to the east and the property has no identified significant natural resources or physical hazards.

Public sanitary sewer and water are provided to the site from main lines in S Redwood Street. Other public utilities, such as power and communications are provided from existing pedestals and splice boxes along SE 9th Avenue and S Redwood Street in the street Right of Way. Fire protection is provided to the property from Canby Fire District and police protection is provided from the City of Canby Police Department. Storm drainage runoff is infiltrated into the ground, per the City of Canby's preferred method of storm drain disposal, drywells.

853 S Redwood Street is Lot 1 and 861 S Redwood Street is Lot 2 of previous Clackamas County Partition Plat No. 93-55 Parcel 2 also identified as City of Canby File No. Sub 93-03 Surveyed October 5, 1993.

PROPOSAL

Pending the outcome of a current Zone Map Amendment, two land use actions are proposed. The Lot Line Adjustment allows for proposed and future lot creation necessary to maximize the number of developable lots per the dimensional standards of the previously proposed Zone Map Amendment. The other action is to divide 861 S Redwood into 3 lots.

Basically the Northern Lot, 853 S Redwood Street, becomes remains a single lot for the time being and the existing Southern Lot, 861 S Redwood Street, becomes three Lots. The existing property line between the two existing Lots is adjusted as necessary to accommodate the setbacks and square footage requirements of the R-1.5 zone.

The three Southern Lots will have driveway access onto SE 9th and 853 S Redwood retains driveway access on S Redwood Street. There are no improvements needed or proposed to SE 9th Avenue or S Redwood Street.

Improvements for the Lots 3-5, comprising of driveway aprons, new sidewalk curb ramp, and utility stubs will be made with construction drawings to be approved by the City of Canby and other service providers.

Public sanitary sewer and water are available to the site in S Redwood Street. Other public utilities, such as power and communications are also available from existing pedestals, splice boxes and conduit along SE 9th Avenue and S Redwood Street in the street Right of Way. Fire protection is available to the property from Canby Fire District and police protection is available from the City of Canby Police Department. Storm drainage runoff is anticipated to be infiltrated into the ground, per the City of Canby's preferred method of storm drain disposal, drywell.

A pre-application conference was held with the City of Canby and service providers to discuss the change in zone and dividing of the Lots on May 18th, 2017.

A traffic impact study was completed per City requirements.

A neighborhood meeting for the proposal and zone change was held at 861 S Redwood Street on May 19th, 2017. Three neighbors attended the meeting, in addition to the applicant and one of the property owners. Topics discussed at the neighborhood meeting are listed in the neighborhood meeting notes, prepared by the applicant.

APPLICABLE CRITERIA AND STANDARDS

The following sections of the City of Canby Comprehensive Plan apply to this application:

Urban Growth Element

Land Use Element

Transportation Element

Housing Element

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

16.18 R-1.5 Medium Density Residential Zone

16.56 Land Division General Provisions

16.60 Major & Minor Partitions

16.88 General Standards & Procedures

16.89 Application and Review Procedures

COMPREHENSIVE PLAN GOALS

Urban Growth Element

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

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

Response: The subject Lots are within the City's Urban Growth Boundary and are part of the land intended to accommodate the City's projected population. The proposal supports the Urbanization Element of the Comprehensive Plan and the proposed Lots are designated on the Comprehensive Plan as R-1.5. This proposal would be a fulfillment of the comprehensive plan designation for these Lots.

Land Use Element

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

Response: The City's Comprehensive Plan designation for the Lots calls for R-1.5. Changing the zoning of the Lots is in progression with the Comprehensive Plan and will not create an island of different zoning. The proposal is an opportunity to increase the density of housing on Lots that have excess square footage for their Comprehensive Plan Designation.

Public facilities are available to the Lots. During the Pre-Application meeting utility service providers discussed means of servicing newly created Lots and the Proposed Site Plan includes those notes. Public schools generally have capacity throughout Canby. Other public facilities and services such as police and fire are generally available to the Lots.

There are no natural hazards associated with the Lots, and no wetland or other environmental concerns.

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

Transportation Element

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

Response: This proposal doesn't include any new streets but utilizing the existing transportation system.

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

Housing Element

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

Response: The lots have been designated as appropriate for R-1.5 zoning development and the proposal is consistent with that designation.

The Lots are well located for higher density development, reasonably close to major streets, with connections to the established area of Canby, including downtown and the shopping area along Highway 99E.

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

LAND USE AND DEVELOPMENT ORDINANCE

Chapter 16.18 R-1.5 Medium Density Residential Zone

Response: The proposed Lot Line Adjustment and Minor Partition will create two new Lots for detached single family dwellings. The proposed residential use is allowed outright in the zone (16.18.010.A). New lots in the R-1.5 Zone are required to meet the development standards specified in Section 16.18.030. Development standards for structures can be verified when plans for building permits are submitted.

Section 16.18.030 R-1.5 Zone Dimensional Standards

16.18.030.A Minimum and maximum lot area: 5,000 sq. ft. and 6,500 sq. ft.

Response: Lot 1 6944 sq. ft.; Lot 3 5024 sq. ft.; Lot 4 6515 sq. ft.; Lot 5 5514 sq. ft.

16.18.030.B Lot Area Exceptions – The maximum lot area standard does not apply to dwellings existing prior to subdivision or partition plan approval or to lots designated for open space.

Response: Lots 1 and 4 will contain the existing homes so the maximum Lot area standard does not apply to these Lots.

16.18.030.C Minimum width and frontage: 40 feet.

Response: All Lots but have a minimum width and frontage of at least 40'.

16.18.030.D Minimum Yard: Street w/dwy 20'; Other street 15'; Rear 20' w/2 story, 15' w/1 story; Rear Corner 15' w/2 story, 10' w/1 Story; Interior 7'.

Response: The existing dwellings conform to these standards and when building plans are submitted for dwellings on new lots these will be satisfied.

16.18.030.E Maximum Building Height: 35'.

Response: The existing dwellings conform to these standards and when building plans are submitted for dwellings on new lots these will be satisfied.

16.18.030.F Maximum Amount of Impervious Surface: 70%.

Response: LOT 1 42%, Lot 4 50%, Lots 3 & 5 can satisfy requirement when building plans are submitted.

16.18.030.G Other Regulations

Response: Existing dwellings comply with vision clearance distances and setbacks and the remaining Lots can satisfy these requirements when building plans are submitted.

Division IV Land Division Regulations

Chapter 16.56.030 Conformance

A. Comprehensive Plan

Response: Proposal conforms to pending Zone Map Amendment and would match zoning to the north and east.

B. Land Development & Planning Ordinance

Response: Proposal meets all Land Division requirements and Zone Map Amendment in currently pending.

C. Health, Safety, & Sanitation

Response: Adequate water, sewer, power, sidewalks and roads have been shown as available for newly created lots.

D. Building

Response: No new buildings are proposed but any future buildings would be subject to the Building Authority and Oregon State Codes.

E. Street & Roads

Response: No new roads are proposed and Traffic Impact Study has shown that current transportation system is adequate to handle the needs of the newly created lots.

16.60 Major and Minor Partitions

A. Conformance with the text and applicable maps of the Comprehensive Plan;

Response: Proposal conforms to pending Zone Map Amendment and would match zoning to the north and east.

B. Conformance with all other applicable requirements of the Land Development and Planning Ordinance;

Response: Proposal meets all Land Division requirements and Zone Map Amendment in currently pending.

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;

Response: Proposal arranges newly created lots and existing lots to provide adequate building sites, utility easements, and access facilities without hindering the use of the adjacent properties.

D. No minor partitioning shall be allowed where the sole means of access is by CITY OF CANBY December 2010 Chapter 16.60 – Page 2 private road, unless it is found that adequate assurance has been provided for yearround 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;

Response: Proposal contains no private roads.

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. (Ord. 740 section 10.4.30 (B)(1), 1984)

Response: Per Pre-Application Meeting all public facilities are available to meet meet the needs of the existing lots and newly created lots.

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 the applicant and the appropriate fees have been paid (Sec.16.88.030).

Chapter 16.89 Application and Review Procedures

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.

Response: This application is a Type III procedure. A pre-application meeting was held May 18th, 2017. The minutes are included in this application.

CONCLUSION

The foregoing narrative and accompanying plans and documents together demonstrate that the proposed subdivision and partition conform with 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.

PROJECT NAME
SOUTH REDWOOD ESTATES 2

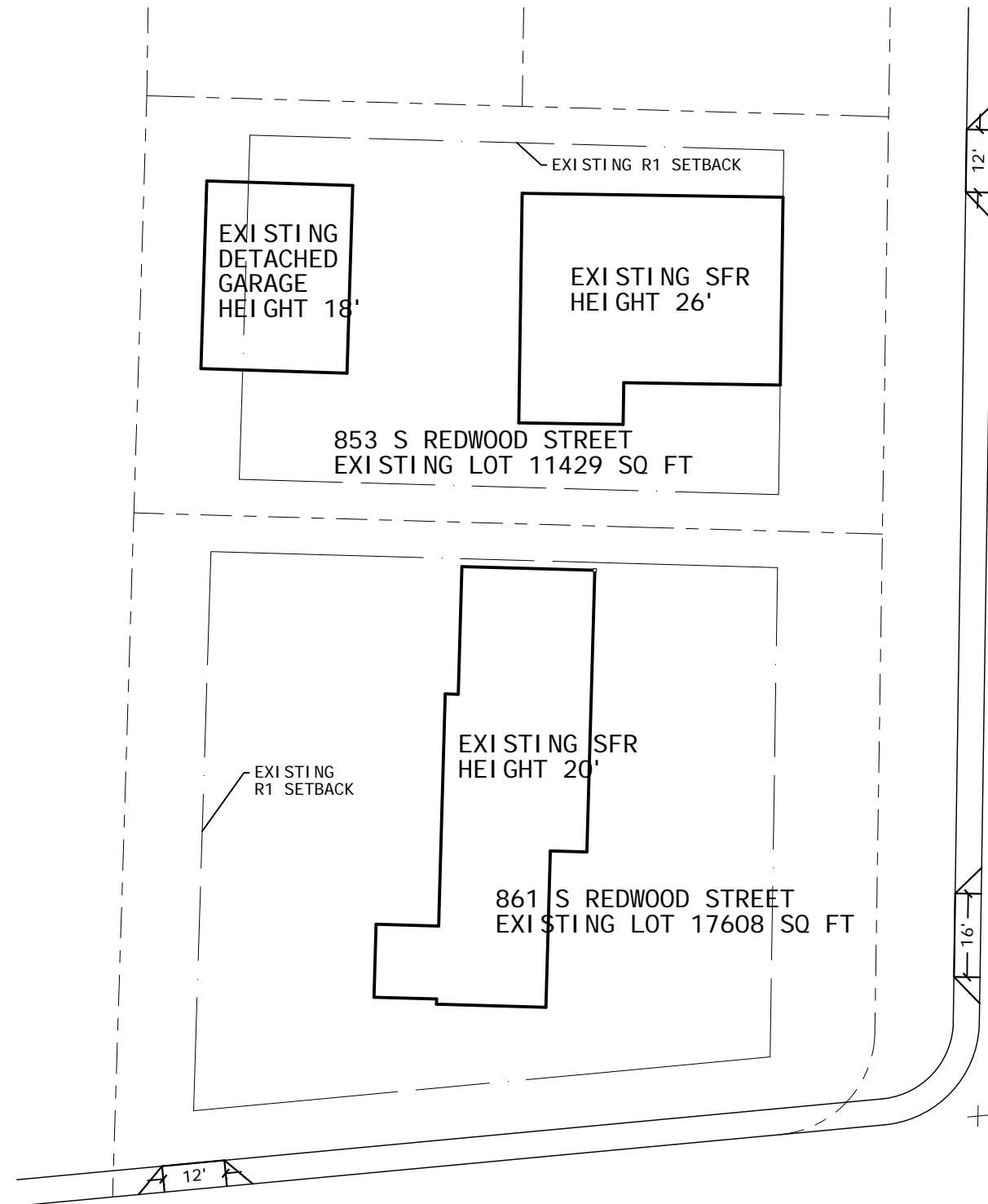
PROJECT ADDRESSES & OWNERS
GABRIEL HOSTETLER
861 S REDWOOD STREET
CANBY, OR 97013

KENNETH HOSTETLER
853 S REDWOOD STREET
CANBY, OR 97013

DESIGNER
DRAFT CRAFT, LLC.
DESIGN@DRAFTCRAFT.COM
503-505-0149

CONTRACTOR
KHC inc
10060 S NEW ERA ROAD
CANBY, OR 97013
INFO@KHCBUILD.COM
503-266-5754

VICINITY MAP

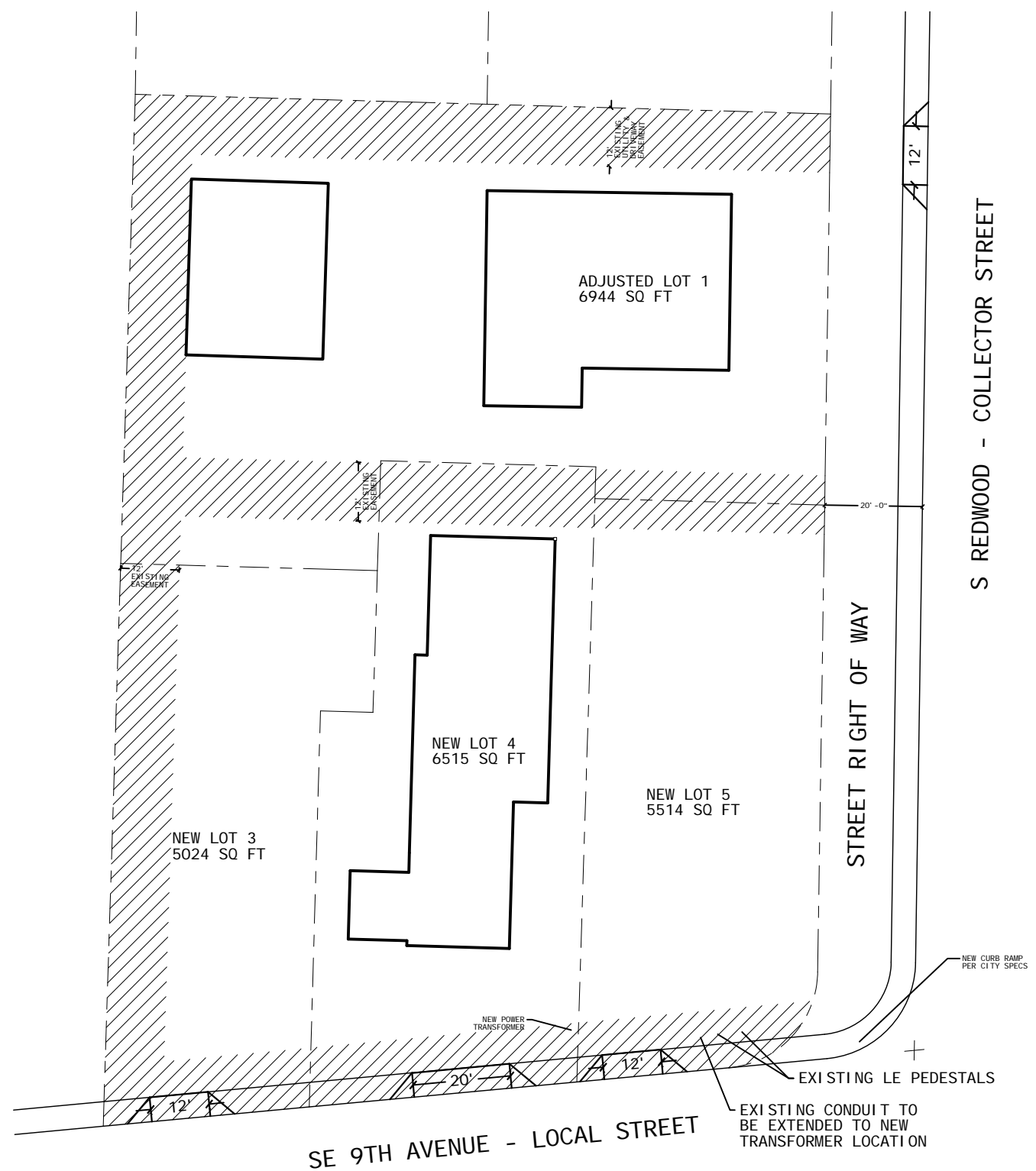


DRAFTCRAFT

CLIENT Gabriel Hostetler
CONTRACTOR KHC inc.

PAGE Existing Site Plan
REVISION 1

DATE May 26, 2017
SCALE 1" = 30'



DRAFTCRAFT

CLIENT Gabriel Hostetler
 CONTRACTOR KHC inc.

PAGE Proposed Site Plan
 REVISION 1

DATE August 10, 2017
 SCALE 1" = 30'



City of Canby

NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

The purpose of this Notice is to Request Your Comments and invite you to a Public Hearing at a Planning Commission meeting on Monday, September 25, 2017 at 7 pm, City Council Chambers, 222 NE 2nd Ave, 1st Floor to review applications for a Minor Land Partition and Lot Line Adjustment. The applicant is requesting approval to partition 861 S Redwood St into three lots, and a Lot Line Adjustment to the existing line between 861 & 853 S Redwood St to accommodate setbacks and square footage requirements of the R-1.5 Medium Density Residential Zone pending in a separate application.



Comments due– If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form by Wednesday, September 13, 2017
Location: 853 & 861 S Redwood St (bordered in red on map at left)

Tax Lots: 41E03BB00503 and 41E03BB00504
Lot Size and Zoning: .66 acres, R-1 Low Density Residential, R-1.5 pending by City Council, Sept. 6, 2017
Owners: Kenneth Hostetler, Gabriel Hostetler

Applicants: Peter Hostetler
Application Type: Minor Land Partition/ Lot Line Adjustment

City File Number: MLP 17-06/LLA 17-02
Contact: Bryan Brown at 503-266-0702 or email eplingd@canbyoregon.gov

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 on Monday, September 25, 2017. (Please see *Comment Form*). Comments can be mailed to the Canby Planning Department, PO Box 930, Canby, OR 97013; dropped off at 222 NE 2nd Ave; or emailed to 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 15, 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
- 16.18 R-1.5 Medium Density Residential Zone
- 16.46 Access Limitations on Project Density
- 16.58 Lot Line Adjustment
- 16.60 Major or Minor Partitions
- 16.64 Subdivisions – Design Standards
- 16.89 Application & Review Procedures

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.



M. BARBARA CARTMILL
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

MEMORANDUM

TO: Bryan Brown
FROM: Robert Hixson, Development Engineering
DATE: September 11, 2017
RE: MLP 17-06, LLA 17-02
4-1E-3BB-503 & 504

Engineering staff has visited the site and reviewed the submitted materials. This office has the following comments pertaining to this proposal:

FACTS AND FINDINGS:

1. Clackamas County has received an application from the City of Canby for a three lot partition following an anticipated lot line adjustment for property located at the northwesterly corner of Redwood Street and Ninth Avenue. Access for the three lots is proposed to Ninth Avenue with individual driveway approaches for each parcel.
2. Redwood Street is under the jurisdiction of Clackamas County and is classified as a collector roadway. Ninth Avenue is under the jurisdiction of the City of Canby and is classified as a local street. Due to the higher functional classification of Redwood Street, Clackamas County will not permit existing or proposed accesses to Redwood Street with a land division of the subject property. All existing driveway approaches for the subject property intersecting with Redwood Street will require removal and replacement with curb and sidewalk. All vehicular access shall be provided via Ninth Avenue for all parcels associated with a partition of the subject property.
3. In regards to right-of-way associated with Redwood Street, sufficient right-of-way is required to exist or be provided so that the back of the sidewalk is in the right-of-way and that there is at least six inches of width between the limits of the right-of-way and the back of the sidewalk. Any additional right-of-way required for a partition to comply with this six inch requirement between right-of-way limits and back of sidewalk shall be dedicated by the applicant and shall be illustrated, labeled and dimensioned on the final plat.
4. The submitted site plan indicates that there is a significant width of right-of-way behind the back of the Redwood Street sidewalk (westerly from the existing sidewalk). However, this information is not survey data and the proposed site plan is

not stamped and signed by a Licensed Land Surveyor so the accuracy of the provided information is unknown.

5. Engineering staff recommends the granting of an eight-foot wide sign, and public utility easement along the Redwood Street frontage with the easement located adjacent to and behind (to the west) the right-of-way line. This easement shall be illustrated, labeled and dimensioned on the final plat.

Alternatively, if survey data indicates that the limits of the right-of-way extend at least 13.5 feet behind the back of the existing curb line, then a public utility easement would not be required as there would be adequate right-of-way to accommodate public utilities.

If survey data indicates that there is less than 13.5 feet of right-of-way behind the back of the existing curb line, then a public utility easement of appropriate width shall be granted. The appropriate width shall be that width, when added to the existing right-of-way behind the back of the curb line, will total 13.5 feet. This appropriate easement width shall be illustrated, labeled and dimensioned on the final plat.

6. Due to existing substandard vehicular and pedestrian improvements associated with the Redwood Street right-of-way Development Engineering staff will recommend design and construction of improvements or a fee in lieu of improvements where the alternative fee is deemed appropriate.
7. The applicant shall obtain a Development Permit from the Clackamas County Engineering Division prior to the construction of any Redwood Street roadway improvements or other Redwood Street frontage improvements. However, if the fee in lieu of option is chosen by the applicant the applicant shall obtain a Right-of-Way permit from Clackamas County for the removal and replacement of the existing Redwood Street driveway approach with matching curb and sidewalk.
8. The condition of Redwood Street along the site frontage is substandard and is judged as poor based on the appearance of the surface. The applicant shall design and construct a one half-street improvement along the entire Redwood Street frontage. Structural section shall comply with Roadway Standards Drawing C100. The existing curb line offset along Redwood Street shall be maintained.
9. The existing Redwood Street sidewalk measures only 4.5 feet in width and is curb tight. The curb width is not a portion of the sidewalk width. All sidewalks along Redwood Street to the north and south are curb tight. Therefore, Clackamas County will not require the typical landscape strip between the curb and sidewalk which is the County standard. A curb tight sidewalk will be permitted, but it must be at least five feet in unobstructed width along the Redwood Street frontage. Adding six inches of width to the sidewalk will not be acceptable so the existing sidewalk will require removal and replacement with a five-foot wide sidewalk. Wherever mailboxes or other features obstruct the sidewalk, the obstruction shall be relocated or an eyebrow shall be designed and constructed so that the full five-foot wide unobstructed width is provided around the obstruction.

10. At the northwesterly corner of the Redwood Street/Ninth Avenue intersection, the applicant shall design and construct a minimum 20-foot radius curb and two fully ADA compliant curb/sidewalk ramps. One ramp shall be aligned northerly/southerly and the other ramp shall be aligned easterly westerly. Since the 20-foot radius will replace a smaller existing radius, additional paving will be required for the two streets to match into the new 20-foot radius curb.
11. Based on the speed posting of 25 mph on Redwood Street, sight distance calculations are based on a design speed of 30 mph. Therefore, a minimum of 335 feet of intersection sight distance is required to be provided at the intersection of Ninth Avenue with Redwood Street. The applicant shall provide a sight distance exhibit, based on survey data, illustrating the minimum 335 feet of intersection sight distance northerly in accordance with Roadway Standards section 240. If the sight line is not entirely within the right-of-way and crosses over private property, a sight line easement shall be provided for the required sight line. In this case, if the sight line crosses over private properties to the north at least one property will be a part of the partition and the sight line easement would be required to be illustrated, labeled and dimensioned on the final plat.

If the sight line also were to cross over the adjacent property to the north, a sight line easement would need to be obtained from that property owner prior to recording of the final plat.

Based on the submitted proposed site plan, the sight line northerly would be entirely within the right-of-way and sight line easements would not be required. Again, the provided information is not identified as survey data so Engineering staff is unable to identify where the westerly Redwood Street right-of-way line exists.

12. The applicant may pay a fee in lieu of improvements for some of the aforementioned identified improvements. Some improvements must be constructed. For example, the existing driveway approach to Redwood Street must be removed and replaced with curb and sidewalk. If needed, right-of-way shall be dedicated so that the resulting right-of-way line would be six inches behind a five-foot wide curb tight sidewalk. The public utility easement will be required to be granted. Any right-of-way dedication and the public utility easement shall be illustrated, labeled and dimensioned on the final plat. However, the other improvements may be designed and constructed or the applicant may pay a fee in lieu of improvements to Clackamas County.

The fee shall include, but shall not necessarily be limited to, mobilization/start-up, grading, rock, drainage, asphalt, concrete, curb, sidewalk and retaining wall. Here the fee would include a one-half street improvement of the Redwood Street frontage, the removal and replacement of the Redwood Street sidewalk with a five-foot wide sidewalk, construction of a 20-foot radius curb at the northwesterly corner of Redwood Street and Ninth Avenue and paving to match into the new radius, and construction of two ADA compliant ramps at the northwesterly corner of Redwood Street and Ninth Avenue. Ultimately the fee would need to be approved by

Clackamas County Development Engineering staff following submittal of an Engineer's cost estimate for the identified improvements that would not be constructed.

CONCLUSION:

The following three paragraphs are not intended to be conditions of approval and shall not be included as conditions of approval in a decision.

If the City of Canby Planning Commission and/or City Council approves the request, the following conditions of approval are recommended. If the applicant is advised to or chooses to modify the proposal in terms of access location and/or design following the preparation of these comments this office requests an opportunity to review and comment on such changes prior to a decision being made.

The following items are project requirements from the Department of Transportation and Development's Development Engineering Division. These conditions of approval are not intended to include every engineering requirement necessary for the successful completion of this project, but are provided to illustrate to the applicant specific details regarding the required improvements that may prove helpful in determining the cost and scope of the project. These conditions are based upon the requirements detailed in the County's Comprehensive Plan (Comp Plan), the County's Zoning and Development Ordinance (ZDO) and the County's *Roadway Standards*. Additional requirements beyond those stated in the conditions of approval may be required. The applicant may discuss the requirements of the project with staff at any time.

The requirements specifically required by the Comp Plan and the ZDO cannot be modified by the Development Engineering Division. However, the requirements detailed in these conditions of approval, derived from the Development Standards, are based upon nationally accepted standards and engineering judgment and may be modified pursuant to Section 170 of the Roadway Standards. The applicant is required to provide sufficient justification to staff in any request. Staff shall determine if a modification is warranted.

RECOMMENDED CONDITIONS OF APPROVAL:

1. **Prior to final plat approval:** If the fee in lieu of improvements option is not chosen by the applicant a Development Permit is required from the Engineering Division for review and approval of half-street improvements, frontage improvements and sight distances. The Permit shall be obtained prior to commencement of site work and recording of the partition or subdivision plat. To obtain the permit, the applicant shall submit construction plans prepared and stamped by an Engineer registered in the State of Oregon, or plans acceptable to the Engineering Division, provide a performance guarantee equal to 125% of the estimated cost of the construction, and pay a plan review and inspection fee. The fee will be calculated as a percentage of the construction costs if it exceeds the minimum permit fee. The minimum fee and the percentage will be determined by the current fee structure at the time of the Development Permit application.

2. **Prior to final plat approval:** If the fee in lieu of improvements option is chosen by the applicant, a Right-of-Way Permit is required from the Engineering Division for the removal and replacement of the Redwood Street driveway approach with matching curb and sidewalk.
3. **Prior to final plat approval:** all required improvements within County right-of-way shall be designed and constructed by the applicant, inspected and approved by County forces, or financially guaranteed.
4. All required street and street frontage related improvements shall comply with the standards and requirements of the Clackamas County Zoning and Development Ordinance and the Clackamas County *Roadway Standards* unless otherwise noted herein.
5. The applicant shall verify by a professional survey that a one-half right-of-way width extending a minimum of six inches beyond the back of a five-foot wide curb tight Redwood Street sidewalk exists along the entire Redwood Street site frontage, or shall dedicate additional right-of-way as necessary to provide it. The right-of-way dedication, if required, shall be illustrated, labeled and dimensioned on the final plat.
6. The applicant shall verify by a professional survey that adequate right-of-way exists at the northwesterly corner of the Redwood Street/Ninth Avenue intersection to accommodate a minimum 20-foot radius curb, minimum five-foot wide unobstructed sidewalk and the two required ADA ramps.
7. The applicant shall grant an eight-foot wide public easement for signs and public utilities along the entire Redwood Street site frontage or an appropriate alternative width of easement. This easement shall be illustrated, labeled and dimensioned on the final plat.

If survey data indicates that the limits of the right-of-way extend at least 13.5 feet behind the back of the existing curb line, then a public utility easement is not required.

If survey data indicates that there is less than 13.5 feet of right-of-way behind the back of the existing curb line, then a public utility easement of appropriate width shall be granted. The appropriate width shall be that width, when added to the existing right-of-way width behind the back of the curb line, will total 13.5 feet. This resulting appropriate easement width shall be illustrated, labeled and dimensioned on the final plat.

8. The applicant shall permanently close and remove the driveway approach intersecting with Redwood Street and replace that approach with matching five-foot wide unobstructed curb tight sidewalk if the fee in lieu of option is not chosen. If the fee in lieu of option is chosen the applicant shall remove and replace the driveway approach with matching curb and sidewalk.
9. The plat shall include a note stating that no vehicular access is permitted from the plat properties directly to Redwood Street.

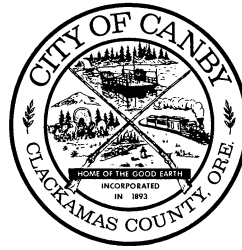
10. The applicant shall design and construct a minimum 20-foot radius curb at the northwesterly corner of the Redwood Street/Ninth Avenue intersection if the fee in lieu of option is not chosen. The radius shall connect to the existing curb lines on Redwood Street and Ninth Avenue. If the fee in lieu of option is chosen, the existing curb radius may remain.
11. The applicant shall design and construct two fully ADA compliant curb/sidewalk ramps at the northwesterly corner of Redwood Street and Ninth Avenue if the fee in lieu of option is not chosen. One ramp shall be aligned northerly/southerly and the other ramp shall be aligned easterly/westerly. If the fee in lieu of option is chosen, the existing ramp may remain.
12. The applicant shall design and construct improvements along the entire Redwood Street frontage consisting of a one-half street improvement meeting the structural section requirements of Roadway Standards Drawing C100, standard curb or curb and gutter if curb line slope is less than one percent (maintaining the existing Redwood Street curb offset), and a minimum five-foot wide unobstructed curb tight sidewalk if the fee in lieu of option is not chosen by the applicant. The existing sidewalk will require removal and replacement with minimum five-foot wide sidewalk. If the fee in lieu of option is chosen by the applicant, the existing street and sidewalk conditions may remain.
13. The applicant shall pay a fee in lieu of construction of improvements if the applicant chooses the fee in lieu of improvements option. If this option is not chosen then all improvements identified in this memorandum will be required to be constructed. If the fee in lieu of construction of improvements option is chosen by the applicant, the applicant shall pay a fee to Clackamas County based on the applicant's Engineer's cost estimate for the identified improvements. The proposed fee shall be provided to Clackamas County Engineering staff for review and will require approval of the estimate by County Engineering staff prior to the fee being finalized.

The fee shall include, but shall not necessarily be limited to, mobilization/start-up, grading, rock, drainage, asphalt, concrete, curb and sidewalk. Here the fee would include a one-half street improvement of the Redwood Street frontage, the removal and replacement of the Redwood Street sidewalk with a five-foot wide sidewalk, construction of a 20-foot radius curb at the northwesterly corner of Redwood Street and Ninth Avenue and paving to match into the new radius, and construction of two ADA compliant ramps at the northwesterly corner of Redwood Street and Ninth Avenue.

14. The applicant shall relocate mailboxes, fire hydrants, utility poles, etc, when they are located within the limits of the Redwood Street sidewalk, or if deemed an acceptable alternative by the Engineering Division, construct an eyebrow so that the full width of the sidewalk is provided around the obstruction. Mailboxes shall be relocated or replaced in accordance with United States Postal Service standards. Additional easement, as necessary, shall be granted to provide for any sidewalk eyebrows.

15. All curbs shall typically be type "C", or curb and gutter if curb line slope is less than one percent, if they carry, direct or channel surface water. Alternative curbs will be considered when it is determined by the Clackamas County Department of Transportation and Development that type "C" curbs or curb and gutter are not appropriate.
16. The applicant shall provide and maintain adequate intersection sight distance northerly at the Redwood Street/Ninth Avenue intersection. In addition, no plantings at maturity, retaining walls, embankments, fences or any other objects shall be allowed to obstruct minimum sight distance requirements. Minimum intersection sight distance, at the street intersection, shall be 335 feet northerly, measured 14.5 feet back from the edge of the travel lane. The applicant shall provide a sight distance exhibit, based on survey data, illustrating the minimum 335 feet of intersection sight distance northerly in accordance with Roadway Standards section 240. If a sight line easement is required northerly, it shall be illustrated, labeled and dimensioned on the final plat.
17. The applicant shall provide a copy of the City of Canby approved drainage study and surface water management plan to DTD Engineering, Deana Mulder.
18. A Utility Placement Permit shall be required for any utility work required within the right-of-way of Redwood Street.
19. Before the County issues a Development Permit, the applicant shall submit a construction vehicle management and staging plan for review and approval by the County DTD, Construction and Development Section, if the Redwood Street right-of-way is planned to be used for construction staging. That plan shall show that construction vehicles and materials will not be staged or queued-up on Redwood Street without specific authority from DTD. If the Redwood Street right-of-way is not planned to be used for construction staging, a note shall be added to the construction drawings stating that the Redwood Street right-of-way will not be used for construction staging.

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



**A REQUEST FOR A MINOR LAND)
PARTITION)
279 S SEQUOIA PARKWAY)**

**FINDINGS, CONCLUSION & FINAL ORDER
MLP 17-05
SEQUOIA GROVE INDUSTRIAL PARK**

NATURE OF THE APPLICATION

The Applicant has sought approval for Minor Land Partition Application #MLP 17-05 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 25, 2017 during which the Planning Commission by a 6/0 vote 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 September 25, 2017 and presented at the September , 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 by a ___/___ vote 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 17-05 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 17-05** is approved, subject to the following conditions:

CONDITIONS OF APPROVAL

I. CONDITIONS OF APPROVAL

Minor Partition Conditions Unique to This Request:

1. Street trees shall be installed as part of the approved landscape plan when Parcel 1 develops unless they are already in place.
2. Any possible utility easement needed across the frontage on S. Sequoia Parkway by utility service providers shall be made a part of the recorded partition plat.
3. Additional driveway access is not allowed onto S. Sequoia Parkway. Any future development shall use the existing shared access from the parcels.
4. A Traffic Study shall be updated prior to moving forward with development on Parcel 2.

Final Partition Plat Conditions:

5. 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.
 6. 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).
 7. All provisions of applicable utility agencies shall be met prior to the recordation of the partition plat.
 8. 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.
-

I CERTIFY THAT THIS ORDER approving City File # MLP 17-05 SEQUOIA GROVE INDUSTRIAL PARK was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 25th day of September, 2017

 John Savory
 Planning Commission Chair

 Bryan Brown
 Planning Director

 Laney Fouse, Attest
 Recording Secretary

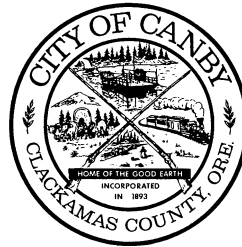
ORAL DECISION: September 25, 2017

<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 25, 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>				

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



**A REQUEST FOR A MINOR LAND)
PARTITION & LOT LINE ADJUSTMENT)
853 & 861 S REDWOOD ST)**

**FINDINGS, CONCLUSION & FINAL ORDER
MLP 17-06/LLA 17-02
PETER HOSTETLER**

NATURE OF THE APPLICATION

The Applicant has sought approval for Minor Land Partition Application #MLP 17-06/LLA 17-02 to adjust the lot line on an existing 11,429 square foot parcel and an existing 17,608 square foot parcel to create an 11,984 square foot parcel and a 17,053 square foot parcel and then partition the resulting 22,093 square foot lot into three lots of 5,024 square feet, 6,515 square feet, and 5,514 square feet each. Access for the three lots created by the partition will be onto SE 9th Avenue. The properties are described as Tax Map/Lot 41E03BB00503, 00504, Clackamas County, Oregon. The property is zoned Low Density Residential (“R-1”) under the Canby Municipal Code (“CMC”).

HEARINGS

The Planning Commission considered application MLP 17-04 after the duly noticed hearing on September 25, 2017 during which the Planning Commission by a ___/___ vote approved MLP 17-06/LLA 17-02. 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 September 25, 2017 and presented at the September 25, 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 by a ___/___ vote 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 17-16/LLA 17-02 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 17-16/LLA 17-02** is approved, subject to the following conditions:

CONDITIONS OF APPROVAL

I. CONDITIONS OF APPROVAL

Minor Partition Conditions Unique to This Request:

1. **Prior to the recordation of the final plat, the City Council must approve the Zone Change/Comprehensive Plan Amendment request, and an Ordinance must be enacted changing the Zone from R-1 to R-1.5 and Comprehensive Plan from Low Density Residential to Medium Density Residential.**
2. A temporary street tree easement to plant trees on private property along SE 9th Avenue is required and must be delineated and noted on the partition plat. The applicant shall provide a fee based on the placement of a tree at every 30' of street frontage, where possible, or submit a formal Street Tree Plan.
3. Any possible utility easement needed across the frontage on S. Redwood Street or SE 9th Avenue by utility service providers shall be made a part of the recorded partition plat.
4. Additional driveway access is not allowed onto S. Redwood Street. Any future development shall access onto SE 9th Avenue.
5. As a condition of approval, the applicant must address criteria in 16.21.050 during the building permit site plan review process if infill provisions apply to the new dwellings.
6. **The applicant shall meet the recommended conditions of approval in the City Engineers comments dated September 5, 2017 that are attached to the file.**
7. **The applicant shall meet the recommended conditions of approval from Clackamas County in the memo dated September 11, 2017 that is attached to the file.**

Final Partition Plat Conditions:

8. 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.
9. 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).
10. All provisions of applicable utility agencies shall be met prior to the recordation of the partition plat.

- 11.** Construction of all required public improvements on S. Redwood Street, as required by Clackamas County, must be completed prior to the recordation of the partition plat.
- 12.** Construction of all required public improvements of SE 9th Avenue must be completed prior to the issuance of home occupancy permits and comply with all applicable City of Canby Public Works Design Standards.
- 13.** The minimum lot width of 40 feet listed in 16.18.030(A) and the lot depth of no more than three times its width shall be verified at the time of filing the final plat.

I CERTIFY THAT THIS ORDER approving City File # MLP 17-06/LLA 17-02 S REDWOOD ST/HOSTETLER was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 25th day of September, 2017

 John Savory
 Planning Commission Chair

 Bryan Brown
 Planning Director

 Laney Fouse, Attest
 Recording Secretary

ORAL DECISION: September 25, 2017

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
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WRITTEN DECISION: September 25, 2017

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