

PLANNING COMMISSION

Meeting Agenda

Monday, January 23, 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**
 - Invocation and Pledge of Allegiance
2. **CITIZEN INPUT ON NON-AGENDA ITEMS**
3. **MINUTES**
 - a. Approval of December 12, 2016 and January 9, 2017 Planning Commission Minutes
4. **PUBLIC HEARING**
 - a. Consider a request for a Lot Line Adjustment and Minor Partition to adjust the size of two existing parcels and then create two new parcels involving property at 623 and 595 N Knott St. (**Olsen/Pierce- LLA 16-09/MLP 16-04**)
5. **NEW BUSINESS**
 - a. Presentation of Transit Choices Report – A Critical Decision Point in the planning process for Updating the Canby Area Transit Master Plan
 - b. One-year Extension of Development Agreement and Conceptual Master Plan for Phases 3 & 4, Northwood Estates Subdivision
6. **FINAL DECISIONS**

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

 - a. Olsen/Pierce (**LLA/16-09/MLP 16-04**)
 - b. Bristol (**ZC 16-05**)
7. **ITEMS OF INTEREST/REPORT FROM STAFF**
 - a. Next Regular Scheduled Planning Commission Meeting Monday, February 13, 2017 – Allee Minor Partition (**MLP 16-03**)
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 step forward when the Chair calls for Proponents if you favor the application; or Opponents if you are opposed to the application; to the microphone, state your name address, and interest in the matter. You will also need to sign the Testimony sheet and while at the microphone, please say your name and address prior to testifying. 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 – December 12, 2016
City Council Chambers – 222 NE 2nd Avenue

- PRESENT:** Commissioners John Savory, Larry Boatright, John Serlet, Kris Rocha, Derrick Mottern Tyler Hall, and Shawn Varwig
- ABSENT:** None
- STAFF:** Bryan Brown, Planning Director, Rick Robinson, City Administrator, and Laney Fouse, Recording Secretary
- OTHERS:** Scott and Teresa Sasse, Greg Perez, Bev Doolittle, Mallory Gwynn

1. CALL TO ORDER

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

2. CITIZEN INPUT – None

3. MINUTES – None

4. PUBLIC HEARING –

- a. Consider a request for a Conditional Use Permit and Major Variance at 1440 S Ivy St, to establish a home occupation to manufacture candy and baked goods (**CUP/VAR 16-02 – Scott & Teresa Sasse, Puddin River Chocolates**)
This was a continuation from the November 28, 2016 Planning Commission meeting.

Chair Savory opened the public hearing and read the public hearing format.

Chair Savory asked if there were any conflicts of interest, ex parte contacts, or visits to the site to declare. Chair Savory had been to the Puddin River Chocolates store many times.

Bryan Brown, Planning Director, entered his staff report into the record. This was a request for a Conditional Use Permit and major variance for Puddin River Chocolates. He described the location and zoning of the site at 1440 S Ivy St. The property was zoned R-1.5, medium density residential. Surrounding lots had R-1 and R-1.5 and the corner lot had C-R zoning, which was a mixed use of office/retail and residential. The Conditional Use was necessary for the home based business proposed as it would be a manufacturing use for candy and baked goods. The variance directly related to the size of the building they wanted to construct, which was 1,800 square feet, as it exceeded the outright permitted accessory building size which was 600 square feet. The Commission would need to make findings that this home based business met the rest of the criteria, which was that it did not adversely impact the residential character of the property and would not be detrimental to the residential enjoyment of the adjacent properties. Staff did not make a recommendation on this application, but did have suggested conditions for approval. There was a letter from Clackamas County listing several recommended conditions as well. In addition the applicant supplied an application to Clackamas County which showed they met the first condition, providing an

application to secure an access modification for the additional driveway on this property. The County had told him they planned to approve the access modification. In staff's review, it appeared with the additional square footage of the business building that two additional parking spaces were needed. One of the conditions of a home occupation was to limit the number of employees to one additional employee who was a non-occupant. The applicant had stated they would have one non-resident seasonal employee. Staff did not think the size of the building was a problem because the property was large and was next to the C-R zoning. The new building would be a good distance from other residences. It was difficult to meet every one of the variance criterion, but it was at the discretion of the Planning Commission to make that decision. The suggested conditions of approval from staff and the County recommendations should be considered if this application was approved. Since the last meeting, one issue had come up regarding sanitary sewer services to the property. The existing home was on a water well and septic system. The new business building could connect to the well and but likely would need to connect to City services. A condition was recommended to gain approval from the County prior to issuance of a building permit if they chose to connect to the existing septic system.

Commissioner Boatright did not see a condition for two additional parking spaces. Mr. Brown said it should be added. They would also need the ability to turn around on the site and not back out onto S. Ivy.

Chair Savory asked for further clarification on the sanitary sewer issue. Mr. Brown said if they hooked up to the City sewer they would have to pay SDC fees. They could also choose to hook up to water with Canby Utility and would have to pay SDCs for that as well. They could use their current septic if staff was convinced that the septic system could handle it.

Applicants: Teresa and Scott Sasse, Canby residents, said they had an existing shop that was 24x30 which would be removed and would be replaced by a 30x60 building. It would be 1,500 square feet. It would have 10 foot eaves and would be the same color as the house. They had a 30 foot driveway and could make it 40 feet. He thought there was enough space to turn around in the driveway. There was also enough room for two more parking spots. They would like to be allowed to have one full time and one seasonal employee. There would be no retail at the site as it would be only production based. Work would be done during the day and it would not be loud. The Department of Agriculture had signed off on these plans. They had to be out of their current facility on February 28. They had not found an option for a retail and processing facility in Canby and this was what they would like to do. They were planning to use their well and use a grinder pump for the septic. If they had to hook up to City sewer and water it would cost \$30,000.

Commissioner Serlet asked if there would be any impact on their operation if Ivy Street was widened. Mr. Sasse said it had already been widened and the new building would be 85 feet from the road.

Commissioner Serlet asked what size delivery truck they used. Mr. Sasse it was the size of a metro delivery van.

Commissioner Mottern asked if there would be any adverse chemicals from the food processing. Mr. Sasse said there would be none.

Commissioner Rocha had talked with the Fire Marshall about this application and he had no concerns.

Proponent: Mallory Gwynn, Clackamas County resident, said the Sasses had been small business owners in Canby for a long time and had supported the community. He asked if they could make it as easy as possible for them to keep them in town and keep their business open. It would show the City was flexible and interested in growing Canby in a productive and profitable way.

Opponents and Neutral Testimony: None

Chair Savory asked when they would have the seasonal employee. Mr. Sasse said November through February.

Chair Savory did not think this would increase traffic and there was space for parking on the site. Mr. Brown suggested relegating the Conditional Use Permit to this particular owner only so the Conditional Use did not run with the land and pass on to the next property owner. That was Condition 6 in the staff report.

Commissioner Boatright suggested changing Condition 4 to add one seasonal employee.

Chair Savory closed the public hearing at 7:33 pm.

Commissioner Varwig said the applicants wanted to continue to do business in Canby and the Commission would be remiss not to allow that to happen.

Commissioner Serlet did not think there would be an impact to the surrounding area or on traffic. The water and sewer hook-ups were cost prohibitive. He wanted to leave the Conditional Use open so it would not impact future sale of the business.

Motion: A motion was made by Commissioner Serlet and seconded by Commissioner Rocha to approve CUP/VAR 16-02 with the conditions as proposed by staff and Clackamas County and allowing one full time and one seasonal employee. Motion passed 7/0.

5. NEW BUSINESS – None

6. FINAL DECISIONS – None

7. ITEMS OF INTEREST / REPORT FROM STAFF

Mr. Brown said the December 26 meeting was cancelled due to the Christmas holiday. He discussed what was scheduled for the January 9, 2017 meeting.

Mr. Brown read a letter to Commissioner Rocha thanking her for her service on the Planning Commission.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

Chair Savory welcomed new Planning Commissioner Shawn Varwig.

9. ADJOURNMENT

Motion: Commissioner Rocha moved for adjournment, Commissioner Boatright seconded. Motion passed 7/0. Meeting adjourned at 7:46 pm.

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – January 9, 2017
City Council Chambers – 222 NE 2nd Avenue

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

ABSENT: Commissioner Shawn Varwig

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

OTHERS: Jason Bristol

1. CALL TO ORDER

Chair Savory called the meeting to order at 7:00 pm. He introduced the newest Planning Commissioner, Andrey Chernishov.

2. CITIZEN INPUT – None

3. MINUTES

- a. November 28, 2016 Planning Commission Minutes

Motion: A motion was made by Commissioner Serlet and seconded by Commissioner Hall to approve the minutes of November 28, 2016. Motion passed 6/0.

4. NEW BUSINESS – None

5. PUBLIC HEARING -

- a. Consider a request for a Zone Change to change current zoning at 548 N Locust St from R-1 Low Density Residential zone to R-2 High Density Residential zone (ZC 16-05)

Chair Savory opened the Public Hearing and read the Public Hearing Format.

Chair Savory asked if any Commissioner had a conflict of interest or ex parte contact to declare. Commissioner Serlet visited the site and a local community member spoke to him about the matter.

Bryan Brown, Planning Director, entered his staff report into the record. This was a rezoning request for 548 N Locust St from R-1 to R-2. The property adjacent to the site was in the R-2 zoning district and this request was a natural extension of the high density zoning on N Locust St. It was consistent with the Comprehensive Plan for the lot to transition and redevelop to a higher density. The applicant had no immediate plans to redevelop the site, but this was the first step to that eventuality. This lot was 11,761 square feet and had a single family house on it. The R-2 zone requires a minimum density of 14 dwelling units per acre, which would mean a 4 unit minimum on this

property. He showed maps of the subject site and how more of the surrounding lots could rezone to R-2. This request was in conformance with the Transportation Planning Rule as the Transportation System Plan had already taken into account the possible rezoning and additional traffic for this area. The Comprehensive Plan designated this area as an area of special concern which called for redevelopment in an orderly fashion to multi-family or duplex residential uses. This request was in accordance with the designation. Staff found the application met all of the criteria and that there was sufficient utility services capacity to serve the site when it redeveloped. Staff recommended approval of ZC 16-05.

There was discussion regarding height restrictions and how many units would be allowed on this size property. Mr. Brown did not think there would be any more than four dwelling units on the property, although there were several options for how the property could be redeveloped. The height restrictions were the same for R-1 and R-2, which was 35 feet and could accommodate a three story building.

Applicant: Jason Bristol, Canby resident, said the existing house was around 900 square feet and had been neglected. At some point in the near future, a lot of money would need to be put into the house or it would need to be demolished. It was a good location for high density and was designated for multi-family and duplexes. Putting another single family home on the property was not the best use of the property in the long term as it underutilized the lot and its potential. When redevelopment took place, there would be improvements to the frontage on Locust and sidewalks would be put in. There was other high density development in the area.

There was no additional testimony.

Chair Savory closed the public hearing at 7:27 pm.

Commissioner Serlet relayed the concerns of a local citizen who owned property nearby. She was concerned about changing the complexion of the area and how it would affect the livability and suitability of the current residents.

Chair Savory said the nature of the neighborhood was that it would be changing to higher density. The current home was in disrepair. Putting in another single family home would not fit into the neighborhood any better than a couple of duplexes would.

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Hall to approve ZC 16-05. Motion passed 5/1 with Commissioner Serlet opposed.

6. FINAL DECISIONS

a. CUP/VAR 16-02 Scott & Teresa Sasse, Puddin' River Chocolates

Motion: A motion was made by Commissioner Serlet and seconded by Commissioner Mottern to approve the final decisions for CUP/VAR 16-02 Scott & Teresa Sasse, Puddin' River Chocolates. Motion passed 6/0.

7. ITEMS OF INTEREST / REPORT FROM STAFF

- a. Next regular Planning Commission meeting scheduled for Monday, January 23, 2017.

Mr. Brown discussed what was scheduled for the January 23, 2017 meeting.

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

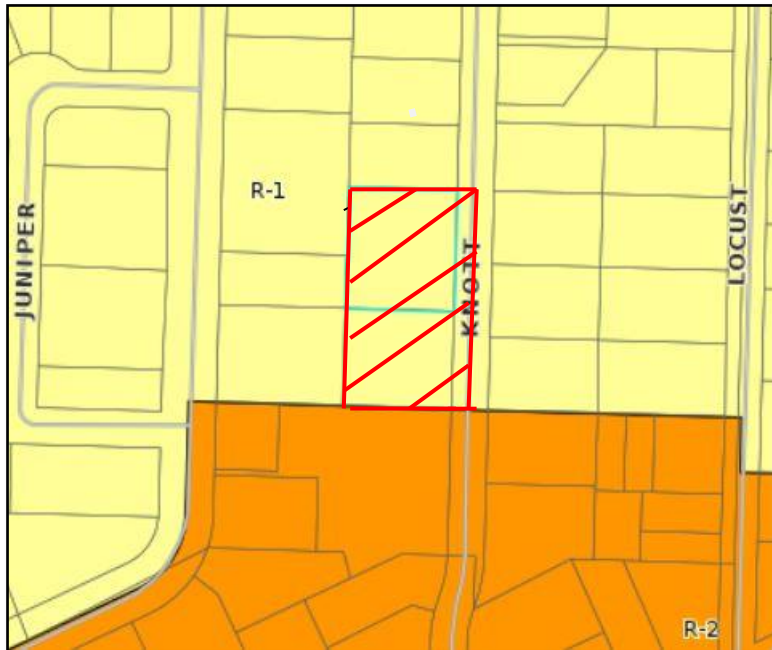
9. ADJOURNMENT

Motion: Commissioner Mottern moved for adjournment, Commissioner Hall seconded. Motion passed 6/0. Meeting adjourned at 7:37 pm.

City of Canby

**NOTICE OF DECISION
MINOR PARTITION/LOT LINE ADJUSTMENT
FILE #: MLP16-04/LLA 16-09
Prepared for the January 23, 2017 Planning Commission Hearing**

LOCATION: 595 & 623 N. Knott Street
ZONING: R-1 Low Density Residential
TAX LOTS: 31E33BD10510 & 31E33BD10511



LOT SIZE: Approximately 0.65 total acres (28,314 square feet)
OWNER: Lyle A. Pierce and Donna J. Pierce and Steve Pierce and Patricia Pierce
APPLICANT: Alan Olsen
APPLICATION TYPE: Minor Partition (Type III/Lot Line Adjustment (Type II))

I. APPLICANT'S REQUEST AND PROJECT DESCRIPTION

The applicant is requesting to adjust the existing property line on a 12,632 square foot (.29 acre) lot, identified as Lot 12, and a 15,682 square foot (.36 acre) lot, identified as Lot 11, Sorenson Addition, by moving the north property line of Lot 12 to the north to create a 7,059 square foot lot and a 21,255 square foot lot and then to partition the resulting 21,255 square foot lot into three parcels of

approximately 7,047 square feet, 7,161 square feet, and 7,047 square feet each. The existing property to the north (Lot 11) currently contains a dwelling and existing Lot 12 is vacant land. The lots are symmetrical in shape, and the applicant intends to create a more buildable configuration of the properties. The properties are situated within the R-1, Low Density Residential Zone, as defined with Chapter 16.16 of Canby Municipal Code (CMC) and are designated High Density Residential (HRD) in the City of Canby Comprehensive Plan. **In order to partition the property, the applicant must first receive approval and record a final Lot Line Adjustment Plat to adjust the property line between the two existing lots.**

LOT LINE ADJUSTMENT

II. PROCESS

The City Planner is authorized to approve lot line adjustments, under the Type II process, if the application meets the requirements of *Section 16.58.030* and if the application will not significantly alter the design of a subdivision or a partition that was previously approved by the City. In this particular case, the Lot Line Adjustment Application is combined with a Minor Partition Application that must be considered by the Planning Commission under the Type III process. Prior to a decision, notice is mailed to owners of lots within 200 feet of the subject properties. Notice of a final decision is provided within five days of the decision to the same property owners.

III. COMMENTS

Comments were solicited from various agencies as well as the public that are located within a 200 foot radius of the subject properties. Summary of any comments are included in the staff report, and complete public comments are part of the file. All comments will also be attached to the file electronically.

The Canby Engineer commented: sidewalk construction is required along the entire site frontage and side walk easements provided on the plat. Driveways shall meet ADA standards. Street lights shall be placed on N. Knott Street and meet current Public Works standards. All private drainage must be discharged on site. Planning staff met with the City Engineer and agreed that a sidewalk is not required along the frontage of the existing dwelling that is only part of the lot line adjustment and not part of the partition application. Street improvements are not required as part of the lot line adjustment process

Staff had not received any additional comments at the time this report was written.

IV. APPLICABLE CRITERIA

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
- 16.58 Lot Line Adjustment

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 lots are identified as tax lots 10510 and 10511 (31E33BD), and were created as Lot 11 and Lot 12 of the Sorenson Addition Subdivision. Subsequently, the lots can be considered legally created

parcels for land use purposes.

16.58.030 Review by Planner and Engineer

The City Planner and City Engineer shall review the proposed lot line adjustment and shall determine whether the following criteria have been met:

- A. Each of the remaining parcels and any structures located thereon shall be in full compliance with all regulations of this title, including the setback requirements of Division III. Except, however, that lot line adjustments are permitted on non- conforming lots and lots with non-conforming structures provided that the non- conforming lots and structures will be no less in conformity as a result of the lot line adjustment.
- B. No new lots or parcels will be created as a result of the lot line adjustment without receiving approval as a partition or subdivision.
- C. If the city planner or city engineer deems it necessary to assure the accuracy of recorded information, a survey may be required of the applicant. Such will be at the applicant's cost.
- D. Lot line adjustments shall not be permitted where the result will be the creation of additional building sites in known hazardous locations or where the appropriate development or extension of public facilities will be impaired as a result.

V. REVIEW FOR CONFORMANCE WITH SECTION 16.58.030

Findings: Based on available information the properties are considered legally created lots. The lots are situated within the R-1 zone that specifies a minimum lot size of 7000 square feet as defined in Section 16.16.030 of the Canby Municipal Code (CMC). The proposed lots will meet minimum width and frontage requirement for the zone. Future construction on the newly created parcels must meet current setbacks standards as well as other provisions of Section 16.16 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.

Oregon State Statues ORS 93.010(e)(12) defines lot line adjustments as: *“Property line adjustment” means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.* The applicant’s proposal meets this definition.

Applicable criteria in ORS 92.060(7) is stated as follows: *(7) Except as provided in subsections (8) and (9) of this section, a property line adjustment must be surveyed and monumented in accordance with subsection (3) of this section and a survey, complying with ORS 209.250, must be filed with the county surveyor.*

Criteria stated in ORD 92.060(8) and (9) are not applicable to this case. Based on the ORS listed above, the applicant can proceed with the recording of a survey and lot line adjustment deeds. The survey should be filed with Clackamas County if required by the County Surveyor, and the property line adjustment deed recorded with the County Recorder. In this particular case, the applicant filed a Partition Application in conjunction with the lot line adjustment. As a condition of approval, the applicant shall have the properties surveyed and a lot line adjustment deed recorded for each resulting parcel that includes a single perimeter description of each property prior to recording the final partition

plat.

VI. CITY LIABILITY - 16.58.060 COMPLIANCE.

A. Any public or private easements to be altered as a result of the lot line adjustment shall require the prior approval of the agency or individual having right to such easement.

Findings: Condition of approval #2 addresses the above standard.

B. The county assessor shall be notified that the lot line adjustment is not to result in the creation of an additional tax lot. If a separate tax lot is created as a result, the city shall indicate that it is not considered to be a separately saleable or developable building site and may record a statement to that effect with the county recorder.

Findings: No additional tax lots are created as a result of this lot line adjustment.

C. Approval of all lien holders having an interest in properties affected by a lot line adjustment shall be obtained

Findings: Based on available information, all property owners have consented to the submitted application. The City of Canby has no knowledge of any lienholders for the subject properties.

D. Approval of the Lot Line Adjustment shall be null and void if the new deed descriptions for the properties involved is not recorded with Clackamas County within one (1) year of the final approval.

E. 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: The lot line adjustment plat, and new deed descriptions, shall be recorded within one year of approval, or the applicant must request an extension of the deadline. This provision can be made a condition of approval.

VII. DECISION

Based upon the findings and conclusions in this report and the information submitted by the applicant, the Planning Director finds that the lot line adjustment request is in conformance with the applicable approval criteria and **APPROVES** Lot Line Adjustment 16-09 subject to conditions of approval.

MINOR PARTITION

I. APPLICABLE CRITERIA & STAFF FINDINGS

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

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.16 R-1 Zone

- 16.21 Residential Design Standards
- 16.43 Outdoor Lighting Standards
- 16.46 Access Limitations on Project Density
- 16.56 Land Division General Provisions
- 16.60 Major or Minor Partitions
- 16.64 Subdivisions-Design Standards
- 16.86 Street Alignments
- 16.89 Application and Review Procedures
- 16.120 Parks, Open Space, and Recreation Land General Provisions

Chapter 16.08 General Provisions

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: As a condition of approval sidewalk construction is required along the entire site frontage on N. Knott Street, with necessary easement, as requested by the City Engineer. Driveways must be modified to meet current ADA standards.

16.08.150 Traffic Impact Study (TIS).

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

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

16.08.160 Safety and Functionality Standards

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

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

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

Chapter 16.10 Off Street Parking & Loading

Table 16.10.050 Off-street Parking Provisions

Findings: Two Parking spaces are required for each single-family dwelling, and adequate parking will be reviewed during the building permit process.

16.10.070 Parking lots and access

B. Access

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

Findings: Sidewalk construction is required along N. Knott Street, and any existing or new driveway access must be modified or constructed to meet current ADA standards.

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

Findings: It appears by the submitted site plan that access for the newly created lots will be able to comply with the required 50' separation from the nearest street intersection indicated and meet a 10 foot separation from adjacent driveways by maintaining a 5 foot driveway setback from each property line.

Table 16.10.070: Minimum dimensional Standard for Parking:

Findings: Parking standards will be verified during the building permit process. Minimum driveway width is 12 feet with a maximum of 24 feet for a home with a two-car garage and 28 feet maximum width for a three-car garage.

16.16 R-1 Low Density Residential Zone

16.16.010 Uses permitted outright: Applicable uses permitted outright in the R-1 zone are stated as follows:

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

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

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

Findings: The three additional lots each meet the 7,000 square foot minimum and 10,000 maximum lot sizes. However, the lots do not meet the minimum 60 foot lot width. In order for the lots to comply with the minimum lot width, the slightly sub-standard widths proposed must be approved by the Planning Commission. The Planning Commission has the authority to approve a lot width of less than 60 feet if they determine that adequate access and building area is provided, per Section 16.64.040(C). Verification of maximum impervious area will be verified during the building permit process for new dwelling construction on the three new parcels.

16.21 Residential Design Standards

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

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

16.21.030 Single family and two-family dwelling design menu

16.21.040 Main entrances for single family and two family dwellings

Findings: The residential design standards of Section 16.21.020-040 are applicable to new homes that will have a street facing façade. In this case, construction of the new homes will each front on N. Knott Street, and the above standards are applicable.

16.21.050 Infill Homes

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

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

Based on available information, parcels surrounding at least two of the proposed parcels may have existing dwellings with single-story homes that could be within 25 feet of a common lot line. A condition of approval to alert the home builder to the applicable infill home evaluation criteria shall be placed to assure code compliance at the time of submittal of a building permit. These include the additional 35% maximum lot coverage (building without garage area), garage standards, similar setback to within 5' to closest adjacent home on the same side of the street, maximum height of 28', and compliance with two story step-up height standard at the interior and rear setback lines.

16.43 Outdoor Lighting Standards

16.43.030 Applicability

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

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

16.43.060 Prohibited Light and Lighting.

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

Findings: The Canby City Engineer has determined that street lights are necessary on N. Knott Street in order to comply with current Public Works Standards. Locations are to be determined in the field. As a condition of approval, the applicant shall pay for street light installation.

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 neighborhood. No new roads are proposed to trigger minimum access standards. The majority of the remaining access standards of this section do not apply to residential driveways.

16.56 Land Division Regulation

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

16.60 Major or Minor Partitions

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, that defines Subdivision Design Standards, is applicable to this proposal. The above section also gives the Planning Commission the authority to be flexible with public improvement requirements that may be unique to this case.

16.60.030 Minor partitions.

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

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

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

16.60.060 Final procedures and recordation.

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

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

- B. Recordation of an accurate survey map (Partition Plat), prepared by a registered engineer or licensed surveyor, must be completed within one year of the approval of the tentative map. One copy of the recorded survey map shall be filed with the City Planner for appropriate record keeping.
- C. The applicant shall bear full responsibility for compliance with applicable state and city regulations regarding the recordation of documents and subsequent transfer of ownership.
- D. The Planning Director may approve a single one-year extension to the original one-year period. Applicants must file a request for such extension in writing, stating the reasons the request is needed. The Planning Director shall review such requests and may issue the extension after reviewing any changes that may have been made to the text of this title and any other pertinent factors, including public comment on the original application.

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

16.64 Subdivisions-Design Standards

16.64.010 Streets

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

16.64.070

- C. (3) Street Trees. Street trees shall be provided consistent with the provisions of Chapter 12.32.
- K. Street tree planting is required of the sub divider and shall be according to city requirements.

Findings: Generally, a condition of approval would require the applicant to submit a Street Tree Plan applicable to the parcels fronting on N. Knott Street. However, in this particular case, the street trees will be planted as required after construction of sidewalk improvements. Additionally, street tree easement standards shall be applied along the street frontage of the parcels. As a condition of approval, the applicant shall pay street tree fees prior to filing the final partition plat and include street tree easements across the frontages on the final plat.

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 applicant requests to reduce the required minimum lot width from 60 feet to 59.6 feet, 59.6 feet, and 59.24 feet. In order to approve this partition application, the Planning Commission must decide to reduce the required 60 foot minimum lot width on the three proposed lots.

- 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 can meet the above criteria if the Planning Commission approves a reduction to the minimum lot width of the three newly created parcels. The Planning Commission can approve a reduction to public street frontage under Section 16.64,040(C) with findings that access and building areas are adequate.

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

Findings: The proposal does not include the creation of a flag lot, and the above criteria are not applicable.

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 parcels are situated on level property without any indication of hazard to public facilities. Staff does not recommend a bonding requirement for grading purposes.

16.64.070 Improvements

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

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

Findings: Public Works department through the City’s Engineer has recommended sidewalks and driveway modifications. A paved driveway approach to city standards are required for any the new access onto N. Knott Street.

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

Findings: Public improvement plans are not required so as-built plans would not be needed for this project.

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

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

Findings: As previously discussed, staff recommends that improvements be limited to paved driveway approaches to city standards, sewer and water lateral connections, and compliance with building and

erosion control standards with development of the newly created parcels.

C. Streets

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

Findings: A condition of approval addresses monumentation requirements.

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

Findings: A condition of approval addresses monumentation requirements.

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

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

D. Surface Drainage and Storm Sewer System.

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

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

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

Findings: Construction of a sidewalk along the N. Knott Street is necessary and required during construction of the new dwellings.

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

Findings: New streetlights are required placed to Public Works standards.

K. Other Improvements.

- 1. Curb cuts and driveway installation are not required of the sub divider but, if installed, shall be according to city standards.
- 2. Street tree planting is required of the sub divider and shall be according to city requirements.

3. The developer shall make necessary arrangements with utility companies or other persons or corporations affected, for the installation of underground lines and facilities....

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

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

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

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

O. Bond.

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

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

Findings: Any public improvements required by the Commission shall meet the above criteria. No public improvements are proposed or recommended with this partition, so bonding or guarantees will not be necessary.

16.86 Street Alignments

16.86.020 General provisions.

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

Findings: Bike lanes on N. Knott Street have not been recommended as part of this proposal.

16.86.040 Recommended Roadway Standards

Specific standards for roadway design are located in the Transportation System Plan and Canby Public

Works Design Standards.

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

16.89 Application and Review Procedures

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 II process for the lot line adjustment and a Type III process for minor partitions. A neighborhood meeting is not required for minor partitions. A pre-application conference was held for this application. The review procedures have been met.

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

16.120.020 Minimum standard for park, open space and recreation land

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

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

II. 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.

III. Decision

Based on the application submitted and the facts, findings, and conclusions of this report, staff recommends that the Planning Commission **approve** Minor Land Partition File MLP 16-04/Lot Line Adjustment LLA 16-09 subject to the following conditions of approval:

IV. CONDITIONS OF APPROVAL

Minor Partition Conditions Unique to This Request:

1. New homes on the three newly created parcels will be subject to the residential design standards of Section 16.21.030 & .040.
2. Any possible utility easement needed across the N. Knott Street by utility service providers shall be made a part of the recorded partition plat.
3. The home builders must meet applicable infill home evaluation criteria listed in Section 16.21.050 that shall be addressed to assure code compliance at the time of submittal of a building permit and site plan review.
4. The driveway shall meet the 20 foot paved width standard stated in Section

16.64.040(I)(2) unless otherwise specified by the Planning Commission.

5. At the required pre-construction meeting for developing the parcels, the applicant must provide approved improvement plans that show water and sewer extensions and a distance of 5 feet between driveways.

Final Partition Plat Conditions:

6. The applicant shall have the properties surveyed and the survey filed with the Clackamas County Surveyor for the lot line adjustment and a lot line adjustment deed recorded for each resulting parcel that includes a single perimeter description of each property **prior to recording the final plat for the subsequent partition plat.**
7. The partition plat, and lot line adjustment deeds, must be recorded within one year of approval unless an extension is granted by the Planning Director.
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 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. The applicant is responsible for obtaining approval from utility providers for the relocation, vacation, and/or addition of public utility easements, if necessary. Easements must be recorded on the new deeds and partition plat. All provisions of applicable utility agencies shall be met prior to the recordation of the partition plat.
11. The applicant shall pay street tree fees prior to filing the final partition plat and record a street tree easement on the partition plat.

Monumentation/Survey Accuracy Conditions

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

Residential Building Permits Conditions:

14. A street opening permit/driveway construction permit shall be secured prior to the beginning of any work associated with the required paved driveway or utility installations associated with the new vacant parcels. All work shall comply with the City's current Public Works Design Standards.
15. 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.
16. The homebuilder shall apply for a City of Canby Site Plan Permit and County Building

Permit for any proposed home.

17. Sidewalk construction shall occur at the time of construction of the any new homes.
18. Streetlights shall be constructed on N. Knott Street at locations to be determined in the field. The applicant shall pay for streetlight installation.
19. Per the Canby Public Works Design Standards, minimum residential driveway widths at the inside edge of the sidewalk shall be 12 feet and the maximum residential driveway widths shall be 24 feet with an allowed exception for 28 feet for a home with three or more garages in a row.
20. The homebuilders for the three new parcels shall apply for a City of Canby Erosion Control Permit prior to construction.
21. On-site storm water management shall be designed in compliance with the Canby Public Works Design Standards when development is proposed for the three new parcels
22. Clackamas County Building Codes Division will provide structural, electrical, plumbing, and mechanical plan review and inspection services for home construction. The applicable county building permits are required prior to construction of each home.

Attachments:

Partition Tentative Site Plan

Applicant's Narrative



City of Canby
 Planning Department
 170 N. 2nd Avenue
 P.O. Box 930
 Canby, OR 97013
 Ph: 503-266-7001
 Fax: 503-266-1574

LAND USE APPLICATION

MINOR/MAJOR PARTITION

Process Type II/III

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

Applicant Name: Steve Pierce Phone: 971-506-4958
 Address: PO Box 90451 Email: STEVED777P@MSN.COM
 City/State: Portland, OR Zip: 97290

Representative Name: Alan Olsen Phone: 503-936-8605
 Address: 2475 N. Baker Dr. Email: ja02475@canby.com
 City/State: Canby, OR Zip: 97013

Property Owner Name: Steve & Patricia Pierce Phone: 971-506-4958
 Signature: [Signatures]
 Address: PO Box 90451 Email: Steved777p@msn.com
 City/State: Portland, OR Zip: 97290

Property Owner Name: Danna Pierce Phone: 503-266-4706
 Signature: Danna Pierce
 Address: 623 N Knott St. Email: dypierce@canby.com
 City/State: Canby Oregon 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:

623/595 N. Knott St 711-14153,34
 Street Address or Location of Subject Property 712-12,589 Tax Lot 11/12
 Total Size of Property Assessor Tax Lot Numbers

Existing Per 623 N Knott R-1
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

Describe the Proposed Development or Use of Subject Property

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



City of Canby
 Planning Department
 111 NW 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: Steve Pierce Phone: 971-506-4958
 Address: PO Box 90451 Email: stevd777p@msn.com
 City/State: Portland, OR Zip: 97290

Representative Name: Alan Olsen Phone: 503-936-8605
 Address: 2475 N Baker Dr Email: ja02475@canby.com
 City/State: Canby, OR Zip: 97013

Property Owner Name: Steve & Patricia Pierce Phone: 971-506-4958
 Signature: [Signatures]
 Address: PO Box 90451 Email: stevd777p@msn.com
 City/State: Portland, OR Zip: 97290

Property Owner Name: Donna J Pierce Donna Pierce Phone: 503-266-4706
 Signature: [Signature]
 Address: 623 N Knott St Email: djpierce@canby.com
 City/State: Canby Oregon 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:

623/595 N. Knott St Canby TAX Lot 11 - 14/53,34 sq ft
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers
Existing Res 623 N Knott R-1
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

Describe the Proposed Development or Use of Subject Property

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

LOT LINE ADJUSTMENT- TYPE II INSTRUCTIONS

All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email. Required application submittals include the following:

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 or check only. Refer to the city’s Master Fee Schedule for current fees. Checks should be made out to the *City of Canby*.
- Ten (10) paper copies of the proposed lot line adjustment, 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.
 - Site Plan-the following general information shall be included on the site plan:
 - Date, north arrow, and scale of drawing;
 - Name and address of the developer, engineer, architect, or other individual(s) who prepared the site plan;
 - Property lines (legal lot of record boundaries);
 - Location, width, and names of all existing or planned streets, other public ways, and easements within or adjacent to the property, and other important features;
 - Location of all jurisdictional wetlands or watercourses on or abutting the property;
 - Finished grading contour lines of site and abutting public ways;
 - Location of all existing structures, and whether or not they are to be retained with the proposed development;
 - Layout of all proposed structures, such as buildings, fences, signs, solid waste collection containers, mailboxes, exterior storage areas, and exterior mechanical and utility equipment;
 - 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.
 - All legal lot lines, north arrow, lot size and dimensions, location of public and private easements, and location and names of all adjacent streets.
 - Any major topographic or landscape features, driveways, wells, septic tanks, drain fields, and jurisdictional watercourses or wetlands on or abutting the property. As a reminder, the property owner is responsible for meeting all state/federal wetland and waterway regulations.
 - Location and description of all existing and proposed structures. Call out the distance between the structures and proposed new lot line locations.

LOT LINE ADJUSTMENT – TYPE II: APPLICATION PROCESS

1. Prior to submitting an application, all applicants are encouraged to request a pre-application meeting with the City, or the City Planner may determine that a pre-application meeting is necessary after an application has been discussed or upon receipt of an application by the City. To schedule a pre-application meeting, an applicant must submit a completed pre-application form and set of preliminary plans to the City Planner, and after receiving the Planner's initials, must then make and take 16 copies of the pre-application materials to the Canby Public Works Department to schedule the pre-application meeting. The City does not charge a fee for a pre-application meeting.
2. At the time an application is submitted to the City, payment of all required application processing fees is required. An application will not be accepted without payment of fees. City Staff can provide you with information concerning application fees.
3. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are also routed to various City/State/County departments, as applicable, for their comments. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.
4. Notice of the application is mailed to all property owners and residents within 100 feet of the property. The property owners and residents are given 10 days to submit written comments.
5. Staff investigates the application, including comments received, and writes a decision. The staff's decision is mailed to the applicant, to the property owners and residents who received the original notice, and to any one else who submitted comments during the comment period; and opportunity is given to appeal the decision.
6. An appeal must be requested in writing within 10 days of the date the decision notice is mailed. If an appeal is requested, the applicant is required to pay an additional \$1,600 application processing fee to cover the cost of the appeal hearing.
7. Prior to the appeal hearing, the City will prepare notice materials for posting on the subject property. This material must be posted **by the applicant** at least ten (10) days before the public hearing.
8. The staff report will be available to all interested parties seven (7) days prior to the hearing.
9. The Planning Commission holds a public hearing on the appeal request. Unless the Planning Commission decides to hear the appeal de novo, only testimony regarding items already in the record is permitted, and no new information may be entered. The staff report is presented to the Commission. Testimony is presented by the appellant, the applicant, proponents and opponents.
10. The Commission then makes findings of fact, and issues a decision to either uphold the original decision, modify the original decision, or overturn the original decision. The Planning Commission's decision may be appealed to the City Council.
11. The property owners have one (1) year from the final approval to complete the property line adjustment process. If the adjustment involves the relocation or elimination of a platted lot line, the property owners

must record a replat with the Clackamas County Surveyor's office. If the adjustment involves the relocation or elimination of a lot line created by deed, the property owners must record the property line adjustment and new legal descriptions with the Clackamas County Clerk recorder's office.

LOT LINE ADJUSTMENT – TYPE II: STANDARDS AND CRITERIA

Under Section 16.58.030 of the Canby Municipal Code, an application for LOT LINE ADJUSTMENT approval shall be evaluated based on the following standards and criteria:

- A. Each of the remaining parcels and any structures located thereon shall be in full compliance with all regulations of this title, including the setback requirements of Division III. Except, however, that lot line adjustments are permitted on nonconforming lots and lots with nonconforming structures provided that the nonconforming lots and structures will be no less in conformity as a result of the lot line adjustment.
- B. No new lots or parcels will be created as a result of the lot line adjustment without receiving approval as a partition or subdivision.
- C. If the City Planner or city engineer deems it necessary to assure the accuracy of recorded information, a survey may be required of the applicant. Such a survey will be at the applicant's cost.
- D. Lot line adjustments shall not be permitted where the result will be the creation of additional building sites in known hazardous locations or where the appropriate development or extension of public facilities will be impaired as a result.

SITE AND DESIGN REVIEW APPLICATION – TYPE III–INSTRUCTIONS

All required application submittals detailed below must also be submitted in electronic format on a CD, flash drive or via email. Required application submittals include the following:

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 or check only. 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.

- Mailing labels (1" x 2-5/8") for all property owners and all residents within 500 feet of the subject property. **If the address of a property owner is different from the address of a site, a label for each unit on the site must also be prepared and addressed to “occupant.”** A list of property owners may be obtained from a title insurance company or from the County Assessor.

- 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, including the applicable Design Review Matrix, and availability and adequacy of public facilities and services. **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 TIS is required.

- One (1) copy in written format of the minutes of the neighborhood meeting as required by Municipal Code 16.89.020 and 16.89.070. The minutes shall include the date of the meeting and a list of attendees.

- 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

- 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.

- Ten (10) 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 accessways 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.
- Indicate on the proposed plans how the proposed parcels meet Canby's solar access standards (only applicable to parcels created in an R-1, R-1.5, or R-2 zoning district).

PARTITION, MAJOR / MINOR – TYPE III: APPLICATION PROCESS

1. Prior to submitting an application, all applicants are encouraged to request a pre-application meeting with the City, or the City Planner may determine that a pre-application meeting is necessary after an application has been discussed or upon receipt of an application by the City. To schedule a pre-application meeting, an applicant must submit a completed pre-application form and set of preliminary plans to the City Planner, and after receiving the Planner's initials, must then make and take 16 copies of the pre-application materials to the Canby Public Works Department to schedule the pre-application meeting. The City does not charge a fee for a pre-application meeting.
2. Prior to submitting an application, all applicants must hold a neighborhood meeting with surrounding property owners and any recognized neighborhood association representative, pursuant to the procedures described in Canby Municipal Code Section 16.89.070. In certain situations, the Planning Director may waive the neighborhood meeting requirement.
3. At the time an application is submitted to the City, payment of all required application processing fees is required. An application will not be accepted without payment of fees. City Staff can provide you with information concerning application fees.
4. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are routed to various City/State/County departments, as applicable, for their comments. Along with the comments received from others, the application is reviewed for completeness. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.

5. Staff investigates the application, writes a staff report, issues public notice, notifies surrounding property owners, and makes all facts relating to the request available to the Planning Commission and all interested parties.
6. Prior to the public hearing, the City will prepare notice materials for posting on the subject property. This material must be posted **by the applicant** at least ten (10) days before the public hearing.
7. The staff report will be available to all interested parties seven (7) days prior to the hearing.
8. The Planning Commission holds a public hearing. The staff report is presented to the Commission. Testimony is presented by the applicant, proponents and opponents, followed by rebuttal from the applicant.
9. The Commission then issues findings of fact which support approval, modification, or denial of the application. A decision may be appealed to the City Council.
10. If an approval or a denial is appealed, City Council holds a public hearing. The staff report is presented and testimony taken, as at the original hearing(s). Unless the City Council decides to hear the appeal de novo, only testimony regarding items already in the record is permitted, and no new information may be entered. In the case of an appeal, the Council may affirm, revise or reverse the action of the Planning Commission in all or in part. The Council may also remand the matter back to the hearing body for further consideration.
11. Prior to construction of any of the subdivision improvements required pursuant to CMC 16.64.070, a preconstruction meeting is held with the City and all applicable utility and service providers. If required, this meeting must be held before issuance of any permits.

PARTITION, MAJOR / MINOR – TYPE III: STANDARDS AND CRITERIA

Under Section 16.60.030 of the Canby Municipal Code, an application for MINOR PARTITION approval shall be evaluated based on the following standards and criteria:

- A. Conformance with the text and applicable maps of the Comprehensive Plan;
- B. Conformance with other applicable requirements of the Land Development and Planning Ordinance;
- C. The overall design and arrangement of 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; and
- 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.

Under Section 16.60.040 of the Canby Municipal Code, an application for MAJOR PARTITION approval shall be evaluated based on the following standards and criteria:

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

- B.** Conformance with other applicable requirements of the Land Development and Planning Ordinance;
- C.** The overall design and arrangement of 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.** 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;
- E.** In no case shall the use of a private road be approved for partitioning 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; and
- F.** The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions, except however, the Commission shall approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:
 - 1.** The establishment of the public street is initiated by the Council and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.
 - 2.** The tract in which the street is to be dedicated is a major partition within an isolated ownership of not over one acre or is of such size and characteristic as to make it impossible to develop building sites for more than three dwelling units.

Custom Construction Services

2475 N. Baker Dr.

Canby, Or. 97013

CCB# 60144

503-266-7729 (fax) 503-266-9729 (cell) 503-936-8605

11/14/16

RE: Minor Partition/lot line adjustment

Owners: Mr. & Mrs. Lyle Pierce
623 N. Knott St.
Canby, Or. 97013

Mr. & Mrs. Steven Pierce
595 N. Knott St.
Canby, Or. 97013

Contractor: Alan Olsen
Custom Construction Services

Proposal:

The owners of Tax lot 11, Lyle and Donna Pierce will adjust their south lot line 12.27' to the north. This will make Tax lot 12, owned by Steve and Patricia Pierce, have a new frontage of 118.74'.

The owners then propose to do a minor partition on Tax lot 11 and Tax lot 12.

Tax lot 11 currently has an existing residence on it, 623 N. Locust. A minor partition of this lot with new frontage dimensions of 119.5' would make two lots, the north lot with existing residence would have frontage of 60.0'. The lot would have 7059 sq.ft. The new south lot would have frontage of 59.50' and have a square footage of 7047.10 sq. ft. This new lot will remain vacant at this time.

Tax lot 12, with new frontage dimension of 118.74' will be partitioned to allow the north lot to have a frontage dimension of 59.50' and have a square footage of 7047.10 sq.ft. A New residence would be constructed on this lot.

The southern lot of Tax lot 12 will have a frontage dimension of 59.24' with a square footage of 7000.98 sq.ft. This lot will remain vacant at this time.

The overall frontage dimension of Tax lot 11 and Tax lot 12 was 238.24', which is 1.76' short of allowing 60' frontage for all lots. By allowing a smaller frontage on 3 of the lots, as explained above, all lots will have 7000 sq.ft or greater, which maintains the requirement of 7000 sq. ft. lots. Both owners feel this better represents the surrounding housing and ask for an exception

to the 60' frontage on the three lots. This was also discussed in the Pre-Construction meeting with consensus being that this would be the best route.

Pre-Construction Meeting Review:

As per discussions with Hassan Ibrahim, city engineer, Knott St. is an existing 40' curb to curb road with a 40' right-of-way. Owners will provide 4.5' sidewalks and allow a 5' sidewalk easement. All sidewalks and driveways will be ADA compliant. Existing curb line will be matched for continuity.

Storm drainage will go to subsurface system on lots, per code, and not to street.

Sanitary sewer is already provided to the house at 623 N. Locust St. The new tax lot that will be made with the partition of Tax Lot 11, has a marker on curb indicating that a sewer stub already exists for this new lot. Further investigation of this is necessary to determine that a sewer stub exists. Tax lot 12 does have a sewer stub in the new southern lot, but this is a connection from an existing house on property adjacent to the west. Discussion on need for additional connections on this southern lot must take place. Tax lot 12 with address of 595 N. Locust, which will also be a newly created lot, will require a sewer stub as per city requirements.

Water service must be constructed for three lots. 623 N. Locust already has service.

These will be provided, with the service between the new lot of Tax Lot 11 and 595 N. Locust St being placed side by side at the northern most property line of 595 N. Locust. See attached plot map for these locations. Erosion control will be maintained for all construction, and all permits will be obtained as required.

As per discussion with Gary Stockwell, CUB, there is a transformer on the property that will handle capacity for the new construction. Owners will provide the new 12' utility easement as requested, expanding the 5' easement that is existing. Conduit will be run from the transformer to all new lots as requested. There was discussion about a new street light, but on review, there is a street light across the street from this project. It should be determined if another street light is necessary.

All fees and System Development Charges will be paid by the owners as required.

The zoning on these properties is R-1, with plans to build a single-family home at 595 N. Locust St. No construction plans for the other lots are currently considered.

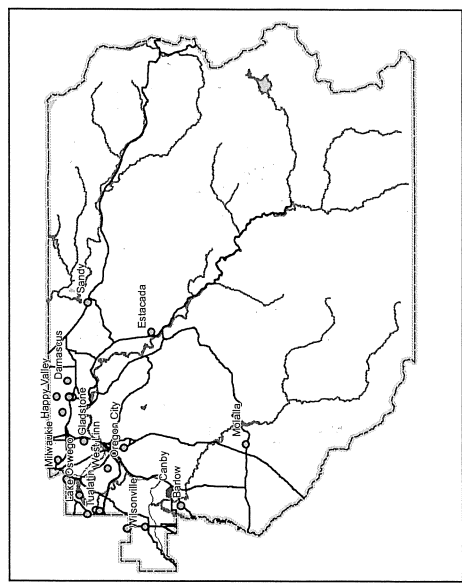
31 E 33BD
CANBY
S.E. 1/4 N.W. 1/4 SEC. 33 T.3S. R.1E. W.M.
CLACKAMAS COUNTY
1" = 100'

D. L. C.
PHILANDER LEE NO. 56

Cancelled Taxlots

- 9401
- 5500
- 2100
- 5600
- 5100
- 2300
- 8500
- 8600
- 8800
- 9101
- 10401
- 10500
- 9102
- 10100
- 10200
- 9100
- 3801
- 1000
- 1000E1
- 10513
- 400
- 500
- 900
- 6000
- 1000E1
- 10099
- 10991

- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCode Lines
- Map Index
- Water Lines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



N. Knott St Properties

Legend

623 N Knott St

Feature 1

Mason's Custom Motorcycle



400 ft

NE 9th Ave

N Juniper St

Juniper Ct

623 N Knott St

U11

U12

NE 5th Ave

N Locust St

N Knott St

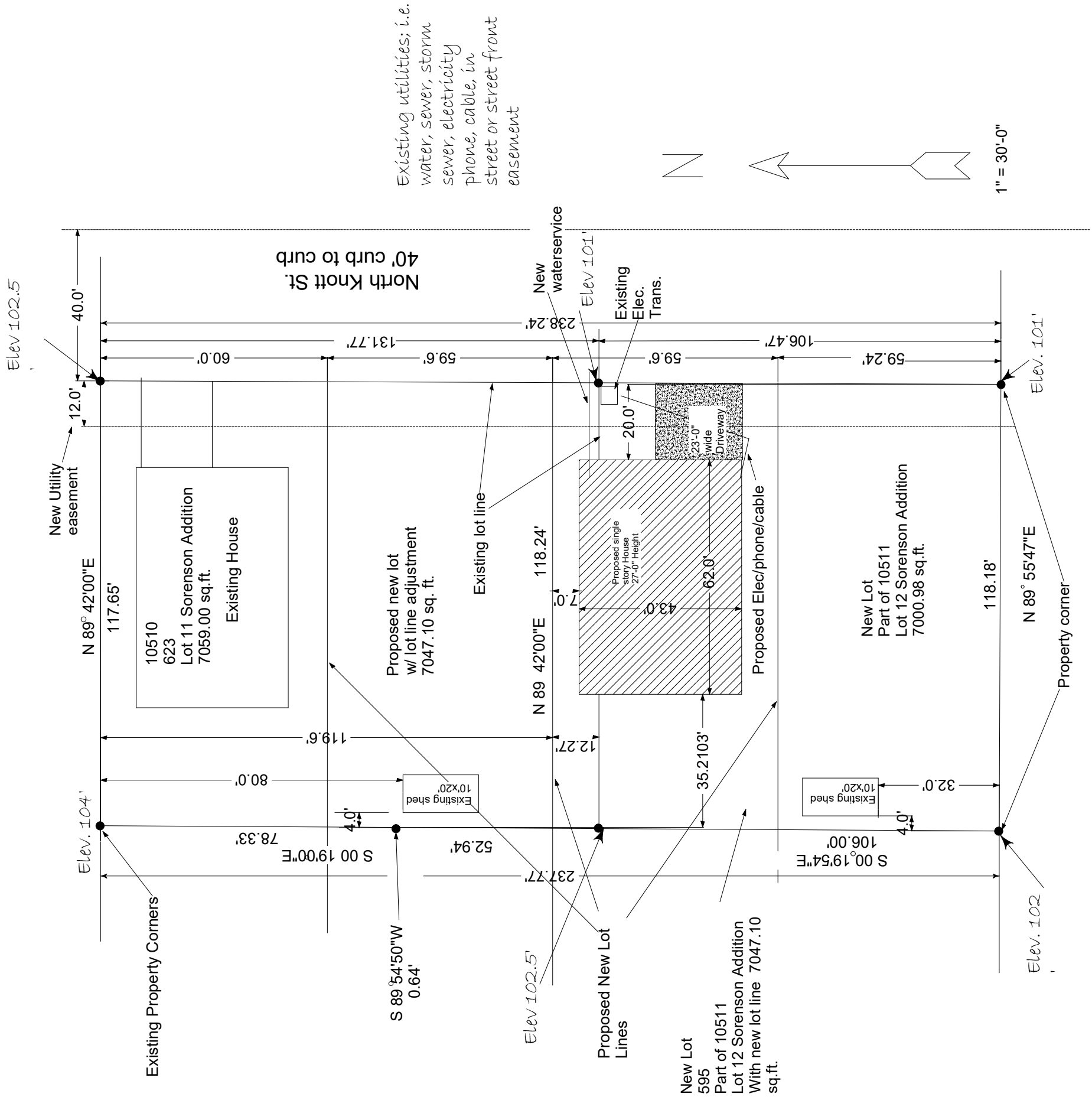
Google Earth

© 2016 Google

Planning Commission

39 of 66

Revised	Date
Custom Construction Services CCB # 60144 2475 N. Baker Dr. Canby, OR 97013 503-266-7729 503-266-9729 (fax)	
Residence For: Mr. & Mrs. Steve Pierce 595 N. Knott St. Canby, OR 97013	
Date	11/14/16
Scale	1" = 30'-0"
Drawn	ARO
Page	I
of	I Pages



1" = 30'-0"

AFTER RECORDING RETURN TO:
Reif, Reif & Thalhofer
Attorneys at Law
P. O. Box 729
Canby, OR 97013-0729

Clackamas County Official Records
Sherry Hall, County Clerk

2005-107942



\$26.00

00002664200501079420010010

10/28/2005 02:13:09 PM

UNTIL REQUESTED OTHERWISE,
SEND TAX STATEMENTS TO:
Lyle A. Pierce, Trustee
600 N. Juniper Street
Canby, OR 97013

D-D Cnt=1 Stn=2 LESLIE
\$5.00 \$11.00 \$10.00

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **LYLE A. PIERCE and DONNA J. PIERCE, husband and wife**, hereinafter called GRANTOR, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto **Lyle Albert Pierce**, Trustee of the LYLE A. PIERCE TRUST, U/T/A dated OCT. 20, 2005, hereinafter called GRANTEE, and unto GRANTEE'S heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Clackamas, State of Oregon, commonly described as 600 N. Juniper Street, Canby, Oregon, being more particularly described as follows, to wit:

Beginning at the Northwest corner of Lot 23, CANBY ACRES; thence South along the West line of said Lot 23 a distance of 53.0 feet, more or less, to the Northwest corner of that certain tract of land conveyed to Lyle L. Read by Deed recorded July 21, 1967; thence East along the North line of said Read property a distance of 137.0 feet to the Northeast corner thereof; thence North parallel to the West line of said Lot 23 a distance of 53.0 feet, more or less, to the North line of said Lot 23; thence West along the North line of said Lot 23, to the point of beginning.

TOGETHER WITH the Southerly 4½ feet of the West one-half of Lot 22, said 4½ feet to be cut off with a line parallel with the Southerly line of said Lot 22.

TO HAVE AND TO HOLD the same unto the said GRANTEE and GRANTEE'S heirs, successors and assigns forever.

And GRANTOR hereby covenants to and with GRANTEE and GRANTEE'S heirs, successors and assigns, that GRANTOR is lawfully seized in fee simple of the above granted premises, free from all encumbrances except for those set forth herein and any other of record. This is a transfer to a revocable living trust created by and for the benefit of GRANTOR thereof; and that GRANTOR will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The liability and obligations of the GRANTOR to GRANTEE and GRANTEE'S heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to GRANTOR under a standard and/or extended policy of title insurance. The limitations contained herein expressly do not relieve GRANTOR of any liability or obligations under this instrument, but merely define the scope, nature and amount of such liability or obligations.

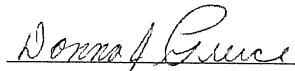
The true and actual consideration paid for this transfer, stated in terms of dollars, is \$NIL. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 20 day of October, 2005.



LYLE A. PIERCE, GRANTOR

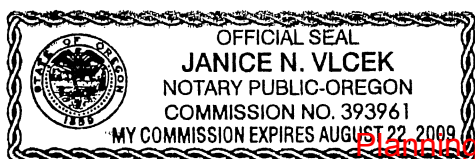


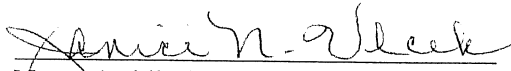
DONNA J. PIERCE, GRANTOR

STATE OF OREGON)
) ss.
County of Clackamas)

OCTOBER 20, 2005

Before me personally appeared the above named LYLE A. PIERCE and DONNA J. PIERCE, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.




Notary Public for Oregon
My Commission Expires: 8-22-09

Clackamas Commission

AFTER RECORDING RETURN TO:
Reif, Reif & Thalhofer
Attorneys at Law
P. O. Box 729
Canby, OR 97013-0729

Clackamas County Official Records
Sherry Hall, County Clerk

2005-107941



\$26.00

10/28/2005 02:13:09 PM

UNTIL REQUESTED OTHERWISE,
SEND TAX STATEMENTS TO:
Donna J. Pierce, Trustee
600 N. Juniper Street
Canby, OR 97013

D:D Cnt=1 Str=2 LESLIE
\$5 00 \$11 00 \$10.00

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **LYLE A. PIERCE and DONNA J. PIERCE**, husband and wife, hereinafter called GRANTOR, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto Donna June Pierce, Trustee of the DONNA J. PIERCE TRUST, U/T/A dated October 20, 2005, hereinafter called GRANTEE, and unto GRANTEE'S heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Clackamas, State of Oregon, commonly described as 623 N. Knott Street, Canby, Oregon, being more particularly described as follows, to wit:

Lot 11, SORENSON ADDITION, City of Canby, County of Clackamas and State of Oregon.

(Reference parcel #R31E33BD10510)

TO HAVE AND TO HOLD the same unto the said GRANTEE and GRANTEE'S heirs, successors and assigns forever.

And GRANTOR hereby covenants to and with GRANTEE and GRANTEE'S heirs, successors and assigns, that GRANTOR is lawfully seized in fee simple of the above granted premises, free from all encumbrances except for those set forth herein and any other of record. This is a transfer to a revocable living trust created by and for the benefit of GRANTOR thereof; and that GRANTOR will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The liability and obligations of the GRANTOR to GRANTEE and GRANTEE'S heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to GRANTOR under a standard and/or extended policy of title insurance. The limitations contained herein expressly do not relieve GRANTOR of any liability or obligations under this instrument, but merely define the scope, nature and amount of such liability or obligations.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$NIL. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 20 day of October, 2005.

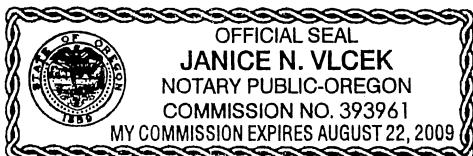
Lyle A. Pierce
LYLE A. PIERCE, GRANTOR

Donna J. Pierce
DONNA J. PIERCE, GRANTOR

STATE OF OREGON)
) ss.
County of Clackamas)

OCTOBER 20, 2005

Before me personally appeared the above named LYLE A. PIERCE and DONNA J. PIERCE, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.



Janice N. Vlcek
Notary Public for Oregon
My Commission Expires: 8-22-09

WFG Title 16010767 SS

File No. 16010767

Clackamas County Official Records Sherry Hall, County Clerk	2016-048607
	07/22/2016 12:28:32 PM
D-D Cnt=1 Stn=8 CINDY	
\$10.00 \$16.00 \$10.00 \$22.00	\$58.00

Grantor
WI-NE-MA Christian Camp, Incorporated Nick Parsons, Treasurer 5195 Winema Road Cloverdale, OR 97112
Grantee
Steven Douglas Pierce Patricia Gail Pierce PO Box 90451 Portland, OR 97290
After recording return to
Steven Douglas Pierce Patricia Gail Pierce PO Box 90451 Portland, OR 97290
Until requested, all tax statements shall be sent to
Steven Douglas Pierce Patricia Gail Pierce PO Box 90451 Portland, OR 97290 Tax Acct No(s): 00790727

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

WI-NE-MA Christian Camp, Incorporated,
Grantor(s) convey and warrant to
Steven Douglas Pierce and Patricia Gail Pierce, husband and wife
Grantee(s), the following described real property free of encumbrances except as specifically set forth herein:

Lot 12, Sorenson Addition, in the City of Canby, County of Clackamas, and State of Oregon .

This property is free of encumbrances, EXCEPT: Covenants, Conditions, Restrictions and Easements of record as of the date of this Deed, if any, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is \$120,000.00 (Here comply with requirements of ORS 93.030.)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

WFG Title 16010767 SS

Grantor
WI-NE-MA Christian Camp, Incorporated Nick Parsons, Treasurer 5195 Winema Road Cloverdale, OR 97112
Grantee
Steven Douglas Pierce Patricia Gail Pierce PO Box 90451 Portland, OR 97290
After recording return to
Steven Douglas Pierce Patricia Gail Pierce PO Box 90451 Portland, OR 97290
Until requested, all tax statements shall be sent to
Steven Douglas Pierce Patricia Gail Pierce PO Box 90451 Portland, OR 97290 Tax Acct No(s): 00790727

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

WI-NE-MA Christian Camp, Incorporated,

Grantor(s) convey and warrant to

Steven Douglas Pierce and Patricia Gail Pierce, husband and wife

Grantee(s), the following described real property free of encumbrances except as specifically set forth herein:

Lot 12, Sorenson Addition, in the City of Canby, County of Clackamas, and State of Oregon .

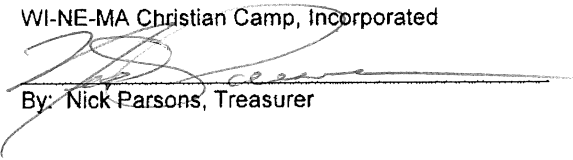
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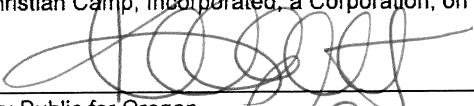
Executed this 21 day of July, 2016.

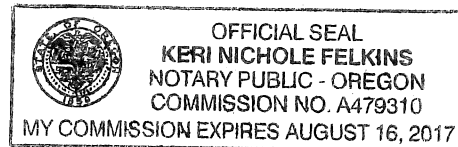
WI-NE-MA Christian Camp, Incorporated

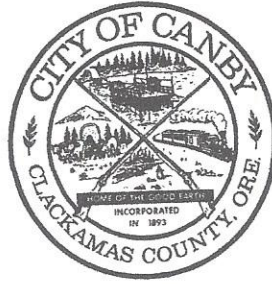

By: Nick Parsons, Treasurer

State of Oregon, County of Clackamas) ss.

This instrument was acknowledged before me on this 21 day of July, 2016 by Nick Parsons as treasurer of WI-NE-MA Christian Camp, Incorporated, a Corporation, on behalf of the Corporation.


Notary Public for Oregon
My commission expires: 8.16.17





Pre-Construction Meeting

595 N Knott Street
September 15, 2016
10:30 am

Attended by:

Alan Olsen, Custom Construction Services, 503-936-8605
Hassan Ibrahim, Curran-McLeod Engineering, 503-684-3478
Doug Quan, Canby Utility, Water, 971-563-6314

Steve & Pat Pierce, Owners, 971-506-4958
Gary Stockwell, Canby Utility, Electric, 503-263-4307
Bryan Brown, Planning Department, 503-266-0702

This document is for preliminary use only and is not a contractual document.

CUSTOM CONSTRUCTION SERVICES, Alan Olsen

- Basically we want to take lot 12, 595 N Knott Street and do a lot line adjustment of 11.77 ft and take it from lot 11 of Sorensen Addition, which is the father of the owner of lot 12. After that we will divide and do a minor partition of lot 12 and make a 60 x 118.21 ft of the south edge and make another lot at 58.24 x 118.18 ft. The new lot which is designated as 595 N Knott Street will be the place of the new residence and the other lot will wait for perhaps a zoning change.

CURRAN-MCLEOD ENGINEERING, Hassan Ibrahim

- N Knott Street is already improved and has curbs on both sides. The roadway is 40 ft curb to curb with a 40 ft right-of-way and obviously the sidewalk will need to be extended and the same width will be adequate of 4-1/2 ft. The sidewalk will have to be in an easement and as part of the partition plat you will be giving us 5 ft sidewalk easement. The sidewalk and the driveways (new and existing) will have to be ADA compliant. Alan asked if we had standard details and Hassan said yes and when it gets closer to that time I can send them to you. You will match the existing curb line.
- All storm drainage will stay on site and cannot go to the public street.
- Sanitary sewer is available in N Knott Street and you will need to coordinate with the city to have a 6 inch stub with a cleanout to separate public from private. Alan asked if the city would provide the 6 inch pipe and Hassan said no, it is part of your development along with a 6 inch cleanout with a "Y" sweep towards the main. The city will inspect the tap off the main and the connection from the 6 inch to the 4 inch. The contact for the city is Jerry Nelzen.
- You will need an erosion control permit through the city.
- You will need a street opening permit for the sewer and water and they will be \$100 each.
- Hassan said you can call for locates and it will show you where all the utilities are located.
- Hassan said when you do the trenching in the roadway, get the water and sewer lines as close as allowable so there is only one cut in the roadway.

CANBY UTILITY, ELECTRIC DEPARTMENT, Gary Stockwell

- We have a transformer located on the existing lot line and it does not appear it will conflict with your driveway and we will not have to look at moving it.
- Normally for a frontage easement we require a 12 ft standard easement and you may want to adjust your easement. I do not show any services crossing over to any other properties and at this point we do not need any side easements.
- The service will go from the transformer and we will bring a conduit across and stub for the future lot.
- You provide all the trenching, staking, grading and backfill and we provide the conduit, transformer and we are requiring a conduit stub to the future lot. Bryan said their thought would be in the future the zoning in this area could incorporate a duplex or row house. Gary said the transformers are sized for single-family residences, but I can put a larger conduit stubbed to the lot.
- I drove through the area and from lot line to lot line it is more than 200 ft and if you think it is it a huge gap we can put in a street light in the center. Hassan said if it is over 200 ft I think it would be a good idea to put in a street light. Alan asked who would pay for it and Gary said the development would and with all the parts and labor it is approximately \$1,200 +/-.
- I did not do a cost estimate because our costs are good for only 30 days. When you are getting ready to build give me a call and our fees are based on a case by case basis. Steve asked if this was different from the house permit and Gary said absolutely.

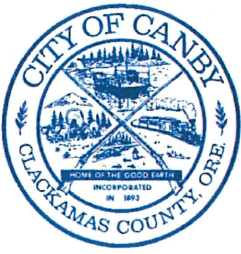
CANBY UTILITY, WATER DEPARTMENT, Doug Quan

- As far as I can tell there is no water service to this lot. Main to meter installs currently are \$4,884.00, the system development charge (SDC) is approximately \$4,000.00. The fees for the installation will change soon because they are doing a cost study. Alan asked who does the tap on the water main and Doug said we do and bring the service to the property. Alan asked if they could run two lines for the proposed and future properties and Doug said yes, we can put them in and it will be an added cost. It would be \$4,800 per each line installed.

CITY OF CANBY, PLANNING DEPARTMENT, Bryan Brown

- We are assuming low density, single home construction on both lots because that is what is assumed, there is no absolute guarantee you will get approval for a re-zone. We have to approve the partition with the idea you are going to be able to build another home on the lot you are creating. Otherwise, there would be a concern in approving the partition, if we could not utilize both of the lots you are creating and it would be a reason to deny your partition. There are two things you are not meeting, the lot width, which is normally 60 ft wide and the lot size, which is normally 7,000 sq ft. However, we do have the lot averaging and you are still slightly off because one lot is bigger than 7,000 sq ft and one is slightly less, making you approximately 40 sq ft shy from lot averaging. There are two provisions in the code I pointed out in the written memorandum and you can use them when you are drawing up your narrative for your application. You have the burden of proof to meet our standards and these two provisions allows the Planning Commission to provide exceptions to those two

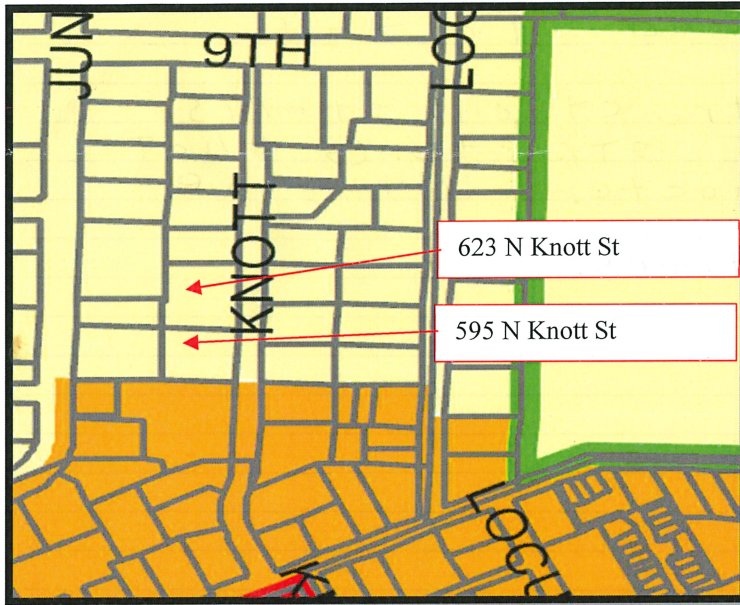
requirements. Alan said if we change the lot sizes to equal the 7,000 sq ft, but the frontages will not make the 60 ft and Bryan said he would consider doing it if you think it will bring your lot sizes up and then you will only have the frontage argument. Discussion ensued on having all the lots averaged. The consensus was you would be making this a subdivision and in the end it would be easier to accomplish, but you would need to do all the frontage improvements and put utilities to each lot. Alan described a private utility easement for a sewer lateral on this site and when the lot is developed, we will change the easement and Hassan said this is a private easement and you can route the sewer lateral anywhere you want. Alan said that is good news and I will need to talk to the Pierce's and see what they want to do, either a subdivision or a minor land partition. Bryan asked all the utility providers if they decided on doing a subdivision do we need them to do another pre-application meeting and the consensus was no, they can just do a pre-construction meeting.



City of Canby

NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

This Notice is to invite you to a Public Hearing at a Planning Commission meeting on Monday, January 23, 2017 at 7 pm in the Council Chambers, 222 NE 2nd Ave, 1st Floor, to review the Lot Line Adjustment and Minor Land Partition applications and to request your comments on this project. The applicant is requesting a lot line adjustment to lessen the lot frontage at 623 N Knott St therefore increasing the lot frontage at 595 N Knott St, and will then partition both adjusted lots in-half to create two new lots.



Comments due– If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form by Wednesday, January 11, 2017

LOCATION: 623 & 595 N Knott St

Tax Lots: 31E33BD10510 & 31E33BD10511

Lot Size and Zoning: .36 ac (623 N Knott) & .29 ac (595 N Knott),

R-1 Low Density Residential

Owners: Mr. & Mrs. Lyle Pierce/Mr. & Mrs. Steven Pierce

Applicant: Alan Olsen

Application Type: Minor Land Partition and Lot Line Adjustment

City File Number: MLP 16-04/LLA 16-09

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

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

Where can I send my comments? Written comments can be submitted up to the time of the Public Hearing on January 23, 2017 and may also be delivered in person to the Planning Commission during the Public Hearing. (Please see *Comment Form*). Comments can be mailed to the Canby Planning Department, PO Box 930, Canby, OR 97013; dropped off at 222 NE 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, January 13, 2017 and can be viewed on the City’s website: <http://www.canbyoregon.gov>. Copies are available at \$0.25 per page or can be emailed to you at no charge upon request.

Applicable Criteria: Canby Municipal Code Chapters:

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

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

CITY OF CANBY –COMMENT FORM

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- By mail:** Planning Department, PO Box 930, Canby, OR 97013
- In person:** Planning Department at 222 NE 2nd Ave, Canby, OR 97013
- E-mail:** eplingd@canbyoregon.gov

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Application: MLP 16-04 & LLA 16-09 Pierce/Olsen Minor Land Partition and Lot Line Adjustment

COMMENTS:

I'm not opposed To this partition.
When the construction starts I don't ~~want~~ want structures that are out of a character with the existing homes.
No 3 story structures!

NAME: John A. Serlet
EMAIL: gto-john@msn.com
AGENCY/ORGANIZATION/BUSINESS (if any): _____
ADDRESS: 710 N Juniper ST Canby
PHONE # (optional): _____
DATE: 1-5-2017

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

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

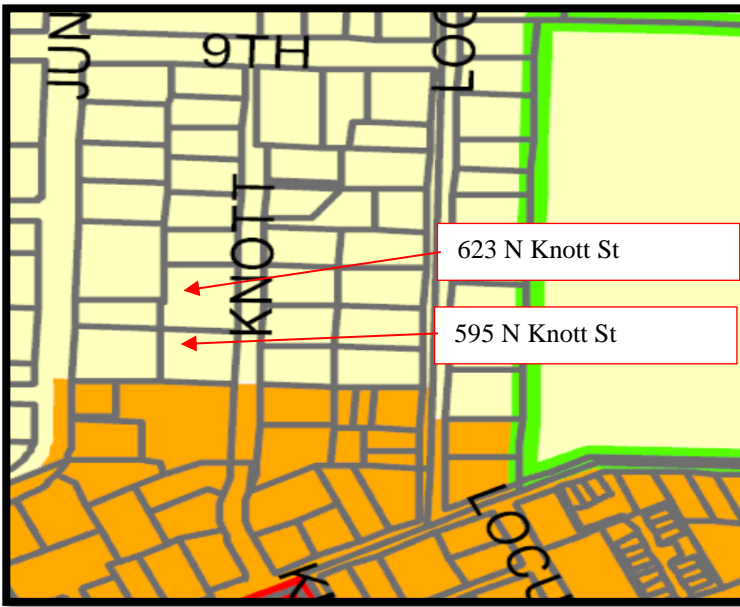
Thank you!



City of Canby

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R-1 Low Density Residential

Owners: Mr. & Mrs. Lyle Pierce/Mr. & Mrs. Steven Pierce

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Application: MLP 16-04 & LLA 16-09 Pierce/Olsen Minor Land Partition and Lot Line Adjustment

COMMENTS:

NAME: _____

EMAIL: _____

AGENCY/ORGANIZATION/BUSINESS (if any): _____

ADDRESS: _____

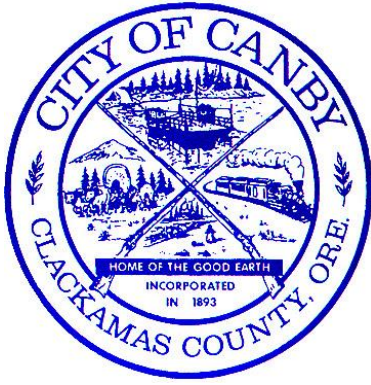
PHONE # (optional): _____

DATE: _____

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

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

Thank you!



City of Canby

Development Services

TO: *Chair Savory and Planning Commission*

FROM: *Bryan Brown, Planning Director*

DATE: *January 23, 2017*

ISSUE: *Northwood Investment Partnership One-Year Extension of Northwood Estates Subdivision (SUB 05-12) Phase 3 & 4*

Background:

At the January 11, 2016 Planning Commission meeting, the Planning Commission extended for one year the approval of the following documents associated with the Northwood Estates Subdivision:

- Northwood Estates Development Agreement, dated January 11, 2007 (Clackamas County Record #2007-007387)
- Northwood Estates Conceptual Master Plan, dated December 29, 2005

This extension was to expire on February 24, 2017.

Discussion:

Northwood Investment Partnership has submitted a written request to extend the applicability of the above listed documents for one additional year through February 24, 2018. Approval of the extension will allow the remaining two phases of the Northwood Estates subdivision to occur as originally envisioned in the overall Conceptual Development Plan.

Review Criteria & Findings:

The Development Agreement provided the City the option for an unlimited number of one year extensions. The primary criterion related to whether to honor an extension is if enough changes have occurred in City development regulations since the original design of the project to warrant revisiting the design phase to allow incorporation of new ordinance provisions, revised engineering standards, or to better meet new Comprehensive Plan goals or policies. Staff is comfortable that the existing conceptual master development plan is still suitable and that the current adopted Conceptual Master Plan still adequately addresses regulations that are in effect today.

Options:

1. Approve a one year extension of the Northwood Estates original Development Agreement and Conceptual Development Plan through February 24, 2018.
2. Allow these documents to expire, releasing the City from following the original design solution if it is determined to no longer be in the best interests of the surrounding area or City to do so.

Staff Recommendation:

Staff recommends that the Planning Commission make a motion to approve Option #1.

Attachments:

Written letter from Curran-McLeod, Inc. on behalf of Northwood Investment Partnership dated January 9, 2017 requesting a one year extension for the remaining phases of the Northwood Estates subdivision.

Memorandum from staff to applicant indicating previous action by Planning Commission on this matter taken on January 11, 2016.

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6655 S.W. HAMPTON STREET, SUITE 210
PORTLAND, OREGON 97223

January 9, 2017

Mr. Bryan Brown
City of Canby, Planning Director
222 NE 2nd Ave
Canby, OR 97013

**RE: CITY OF CANBY
NORTHWOOD ESTATES (SUB 05-12), PHASES 3 & 4**

Dear Bryan:

On January 11, 2016, the City of Canby Planning Commission has granted the developers a period of one-year to develop the remaining phases 3 and 4 of this development. It also permits an unlimited number of extensions not to exceed one-year apiece.

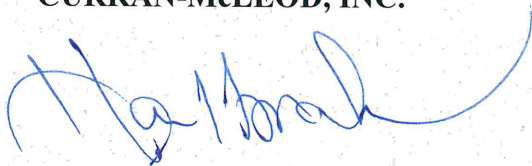
“Northwood’s Estates Development Agreement”, dated January 11, 2007 recorded between the City of Canby and Northwood Investment Partnership (Clackamas County Record # 2007-007387) and “Northwood Estates Conceptual Plan”, dated December 29, 2005 were extended until February 24, 2017 by the Canby Planning Commission at their regular meeting on January 11, 2016 (copy attached).

On behalf of the developers (Northwood Investment Partnership), we are requesting the approval of the Planning Commission for a one (1) year extension to this agreement until February 24, 2018.

Should you have any questions, please feel free to contact our office.

Very truly yours,

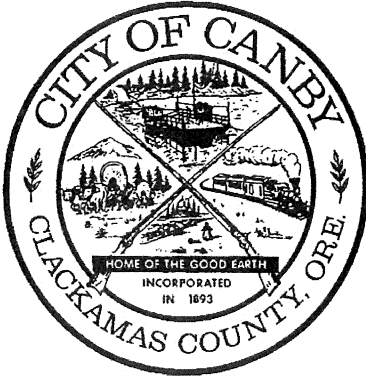
CURRAN-McLEOD, INC.



Hassan A. Ibrahim, P.E.

cc: Northwood Investment Partnership

C:\H A I\Projects\1391 Northwood Estates\Northwood Estates Phase IV\DA Extension ltr phases 3 & 4.wpd



City of Canby

Development Services

January 14, 2016

Curran-McLeod, Inc.
C/o Hassan A. Ibrahim, P.E.
6655 S.W. Hampton Street, Suite 210
Portland, OR 97223
(Sent via email)

RE: Approval of Request from Northwood Investment Partnership to Extend Northwood Estates (SUB 05-12) Phases 3 & 4

Dear Hassan:

At their regular meeting on January 11, 2016, the Canby Planning Commission approved a one-year extension of the following documents associated with the Northwood Estates Subdivision:

- Northwood's Estates Development Agreement, dated January 11, 2007 recorded between the City of Canby and Northwood Investment Partnership (Clackamas County Record No. 2007-007387).
- "Northwood Estates, Canby OR Conceptual Development Plan", dated December 29, 2005

The extension will now expire on February 24, 2017. Please notify the City prior to this expiration date if you wish to have the approval of the above documents considered for extension an additional year or if you have any questions concerning this matter.

Sincerely,

Bryan Brown
Planning Director

cc: File SUB 05-12

O:\SUB\2005\SUB 05-12 Northwoods Estates\Development Agreement\Development Agreement Extension Letter-01.doc

SCALE 1"=100'



SUBDIVISION EASEMENTS

12' P.U.E. ALONG ALL PUBLIC STREET FRONTAGE
 6' P.U.E. ALONG ALL SIDE AND REAR LOT LINES
 EXCEPT 10' P.U.E. ALONG LOT LINES WHERE THEY
 ABUT UNDEVELOPED LAND

LEGEND

- PROPOSED LOT LINES & RIGHT-OF-WAY
- BOUNDARY LINE
- CENTER LINE
- PHASE LINE
- EASEMENT LINE

* LOTS MUST COMPLY WITH
 INFILL REQUIREMENTS OR
 CC&R HEIGHT LIMITATIONS.



**NORTHWOOD ESTATES, CANBY OR.
 CONCEPTUAL DEVELOPMENT PLAN**
 CANBY OR.
 DECEMBER 29, 2005

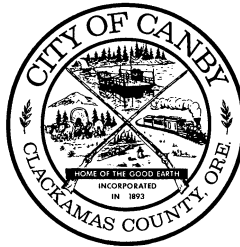
**CURRAN-McLEOD, INC.
 CONSULTING ENGINEERS**

6655 SW. HAMPTON ST., SUITE 210
 PORTLAND, OREGON 97223
 PHONE (503) 684-3478

DATE	DEC.2005
P/N	1391
D/S	CJM
D/S	AWK
CON	1391-CONCEPT

2
 OF
 10

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



**A REQUEST FOR A MINOR LAND)
PARTITION AND LOT LINE)
ADJUSTMENT)
595 AND 623 N. KNOTT STREET)**

**FINDINGS, CONCLUSION & FINAL ORDER
MLP 16-04/LLA 16-09
LYLE & DONNA PIERCE
STEVE, AND PATRICIA PIERCE**

NATURE OF THE APPLICATION

The applicant is requesting to adjust the existing property line on a 12,632 square foot (.29 acre) lot, identified as Lot 12, and a 15,682 square foot (.36 acre) lot, identified as Lot 11, Sorenson Addition, by moving the north property line of Lot 12 to the north to create a 7,059 square foot lot and a 21,255 square foot lot and then to partition the resulting 21,255 square foot lot into three parcels of approximately 7,047 square feet, 7,161 square feet, and 7,047 square feet each. The existing property to the north (Lot 11) currently contains a dwelling and existing Lot 12 is vacant land. The lots are symmetrical in shape, and the applicant intends to create a more buildable configuration of the properties. The properties are situated within the R-1, Low Density Residential Zone, as defined with Chapter 16.16 of Canby Municipal Code (CMC) and are designated High Density Residential (HRD) in the City of Canby Comprehensive Plan. **In order to partition the property, the applicant must first receive approval and record a final Lot Line Adjustment Plat to adjust the property line between the two existing lots.**

HEARINGS

The Planning Commission considered application MLP 16-04/LLA 16-09 after the duly noticed hearing on January 23, 2017 during which the Planning Commission approved MLP 16-04/LLA 16-09. These Findings are entered to document the approval.

CRITERIA AND STANDARDS

In judging whether or not a Minor Land Partition application shall be approved, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable code criteria and standards were reviewed in the Staff Report dated January 13, 2017 and presented at the January 23, 2017 meeting of the Canby Planning Commission.

FINDINGS AND REASONS

The Staff Report was presented, and written and oral testimony was received at the public hearing. Staff recommended approval of the Minor Partition/Lot Line Adjustment 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/Lot Line Adjustment Application meets all applicable approval criteria, and recommending that File #MLP 16-04/LLA 16-09 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/Lot Line Adjustment approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **MLP 16-04/LLA 16-09** is approved, subject to the following conditions:

CONDITIONS OF APPROVAL

Minor Partition Conditions Unique to This Request:

1. New homes on the three newly created parcels will be subject to the residential design standards of Section 16.21.030 & .040.
2. Any possible utility easement needed across the N. Knott Street by utility service providers shall be made a part of the recorded partition plat.
3. The home builders must meet applicable infill home evaluation criteria listed in Section 16.21.050 that shall be addressed to assure code compliance at the time of submittal of a building permit and site plan review.
4. The driveway shall meet the 20 foot paved width standard stated in Section 16.64.040(I)(2) unless otherwise specified by the Planning Commission.
5. At the required pre-construction meeting for developing the parcels, the applicant must provide approved improvement plans that show water and sewer extensions and a distance of 5 feet between driveways.

Final Partition Plat Conditions:

6. The applicant shall have the properties surveyed and the survey filed with the Clackamas County Surveyor for the lot line adjustment and a lot line adjustment deed recorded for each resulting parcel that includes a single perimeter description of each property **prior to recording the final plat for the subsequent partition plat.**
7. The partition plat, and lot line adjustment deeds, must be recorded within one year of approval unless an extension is granted by the Planning Director.
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 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. The applicant is responsible for obtaining approval from utility providers for the relocation,

vacation, and/or addition of public utility easements, if necessary. Easements must be recorded on the new deeds and partition plat. All provisions of applicable utility agencies shall be met prior to the recordation of the partition plat.

11. The applicant shall pay street tree fees prior to filing the final partition plat and record a street tree easement on the partition plat.

Monumentation/Survey Accuracy Conditions

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

Residential Building Permits Conditions:

14. A street opening permit/driveway construction permit shall be secured prior to the beginning of any work associated with the required paved driveway or utility installations associated with the new vacant parcels. All work shall comply with the City's current Public Works Design Standards.
15. 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.
16. The homebuilder shall apply for a City of Canby Site Plan Permit and County Building Permit for any proposed home.
17. Sidewalk construction shall occur at the time of construction of the any new homes.
18. Streetlights shall be constructed on N. Knott Street at locations to be determined in the field. The applicant shall pay for streetlight installation.
19. Per the Canby Public Works Design Standards, minimum residential driveway widths at the inside edge of the sidewalk shall be 12 feet and the maximum residential driveway widths shall be 24 feet with an allowed exception for 28 feet for a home with three or more garages in a row.
20. The homebuilders for the three new parcels shall apply for a City of Canby Erosion Control Permit prior to construction.
21. On-site storm water management shall be designed in compliance with the Canby Public Works Design Standards when development is proposed for the three new parcels
22. Clackamas County Building Codes Division will provide structural, electrical, plumbing, and mechanical plan review and inspection services for home construction. The applicable county building permits are required prior to construction of each home.

I CERTIFY THAT THIS ORDER that **MLP 16-04/LLA 16-09 Pierce** was presented to and approved by the Planning Commission of the City of Canby

DATED this 23rd day of January, 2017

John Savory
Planning Commission Chair

Bryan Brown
Planning Director

ATTEST

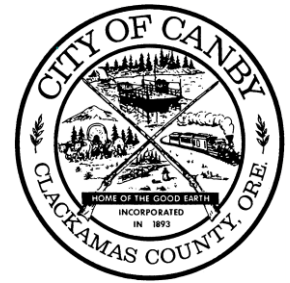
Laney Fouse
Recording Secretary

ORAL DECISION: January 23, 2017

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

WRITTEN DECISION: JANUARY 23, 2017

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



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

**A REQUEST TO CHANGE ZONING)
FROM LOW DENSITY RESIDENTIAL)
TO HIGH DENSITY RESIDENTIAL)**

**FINDINGS, CONCLUSION & FINAL ORDER
548 NORTH LOCUST STREET
ZC 16-05, JASON BRISTOL**

NATURE OF APPLICATION

The applicant is seeking to change the zoning designation for one parcel totaling 0.27 acres, located at 548 North Locust Street. The current zoning on the parcel is Low Density Residential (R-1). The applicant proposes to amend zoning to reflect the Comprehensive Plan designation of High Density Residential (R-2). No development plans are associated with the zone change at this time.

HEARINGS

The Planning Commission held a public hearing and considered this application at its meeting of January 9, 2017.

CRITERIA AND STANDARDS

In judging whether or not the zoning map should be amended or changed, the Planning Commission and City Council shall consider:

- A. The Comprehensive Plan of the city, giving special attention to Policy 6 of the land use element and implementation measures therefore, and the plans and policies of the county, state and local districts in order to preserve functions and local aspects of land conservation and development;
- B. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

FINDINGS AND REASONS

After holding a public hearing and considering the January 9, 2017 staff report, the Planning Commission deliberated and reached a decision on January 9, 2017 recommending approval of the applicant's request for the zone change to the City Council. The Planning Commission finds that the applicant's request is in compliance with the Comprehensive Plan of the City of Canby and the Commission adopts the findings and conclusions contained in the January 9, 2017 staff report.

CONCLUSION

The Planning Commission concludes that, with regards to the zone change:

A. This application is in compliance with all elements of the Comprehensive Plan of the City, including Policy 6 of the Land Use Element, and the plans and policies of the County, state and local districts.

B. All required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

RECOMMENDATION

IT IS RECOMMENDED BY THE PLANNING COMMISSION of the City of Canby that the Canby City Council approve **ZC 16-05**.

I CERTIFY THAT THIS ORDER that ZC 16-05 548 N Locust St, Bristol was presented to and approved for recommendation to the City Council by the Planning Commission of the City of Canby

DATED this 23rd day of January, 2017

John Savory
 Planning Commission Chair

Bryan Brown
 Planning Director

Laney Fouse, Attest
 Recording Secretary

ORAL DECISION: January 9, 2017

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

WRITTEN DECISION: January 23, 2017

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