



## PLANNING COMMISSION

### Meeting Agenda

Monday, March 12, 2018

7:00 PM

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

**Commissioner John Savory (Chair)**

**Commissioner Larry Boatright (Vice Chair)**

**Commissioner John Serlet**

**Commissioner Derrick Mottern**

**Commissioner Tyler Hall**

**Commissioner Shawn Varwig**

**Commissioner Andrey Chernishov**

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1. **CALL TO ORDER**
    - a. Invocation and Pledge of Allegiance
  
  2. **CITIZEN INPUT ON NON-AGENDA ITEMS**

*(This is an opportunity for audience members to address the Planning Commission on items not on the agenda. Each person will be given 3 minutes to speak. You are first required to fill out a testimony/comment card prior to speaking and hand it to the Recording Secretary. These forms are available by the sign-in podium. Staff and the Planning Commission will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter.)*
  
  3. **MINUTES**
    - a. Approval of Planning Commission Minutes for February 12, 2018.
  
  4. **NEW BUSINESS**
  
  5. **PUBLIC HEARING**

*(To testify, please fill out a testimony/comment card and give to the Recording Secretary.)*

    - a. Consider a request for a Site and Design Review and a Minor Land Partition  
Applicant proposes to partition a lot with an existing home into two parcels and develop the vacant lot with two apartment buildings with a total of 8 units, located at 203 SW 3<sup>rd</sup> Ave. **(DR 18-01/MLP 18-01 Tievoli Apts. Jason Bristol).**
  
  6. **FINAL DECISIONS**

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

    - a. Site and Design Review and a Minor Land Partition **(DR 18-01/MLP 18-01 Tievoli Apts. Jason Bristol).**
  
  7. **ITEMS OF INTEREST/REPORT FROM PLANNING STAFF**
    - a. Next regularly scheduled Planning Commission meeting – Monday, March 26, 2018
  
  8. **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**
  
  9. **ADJOURNMENT**

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

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

## PUBLIC HEARING FORMAT

The public hearing will be conducted as follows:

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

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

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

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

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

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

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

**CANBY PLANNING COMMISSION**  
7:00 PM – Monday, February 12, 2018  
City Council Chambers – 222 NE 2<sup>nd</sup> Avenue

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

**ABSENT:** None

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

**OTHERS:** Tucker Mayberry, Mark Newman, Ed Netter, Susan Gallagher, Alan Gallagher, Julie Ruston, Bob Price, Duane McMartin, Craig Gingerich, David Peter, Roger Steinke, and Cindy Bennett

**1. CALL TO ORDER**

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

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

**3. MINUTES – None**

**4. NEW BUSINESS – None**

**5. PUBLIC HEARING**

- a. Consider a request for an Annexation and Zone Change for two properties within the SW Canby Development Concept Plan Area (**ANN 17-01/ZC 17-04 Mayberry Group**).

Chair Savory opened the public hearing and read the hearing statement. He asked if any Commissioner had conflicts of interest or ex parte contacts to declare. There were none.

Staff Report: Bryan Brown, Planning Director, said this was a request for annexation in the same area as a recent application. In the previous application a Development Concept Plan had been approved and it also included this area. He explained the location of this application. The City had recently received a survey and legal description of the area and it showed 31 acres to be annexed. A portion of the S Ivy right-of-way would be included in the annexation. Half of the upper parcel would be zoned R-2 and half would be zoned R-1.5. The lower parcel would be zoned as R-1. This would bring the area to the bluff into the City limits and the area below the bluff would retain County zoning. The proposed zoning was in line with the Comprehensive Plan designations. He explained the changes that had been made to the Development Concept Plan through the previous annexation application including realignment of a road and labeling a potential future trail connection. The Council also added a statement that the property owners were not bound to the lot size and lot lines as proposed. The applicant had also proposed a change in a street alignment to better serve some properties they were proposing to be common wall single family homes. Along with the approval of the Concept Plan there was approval of the sanitary sewer line master plan for the area which applied equally to the proposed annexation they were looking at tonight. All of the property for this application would need to be gravity fed down to the pump station that would be built on the southeast corner of the property. The pump station would be built by the City and it would take about two years to construct. The applicant had asked that the timeline be expedited as much as possible, and staff was looking into that. The water line

master plan was also approved and he showed where the lines would be located. The proposed roundabout was also approved, and right-of-way would be reserved for that purpose. The roundabout would not be able to be constructed until the east side of Ivy Street was annexed and developed. It also needed to be added to the Transportation System Plan. Ivy Street was still in the County's jurisdiction, but he hoped the money collected could be put in a fund to contribute to the roundabout rather than making improvements to the street now. He discussed the benefits of placing a roundabout in this location. An extensive traffic study had been done associated with the Development Concept Plan. The study recommended the roundabout and recognized the level of service for the left turn from Fir Street onto SE 13<sup>th</sup> would be reduced from Level A to Level C or D. It was still an acceptable level and no mitigation was required. Public comment had been received regarding this application. There was input from the City Engineer as well as input from five property owners with some significant concerns. As far as the review criteria, the most important was if they needed more land to be annexed. A study had been done by Stafford Land Development for the previous annexation application which showed the City had a deficiency in the three year buildable land supply even if all of the current subdivisions in process were platted. The application met the need criteria, especially when there were no R-1.5 lots available, only one R-2 lot available, and 30 R-1 lots available. The population study provided by the applicant clearly indicated that Canby would continue to grow and a variety of housing types was needed including senior housing. Staff recommended the Planning Commission recommend approval of the annexation to the City Council and that the zoning would be designated as it was indicated in the Development Concept Plan.

There was discussion regarding mitigation for the additional traffic.

**Applicant:** Tucker Mayberry, applicant, said most of the work had been done through the Development Concept Plan process. The changes that were recommended to be made to the Plan made it better for the neighbors. Minor tweaks and changes could still be done to better accommodate neighborhood concerns.

**Proponents:** Ed Netter, Canby resident, said as a property owner of two properties in this area, he was confident that his needs would be met, especially through the access road for his future development. He thought the applicant should have the opportunity to annex into the City and develop the property. He was concerned about the S Fir and SE 13<sup>th</sup> intersection and the increase in traffic with these developments and construction traffic. He thought the extra traffic would cause back-ups and delays at the intersection during peak hours. The Council had directed the Traffic Safety Commission to look into a four way stop at that intersection. He referred to Exhibit 3, the street arrangement dated 2/2/18, and stated he had talked with the Steinke family who were concerned about the new proposed road that would almost be going through their house. That roadway was put in at the last minute without taking the Steinke family into consideration. He was in favor of this application.

Craig Gingrich, Hope Village Executive Director, said Hope Village had a long waiting list. As infrastructure continued to move south, they wanted to be a part of it. They had a vested

interest and were in support of the plan. He had not heard any complaints from Hope Village residents about not getting notice of these public hearings.

**Opponents:** Susan Gallagher, Canby resident, grew up on property in this Concept Plan and when she moved back in 1991 there was an issue with trespassers, vandalism, garbage, drugs, knives, needles, camping, drunkenness, and wild parties. She was also concerned about the traffic. The state had recently increased the speed of the street near Hope Village from 40 mph to 50 mph. There were many people who used that access and five telephone poles had been lost as people had hit them. It was a dangerous area, and to increase the traffic would make it more dangerous. The roundabout would not be built in the near future, if it would be built at all due to the expense. The sewer pumping station was a concern. At the Council meeting it was explained this would be a redundant system, but she still had concerns that if it did not work there would be sewage in the river. She had installed a gate to prevent people from going on her property and she had not heard if the pumping station would require the gate to be removed because it was in the wrong spot. The green space and parks were an issue as she felt she was a default county park because people parked at the bridge and went down on her property to get to the river. The City Attorney had made the comment that she needed to contact the police when that happened, but on any given weekend in the summer there were probably about 15-20 cars there all weekend. She had called the sheriff in the past, but she could not call 15-20 times on the weekend. Once they had over 200 houses developed in this area, there would be more people looking for greenspaces. It was not safe to ask people not to trespass on the property and it was unrealistic to expect the County sheriff to police it. She would like a substantial fence put in to block her property so people would not trespass to get to the river or dump their garbage down the hill.

David Peter, Canby resident, affirmed what Ms. Gallagher had said as he was her neighbor and lived directly adjacent to the Molalla River. He had lived on this property since 2010. He was concerned about the parks and the City being able to maintain them. Most of his property was dedicated as a wildlife conservation and management property by Oregon Department of Fish and Wildlife. He had worked to restore the property and to build a riparian forest next to the river to reduce erosion and improve the ecosystem. He was also working on creating an oak savannah on the property. It was a unique property that he had no intention to sell. It also had potential for a number of animals and bird species. Those could be threatened by people and trespassers could damage the work he had done. He was also concerned about the sewage system and possible overflow into the river. He thought the potential for the back-up systems to fail needed to be addressed as well as whether a car crash could take out the station. The traffic issue was a real problem, and he had lost power due to people hitting the poles. People lined up along the road making it hard to get out of his driveway. It was not safe for children to ride their bikes on these roads. He thought the proposed density took away from the livability of the area and risked polluting the environment.

Commissioner Cherishnov explained how pump stations were designed and how most of it was underground.

Roger Steinke, Canby resident, had attended the City Council meeting where the previous annexation application was discussed. At that meeting the Council had discussed property owner rights for properties within this development area. He was part of the annexation, but was not in any contract for development at this time. He was concerned about his options and property rights if he wanted to sell his property in the future. He thought to maximize the development on his property, 15<sup>th</sup> Street most likely would not be on his property. The way 15<sup>th</sup> was currently drawn on his property would affect the way his property could be developed.

Mr. Brown clarified this was a concept plan and the streets could be altered when a subdivision application came in. The Council had approved the Concept Plan specifying that the lot sizes and property lines were not permanent and changes were possible.

Julie Rushton, Canby resident, lived in Hope Village. She said no one she had talked with in Hope Village had been notified about these public hearings. She had asked many times to be included in the notifications and she had gone to the Planning Department twice asking for information. She did not think Hope Village residents had been included in the process.

**Rebuttal:** Mr. Mayberry said he liked parks and he would be working with staff to find ways the park land that was dedicated would be developed. He also thought they could design the trail in such a way it would discourage people from trespassing on neighbors' properties.

Chair Savory encouraged Mr. Mayberry to get together with Ms. Gallagher and Mr. Peter to find ways to mitigate the impact of the development.

Mr. Gingrich clarified there had been a general discussion about acquiring property because of the development around them, but no official noticing had been given to Hope Village residents. He asked if that was a requirement. Chair Savory did not think that was required.

Chair Savory closed the public hearing.

Discussion: Commissioner Boatright said this was an annexation application, not a development application. He encouraged those who had concerns to talk to the developer of the project. The Council would make the final decision on the annexation.

Commissioner Varwig stated this was just a concept plan and it did not tell people who they could sell their property to or how to develop it. Mr. Brown said that was correct, as long as the property could still be served by water and sewer and had street circulation.

Commissioner Savory said he had brought up the intersection of 13<sup>th</sup> and Fir to the Traffic Safety Commission and he thought action would be taken.

**Motion:** A motion was made by Commissioner Boatright and seconded by Commissioner Hall to approve ANN 17-01/ZC 17-04 with the zoning recommended by staff. Motion passed 7/0.

## **6. FINAL DECISIONS**

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

### **a. ANN 17-01/ZC 17-04 Mayberry Group**

**Motion:** A motion was made by Commissioner Varwig and seconded by Commissioner Mottern to approve the final decisions for ANN 17-01/ZC 17-04 (Mayberry Group). The motion passed 7/0.

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

The next Planning Commission meeting scheduled for February 26, 2018 would be cancelled.

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

## **9. ADJOURNMENT**

**Motion:** A motion was made by Commissioner Varwig and seconded by Commissioner Boatright to adjourn the meeting. The motion passed 7/0. Meeting adjourned at 10:06 pm



# City of Canby

**SITE AND DESIGN REVIEW/MINOR PARTITION STAFF REPORT**

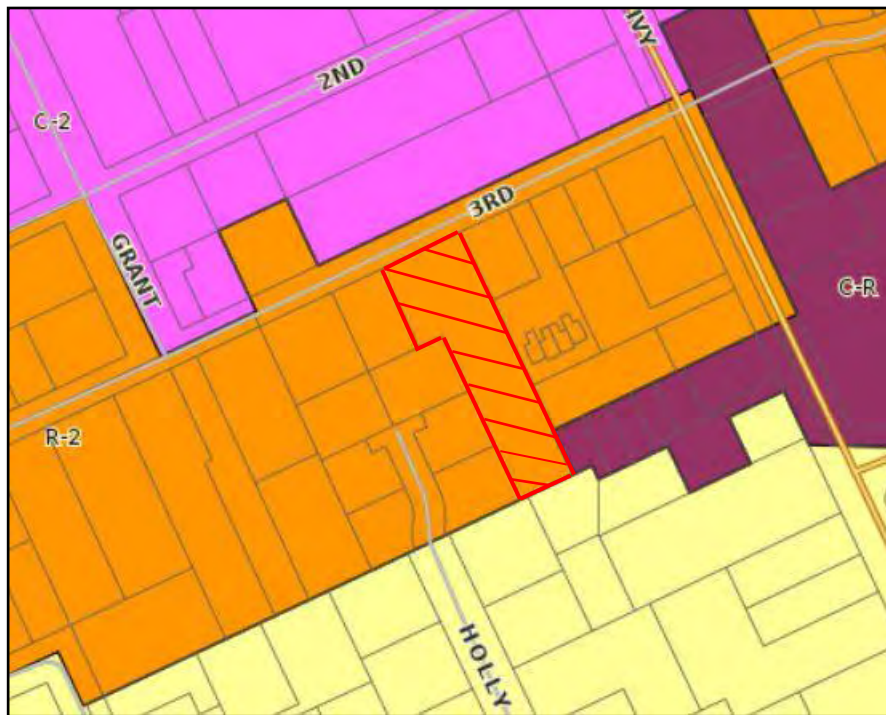
**FILE #: DR 18-01/MLP 18-01**

**Prepared for the March 12, 2018 Planning Commission Meeting**

**LOCATION:** 203 SW 3<sup>rd</sup> Avenue

**ZONING:** R-2 High Density Residential Zone

**Tax lots:** 31E33CD05700 (Property bordered in red below)



**LOT SIZES:** 32,234 SQUARE FEET (.74 ACRE)

**OWNERS:** Jason and Jeanne Bristol

**APPLICANT:** Jason Bristol

**APPLICATION TYPE:** Minor Land Partition (Type III)/Site and Design Review (Type III)

**CITY FILE NUMBER:** DR 18-01/MLP 18-01

**APPLICANT'S REQUEST:**

The property is located on the south side of SW 3<sup>rd</sup> Avenue approximately 305 feet west of S. Ivy Street and approximately 295 feet east of Grant Street. The applicant proposes to partition an existing 32,234 square foot parcel into two parcels containing approximately 8,001 square feet and 24,233 square feet each. The 8,001 square foot lot will contain an existing dwelling. Assuming approval of the



partition, the applicant proposes to develop the new 24,233 square foot parcel by constructing two apartment buildings consisting of four units each. Building “A” will consist of 2934 square feet and contain four one-bedroom units and Building “B” will consist four two-bedroom units. The dwelling units will share a common driveway that extends along the west side of the property boundary.

**AGENCY AND PUBLIC COMMENTS:**

Comments were solicited from the public, City departments, and applicable reviewing agencies. Summary of comments are included in the staff report, and complete agency and public comments are part of the file. All comments from citizens and agencies received to date are attached to the file and will be presented to the Planning Commission.

The City Engineer (Public Works) responded with a memo dated February 19, 2018 that included five comments which will be made conditions of approval.

Other agencies either had no comment or failed to respond at the time this report was completed. No public comments were received.

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
- 16.20 R-2 High Density Residential Zone
- 16.21 Residential Design Standards
- 16.42 Signs
- 16.43 Outdoor Lighting Standards
- 16.46 Access Limitations on Project Density
- 16.49 Site and Design Standards
- 16.60 Major or Minor Partitions
- 16.64 Subdivisions-Design Standards
- 16.89 Application and Review Procedures
- 16.120 Parks, Open Space, and Recreation Land General Provisions

*Chapter 16.08 General Provisions*

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**16.08.070 illegally created lots**

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

**Findings: Based on available information, the parcel was created as Lot 3, Block 1, Gurley Addition Subdivision and was reconfigured by City of Canby approval of lot line adjustment LLA 98-06. The parcel can be considered a legal parcel for land use purposes.**

**16.08.090 Sidewalks required**

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

**Findings: The subject property is situated on the south side of SW 3<sup>rd</sup> Avenue where improvements have occurred during previous development of the area. Because of the location of an additional driveway, sidewalk improvements are required by the City Engineer. These improvements will be made a condition of approval. Development of the site will require interior pedestrian walkways within the parcels.**

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

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

**Findings: Based on available information and the criteria listed in 16.08.150(C), the Planning Director determined that a Traffic Impact Study (TIS) was not needed for the project.**

**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.

**Findings: Upon future submission of a development permit application, the applicant shall demonstrate that development of the property will meet the standards listed in A-E of this section. The Site and Design process helps to assure that the requirements of this section are met, and the applicant's submitted material demonstrated the criteria was addressed properly.**

*Chapter 16.10 Off Street Parking and Loading*

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**16.10.050** Parking standards designated

**Findings: Twelve spaces are required for the 8-unit development plus one additional guest space for a total of 13 spaces. The applicant provided 13 space including an ADA space. The parking provided meets the minimum parking standard.**

**16.10.060** Off-street loading facilities

**Findings: No loading spaces are required for this application.**

**16.10.070** Parking lots and access

**Findings: Staff accepts the applicant's submitted Plans as having met all standards.**

**16.10.100** Bicycle Parking

**Findings:** The applicant is required to provide one bicycle space per living unit for a total of eight spaces required for this eight-unit development. The applicant did not delineate bike spaces or racks on any of the submitted drawings, but the applicant mentioned in an email that hanging bike racks on patios may be placed at a later date. As a condition of approval, the applicant must designate eight bike spaces or racks for the development on the official site plan.

### *16.20 R-2 (High Density Residential Zone)*

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**Findings:** The zoning of the property is R-2 which allows multi-family dwellings as a permitted use. The applicant submitted a minor land partition in conjunction with this site plan review and must record the final plat for MLP 18-01 prior to beginning construction. The partition separates the subject parcel from a single-family dwelling located in the northern portion of the existing parcel. The applicant has demonstrated in the submitted narrative and detailed information that the project can meet the development standards listed in Section 16.20.030 including the minimum residential density standards listed in this section.

### *16.21 Residential Design Standards*

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**Findings:** The applicant correctly addressed the criteria in Section 16.21.070 and the Multi-family design standards matrix. Staff concurs with the information presented in the submitted narrative and information.

### *16.42.040 Signs*

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**Findings:** The applicant is not proposing any signage for evaluation at this time. Any future free standing signage must be located outside of driveway clear sight distance areas and meet applicable sign ordinance standards.

### *16.43 Outdoor Lighting Standards*

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**Findings:** The applicant responded to criteria of this section and stated that the project will meet lighting standards. Cut sheets are required and a photometric lighting plan that indicates uniform lighting across the site that is to be shielded to avoid light trespass across the adjacent property lines and to prevent glare toward the street. The applicant submitted a site lighting plan that provided specifications of the fixtures and lumen information to allow full assessment of conformance with lighting standards.

### *16.46 Access Limitations on Project Density*

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**Findings:** The City's transportation plan designates SW 3<sup>rd</sup> Avenue as a local street, and according to Table 16.46.30, the required minimum spacing from driveway to intersection is 50 feet and driveway to driveway is 10 feet. The intended driveway will meet the minimum distance from the nearest intersection and the minimum distance to the nearest existing driveway.

### *16.49 Site and Design Review*

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**16.49.030 Site and design review plan approval required.**

A. The following projects require site and design review approval, except as exempted in B below:

1. All new buildings.
2. All new mobile home parks.
3. Major building remodeling above 60% of value.
4. Addition of more than 5,000 square feet of additional gross floor area in a one year period.
5. Construction activity which causes a decrease in pervious area in excess of 2,500 square feet in a one year period.

None of the above shall occur, and no building permit for such activity shall be issued, and no sign permit shall be issued until the site and design review plan, as required by this Ordinance, has been reviewed and approved by the Board and their designees for conformity with applicable criteria.

**Findings:** A Site and Design Review Type III Application is required under 16.49.030(A)(1) above and has been submitted for review. The proposal is not exempt under (B) of this section. Staff accepts the findings of the applicant in their narrative and submitted material and considers all criterions that are applicable to be met, including the Multi-family Design Menu Point Matrix. The applicant submitted all plans necessary to review the required criteria.

**16.49.080** General provisions for landscaping

**Findings:** The applicant provided a landscape plan and detailed landscaping calculation to address planting and landscape provisions listed in this section. The plan identified the type of plants and ground cover in open areas and arborvitae along the outdoor parking area. Based on the information provided, the proposed landscaping meets requirements and percentages and appears to incorporate Low Impact Development (LID) techniques with storm water management. However, an irrigation system was not discussed or delineated on the landscape plan. As a condition of approval, the applicant shall provide an irrigation plan at the hearing or prior to proceeding with construction of the project.

**Partition:**

*16.60 Major or Minor Partitions*

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**16.60.020 Standards and criteria**

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

**Findings:** As indicated above, the standards of Chapter 16.64 (Subdivision-Design Standards) are applicable to this proposal. The above section also gives the Planning Commission the authority to waive immediate requirements if construction is not instigated prior to filing the final plat. In this particular case, construction is proposed but will take place at a later date. All public improvements necessary shall be approved by the City Engineer as conditions of approval, and a review of future improvements on the property are guaranteed through the required site and design review application process.

**16.60.040 Minor partitions**

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

- A. Conformance with the text and applicable maps of the Comprehensive Plan;
- B. Conformance with all other applicable requirements of the Land Development and Planning Ordinance;
- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;
- 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 partitioning stated in Section 16.04.470. The applicant intends to divide a single parcel into two separate lots of 24,233 and 8,001 square feet each and does not propose any new streets or roadway. Public facilities and services are presently available to serve the proposed new parcels. Extending individual service laterals within any future access and utility easement from the main utilities services located in the existing adjacent public streets may be necessary depending on the type and location of new development on the parcels. Access to the newly created parcels would occur over a new driveway access identified on the site plan. A condition of approval shall be placed to establish that any utility and ingress and egress access easements are shown on the recorded partition plat.

The partition is to divide land in the R-2 zone, and minimum lot size is based on required density that is listed in Chapter 16.20, CMC. Section 16.20.030(A)(2) states the following:

**“New development shall achieve a minimum density of 14 units per acre. Density is calculated by dividing the number of dwelling units by the property area in acres (minus area required for street right-of-way and public park/open space areas). Decimals are rounded to the nearest whole number.”**  
Based on the size of the lot and the number of units, the proposal meets the minimum density.

**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 City Engineer provided comments in a memorandum dated February 19, 2018 that shall be met as conditions of approval.

- B. Recordation of an accurate survey map, 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 submitted and recorded at Clackamas County after City review. The proposed final plat must be submitted to the city for review within one year of Planning Commission approval, or the applicant must request that the Planning Director approve a one-year extension for submittal. The applicant or county shall provide the city with a copy of the final plat in a timely manner after it is recorded at Clackamas County.**

### *16.64 Subdivisions-Design Standards*

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As noted under 16.60.020 above, 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.

#### **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 subdivider and shall be according to city requirements. (Ord. 899 section 4, 1993)

**Findings: Generally, a condition of approval would require the applicant to submit a Street Tree Plan applicable to the parcel fronting on SW 3<sup>rd</sup> Avenue. However, street tree easement standards have not been applied to partitions with flag lots and developed frontage parcels. Subsequently, the street tree criterion is not applicable to this particular application.**

#### **16.64.030 Easements**

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

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

- C. Pedestrian Ways. In any block over six hundred feet in length, a pedestrian way or combination pedestrian way and utility easement shall be provided through the middle of the block. If unusual conditions require blocks longer than one thousand two hundred feet, two pedestrian ways may be required. When essential for public convenience, such ways may be required to connect to cul-de-sacs, or between streets and other public or semipublic lands or through green way systems. Sidewalks to city standards may be required in easements where insufficient right-of-way exists for the full street surface and the sidewalk.

**Findings: As previously stated, sidewalks and any other improvement along the property frontage shall meet the City Engineer's comments stated in a memorandum dated February 19, 2018. The future development requires site and design review that includes additional walkways within the development area.**

**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 lots meet the above criteria.**

- B. Minimum Lot Sizes:

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

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

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

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

**16.64.060 Grading of building sites.**

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

**Findings: Staff does not recommend a bonding requirement.**

**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 warrant the change.
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: As-built plans are not sought when improvements are not required or construction has yet to take place. Improvements shall meet the City Engineer's memorandum as conditions of approval.**

- B.** The following improvements shall be installed at the expense of the subdivider 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, improvement shall meet the City Engineer's requirements stated in memorandum dated February 19, 2018. Future development is discussed in the site and design review proposal.**

**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 stormwater on site. Stormwater 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 storm water is retained onsite per Chapter 4 of the Canby Public Works Design Standards and is managed with the proposed on-site retention on the parcels. Any additional standards will be reviewed during future construction on the site.**

- 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 sidewalks has occurred on the property street frontages. At the time of future development of the property, additional sidewalks may be required during the review process.**

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

**Findings: No new streetlights are proposed or required at this time.**

- K. Other Improvements.
  1. Curb cuts and driveway installation are not required of the subdivider but, if installed, shall be according to city standards.
  2. Street tree planting is required of the subdivider 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: Driveway approaches and any curb cuts will be constructed to City standards. Street trees are not required because of existing improvements. Future development may require placement of underground utility lines.**

- 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 subdivider 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.**

*16.89 Application and Review Procedures*

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**16.89.010 Purpose** The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to review applications and participate in the decision-making process in a timely and effective way. (Ord. 1080, 2001)

**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 500 feet of the subject development and to applicable agencies. Notice of the meeting was posted at the Development Services Building, City Hall, and Library and published in the Canby Herald. This chapter requires a Type III process for minor partitions and Site and Design Review. A neighborhood meeting is not required for minor partitions, but one was held on December 21, 2017 for the Site and Design Review.**

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

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

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

1. The required parkland shall be dedicated as a condition of approval for:
  - a. Approval of a tentative plat of a subdivision or partition.

**Findings: Criteria in this section require that System Development Charges (SDCs) be collected at the time of any future construction on the newly created parcels.**

**II. PUBLIC TESTIMONY**

Notice of this application and opportunity to provide comment was mailed to owners and residents of lots within 500 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** Site and Design Review DR 18-01 and Minor Land Partition File MLP 18-01 subject to the following conditions of approval:

### IV. **CONDITIONS OF APPROVAL**

#### **Conditions Unique to this Proposal**

1. The applicant shall meet the requirements listed in the City Engineer's memorandum dated February 19, 2018 as follows:
  - A. The developer shall construct a commercial driveway approach on SW 3rd Avenue consisting of a minimum 6-inches thick concrete with welded wire fabric or rebar.
  - B. The existing driveway to the existing house on SW 3rd Avenue shall be retrofitted to comply with the current ADA guidelines.
  - C. The existing power pole shall be relocated so that the minimum clear path of 48-inches for ADA compliance is met.
  - D. The sanitary sewer can be extended to the site from the existing manhole on SW 3rd Ave.
  - E. The storm drainage shall be disposed on-site. Any UIC facilities shall be Rule Authorized by DEQ. The developer's engineer shall submit to the City for review and approval a storm drainage report. Overflow route may be required.
2. The applicant must designate eight bike spaces or racks for the development on the official site plan.
3. The applicant shall provide an irrigation plan at the hearing or prior to proceeding with construction of the project.

#### **Procedural Conditions**

##### **Prior to Issuance of building permits, the following must be completed:**

4. The design engineer shall submit to the City of Canby for review and approval at the time of final construction plan approval a storm drainage analysis and report applicable to the defined development area detailing how storm water disposal from both the building and the parking areas is being handled – including a pre and post development analysis. Any drainage plan shall conform to the Clean Water Services storm drainage design standards as indicated in the Public Works design standards.
5. A sediment and Erosion Control Permits will be required from the City prior to

commencing site work.

6. Prior to the issuance of a building permit, the installation of public utilities, or any other site work other than rough site grading, construction plans must be approved and signed by the City and all other utility/service providers. A Pre-Construction Conference with sign-off on all final construction plans is required. The applicant may submit the civil construction drawings separate from the building permit submittal package for final preconstruction conference sign-off approval. The design, location, and planned installation of all roadway improvements and utilities including but not limited to water, electric, sanitary sewer, natural gas, telephone, storm water, cable television, and emergency service provisions is subject to approval by the appropriate utility/service provider. The City of Canby's preconstruction process procedures shall be followed.
7. Construction plans shall be designed and stamped by a Professional Engineer registered in the State of Oregon.
8. Clackamas County will provide structural, mechanical, grading, and review of Fire & Life Safety, Plumbing, and Electrical permits for this project. Fire & Life Safety approval must be obtained from Canby Fire District prior to issuance of a City building permit.

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

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9. The applicant is responsible for determining if existing utility service to all existing structures will need to be relocated or protected by private easement as a result of this partition.
10. Any access or utility easement to serve the parcels shall be shown on the recorded partition plat.

**Final Partition Plat Conditions:**

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11. A final surveyed partition plat shall be prepared by a licensed surveyor for recording the partition plat of record. Prior to recordation with Clackamas County, the plat shall be submitted to the city along with applicable fees for review by the city and other appropriate agencies. The final 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.

**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 final 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 city engineer or county surveyor shall verify compliance with this condition prior to the recordation of the final plat.

**ATTACHMENTS:**

- A.** Applicant Narrative
- B.** Site Plan, maps, drawings
- C.** Public Comments

Tievoli  
Apartment Homes  
Canby, Oregon

Multi-Family Design Standard  
Conformance

Owner:  
Jason Bristol  
503-803-2920

Architect:  
Iselin Architects, P.C.  
1307 7<sup>th</sup> Street  
Oregon City, OR 97045  
503-656-1942  
Todd Iselin  
[todd@iselinarch.com](mailto:todd@iselinarch.com)

Civil Engineer:  
Sisul Engineering  
375 Portland Avenue  
Gladstone, OR 97027  
503-657-0188  
Pat Sisul  
[patsisul@sisulengineering.com](mailto:patsisul@sisulengineering.com)

Project Information:

The subject property is 0.74 acres (32,540 square feet) in area and contains an existing single-family residence.

The site has street frontage on SW 3<sup>rd</sup> Avenue.

The site is zoned R-2, HDR as are adjacent properties to the East and West. The site to the South is zoned R-1. The site is also zoned HDR in the comprehensive plan. The subject property is adjacent to apartments, condominiums, and single-family attached and detached residences.

Project Summary:

The proposed development includes the construction of two apartment buildings consisting of 4 units each on a 24,539 square foot parcel. One building will consist of one bedroom units and the other will be two bedroom units. Both buildings will be two-stories in height. The property is located on SW 3<sup>rd</sup> Avenue, west of but not fronting Ivy Street. A new, two-way private driveway will access the site from SW 3<sup>rd</sup> Avenue, providing vehicular access to the units as well as primary runs of utilities. 12 common/visitor parking spaces and one handicapped parking space will be provided on site. Pedestrian access to the units will be provided on the east side of the access driveway, connecting to the public sidewalk on SW 3<sup>rd</sup> Avenue. Multiple common outdoor areas will be provided.

The buildings will be fire sprinkled and wood framed with trussed roofs and fire rated and sound isolated unit demising walls. Exteriors shall be finished with a combination of beveled siding with board and batt accent areas and vinyl windows trimmed with 4" casing. Roofs will be architectural composition shingles and pitched at 6/12 with gables at front and rear elevations.

The proposed design has the following Design Elements for Street Facing Facades as required per 16.21.070.B.1. Five elements required. Seven are proposed.

1. Gables, hip roof or gambrel roof form.
2. Recessed main entry - 2'.
3. Eaves and overhangs greater than 12".
4. Offsets greater than 16" in roof and building face.
5. Windows and doors occupying more than 15% of the façade (27% at Building B, Building A not oriented toward street due to flag lot).
6. Minimum 4" window trim.
7. Balconies with railings at the second floor.

Conformance with Table 16.21.070 requirements is summarized below:

<u>ITEM</u>	<u>POINTS</u>
<b>Parking</b>	
<i>Screening of parking and/ or loading facilities from public right of way</i>	
Parking areas are fully screened from right of ways by buildings	2
<i>Parking lot lighting provided</i>	
Parking lot is fully lit by bollards, building mounted and pole lights	1
<i>Parking location</i>	
Parking is behind buildings accessed off private access drive	2
<i>Number of parking spaces provided</i>	
Number of parking spaces meets required minimum	2
<b>Tree Retention</b>	
<i>Percentage of trees retained</i>	
1 of 1 tree on-site to be retained – 100%	3
<i>Replacement of trees removed</i>	
Trees not to be removed (1 point deducted)	NA
<b>Building Orientation to the Street</b>	
<i>Primary entrances face the street</i>	
Flag lot – criteria is not applicable (2 points deducted)	NA
<i>Site frontage has buildings within 25' of front lot line</i>	
Flag lot – criteria is not applicable (2 points deducted)	NA
<b>Screening of Storage Areas and Utility Boxes</b>	
<i>Trash storage is screened from view by solid wood fence, masonry wall or landscaping</i>	
Trash storage will be screened from view	1
<i>Trash storage is located away from adjacent property lines</i>	
Trash storage will be approximately 35' from adjacent properties	2
<i>Utility equipment is screened from view</i>	
Pad mounted transformers are fully screened by landscaping	2



**Prevention of Monotonous and Incompatible Design**

<i>Horizontal length of all buildings is a maximum of 120 feet</i>	2
Buildings are each 55' and 66' long	
<i>Roofs have a gable, hip or gambrel form with a minimum 6/12 pitch and 6" overhang</i>	1
All roofs are gable or hip with 6/12 and minimum 12" overhang	
<i>A minimum of 15% of street façade areas contains windows or doors. All windows provide trim, recess, or other method of providing shadowing</i>	NA
Flag lot – criteria is not applicable (1 point deducted)	
<i>Garages are located to minimize their visual impact</i>	NA
There are no garages – criteria is not applicable (2 points deducted)	
<i>Exterior design features include offsets, balconies, projections, window reveals or similar elements to break up large building expanses</i>	2
The longest facades are vertically and horizontally broken up with offsets, balconies, roofs and cantilevered elements less than 12' in each direction	

**Private Open Space and Landscaping**

<i>Private open space provided in addition to what is required for the base zone</i>	
A private, 81 s.f. patio or upper level balcony are provided at each dwelling unit as well as community space with arbor	3
<i>Number of non-required trees provided</i>	1
14 trees are required and 38 are proposed	
<i>Amount of grass</i>	2
0% of the total landscape area is proposed to be grass	

**Street and Block Framework**

Site is smaller than 8 acres- criteria is not applicable (2 points deducted)	NA
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**Low Impact Development (LID)**

<i>Use of pervious paving materials (% of total paved area)</i>	0
No pervious pavers proposed	
<i>Provision of park or open space area for public use</i>	2
Approximately 7,680 square feet of open space including picnic tables, arbor and garden boxes will be open space; not generally for public use, but open to the public	
<i>Use of drought tolerant species in landscaping (% of total plants) 86% of the proposed plants to be installed are drought tolerant</i>	4
<i>Provision of additional interior parking lot landscaping (% of minimum required)</i>	1
Parking areas are broken up and landscaping is designed to screen area from direct sight	
<i>Parking integrated within building footprint (% of total on-site parking)</i>	0
0% of total parking is integrated within building footprint	
<i>Disconnecting downspouts from City stormwater facilities</i>	2
All downspouts discharge to a private on-site system	
<i>Shared parking with adjacent uses or public parking structure</i>	0
No shared parking is proposed	

*Provision of rain gardens/ bioretention areas for stormwater runoff (% of total landscaped area)*

Due to the constrained site no rain gardens or bioretention areas are proposed 0

**Total Points 35**

The total possible points for multi-family developments are 67. After deducting the 10 possible points from non-applicable criteria, the total possible points are reduced to 57. A total minimum of 34 points (60%) are required, so this development meets the standard.

A minimum of 7 points for the LID category are required. 9 points from the LID category will be met with the proposed development satisfying this requirement.

# Tievoli Apartment Homes

Canby, Oregon

## Land Use Application

- Partition

Owner:  
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503-803-2920

Architect:  
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1307 7<sup>th</sup> Street  
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Civil Engineer:  
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503-657-0188  
Pat Sisul  
[patsisul@sisulengineering.com](mailto:patsisul@sisulengineering.com)

Project Information:

The subject property is 0.74 acres (32,540 square feet) in area and contains an existing single-family residence.

The site has street frontage on SW 3<sup>rd</sup> Avenue.

The site is zoned R-2, HDR as are adjacent properties to the East and West. The site to the South is zoned R-1. The site is also zoned HDR in the comprehensive plan. The subject property is adjacent to apartments, condominiums, and single-family attached and detached residences.

Project Summary:

The proposed development includes the request to partition the .74 acre property into two parcels. The existing single-family single-story residence will reside on Parcel 1. No changes to the driveway nor two car garage are proposed. Parcel 2 will be a flag lot and consist of 24,539 square feet. The proposed development of Parcel 2 includes the construction of two apartment buildings consisting of 4 units each. One building will consist of one bedroom units and the other will be two bedroom units. Both buildings will be two-stories in height. The property is located on SW 3<sup>rd</sup> Avenue, west of but not fronting Ivy Street. A new, two-way private driveway will access Parcel 2 from SW 3<sup>rd</sup> Avenue, providing vehicular access to the units as well as primary runs of utilities. 12 common/visitor parking spaces and one handicapped parking space will be provided on site. Pedestrian access to the units will be provided on the east side of the access driveway, connecting to the public sidewalk on SW 3<sup>rd</sup> Avenue. Multiple common outdoor areas will be provided.

The buildings will be fire sprinkled and wood framed with trussed roofs and fire rated and sound isolated unit demising walls. Exteriors shall be finished with a combination of beveled siding with board and batt accent areas and vinyl windows trimmed with 4" casing. Roofs will be architectural composition shingles and pitched at 6/12 with gables at front elevations.

The following table lists adjacent uses:

**Uses Adjacent to the Site**

North	Across SW 3 <sup>rd</sup> Ave; Church and parking lot
East	Single-family attached and detached housing and apartments
West	Single-family housing
South	Single-family attached and detached housing

The following table identifies the existing public facilities and utilities:

**Existing Public Facilities**

Facility/Service	Existing Status	Comment
Street: SW 3 <sup>rd</sup> Ave	Sufficient right of way; sidewalk	Improvements not necessary
Sanitary sewer	10" line in SW 3 <sup>rd</sup> Ave	Connect Parcel 2 to main through a new on-site main
Domestic water	6" line in SW 3 <sup>rd</sup> Ave	Connect Parcel 2 to main by tapping new water service
Storm water	Catch basins located in SW 3 <sup>rd</sup> Ave.	No change to the public system. Provide private infiltration system to handle all storm water on Parcel 2.

## Applicable Criteria and Standards

### Identification of Applicable Criteria and Standards

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

1. Comprehensive Plan:

Land Use Element

Transportation Element

Housing Element

2. Land Development and Planning Ordinance:

Division I. General Provisions

Division III. Zoning

16.08 General Provisions

16.10 Off-Street Parking and Loading

16.20 R-2 High Density Residential Zone

16.43 Outdoor Lighting Standards

16.46 Access Limitations

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

16.56 General Provisions

16.60 Major or Minor Partitions

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

Division VII. Street Alignments

16.86 Regulations

Division XI. Park, Open Space and Recreation Land

16.120 General Provisions

## Conformance with Comprehensive Plan Goals and Policies:

### Land Use Element

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

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

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

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

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

*Policy No. 6: Canby shall recognize the unique character of certain areas and will utilize the following special requirements in conjunction with the requirements of the Land Development and Planning Ordinance, in guiding the use and development of these unique areas.*

Response: The City's Comprehensive Plan designation for the site calls for high density residential development. The proposal is within the long-range intent of the designated zoning and is an opportunity for a needed housing opportunity within the context of the residential areas of the community.

Public facilities are available to the site. Sanitary sewer is provided by the City and is available from a line in SW 3<sup>rd</sup> Avenue, which has sufficient capacity for this development. Public water is provided by Canby Utility and is available from a line in SW 3<sup>rd</sup> Avenue. Storm water is not provided as a public facility, but will be managed on-site by the installation of a private system to manage storm water from private driveways and roofs through infiltration. Public schools generally have capacity throughout Canby. Other public facilities and services, such as police, fire, telephone, electricity, etc., are generally available to be extended onto the site.

There are no natural hazards associated with the site, and no wetland or other environmental concern.

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

## Transportation Element

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

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

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

*Policy 6. Canby shall continue in its efforts to assure that all new developments provide adequate access for emergency response vehicles and for the safety and convenience of the general public.*

Response: SW 3<sup>rd</sup> Avenue is constructed to a 30 foot width and maintains sufficient right of way. A new commercial driveway approach will be constructed to serve Parcel 2. The access driveway for the proposed development will facilitate access for emergency vehicles.

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

## Housing Element

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

*Policy No. 2: Canby shall encourage a gradual increase in housing density as a response to the increase in housing costs and the need for more rental housing.*

Response: The site has been designated as appropriate for higher density development and the proposal is consistent with that designation.

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

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



## **Conformance with Planning and Zoning Requirements:**

### *Division III. Zoning*

#### *Chapter 16.08 General Provisions*

Appropriate sidewalk and curbing may be imposed at discretion per Sec. 16.08.090.B. Existing improvements on SW 3<sup>rd</sup> Avenue are complete and in good condition per the City Engineer. Additionally, a concrete commercial driveway approach will be installed at grade. All required easements have been, or will be, granted to the City of Canby.

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

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

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

The parking requirement for multi-family dwellings with private internal driveways is one space per 1-bedroom dwelling unit and two spaces per 2-bedroom unit (Table 16.10.050). Additionally, one handicap parking space is required per Oregon Structural Specialty Code. The proposed parking will be satisfied with 12 standard and one handicap on-site parking stalls, meeting the parking requirement.

On-street parking is also available along SW 3<sup>rd</sup> Avenue.

#### *Chapter 16.20 R-2 High Density Residential Zone*

The zoning designation for the site and the majority of the surrounding properties is R-2, High Density Residential Zone. Property to the south of the site is zoned R-1, Low Density Residential Zone. The proposal is for a partition to fit within the requirements of those districts.

The proposal for partition involves the creation of two new lots. Parcel 1 will contain the existing single-family home. Parcel 2 will contain the proposed 8 apartment units. These residential uses are allowed outright in the zone (Sec. 16.20.010.A&D). New lots in the R-2 Zone are required to meet the development standards specified in Section 16.20.030. Development standards for structures and impervious surfaces will meet the requirements of 16.20.030.D&E. The following table lists requirements and how the application proposes to satisfy each standard:

*Section 16.20.030 R-2 Zone Dimensional Standards*

Requirement	Proposed
<p>16.20.030.A Minimum Residential Density: 14 dwellings per acre</p>	<p>Total Site Area = 32,540 sq. ft.                      Net New Developable Area (less Parcel 1)= 24,539 sq. ft.                      Minimum Density (R-2) = 14 units per acre                      Minimum number of units allowed = 7.9 =&gt; 8                       Units proposed = 8</p>
<p>16.20.030.B Minimum width and frontage: 20 feet</p>	<p>Frontage:                      Parcel 1: 81 ft.                      Parcel 2: Flag Lot 33 ft.</p>
<p>16.20.030.C Minimum yard requirements:</p> <p>Street yard, 20 feet for the side with driveway</p> <p>Other street yards, 15 feet</p> <p>Rear yard, 15 feet for one-story and 20 feet for two-story building</p> <p>Interior yard: seven feet, or zero lot line</p> <p>Buffer area, 15 feet required adjacent to R-1 or R-1.5 zoned property</p>	<p>Street yard side with driveway:                      Parcel 1: 20.5 ft., Parcel 2: No street yard</p> <p>NA</p> <p>Rear yard:                      Parcel 1: 15 ft., Parcel 2: 20 ft.</p> <p>Interior yard:                      Parcel 1: West 7 ft., East 11.8 ft.                      Parcel 2: 7+ ft. on all interior yards</p> <p>Parcel 2: 20 ft. with 6 ft. fence and site obscuring native landscaping</p>
<p>16.20.030.D Maximum building height: 35 feet</p> <p>Maximum building height for abutting R-1 or R-1.5 zoned property shall be one foot for each foot of distance from the zone</p>	<p>Buildings will be two-stories in height, or approximately 25 ft. in height to the midpoint of the gable.</p> <p>Rear yard of Parcel 2 is 20 ft. The rear wall of Building B is also 20 ft. to the top plate.</p>
<p>16.20.030.E Maximum amount of impervious surface in the R-2 Zone shall be 70% of the lot area.</p>	<p>Impervious coverage percentages are as follows:                      Parcel 1: 4,503 sq. ft., 56%                      Parcel 2: 16,859 sq. ft., 69%</p>

- A. Minimum residential density: The proposed development contains 8 units on a .56 acre lot, meeting the minimum requirement of 14 units per acre.
- B. Minimum width and frontage: The frontage of Parcel 1 is 81 feet and Parcel 2 is 33 feet on SW 3<sup>rd</sup> Avenue.
- C. Minimum yard requirements:
  - a. Front yard: Parcel 1: 20.5 feet, Parcel 2: NA
  - b. Rear yard: Parcel 1: 15 feet, Parcel 2: 20 feet
  - c. Side yard: Parcel 1: 7 feet west and 11.8' east, Parcel 2: 7+ feet
  - d. Buffer Area: Parcel 2: 20 feet
- D. Maximum building height and length: The two-story building height is approximately 25 feet and the maximum length is 66 feet.
- E. Maximum amount of impervious surface: Parcel 1: 4,503 sq. ft., 56%; Parcel 2: 16,827 sq. ft., 69%
- F. Other regulations: Not applicable.

*Chapter 16.43 Outdoor Lighting Standards*

Section 16.43.010 specifies regulations for outdoor lighting that will:

- A. Regulate uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce.
- B. Minimize glare, particularly in and around public rights-of-way.
- C. Minimize light trespass, so that each owner of property does not cause unreasonable light spillover to other property.
- D. Preserve the night sky for astronomy and enjoyment.
- E. Conserve energy and resources to the greatest extent possible.

As part of this application, a lighting plan with photometric test results provides confirmation that the luminaire complies with the limits to lamp wattage and the shielding requirements in Table 16.43.070 and the maximum lighting mounting height in Table 16.43.080 per the lighting LZ 1 zone. By meeting the requirements outlined in these two tables, lighting will comply with the purpose of Section 16.43.010.

Lighting systems will be controlled by a timer as recommended in Section 16.43.090.

A lighting plan has been submitted as required in Section 16.43.110 and includes details outlined in Section 16.43.110.A-E.

### *Chapter 16.46 Access Limitations*

This section specifies limitations to density based upon access. The private driveway will be located on Parcel 2 and will be maintained by the owner. For multi-family developments, two lane access roads/drives with no parking located along the driveway shall have a 20 foot minimum width. The maximum number of dwellings that may access a two lane access road with one point of access is 30 (16.46.010B.2). The application proposes to provide a 20 foot wide private driveway with no parking within the 20 foot width.

The private driveway will access SW 3<sup>rd</sup> Avenue where the minimum allowable driveway to driveway spacing is ten feet and as proposed will be met.

### *Division IV. Land Division Regulation*

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

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

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

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

The parcel is zoned R-2, HDR and is the same in the Comprehensive Plan.

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

As addressed in the drawings and narrative, the proposed development meets the requirements of the base, R-2 zone. This application satisfies the filing procedures and information required in Section 16.60.010.

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

The overall design and layout of the site is functional and provides adequate building sites, as demonstrated by the dwelling footprints shown for proposed Parcel 2. Access for the proposed development is provided by a private driveway which has access to SW 3<sup>rd</sup> Avenue. Neighboring properties are residential and will be compatible with the higher density residential development being proposed in the same way multi-family developments are compatible with surrounding lower density residential properties in other areas of the City. Development of adjacent properties will not be hindered, as neighboring properties are similarly zoned R-2 and will eventually be redeveloped in a denser manner, similar as to what is being proposed with this application. High density zoning near the downtown core will help support retail businesses in the downtown area where people can walk to shop, bank or to take in a movie.

*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;*

Access for the proposed development on Parcel 2 is provided by a private driveway which has access to SW 3<sup>rd</sup> Avenue. Maintenance will be provided by the owner. The size of the parcel as well as its irregular shape prohibits the construction of a street to city standards.

*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.*

All required public facilities and services are available per pre-application meeting attendees.

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

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

The overall design and layout of the site is functional and provides adequate building sites for proposed Parcel 2. Access for Parcels 1 and 2 is provided with a connection to SW 3<sup>rd</sup> Avenue. Development of adjacent properties will not be negatively affected, as adjacent properties are already developed and have frontage on a public street.

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

A private driveway is proposed for this development.

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

## *Chapter 16.64 Subdivisions Design Standards*

### *Section 16.64.010 Streets*

The proposal does not include the creation or alteration of public streets. A private driveway will connect to SW 3<sup>rd</sup> Avenue and provide access to proposed development on Parcel 2. The private driveway will be maintained by the owner. Proposed pavement width is at least 20 feet and will be paved the full length as permitted in 16.64.010.I.2.

*Section 16.64.015 Access*

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

*Section 16.64.020 Blocks*

The City requires subdivisions to be designed to accommodate blocks that provide lots of suitable size and access in multiple directions. However, this project does not include blocks due to blocks already being established and due to existing development.

*Section 16.64.030 Easements*

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

*Section 16.64.040 Lots*

The application requests the creation of two parcels and will meet the minimum density requirement. Parcel 1 will meet the lot frontage width requirement. Parcel 2 will be a flag lot with adequate access and building areas as allowed in 16.64.040.1.

*Section 16.64.060 Grading of Building Sites*

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

*Section 16.64.070 Improvements*

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

*Division VII. Street Alignments*

*Chapter 16.86 Regulations*

A 40-foot wide right-of-way width for SW 3<sup>rd</sup> Avenue is established. No additional right-of-way will be granted.

*Division XI. Parks, Open Space and Recreation Lands*

*Chapter 16.120 General Provisions*

This section provides a dedication of parkland or cash in lieu of dedication of land as determined by the Planning Commission. Based on the size of the parcel and the number of additional building sites created, the applicant is prepared to pay the City's System Development Charge for parkland in conjunction with construction permits per Sec. 16.120.040.B.a-b.

**CONCLUSION**

The foregoing narrative and accompanying plans and documents, together demonstrate that the proposed subdivision and Site and Design Review application is generally in conformance with applicable criteria and standards identified.

Therefore, the applicant requests that the Planning Commission, also acting in its capacity as Design Review Board, approve the proposal.

APPENDIX:

- A. Design Standard and Conformance**
- B. Reduced Drawings and Renderings**
- C. Pre-Application Meeting Minutes**
- D. Neighborhood Meeting Minutes**
- E. Title Report**



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

# LAND USE APPLICATION

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## SITE AND DESIGN REVIEW

### General Type III

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

Applicant Name: Jason Bristol Phone: 503 803 2920  
 Address: 21733 S Hwy 99E Email: jbristol@web-ster.com  
 City/State: Canby / OR Zip: 97013

Representative Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Property Owner Name: Same as applicant Phone: \_\_\_\_\_  
 Signature: Jason Bristol  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

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

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

**PROPERTY & PROJECT INFORMATION:**

203 SW 3rd Ave., Canby .74 Acres 31E33CD05700  
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

Single-family house R-2 HDR  
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

Create two parcels. One for existing single-family house. The other for two, four unit apartments.

Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
<u>DR 18-01</u>	<u>2/6/18</u>	<u>[Signature]</u>	RECEIPT #	DATE APP COMPLETE
FILE #	DATE RECEIVED	RECEIVED BY		

*pd*



## 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*.
- Please submit one (1) electronic copy of mailing addresses in either an EXCEL SPREADSHEET or WORD DOCUMENT** for all property owners and all residents within 500 feet of the subject property. **If the address of a property owner is different from the address of a site, an address for each unit on the site must also be included and addressed to “Occupant.”** A list of property owners may be obtained from a title insurance company or from the County Assessor’s office.
- One (1) copy of a written, narrative statement describing the proposed development and detailing how it conforms with the Municipal Code and to the approval criteria, 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:  

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- 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.
- 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.

Applicant City  
Check Check

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

- Vicinity Map. Vicinity map at a scale of 1"=400' showing the relationship of the project site to the existing street or road pattern.
- 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.
- Landscape Plan, with the following general information:
  - Layout and dimensions of all proposed areas of landscaping;
  - Proposed irrigation system;
  - Types, sizes, and location of all plants to be used in the landscaping (can be a "palette" of possible plants to be used in specific areas for landscaping);
  - Identification of any non-vegetative ground cover proposed, and dimensions of non-vegetative landscaped areas;
  - Location and description of all existing trees on-site, and identification of each tree proposed for preservation and each tree proposed for removal;
  - Location and description of all existing street trees in the street right-of-way abutting the property, and identification of each street tree proposed for preservation and each tree proposed for removal.
- Elevations Plan
  - The following general information shall be included on the elevations plan:
    - Profile elevations of all buildings and other proposed structures;
    - Profile of proposed screening for garbage containers and exterior storage areas;
    - Profile of proposed fencing.

- Sign Plan.
  - Location and profile drawings of all proposed exterior signage.
- Color and Materials Plan.
  - Colors and materials proposed for all buildings and other significant structures.
- One (1) copy of a completed landscaping calculation form (see page 5)
- One (1) copy of a completed Design Review Matrix (see page 6)

**SITE AND DESIGN REVIEW APPLICATION: LANDSCAPING CALCULATION FORM**

**Site Areas**

1. Building area	3,697	- Square footage of building footprints
2. Parking/hardscape	13,162	- Square footage of all sidewalks, parking, & maneuvering areas
3. Landscaped area	7,680	- Square footage of all landscaped areas
4. Total developed area	24,539	- Add lines 1, 2 and 3
5. Undeveloped area	0	- Square footage of any part of the site to be left undeveloped.
6. Total site area	24,539	- Total square footage of site

**Required Site Landscaping (Code 16.49.080)**

7. Percent of landscaping required in Zoning District	30%	- Fill in the Appropriate Percentage: R-1, R-1.5, R-2 Zones: 30%; C-2, C-M, C-R, M-1, M-2 Zones: 15%; C-1 Zone: 7.5%
8. Required minimum square footage of landscaping	7,362	- Multiply line 4 and line 7
9. Proposed square footage of landscaping	31%	- Fill in value from line 3

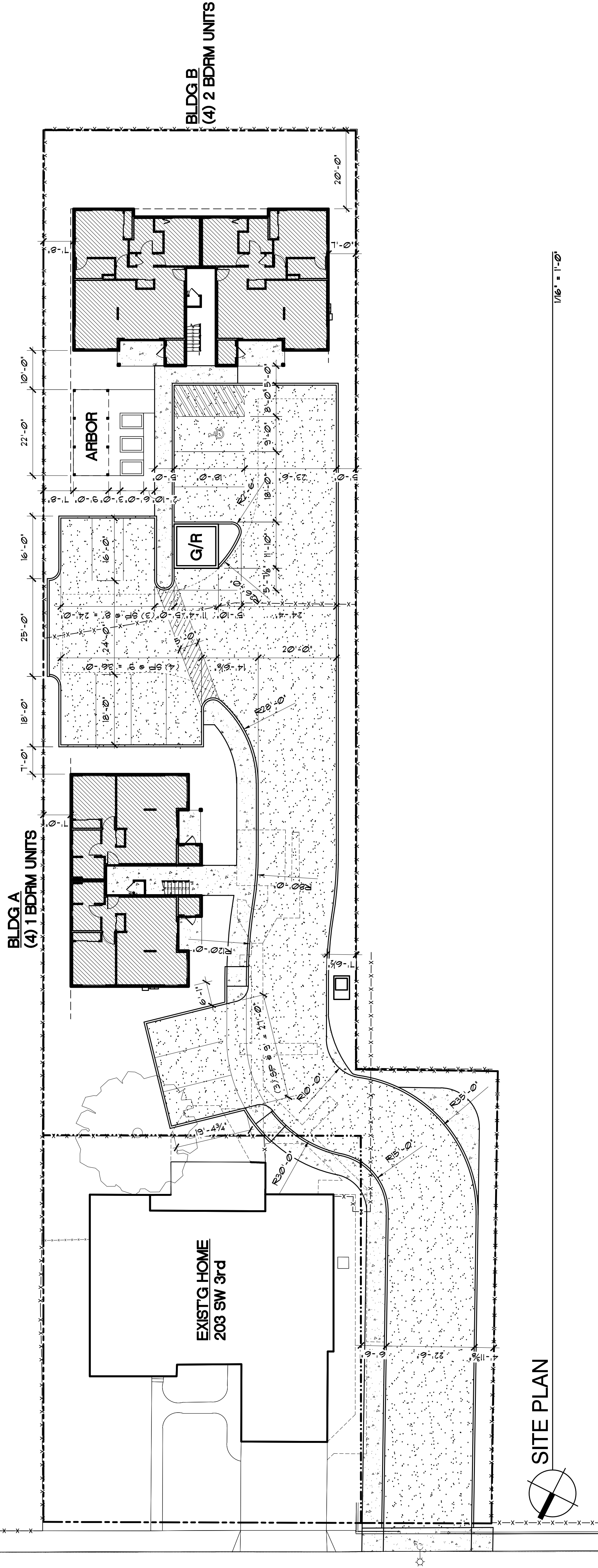
**Required Landscaping within a Parking Lot (Code 16.49.120(4))**

Note: This section and the next apply only to projects with more than 10 parking spaces or 3,500 square feet of parking area

10. Zone	r-2	- Fill in the Appropriate Zone and Percentage: C-1 Zone: 5%; Core Commercial sub-area of the Downtown Canby Overlay: 10%, except for parking lots with 10 or more spaces and two or more drive aisles: 50 square feet per parking space; All other zones: 15%.
11. Percent of required landscaping	15%	
12. Area of parking lot & hardscape	12,473	- Fill in area of parking and maneuvering areas plus all paved surface within ten (10) feet of those areas.
13. Number of vehicle parking spaces	13	- For Core Commercial sub-area in the Downtown Canby Overlay only, fill in the total # of parking spaces on-site.
14. Required square footage of landscaping within 10 feet of parking lot	1,871	- Multiply area of parking lot (line 12) by percent of required landscaping (line 11) -OR- for the CC sub-area in the Downtown Canby Overlay multiply line 13 by 50 square feet.
15. Proposed square footage of Landscaping within 10 feet of parking lot	3,891	- Calculate the amount of landscaping proposed within 10 feet of all parking and maneuvering areas.

**Parking Lot Tree Calculation**

16. Number of parking spaces	13	- Total number of vehicle parking spaces
17. Area of parking lot & hardscape	12,473	- Area from line 12
18. Number of parking spaces (line 16) divided by 8	2	- Round <b>up</b> to the nearest whole number
19. Area of parking lot area (line 17) divided by 2,800	5	- Round <b>up</b> to the nearest whole number
20. Number of required trees in parking lot	5	- Fill in the <b>larger</b> of row 18 and row 19
21. Number of trees provided within 10 feet of parking lot	13	- Fill in the number of proposed trees within 10 feet of parking and maneuvering areas.



SITE PLAN

1/16" = 1'-0"

**GENERAL NOTES & SPECS**

General Requirements:

The Contractor shall fully comply with the current edition of the State of Oregon Structural Specialty Code (Oregon Modified International Building Code), IBC Plumbing, Mechanical, Electrical & Fire Codes & all additional state and local code requirements. The Contractor shall assume full responsibility for any work knowingly performed contrary to such laws, ordinances or regulations. The Contractor is to obtain all required permits and licenses required for the work. The Contractor shall also perform coordination with all utilities and state service authorities. Written dimensions on these drawings shall have precedence over scaled dimensions. The Contractor shall verify and is responsible for all dimensions (including rough opening) and conditions on the job and must notify the Architect of any variations from these drawings.

The Architect shall not be responsible for construction means and methods, acts or omissions of the Contractor or sub-contractors, or failure of any of them to carry out work in accordance with the construction documents. Any defect discovered in the construction documents shall be brought to the attention of the Architect by written notice before proceeding with the work. Reasonable time not allowed the Architect to correct the defect shall place the burden of cost and liability from such defect upon the Contractor.

The Contractor is responsible for the design and proper function of plumbing, HVAC and electrical systems. This office shall be notified of any plan changes required for design and function of plumbing, HVAC and electrical systems.

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General Notes:

This structure shall be adequately braced for wind loads until the roof, floor and walls have been permanently framed together and sheathed.

Install polyisocyanurate foam type insulation at floor and plate lines, openings in plates, corner stud cavities and around door and window rough opening cavities.

Install cement board at all water splash areas to minimum 7'0" above tub / shower drains.

Provide exhaust fans in all rooms containing bath tub and/or shower. Exhaust all vents and fans directly to outside via metal ducts, provide 20 CFM (minimum) continuous or 80 CFM (minimum) tied to timer or humidistat.

All recessed lights in insulated ceilings to have the I.C. label.

Install hardwired combination carbon monoxide (CO)/smoke alarm(s) w/ battery back-up in hall w/in 15 feet of all bedroom doors and in each bedroom. All alarms shall be interconnected such that the actuation of one alarm will actuate all the alarms in the unit. Combination CO/smoke alarms shall comply w/ ANSIVUL 2034 & ANSIVUL 217.

Provide full-width solid blocking under all bearing walls perpendicular to joists and other bearing points not otherwise provided with support.

Provide full-width posts at all bearing points from above, unless noted otherwise.

All wood in contact with concrete or earth to be pressure treated. Treat all cut ends of pressure treated wood. All fasteners utilized for pressure treated material shall be hot dipped galvanized or stainless steel.

Provide and maintain positive drainage away from building on all sides.

Non-stabilized fill must not exceed 2:1 slope.



VICINITY MAP

NTS



**CONTACT INFORMATION**

**OWNER**  
 JASON BRISTOL  
 21733 S HWY 99E  
 CANBY, OR 97013  
 P. (503) 803-2920  
 JBRISTOL@WEB-STER.COM

**ARCHITECT**  
 ISELIN ARCHITECTS, PC  
 1307 7TH ST  
 OREGON CITY, OR 97045  
 CONTACT: TODD ISELIN  
 P. (503) 656-1942

**CIVIL ENGINEER**  
 SISUL ENGINEERING  
 375 PORTLAND AVE  
 GLADSTONE, OR 97027  
 CONTACT: PAT SISUL  
 P. (503) 857-0188

**LANDSCAPE DESIGNER**

AURORA LANDSCAPING  
 22333 BOONES FERRY RD NE  
 AURORA, OR 97002  
 CONTACT: ZANDER PRIDEAUX  
 P. (503) 678-1234  
 ZANDER@AUORALANDSCAPENW.COM

**PROJECT INFORMATION**

**PROJECT DESCRIPTION**  
 CONSTRUCTION OF NEW APARTMENT BUILDING W/ (4) 1-BDRM UNITS & (4) 2-BDRM UNITS, AND REVISION OF LOT WITH EXIST'G SINGLE FAMILY HOME TO REMAIN

**PROPERTY LOCATION**  
 ADDRESS: 203 SW 3RD ST, CANBY, OR 97013  
 COUNTY: CLACKAMAS  
 ZONE: R-2  
 OCCUPANCY: 24,539 SF  
 CONSTRUCTION TYPE: R-2  
 BUILDING SQUARE FOOTAGE: 2,984 SF  
 BUILDING A AREA: 4,292 SF  
 BUILDING B AREA: 3,585 SF (15 %)

**PARKING**  
 REQUIRED: 12 SPACES (+1 ADA SPACE)  
 PROVIDED: 12 SPACES (+1 ADA SPACE)

**LANDSCAPING**  
 REQUIRED: 3,661 SF (15%)  
 PROVIDED: 7,712 SF (31%)

**IMPERVIOUS AREA**  
 16,627 SF (69%)

**DRAWING INDEX**

A1.1	SITE PLAN & GENERAL NOTES
A1.2	SITE LIGHTING PLAN
A1.3	BLDG A MAIN LEVEL PLAN
A1.4	BLDG A UPPER LEVEL PLAN
A1.5	BLDG B MAIN LEVEL PLAN
A1.6	BLDG B UPPER LEVEL PLAN
A2.1	BLDG A ELEVATIONS
A2.2	BLDG B ELEVATIONS
L1.1	LANDSCAPE PLAN
EX	EXISTING CONDITIONS PLAN W/ PROPOSED PARTITION
C1	GRADING PLAN
C2	SURFACING & FRANCHISE UTILITY PLAN
C3	SANITARY AND STORM DRAIN PLAN
C4	WATERLINE PLAN

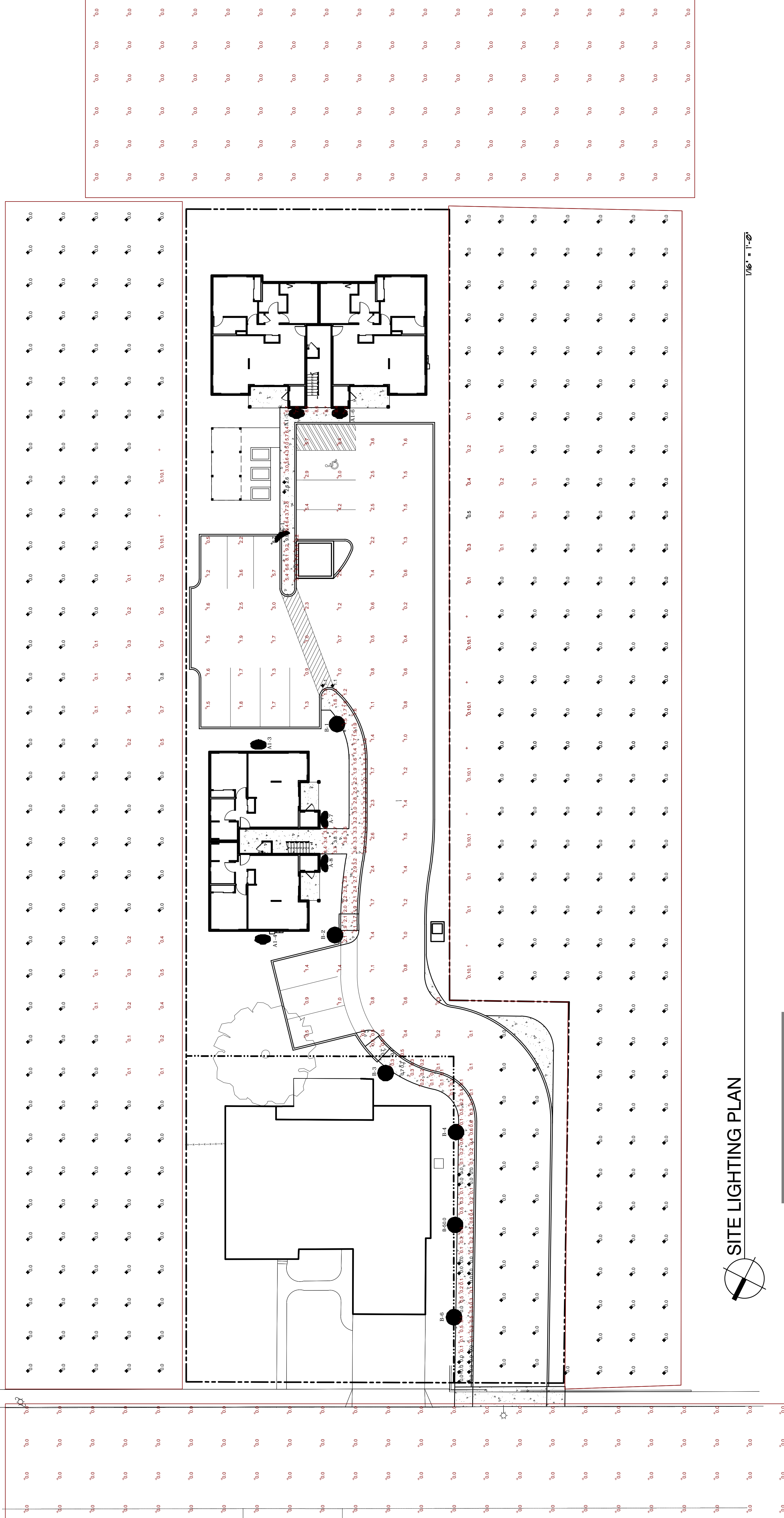
SHEET #

**A1.1**

SITE PLAN

PROJ. NO.: 1724  
 FILE: A-SIT  
 DATE: 12/26/17

**Jason Bristol**  
 New Apartment Complex for  
 Canby, OR  
 203 SW 3rd St.



**STATISTICS**

Description	Symbol	Avg	Min	Max	Avg/Min
Center Walk	+	2.3 f.c.	1.6 f.c.	3.1 f.c.	1.2:1
Drive & Parking	+	1.4 f.c.	0.7 f.c.	2.1 f.c.	N/A
East Trespas	+	0.0 f.c.	0.0 f.c.	N/A	N/A
East Walk	+	6.5 f.c.	2.0 f.c.	3.8 f.c.	2.5:1
North Trespas	+	0.0 f.c.	0.0 f.c.	N/A	N/A
North Walk	+	0.0 f.c.	0.0 f.c.	N/A	N/A
West Trespas	+	0.0 f.c.	0.0 f.c.	N/A	N/A
West Walk	+	0.2 f.c.	0.0 f.c.	N/A	N/A

**SCHEDULE**

Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number	Fixture Name	Lumens Per Foot	Light Loss Factor	Wattage
○	A	2	PHILIPS GARDCO	107L-16L-700-NW-G1-3	PHILIPS 100 LINE LED SCENCE	(1) LEDCINE S.I. LIGHT ARRAYS OF 16 LEDS (LUXEON D) AT 37W	1	107L-16L-700-NW-G1-3	3450	0.95	36.8
○	A1	4	PHILIPS GARDCO	107L-16L-700-NW-G1-4	PHILIPS 100 LINE LED SCENCE	(1) LEDCINE S.I. LIGHT ARRAYS OF 16 LEDS (LUXEON D) AT 37W	1	107L-16L-700-NW-G1-4	3335	0.95	37
○	B	6	PHILIPS-HAKO	DR30A0100E	DR30A0100E W/12.5W A19 ENDGUALED	PHILIPS 12.5W A19 ENDGUALED	1	4027-DR30-12L3V-11	95	0.95	12.7
○	C	4	PHILIPS LUMEC	RM18-GZ-SM2-N	RM18-GZ-SM2-N TYPE 3000K CLEAR GLASS BUBBLED OFFICES CLEAR GLASS BUBBLED	(1) LEDCINE S.I. LIGHT ARRAYS OF 16 LEDS (LUXEON D) DRIVEN AT 700 mA	4	RM18-GZ-SM2-N	9831	0.95	102.1

**SITE LIGHTING PLAN**



**I SELIN**  
**ARCHITECTS**  
**P.C.**

1307 Seventh Street  
Oregon City, OR 97045  
503-656-1942 ph  
503-656-0658 fax  
www.iselinarchitects.com

NOT FOR  
PRELIMINARY  
CONSTRUCTION

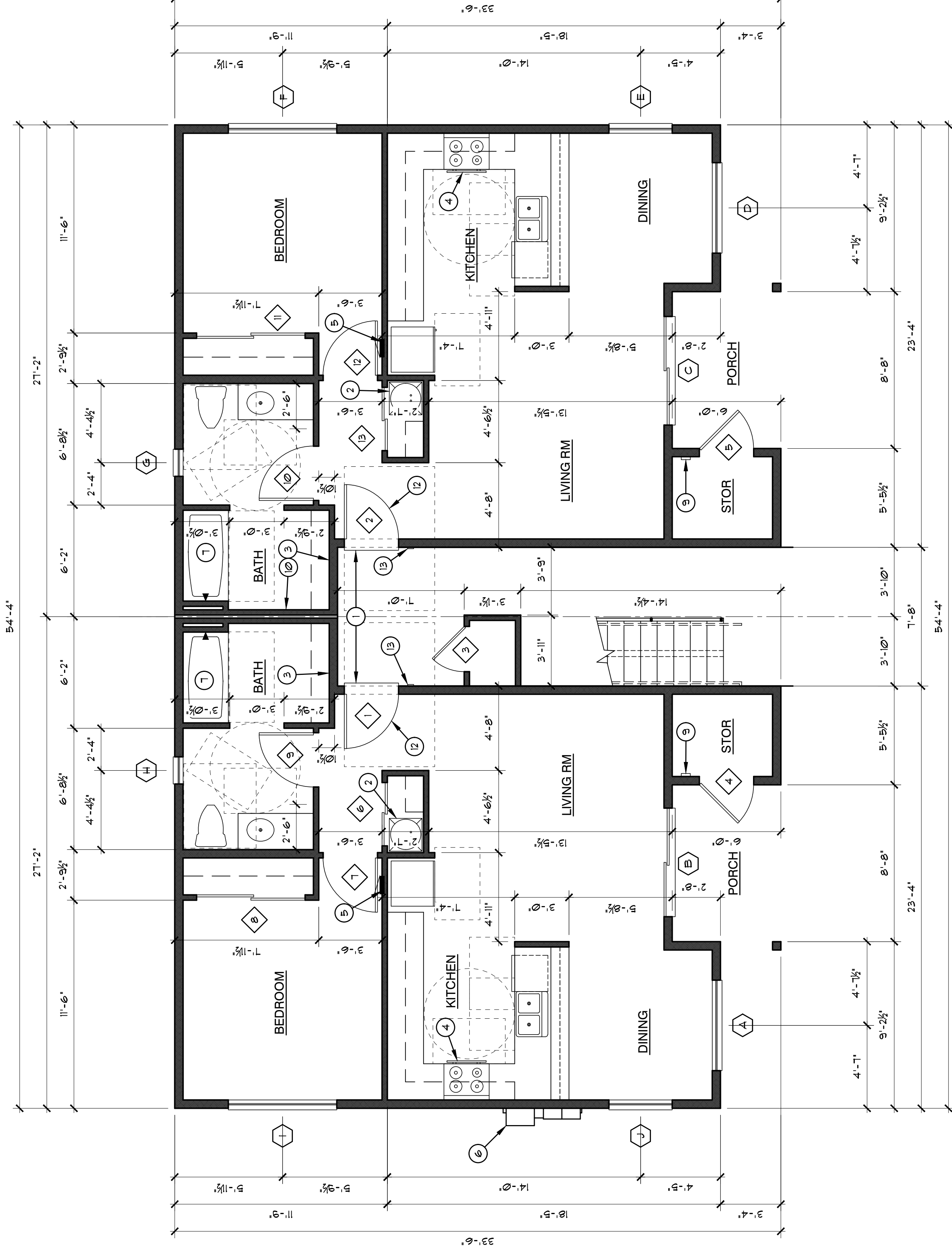
New Apartment Complex for  
**Jason Bristol**  
203 SW 3rd St.  
Canby, OR

PROJ. NO.: 1724  
FILE: A-FP  
DATE: 12/26/17

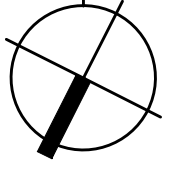
SHEET #

**A1.3**

BLDG A MAIN LEVEL FLOOR  
PLAN



BLDG A - MAIN LEVEL FLOOR PLAN



1/4" = 1'-0"



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CONSTRUCTION

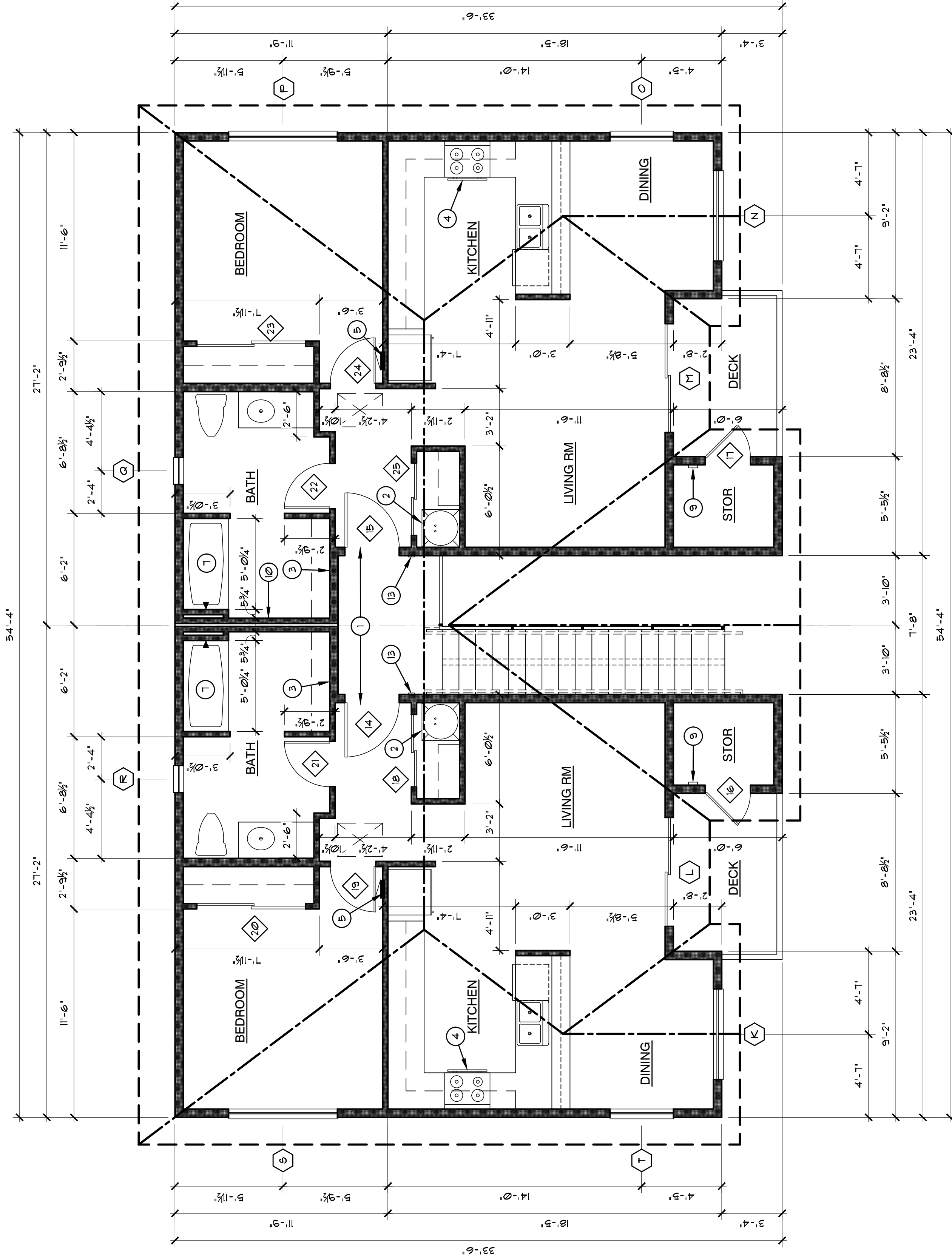
Jason Bristol  
New Apartment Complex for  
203 SW 3rd St.  
Canby, OR

PROJ. NO.: 1724  
FILE: A-FF  
DATE: 12/26/17

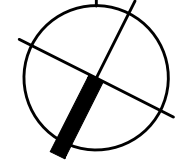
SHEET #

**A1.4**

BLDG A UPPER LEVEL  
FLOOR PLAN



BLDG A - UPPER LEVEL FLOOR PLAN



1/4" = 1'-0"





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PRELIMINARY  
CONSTRUCTION

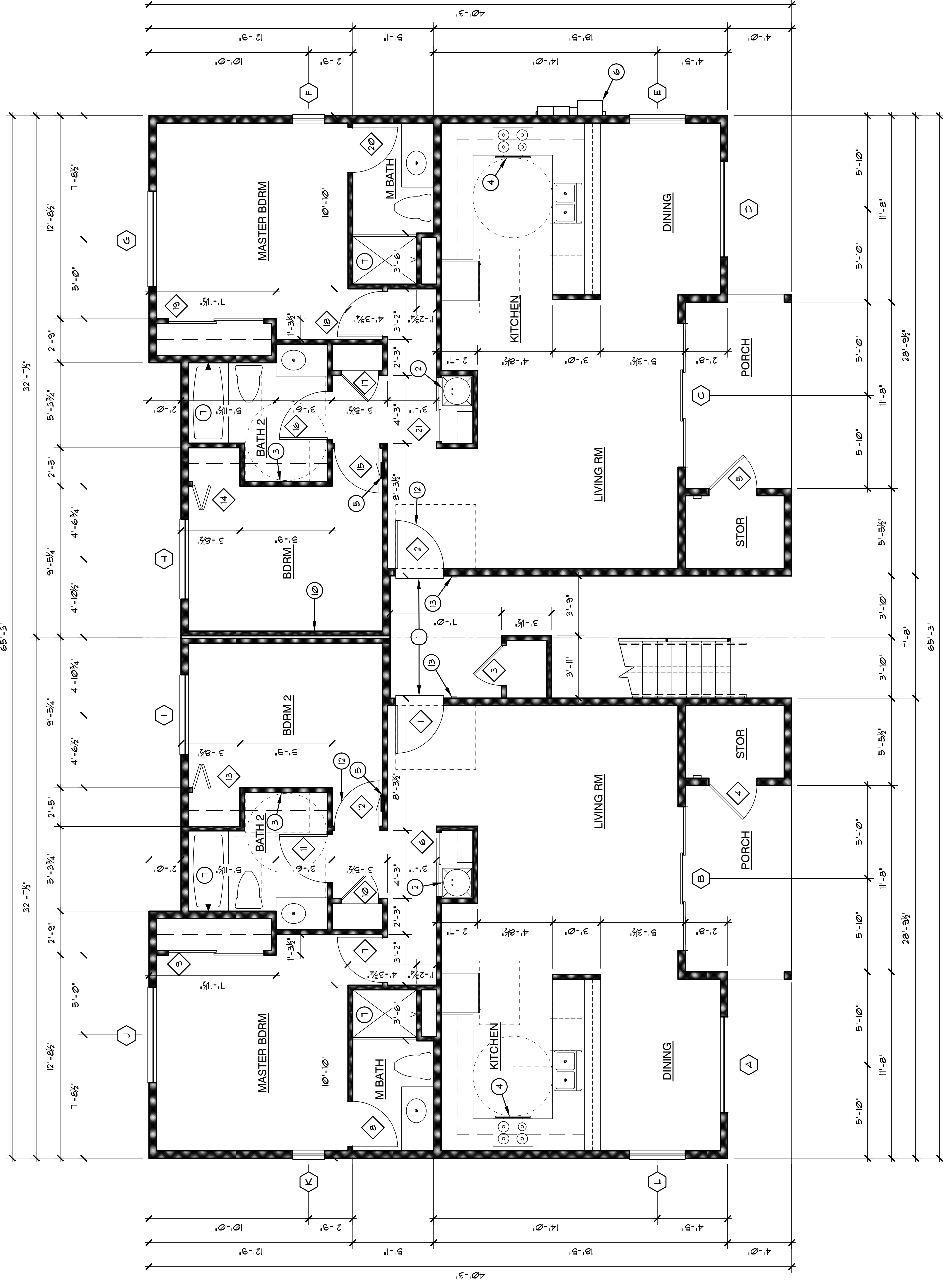
New Apartment Complex for  
**Jason Bristol**  
203 SW 3rd St.  
Canby, OR

PROJ. NO.: 1724  
FILE: A-FF  
DATE: 12/26/17

SHEET #

**A1.5**

BLDG B MAIN LEVEL FLOOR  
PLAN



BLDG B - MAIN LEVEL FLOOR PLAN



1/4" = 1'-0"



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Oregon City, OR 97045  
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PRELIMINARY  
CONSTRUCTION

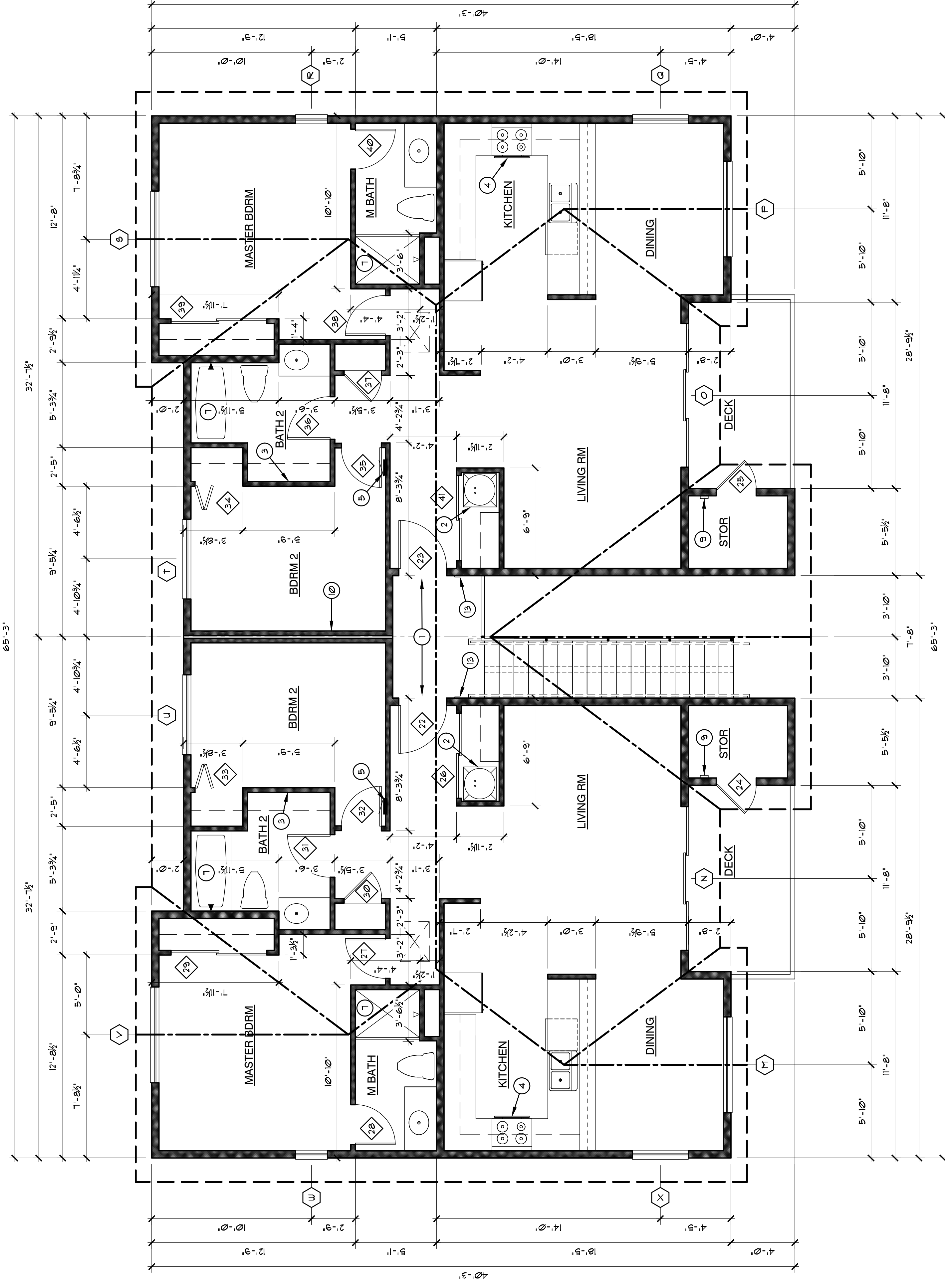
**Jason Bristol**  
New Apartment Complex for  
203 SW 3rd St.  
Canby, OR

PROJ. NO.: 1724  
FILE: A-FF  
DATE: 12/26/17

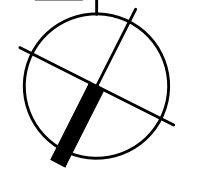
SHEET #

**A1.6**

BLDG B UPPER LEVEL  
FLOOR PLAN



BLDG B - UPPER LEVEL FLOOR PLAN



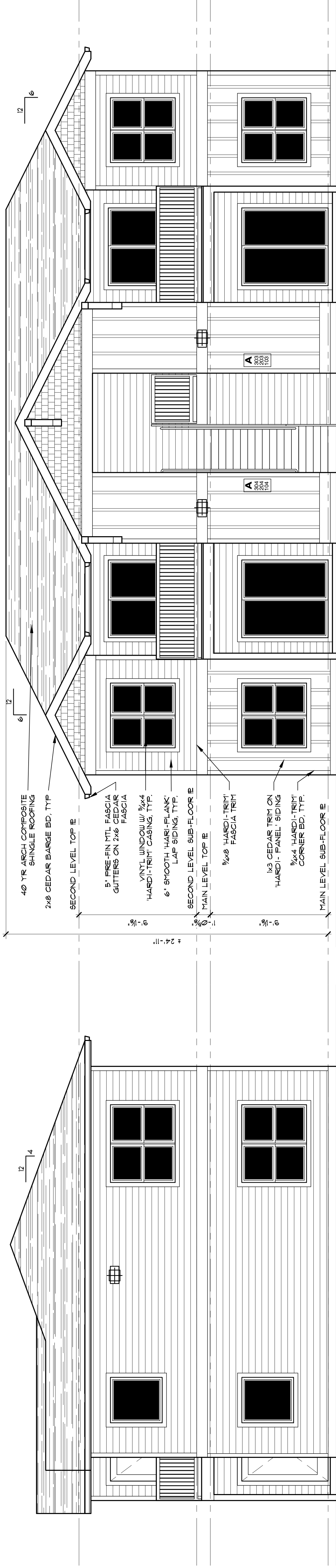
1/4" = 1'-0"



**ISELIN ARCHITECTS P.C.**

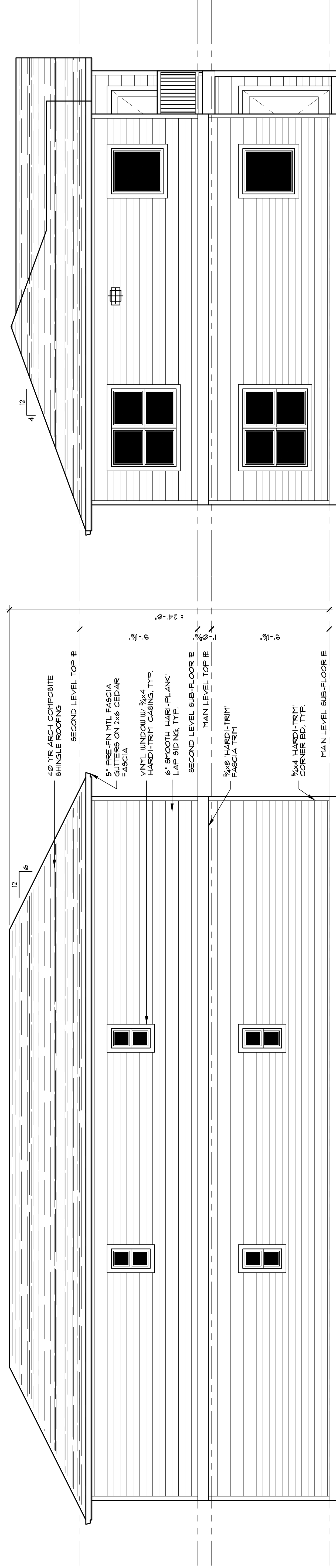
1307 Seventh Street  
 Oregon City, OR 97045  
 503-656-1942 ph  
 503-656-0658 fax  
 www.iselinarchitects.com

NOT FOR CONSTRUCTION  
 PRELIMINARY



BLDG A - WEST (FRONT) ELEVATION

BLDG A - SOUTH ELEVATION



BLDG A - EAST (REAR) ELEVATION

BLDG A - NORTH ELEVATION

**Jason Bristol**  
 New Apartment Complex for  
 Canby, OR  
 203 SW 3rd St.

PROJ. NO.: 1724  
 FILE: 1527-A-ELY  
 DATE: 12/26/17

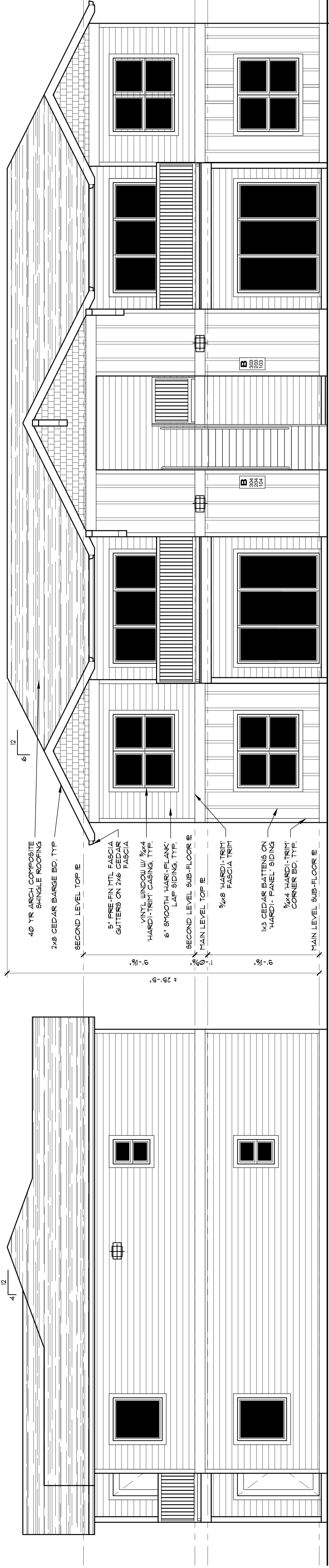
SHEET #  
**A2.1**  
 BUILDING A ELEVATIONS



**I SELIN**  
ARCHITECTS  
P.C.

1307 Seventh Street  
Oregon City, OR 97045  
503-656-1942 ph  
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www.iselinarchitects.com

NOT FOR  
PRELIMINARY  
CONSTRUCTION

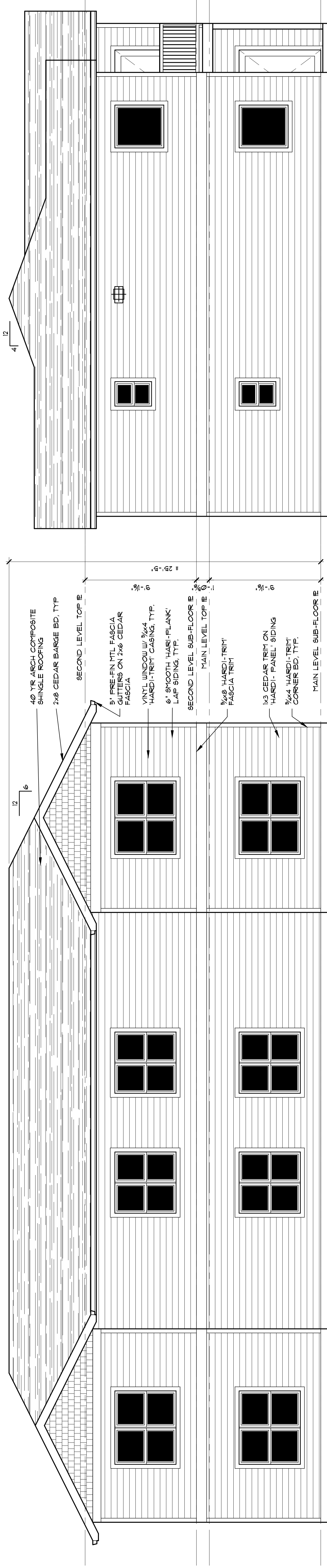


BLDG B - WEST ELEVATION

1/4" = 1'-0"

BLDG B - NORTH (FRONT) ELEVATION

1/4" = 1'-0"



BLDG B - SOUTH (REAR) ELEVATION

1/4" = 1'-0"

BLDG B - EAST ELEVATION

1/4" = 1'-0"

New Apartment Complex for  
**Jason Bristol**  
203 SW 3rd St.  
Canby, OR

PROJ. NO.: 1724  
FILE: 1527-A-ELY  
DATE: 12/26/17

SHEET #

**A2.2**

BUILDING B ELEVATIONS



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Oregon City, OR 97045  
503-656-1942 ph  
503-656-0658 fax  
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NOT FOR CONSTRUCTION  
PRELIMINARY

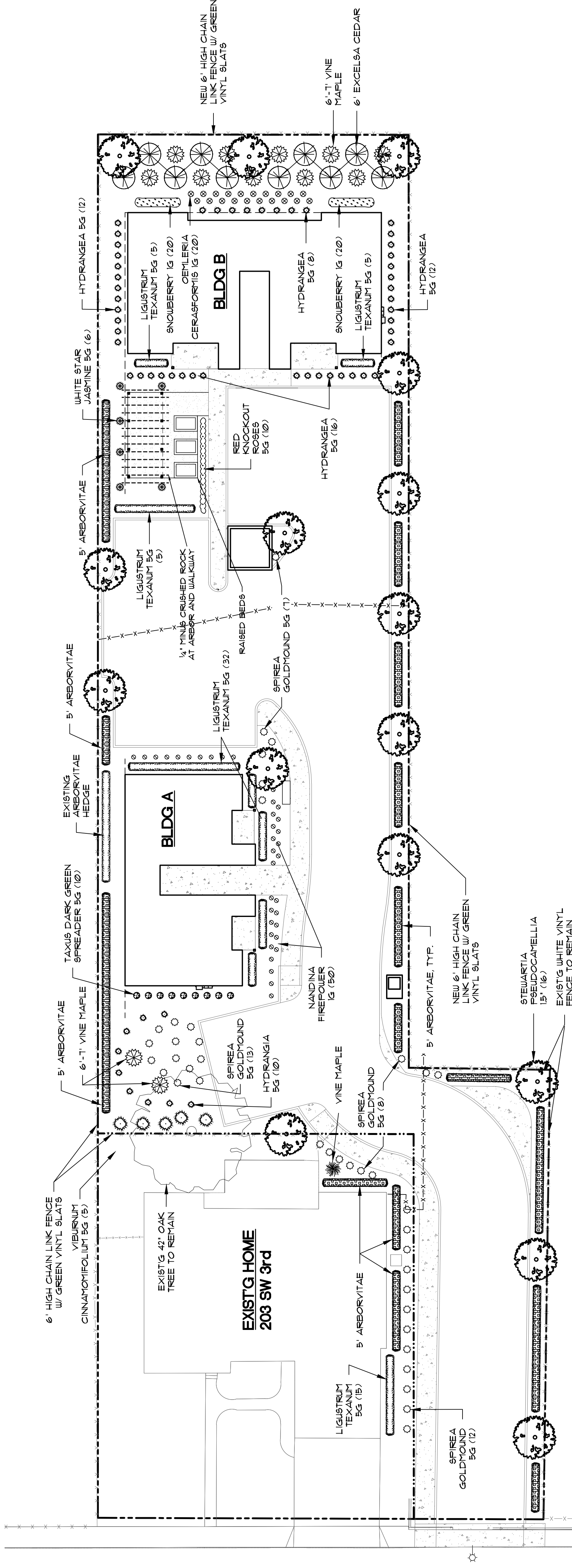
**Jason Bristol**  
New Apartment Complex for  
203 SW 3rd St.  
Canby, OR

PROJ. NO.: 1724  
FILE: L-SIT  
DATE: 12/26/17

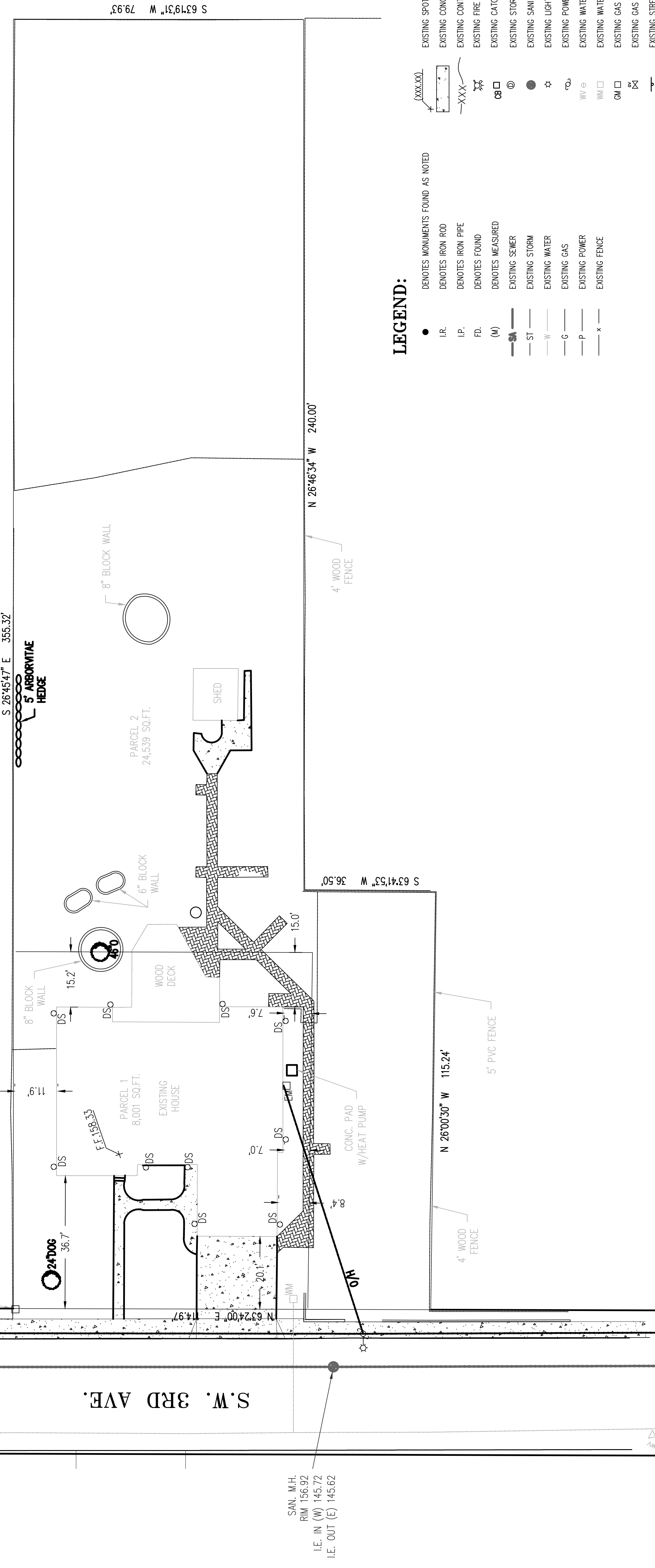
SHEET #

**L1.1**

LANDSCAPE PLAN



LANDSCAPE PLAN 1/8" = 1'-0"



**LEGEND:**

- DENOTES MONUMENTS FOUND AS NOTED
- I.R. DENOTES IRON ROD
- I.P. DENOTES IRON PIPE
- FD. DENOTES FOUND
- (M) DENOTES MEASURED
- SM — EXISTING SEWER
- ST — EXISTING STORM
- W — EXISTING WATER
- G — EXISTING GAS
- P — EXISTING POWER
- x — EXISTING FENCE
- (XXX.XX) EXISTING SPOT ELEVATION
- XXX — EXISTING CONCRETE SIDEWALK
- XXX — EXISTING CONTOUR
- ⊕ EXISTING FIRE HYDRANT
- ⊕ EXISTING CATCH BASIN
- ⊕ EXISTING STORM MANHOLE
- ⊕ EXISTING SANITARY MANHOLE
- ⊕ EXISTING LIGHT POLE
- ⊕ EXISTING POWER POLE
- ⊕ EXISTING WATER VALVE
- ⊕ EXISTING WATER METER
- ⊕ EXISTING GAS METER
- ⊕ EXISTING GAS VALVE
- ⊕ EXISTING STREET SIGN
- ⊕ EXISTING TREE

**EXISTING CONDITION PLAN W/ PROPOSED PARTITION**

EXISTING CONDITIONS BASED ON TOPOGRAPHIC SURVEY  
 PREPARED BY ZTEC ENGINEERS ON 3/10/2017

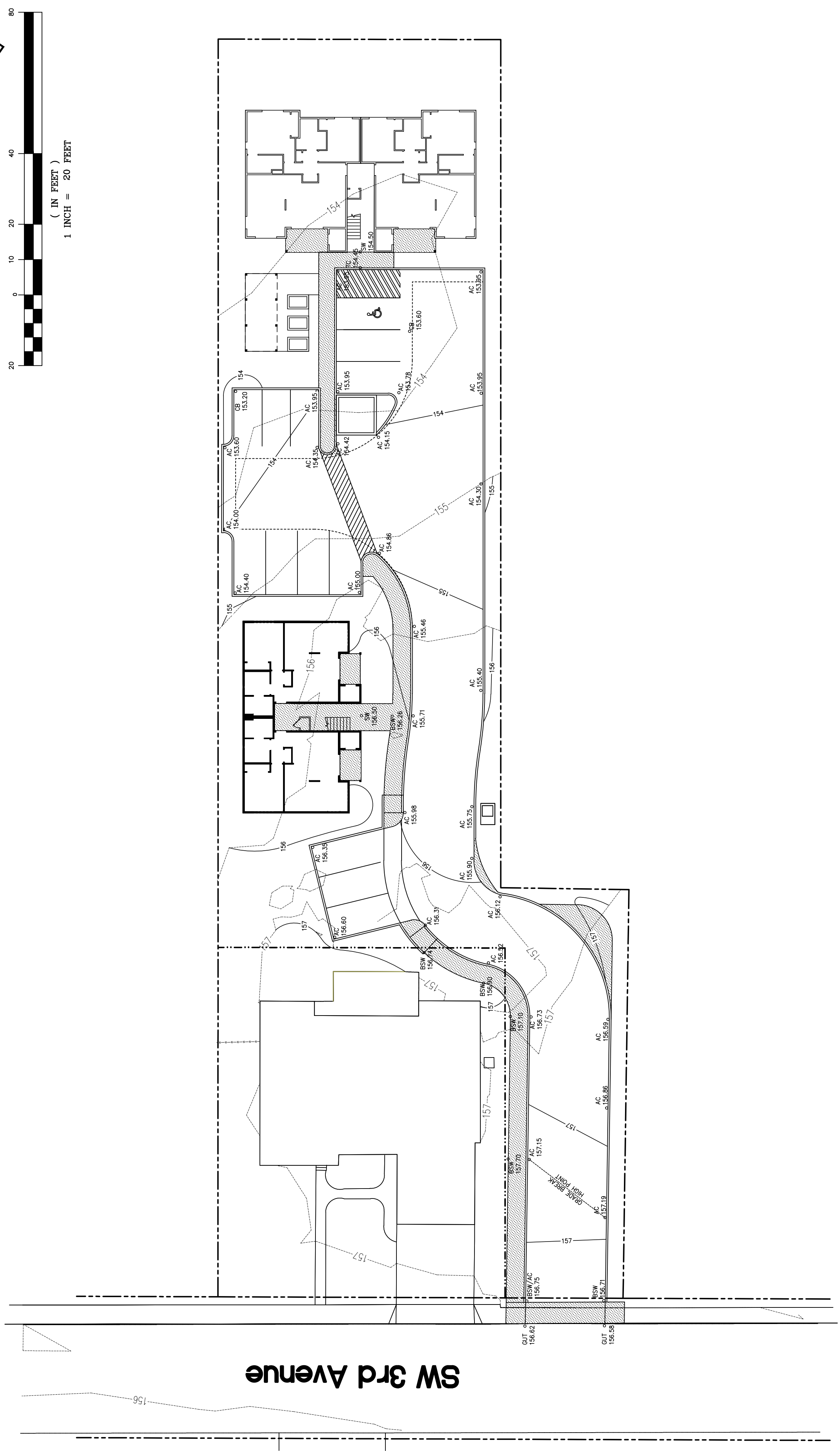
TEL. M.H. (POSSIBLE F/O DUCT E-W)  
 SAN. M.H. RIM 156.41  
 I.E. IN (S) 147.96  
 I.E. IN (W) 146.01  
 I.E. OUT (E) 145.91

SAN. M.H. RIM 156.92  
 I.E. IN (W) 145.72  
 I.E. OUT (E) 145.62

Grading Plan

SW 3rd Avenue Partition  
and Trevoll Apartment Homes  
Jason Bristol

REVISIONS	BY



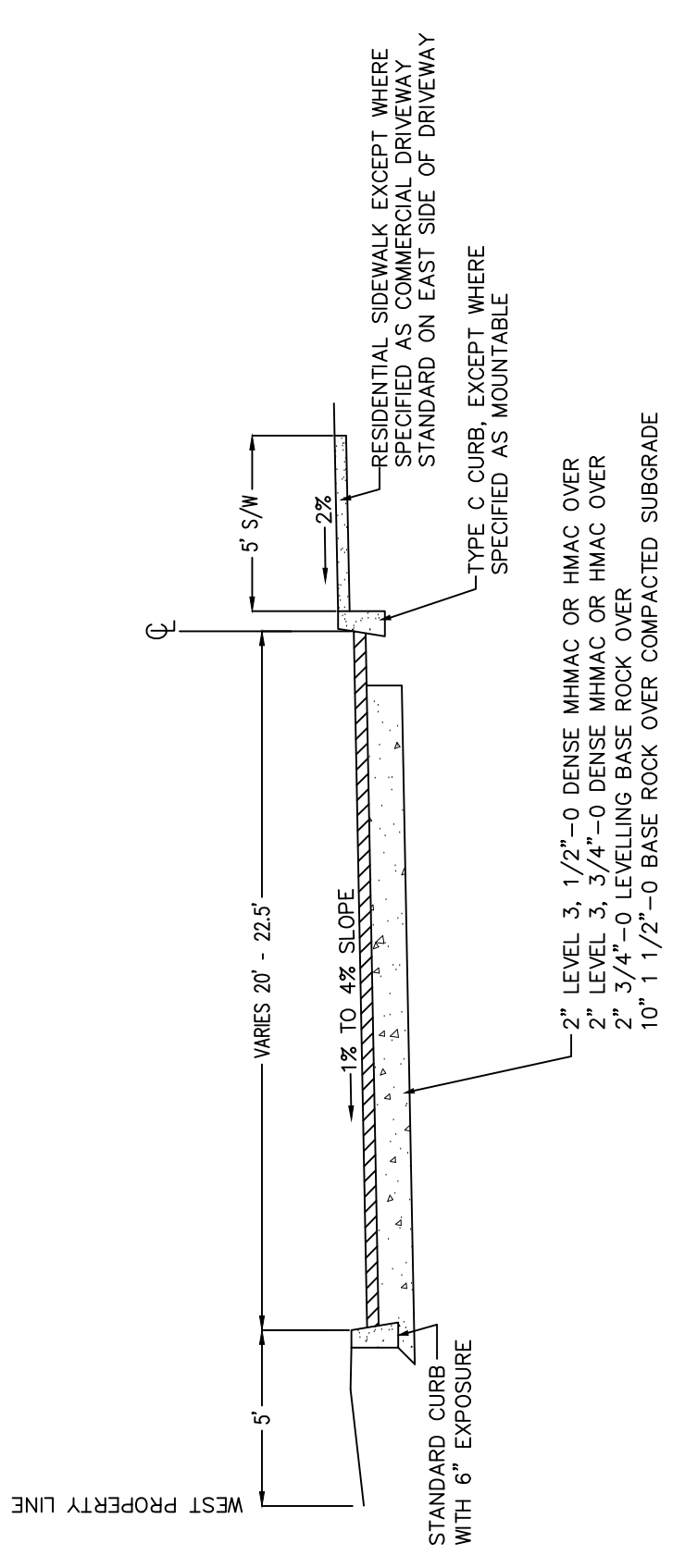
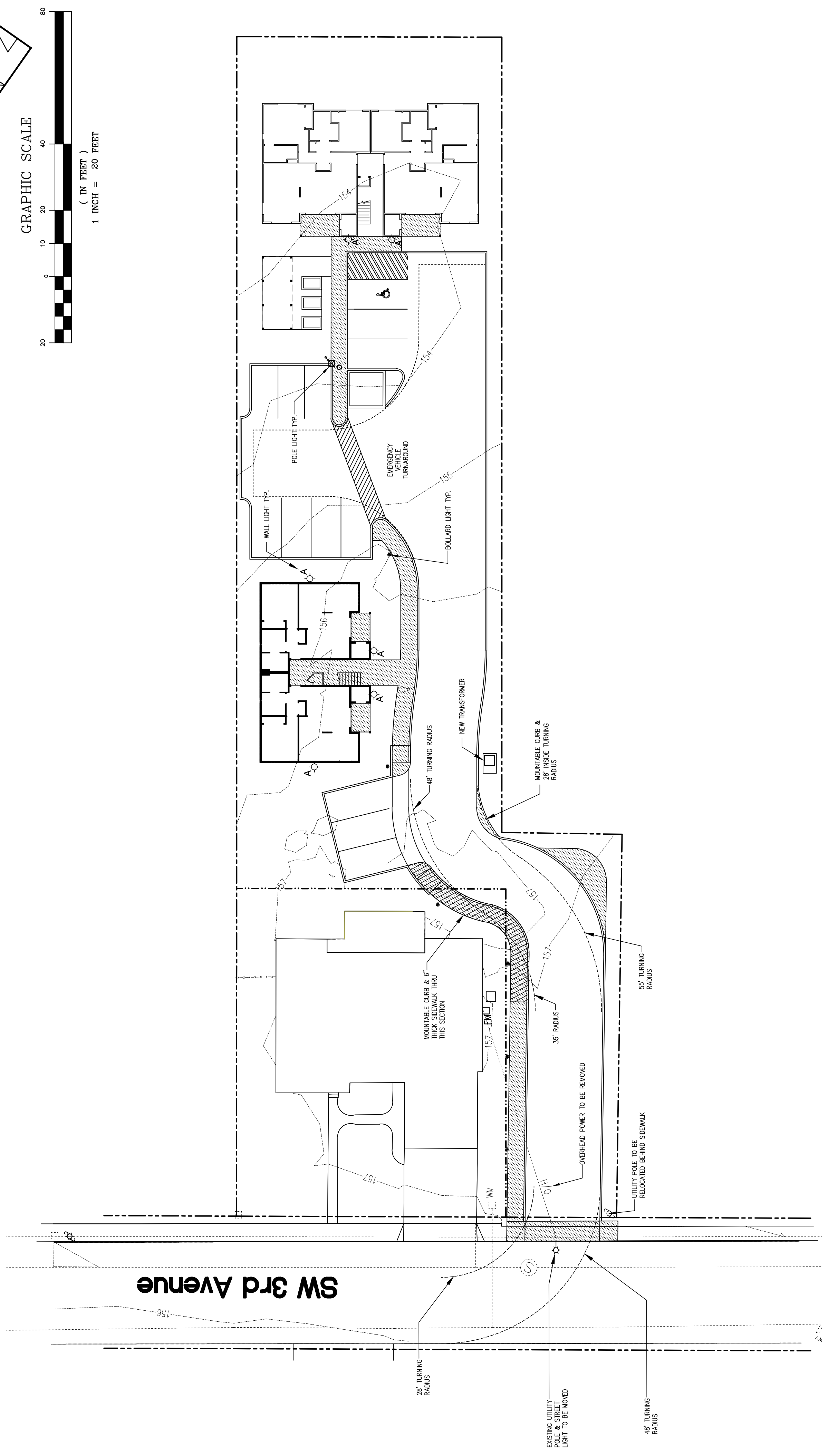
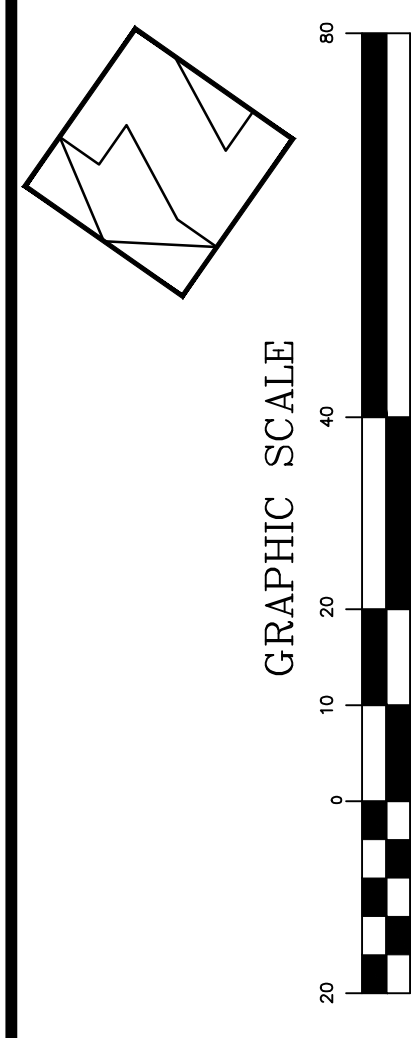
NO.	DATE	BY	REVISIONS

SW 3rd Avenue Partition  
and Trevoll Apartment Homes  
Jason Bristol

Surfacing and Franchise  
Utilities Plan

**SISUL ENGINEERING**  
376 PORTLAND AVENUE  
GLADSTONE, OREGON 97027  
(503) 657-0188  
DRAWING NO. SCL17-065

DATE: JAN. 2018  
SCALE: 1" = 20'  
DRAWN: PS  
JOB: SCL17-065  
SHEET: C2  
OF 4 SHEETS



**PRIVATE DRIVEWAY**

PRIVATE DRIVEWAY TO BE CONSTRUCTED TO THE SAME STRUCTURAL SECTION AS A CITY OF CANBY LOCAL STREET. DRIVEWAY APPROACH TO BE CONSTRUCTED TO COMMERCIAL DRIVEWAY STANDARDS.



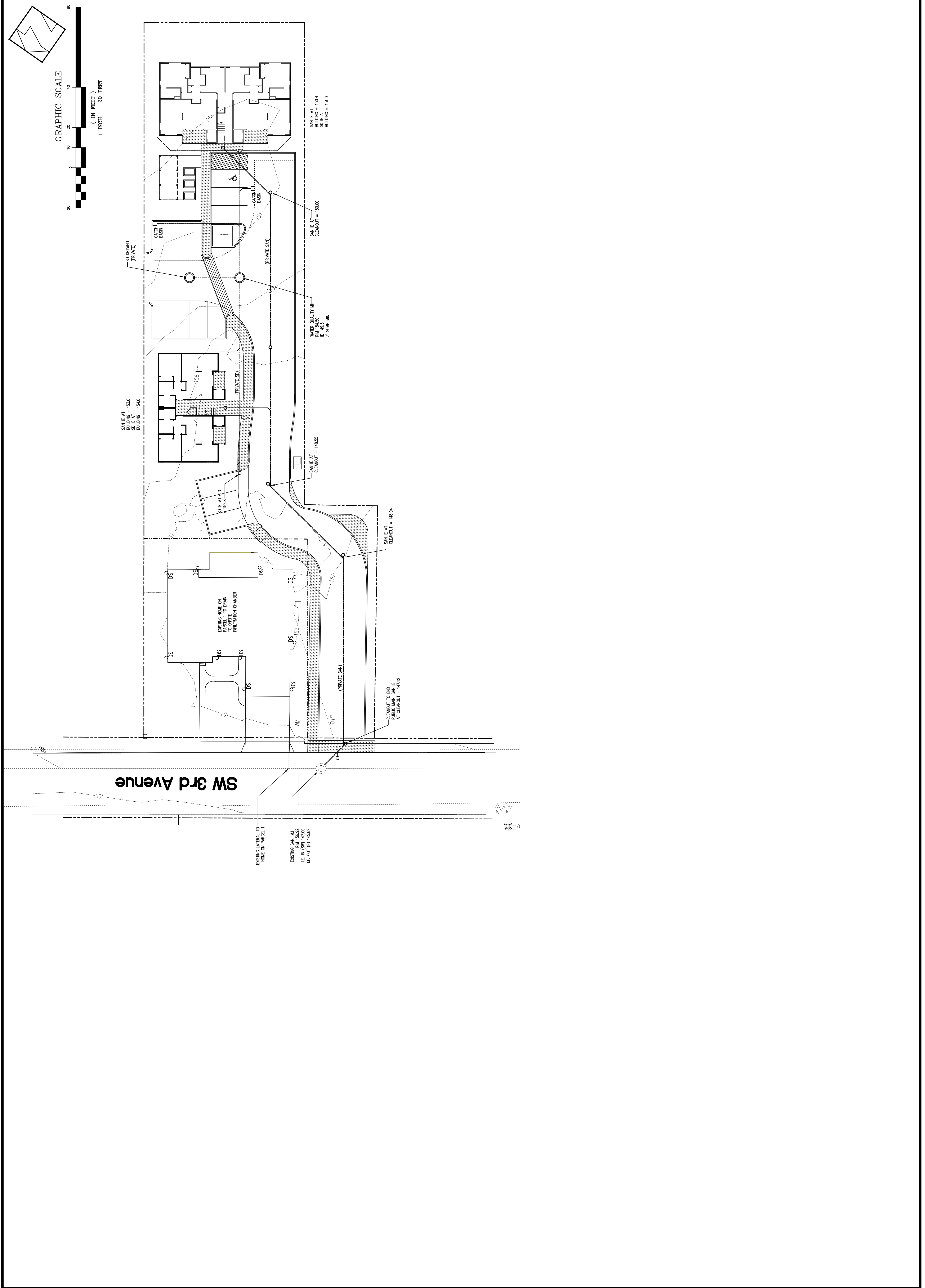
NO.	DATE	BY	REVISIONS

SW 3rd Avenue Partition  
and Trevoll Apartment Homes  
Jason Bristol

# Sanitary and Storm Drain Plan

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

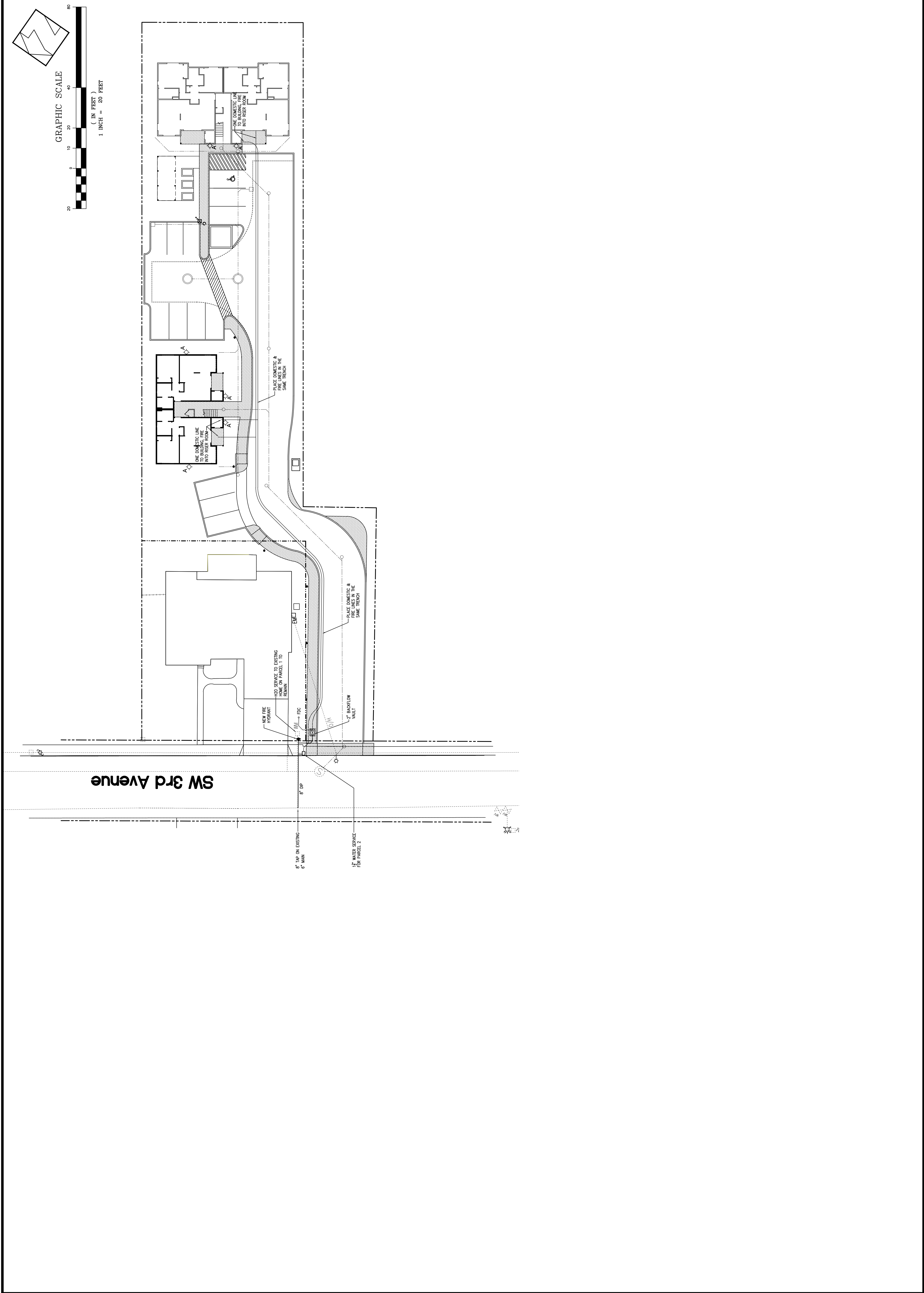
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DRAWN: PS  
JOB: SOL17-065  
SHEET: **3**  
OF 4 SHEETS

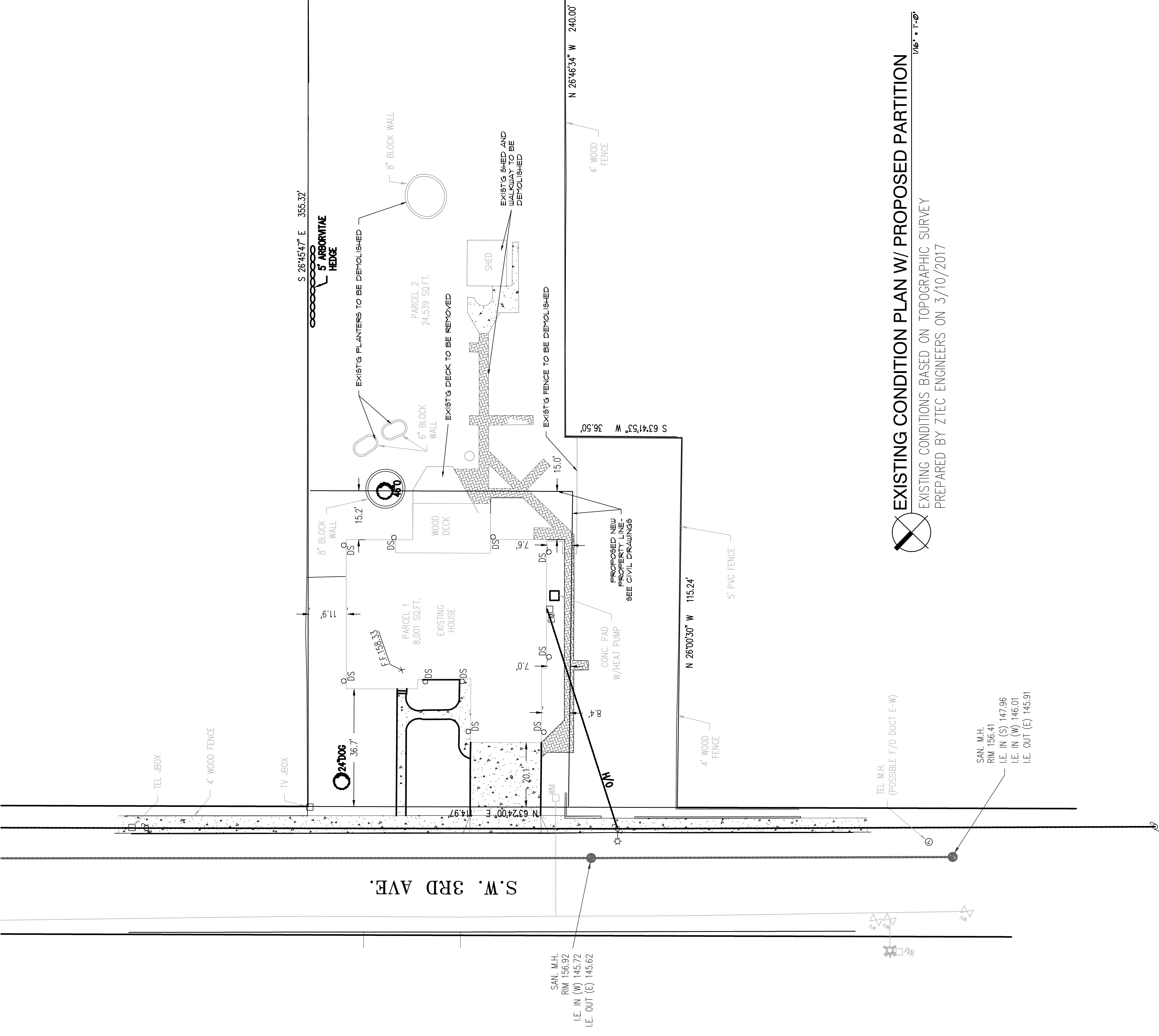
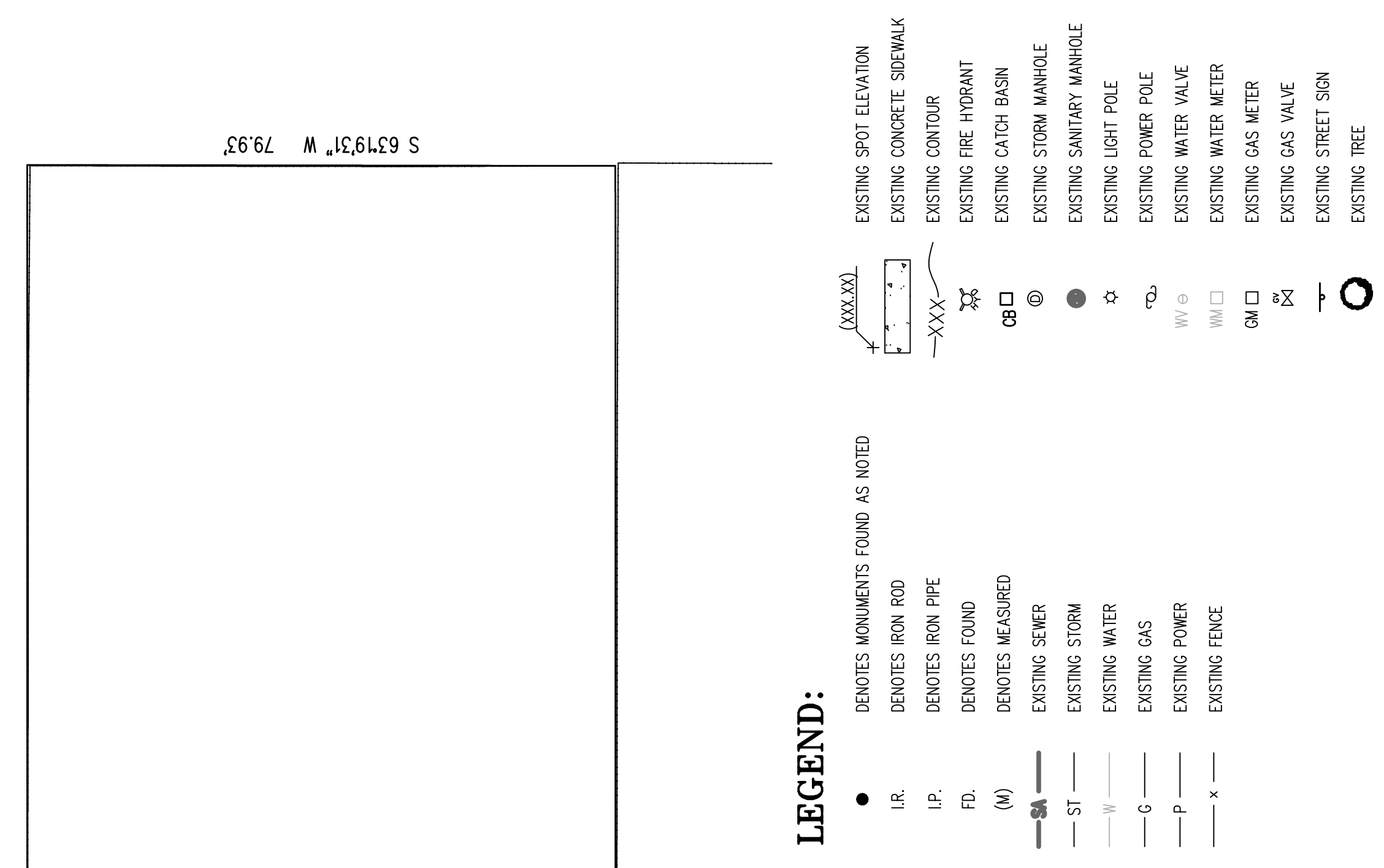


NO.	DATE	BY

**SW 3rd Avenue Partition  
and Tevoll Apartment Homes**  
**Jason Bristol**

**Waterline Plan**





**EXISTING CONDITION PLAN W/ PROPOSED PARTITION**  
 EXISTING CONDITIONS BASED ON TOPOGRAPHIC SURVEY  
 PREPARED BY ZTEC ENGINEERS ON 3/10/2017

SAN. M.H.  
 RIM 156.92  
 I.E. IN (W) 145.72  
 I.E. OUT (E) 145.62

SAN. M.H.  
 RIM 156.41  
 I.E. IN (S) 147.96  
 I.E. IN (W) 146.01  
 I.E. OUT (E) 145.91

RECORDING REQUESTED BY:

Chicago Title Company of Oregon  
5300 SW Meadows Road, Suite 100  
Lake Oswego, OR 97035

Clackamas County Official Records  
Sherry Hall, County Clerk

**2014-029136**

06/17/2014 02:20:28 PM

D-D                      Cnt=1 Stn=4 JANIS  
\$10.00 \$16.00 \$10.00 \$22.00

\$58.00

GRANTOR:

Ronald S. Berg and Evalena E. Berg  
203 SW 3rd Avenue  
Canby, OR 97013

GRANTEE:

Jason Bristol and Jeanne Bristol  
21733 S. Highway 99E  
Canby, OR 97013

SEND TAX STATEMENTS TO:

Jason Bristol and Jeanne Bristol  
203 SW 3rd Avenue  
Canby, OR 97013

AFTER RECORDING RETURN TO:

Jason Bristol and Jeanne Bristol  
203 SW 3rd Avenue  
Canby, OR 97013

Escrow No: 472514516665MJM-CT42

203 SW 3rd Avenue  
Canby, OR 97013

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**WARRANTY DEED – STATUTORY FORM**  
(INDIVIDUAL or CORPORATION)

Ronald S. Berg and Evalena E. Berg

Grantor, conveys and warrants to

Jason Bristol and Jeanne Bristol, **AS TENANTS BY THE ENTIRETY,**

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

Lot 3, Block 1, GURLEYS ADDITION TO THE CITY OF CANBY, in the City of Canby, County of Clackamas and State of Oregon;

ALSO, a parcel of land located in the Southeast one-quarter of the Southwest one-quarter of Section 33, Township 3 South, Range 1 East of the Willamette Meridian, in the City of Canby, County of Clackamas and State of Oregon and being a part of Lot 4 of the duly recorded plat of "SOUTH HOLLY STREET ADDITION NO. 2" and being more particularly described as follows:

BEGINNING at the Northwest corner of Lot 4 of said "SOUTH HOLLY STREET ADDITION NO. 2". said point being on the Southerly right-of-way line of South 3rd Street (40.00 feet in width); thence North 63°24'00" East, along said Southerly right-of-way line, a distance of 72.40 feet to the true point of beginning of the parcel of land herein described; thence continuing North 63°24'00" East, along said Southerly right-of-way line, a distance of 35.00 feet to the Northeast corner of said Lot 4; thence South 26°46'39" East, along the Easterly line of said Lot 4, a distance of 115.36 feet to the Southeast corner of said Lot 4; thence South 63°38'16" West, along the Southerly line of said Lot 4, a distance of 36.54 feet; thence North 26°00'43" West, parallel with the Westerly line of said Lot 4, a distance of 115.22 feet to the true point of beginning of the parcel of land herein described.

The true consideration for this conveyance is \$280,000.00.

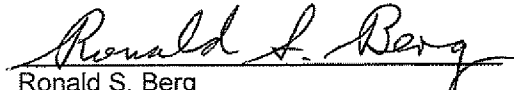
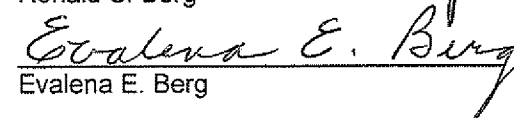
472514516665MJM-CT42  
Deed (Warranty – Statutory (Individual or Corporation))

CHICAGO TITLE 472514516665-42

ENCUMBRANCES: UTILITY EASEMENT AS SHOWN ON THE PLAT

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.

Dated June 5, 2014; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

  
Ronald S. Berg  
  
Evalena E. Berg

STATE OF OREGON  
County of Clackamas

This instrument was acknowledged before me on 06/06/14 by Ronald S. Berg and Evalena E. Berg.

  
Notary Public for Oregon

My Commission Expires: 4-9-18

(SEAL)



December 5, 2017

Dear Neighbors and Property Owners:

I am conducting a neighborhood meeting to discuss the property located at 203 SW 3<sup>rd</sup> Ave., Canby.

I am proposing construction of two buildings. One will contain four - one bedroom apartments and the other will contain four – two bedroom apartments. The overall site is .74 acres (32,272 square feet) in area and contains an existing single-family residence that will remain. The site is zoned R-2, high density residential. See reverse for Preliminary Site Plan.

Prior to applying to the City of Canby for the necessary approvals, I would like to discuss the proposal in more detail with the neighbors and surrounding property owners. Pursuant to the City of Canby Municipal Code 16.89.070, you are invited to attend a meeting on:

**Thursday, December 21, 2017 at 6:30 pm**

**Canby Utility Board  
Conference Room (Entrance in Rear)  
154 NW 1<sup>st</sup> Ave.  
Canby, Oregon 97013**

Please note that this will be an informal meeting on preliminary development plans. These plans may be altered prior to submittal of the application to the City.

We look forward to discussing this proposal with you. Feel free to call me at 503.803.2920 if you have any questions.

Sincerely,

Jason Bristol

## Public Meeting Notes

Date 12/21/17 6:30 pm

Jason Bristol held a town hall meeting on 12/21/17. Three women were at the meeting at 6:30 pm. One man entered at 6:55 pm. The majority of the questions were from one person. Jason had the plans laid out.

Concern: Why apartments instead of town homes.

Response: Due to the site characteristics, it makes more sense to build apartments in order to meet the density requirement. Additionally, apartments will be ADA compliant where town homes wouldn't comply.

Concerns: Why building more apartments?

Response: Rents are climbing at 5% annually and there is a strong demand for rentals.

Concerns: Parking concerns.

Response: Jason explained he is meeting the code with parking. He will enforce the parking since he will own and manage the property.

Question: Could the parking location change?

Response: Jason explained the plans were developed by an engineer who indicated where the parking needed to be located. Additional ideas were explored but due to the site characteristics weren't feasible.

Meeting completed at 7:30 pm.

Jason received a call on 12/22 from Lisa Belcher. She didn't have specific questions but was interested in the turn out and gist of the meeting.

SIGN IN SHEET  
NEIGHBORHOOD MEETING  
RE: 203 SW 3<sup>rd</sup> PROJECT

December 21, 2017

NAME	ADDRESS
<i>Hoggensau</i>	<i>898 N Grant</i>
<i>Jennifer Priskill</i>	<i>249 SW 3<sup>rd</sup> Ave</i>
<i>Quinn Whitney</i>	<i>203 SW 3<sup>rd</sup> Ave</i>
<i>Jared Stafford</i>	<i>227 SW 3<sup>rd</sup> Ave</i>

12/22 LISA BELCHER 323 S HOLLY  
POB 914 AURORA 97002





## **Pre-Application Meeting**

**203 SW 3<sup>rd</sup> Avenue  
September 12, 2017  
10:30 am**

### **Attended by:**

Hassan Ibrahim, Curran-McLeod Engineering, 503-684-3478

Spencer Polack, Public Works, 503-519-6936

Jason Bristol, Owner, 503-803-2920

Bryan Brown, Planning Department, 503-263-4322

Chris Goetz, Public Works, 503-849-2226

Gary Stockwell, Canby Utility, Electric, 503-263-4307

Pat Sisul, Sisul Engineering, 503-657-0188

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

### **Owner, Jason Bristol**

- This is a pre-application meeting for partitioning 203 SW 3<sup>rd</sup> Avenue into two parcels. The full parcel size is about .74 acre and it is in the high density zoning and the proposal is to create two tax lots, one for the existing house and one for two free standing buildings. One of the buildings will have one-bedroom units and the other will have two-bedroom units for a total of 8 units.
- Access will be off SW 3<sup>rd</sup> Avenue.
- We have the proposed access to meet the fire department turn-around requirements and access guidelines. The NE corner of the parcel of the existing house will have an easement to build the back corner for the access road.
- We have met the parking requirements with 12 parking spaces and (1) handicapped space.
- I would like to do something different here than we did with Emerald Gardens. I would like to wait on putting in all the curbing and the first layer of asphalt until the buildings are up. Emerald Gardens had a lot of infrastructure damage from the heavy equipment doing the housing construction and I would like to get all the utilities in, rock it, build the units and then do the curbs and pave. Will that be an issue at all? Hassan said he did not think so and Pat said the difference is Emerald Garden was a subdivision and you either had to improve or bond and Bryan said he would agree with it. Jason said I would have the partition recorded before doing the work and bring the utilities on site in order to have it happen. Bryan said you are talking about private lines and everything is stopping here in the street. Jason said I have to either bond for it or do I have to put the utilities on site and Bryan said you are asking about doing stub outs from the street to your private property and Jason said yes. Pat said in order to get your partition recorded you would have to at least bond for the frontage public utility improvements, but not the private side. Hassan said if you get all the utilities to the site and put the driveway in you do not have to bond for it.

### **SISUL ENGINEERING, Pat Sisul**

- We talked about the existing driveway approach and it needs to be ADA compliant, is there a requirement to do anything with the existing sidewalk. Hassan said from what he saw it was in good condition and matches the rest of the street. Did you want to make it a 6 ft sidewalk and Pat said no, we want to clarify what you meant. Hassan said the sidewalk condition looks fine to me from what I can tell and if something breaks between now and then, I would think you would want to take care of it. Pat said just make the driveway ADA compliant and Hassan said yes.

### **CURRAN-MCLEOD ENGINEERING, Hassan Ibrahim**

- This project is pretty straight forward and we can serve you with sewer out of SW 3<sup>rd</sup> Avenue. We have a manhole out front of where you are proposing the driveway access and Pat asked if we wanted a public sewer line back into the project and Hassan said he would prefer not to. You can use a 6 inch sewer line and a cleanout at the property line.
- You will need to move the power pole because it is in the middle of the proposed driveway access.
- You will have to install a commercial driveway approach and the driveway to the existing house we typically ask it to be ADA complaint and right now it is not.
- The storm drainage will have to be disposed on site and if you are using underground injection control (UIC) you will need to go through Oregon DEQ and have it rule authorized and send us a copy. What are you planning and Pat said drywells. Pat said he was not aware of any water wells in the surrounding properties and is anyone aware of any wells? The answer was no. Pat said your stormwater master plan shows the wells in Canby, but it is not very accurate because there are a lot of wells that are not registered.
- You are planning a mountable curb with a 6 inch thick sidewalk and the answer was yes.

### **PUBLIC WORKS DEPARTMENT, Chris Goetz**

- If you plan on doing a 6 inch sewer line into your project we want the 6 inch cleanout at the property line. Hassan said if you want you can have an 8 inch private sewer main if it needs to be. Pat said the plumbing code has a little paragraph stating you need to have a certain number of fixture units for an 8 inch line and on a project in Washington County we had 30 units and it was still below what they allow for an 8 inch line. Chris asked if this would be one tax lot and the answer was yes. Pat said the service for the existing house is somewhat centered in the lawn or do you know exactly where it is located and Chris said he would get Pat the information. Pat said we would leave the existing service for the house. Chris asked if the new development would be going into the manhole and the answer was yes.

### **CANBY UTILITY, ELECTRIC DEPARTMENT, Gary Stockwell**

- I drove by and looked at the site and yes, the pole will have to be moved. I have not decided whether it will be east or west and when the council approves your project I will design it. I assume the pole will probably be moved east and through the course of construction have you put the existing power to the house underground and the service going to the house to the west is an overhead service and there is plenty of clearance over the driveway, but since the property line has moved it will be an encroachment and I will need an easement. If I move

the pole to the east I will need an easement along the newly adjusted lot line to get back into the apartments. We will service the apartments with a transformer and as far as the transformer location I am looking somewhere centrally located by the first apartment building. I would also need clearance from the structure itself and Pat asked how much and Gary stated 10 ft and it includes overhangs on the buildings. I will need the drawing to be scaled.

- These will be multi-family apartments and you will do a meter pack per building and Jason said for the common area we will need one more meter and it would be nice to have it on one of the buildings. Gary said you can do a five meter pack and I will include it with the information when I do a design.
- Pat asked when the pole moves it has a street light on it and does it have an LED fixture. Gary said the light is a high pressure sodium and it will be included in the cost for a new fixture on a mast arm. At the city's direction I can change it out to an LED and I will have to see if I can just slide the pole over because it is a relatively new pole. I will know more once your project is accepted by the city. Bryan asked if Gary needed an easement across the entire frontage of both lots and Gary said I will need an easement across the frontage, on the side and then for the guide wire. You can do as a public utility easement or an easement to Canby Utility for the service line. Jason asked if the pole could be moved to the west and Gary said he would have to look at it and since there is only a sidewalk on west side of the driveway access it may eliminate the need for the easement here and it will put a few curves in our service going back into the property.

#### **CANBY UTILITY, WATER DEPARTMENT, Jim Stuart**

- Jim asked if they had any questions concerning water and Pat asked Jason if he wanted just one meter and Jason said yes. Jason said the last time he looked at the cost of meters it would be better to go with one meter and service the whole site. Jim said the master meter would be fine and just a reminder for putting in a backflow prevention device. Pat asked who would put the service in or would we be paying Canby Utility to install the meter and Jim said we will put the service to the meter and Jason said he would be responsible from the backside of the meter and the answer was yes.

#### **CITY OF CANBY, PLANNING DEPARTMENT, Bryan Brown**

- I have a couple of questions in regards to your dimensions and the width of the lot. You have 65.3 ft when the tax lot map reads 80 ft and Jason said the 65.3 ft is the width of the building and the 7 and 7.8 ft are the setbacks. Bryan said you discussed the bump out in the front of the development and you said someone purchased it in the past and the tax lot map said it was 35 ft and this is showing only 32 or 33 ft dimension, is it out of scale. Hassan asked if it was surveyed and Jason said yes. Hassan said he would trust the surveyor's map before the tax lot map.
- The parking lot on the south side of the first building typically has a bump out where you back out of the spaces by two or three feet and it makes it difficult when you do not. I question the functionality of those two end parking spaces because of that. I see you have one side having compact cars and the other side for regular vehicles, but we do not have an actual ordinance provision written in the code and maybe if you bump it out to the property line and gain a foot or something.

- Are you planning on doing a Site and Design Review for your apartment development at the same time you are doing the partition because you would need a Site and Design Review application if you want this layout approved? Jason said it is my goal to do the Site and Design Review and show the commission on what we are doing and how it lays out. Bryan said part of the design will be landscaping and meeting the 15 or 30 percent landscaping, I do not remember at this time for the R-2 zone. Jason asked if he could include the existing house as well and Bryan said no, you are partitioning it off and I would just do a Site and Design Review for the apartment site because it is a proposed property development. There will be a matrix requirement and the one for the apartments is more user friendly than the general one for commercial and other stuff. You will get some points for this barbecue area and it might help on gaining points.
- I do not see anything else. You have the setbacks you need and the access looks fine. I looked up the street and it is a local street. The driveway separation is supposed to be 10 ft and it looks like with the sidewalk between the property lines you will be able to achieve this separation. I do not know where the other driveway is located for the other house to the west and Jason said on the opposite side of their property. Hassan asked if they need to have the 7 ft separation on the south side and Bryan said they could shift it over here a bit and Hassan said it was just a thought. Pat said that is fine, we only have 5 ft on the portion of the driveway south of the house. Jason said we are trying to maintain a foot here in the curve and Pat said he thought they could make that corner and curb out and it should buy us 2 ft.
- I was debating on whether to have you do a traffic study and at this time I will waive the traffic study. You are right on the cusp and we did have a traffic study requirement for an eight lot single detached family subdivision and I just think the location and nature of this project does not warrant it and I think the street can handle the traffic.



# City of Canby

## **PUBLIC HEARING NOTICE & REQUEST FOR COMMENTS FORM**

City File No.: **DR & MLP 18-01**

Project Name: **Tievoli Apartments**

**PUBLIC HEARING DATE: MARCH 12, 2018**

The purpose of this Notice is to invite you to the Planning Commission Public Hearing on Monday, March 12, 2018, at 7 pm in the City Council Chambers, 222 NE 2<sup>nd</sup> Ave, to consider Site and Design Review & Minor Land Partition applications (DR 18-01 & MLP 18-01) and provide comments. Applicant proposes to partition an existing 32,234 square foot parcel, located at 203 SW 3<sup>rd</sup> Ave, into two parcels and develop the new 24,233 square foot parcel by constructing two apartment buildings consisting of four units each.



**Location:** 203 SW 3rd (See property hatched in red on map at left).

**Tax Lot:** 31E33CD05700

**Lot Size & Zoning:** .74 acres, zoned R-2 High Density Residential Zone

**Property Owners:** Jason & Jeanne Bristol

**Applicant:** Jason Bristol

**Application Type:** Site and Design Review (Type III)/Minor Land Partition (Type III)

**City File Number:** DR 18-01/MLP 18-01

**Contact:** David Epling 503-266-0686 or

[eplingd@canbyoregon.gov](mailto:eplingd@canbyoregon.gov)

**Comments due** – If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form by February 28, 2018. Written and oral comments can also be submitted up to the time of the Public Hearing and may also be delivered in person during the Public Hearing.

**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?** Prior to the Public Hearing comments may be mailed to the Canby Planning Department, PO Box 930, Canby, OR 97013; delivered in person to 222 NE 2<sup>nd</sup> Ave; or emailed to [PublicComments@canbyoregon.gov](mailto:PublicComments@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 will be available for inspection starting Friday, March 2, 2018 and can be viewed on the City’s website: [www.canbyoregon.gov](http://www.canbyoregon.gov). Copies are available at \$0.25 per page or can be emailed to you upon request.

**Applicable Canby Municipal Code Chapters:**

- 16.08 General Provisions
- 16.10 Off-Street Parking and Loading
- 16.20 R-2 High Density Residential Zone
- 16.21 Residential Design Standards
- 16.42 Signs
- 16.43 Outdoor Lighting Standards
- 16.46 Access Limitations on Project Density
- 16.49 Site and Design Standards
- 16.60 Major or Minor Partitions
- 16.64 Subdivisions-Design Standards
- 16.89 Application and Review Procedures
- 16.120 Parks, Open Space, and Recreation Land General Provisions

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

# CITY OF CANBY –COMMENT FORM

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

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

Written comments to be included in Planning Commission packet are due by Wednesday, February 28, 2018. Written and oral comments can be submitted up to the time of the Public Hearing and may also be delivered in person during the Public Hearing.

***Application: DR 18-01/MLP 18-01 Tievoli Apartments***

**COMMENTS:**

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NAME: \_\_\_\_\_  
EMAIL: \_\_\_\_\_  
ORGANIZATION/BUSINESS/AGENCY: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
PHONE # (optional): \_\_\_\_\_  
DATE: \_\_\_\_\_

**PLEASE EMAIL COMMENTS TO**  
[PublicComments@canbyoregon.gov](mailto:PublicComments@canbyoregon.gov)

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

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

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

**Thank you!**

# **CITY OF CANBY –COMMENT FORM**

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

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

Written comments to be included in Planning Commission packet are due by Wednesday, February 28, 2018. Written and oral comments can be submitted up to the time of the Public Hearing and may also be delivered in person during the Public Hearing.

**Application: DR 18-01/MLP 18-01 Tievoli Apartments**

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**COMMENTS:**

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EMAIL: \_\_\_\_\_  
ORGANIZATION/BUSINESS/AGENCY: \_\_\_\_\_  
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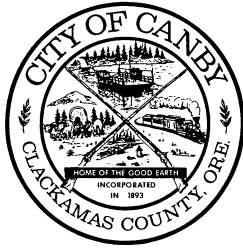
**PLEASE EMAIL COMMENTS TO**  
[\*\*PublicComments@canbyoregon.gov\*\*](mailto:PublicComments@canbyoregon.gov)

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

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

**Thank you!**



BEFORE THE PLANNING COMMISSION  
OF THE CITY OF CANBY

A REQUEST FOR SITE AND DESIGN REVIEW)  
TO CONSTRUCT 2,934 AND 4,232 )  
SQUARE FOOT APARTMENT BUILDINGS )  
AND A MINOR PARTITION APPLICATION )  
TO DIVIDE A 32,234 SQUAR FOOT PARCEL )  
INTO TWO PARCELS OF 8,001 AND )  
24,233 SQUARE FOOT EACH

FINDINGS, CONCLUSION & FINAL ORDER  
DR 18-01/MLP 18-01  
JASON BRISTOL

**NATURE OF THE APPLICATION**

The Applicant has sought approval of site and design review and minor land partition to construct apartment houses consisting of two building of 2,934 square feet (Building A) and 4,234 square feet (Building B) and to divide a 32,234 square foot parcel into two parcels of 8,001 and 24,233 Square feet. Building A will contain four one-bedroom units, and Building B will contain four two-bedroom units. The property is located at 203 SW 3<sup>rd</sup> Avenue otherwise described as Map and Tax Lot 31E33CD05700, City of Canby, Clackamas County, Oregon. The property is zoned R-2 (High Density Residential) in the Canby Municipal Code (CMC) and designated High Density Residential under the Canby Comprehensive Plan.

**HEARINGS**

The Planning Commission considered application DR 18-07/MLP 18-01 after the duly noticed hearing on March 12, 2018 during which the Planning Commission by a \_\_\_/\_\_\_ vote approved DR 18-01/MLP 18-01. These findings are entered to document the specifics of the approval.

**CRITERIA AND STANDARDS**

In judging whether or not a Site and Design Review and Minor Partition application shall be approved, the Planning Commission determines whether criteria from the Code are met, or can be met by observance of conditions, in accordance with Chapter 16.49.040 Site & Design Review and 16.60-040 Minor Partition and other applicable code criteria and standards reviewed in the Staff Report dated February 28, 2018 and presented at the March 12, 2018 meeting of the Canby Planning Commission.

**FINDINGS AND REASONS**

The Staff Report was presented by staff with a recommendation for approval of the Site and Design Review/ Minor Partition application (prior to and without benefit of the public hearing) along with 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.

After holding the public hearing where written and oral testimony was received from the applicant, other



proponents, those who were neutral, and opponents in attendance; the Planning Commission closed the public hearing and moved into deliberation where they utilized the findings and conditions listed in the staff report along with the overall presentation record at the public hearing to make the following findings beyond those contained in the staff report to arrive at their decision and support their recommended conditions of approval:

**The Commission Makes the Following Additional Findings:**

- 

**CONCLUSION**

In summary, the Planning Commission adopted the findings contained in the Staff Report along with the additional findings indicated above, concluded that the Site and Design Review/Minor Partition application meets all applicable approval criteria, and recommended that City File# DR 18-01/MLP 18-01 be approved with the Conditions of Approval stated below. The Planning Commission decision is reflected in the written Order below.

**ORDER**

The Planning Commission concludes that based on the record on file including testimony of the applicant and public at the public hearing, and findings of the Planning Commission that the application will meet the requirements for Site and Design Review and Minor Subdivision approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **DR 18-01/MLP 18-01** is approved, subject to the following conditions of approval:

**CONDITIONS OF APPROVAL:**

**Conditions Unique to this Proposal**

1. The applicant shall meet the requirements listed in the City Engineer’s memorandum dated February 19, 2018 as follows:
  - A. The developer shall construct a commercial driveway approach on SW 3rd Avenue consisting of a minimum 6-inches thick concrete with welded wire fabric or rebar.
  - B. The existing driveway to the existing house on SW 3rd Avenue shall be retrofitted to comply with the current ADA guidelines.
  - C. The existing power pole shall be relocated so that the minimum clear path of 48-inches for ADA compliance is met.
  - D. The sanitary sewer can be extended to the site from the existing manhole on SW 3rd Ave.
  - E. The storm drainage shall be disposed on-site. Any UIC facilities shall be Rule Authorized by DEQ. The developer's engineer shall submit to the City for review and approval a storm drainage report. Overflow route may be required.
2. The applicant must designate eight bike spaces or racks for the development on the official site plan.
3. The applicant shall provide an irrigation plan at the hearing or prior to proceeding with construction of the project.

**Procedural Conditions**

Prior to Issuance of building permits, the following must be completed:

4. The design engineer shall submit to the City of Canby for review and approval at the time of final construction plan approval a storm drainage analysis and report applicable to the defined development area detailing how storm water disposal from both the building and the parking areas is being handled – including a pre and post development analysis. Any drainage plan shall conform to the Clean Water Services storm drainage design standards as indicated in the Public Works design standards.
5. A sediment and Erosion Control Permits will be required from the City prior to commencing site work.
6. Prior to the issuance of a building permit, the installation of public utilities, or any other site work other than rough site grading, construction plans must be approved and signed by the City and all other utility/service providers. A Pre-Construction Conference with sign-off on all final construction plans is required. The applicant may submit the civil construction drawings separate from the building permit submittal package for final preconstruction conference sign-off approval. The design, location, and planned installation of all roadway improvements and utilities including but not limited to water, electric, sanitary sewer, natural gas, telephone, storm water, cable television, and emergency service provisions is subject to approval by the appropriate utility/service provider. The City of Canby's preconstruction process procedures shall be followed.
7. Construction plans shall be designed and stamped by a Professional Engineer registered in the State of Oregon.
8. Clackamas County will provide structural, mechanical, grading, and review of Fire & Life Safety, Plumbing, and Electrical permits for this project. Fire & Life Safety approval must be obtained from Canby Fire District prior to issuance of a City building permit.

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

9. The applicant is responsible for determining if existing utility service to all existing structures will need to be relocated or protected by private easement as a result of this partition.
10. Any access or utility easement to serve the parcels shall be shown on the recorded partition plat.

**Final Partition Plat Conditions:**

11. A final surveyed partition plat shall be prepared by a licensed surveyor for recording the partition plat of record. Prior to recordation with Clackamas County, the plat shall be submitted to the city along with applicable fees for review by the city and other appropriate agencies. The final 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.

**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 final 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 city engineer or county surveyor shall verify compliance with this condition prior to the recordation of the final plat.

**I CERTIFY THAT THIS ORDER** approving **DR 18-01/MLP 18-01** which was presented to and **APPROVED** by the Planning Commission of the City of Canby.

**DATED** this 12th day of March, 2018

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

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

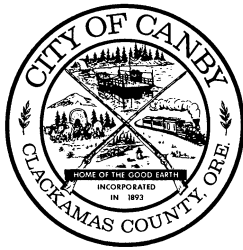
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 Laney Fouse, Attest  
 Recording Secretary

**ORAL DECISION: March 12, 2018**

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

**WRITTEN DECISION: March 12, 2018**

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



BEFORE THE PLANNING COMMISSION  
OF THE CITY OF CANBY

**A REQUEST FOR SITE AND DESIGN REVIEW)  
TO CONSTRUCT 2,934 AND 4,232 )  
SQUARE FOOT APARTMENT BUILDINGS )  
AND A MINOR PARTITION APPLICATION )  
TO DIVIDE A 32,234 SQUAR FOOT PARCEL )  
INTO TWO PARCELS OF 8,001 AND )  
24,233 SQUARE FOOT EAC**

**FINDINGS, CONCLUSION & FINAL ORDER  
DR 18-01/MLP 18-01  
JASON BRISTOL**

**NATURE OF THE APPLICATION**

The Applicant has sought approval of site and design review and minor land partition to construct apartment houses consisting of two buildings of 2,934 square feet (Building A) and 4,234 square feet (Building B) and to divide a 32,234 square foot parcel into two parcels of 8,001 and 24,233 Square feet. Building A will contain four one-bedroom units, and Building B will contain four two-bedroom units. The property is located at 203 SW 3<sup>rd</sup> Avenue otherwise described as Map and Tax Lot 31E33CD05700, City of Canby, Clackamas County, Oregon. The property is zoned R-2 (High Density Residential) in the Canby Municipal Code (CMC) and designated High Density Residential under the Canby Comprehensive Plan.

**HEARINGS**

The Planning Commission considered application DR 18-01/MLP 18-01 after the duly noticed hearing on March 12, 2018 during which the Planning Commission by a \_\_\_/\_\_\_ vote approved DR 18-01/MLP 18-01. These findings are entered to document the specifics of the approval.

**CRITERIA AND STANDARDS**

In judging whether or not a Site and Design Review and Minor Partition application shall be approved, the Planning Commission determines whether criteria from the Code are met, or can be met by observance of conditions, in accordance with Chapter 16.49.040 Site & Design Review and 16.60-040 Minor Partition and other applicable code criteria and standards reviewed in the Staff Report dated February 28, 2018 and presented at the March 12, 2018 meeting of the Canby Planning Commission.

**FINDINGS AND REASONS**

The Staff Report was presented by staff with a recommendation for approval of the Site and Design Review/ Minor Partition application (prior to and without benefit of the public hearing) along with 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.

After holding the public hearing where written and oral testimony was received from the applicant, other proponents, those who were neutral, and opponents in attendance; the Planning Commission closed the public hearing and moved into deliberation where they utilized the findings and conditions listed in the staff report along with the overall presentation record at the public hearing to make the following findings

beyond those contained in the staff report to arrive at their decision and support their recommended conditions of approval:

**CONCLUSION**

In summary, the Planning Commission adopted the findings contained in the Staff Report along with the additional findings indicated above, concluded that the Site and Design Review/Minor Partition application meets all applicable approval criteria, and recommended that City File# DR 18-01/MLP 18-01 be approved with the Conditions of Approval stated below. The Planning Commission decision is reflected in the written Order below.

**ORDER**

The Planning Commission concludes that based on the record on file including testimony of the applicant and public at the public hearing, and findings of the Planning Commission that the application will meet the requirements for Site and Design Review and Minor Subdivision approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **DR 18-01/MLP 18-01** is approved, subject to the following conditions of approval:

**CONDITIONS OF APPROVAL:**

**Conditions Unique to this Proposal**

1. The applicant shall meet the requirements listed in the City Engineer’s memorandum dated February 19, 2018 as follows:
  - A. The developer shall construct a commercial driveway approach on SW 3rd Avenue consisting of a minimum 6-inches thick concrete with welded wire fabric or rebar.
  - B. The existing driveway to the existing house on SW 3rd Avenue shall be retrofitted to comply with the current ADA guidelines.
  - C. The existing power pole shall be relocated so that the minimum clear path of 48-inches for ADA compliance is met.
  - D. The sanitary sewer can be extended to the site from the existing manhole on SW 3rd Ave.
  - E. The storm drainage shall be disposed on-site. Any UIC facilities shall be Rule Authorized by DEQ. The developer's engineer shall submit to the City for review and approval a storm drainage report. Overflow route may be required.
2. The applicant must designate eight bike spaces or racks for the development on the official site plan.
3. The applicant shall provide an irrigation plan at the hearing or prior to proceeding with construction of the project.

**Procedural Conditions**

Prior to Issuance of building permits, the following must be completed:

4. The design engineer shall submit to the City of Canby for review and approval at the time of final construction plan approval a storm drainage analysis and report applicable to the defined development area detailing how storm water disposal from both the building and the parking areas is being handled – including a pre and post development analysis. Any drainage plan shall conform to the Clean Water Services storm drainage design standards as indicated in the

Public Works design standards.

5. A sediment and Erosion Control Permits will be required from the City prior to commencing site work.
6. Prior to the issuance of a building permit, the installation of public utilities, or any other site work other than rough site grading, construction plans must be approved and signed by the City and all other utility/service providers. A Pre-Construction Conference with sign-off on all final construction plans is required. The applicant may submit the civil construction drawings separate from the building permit submittal package for final preconstruction conference sign-off approval. The design, location, and planned installation of all roadway improvements and utilities including but not limited to water, electric, sanitary sewer, natural gas, telephone, storm water, cable television, and emergency service provisions is subject to approval by the appropriate utility/service provider. The City of Canby's preconstruction process procedures shall be followed.
7. Construction plans shall be designed and stamped by a Professional Engineer registered in the State of Oregon.
8. Clackamas County will provide structural, mechanical, grading, and review of Fire & Life Safety, Plumbing, and Electrical permits for this project. Fire & Life Safety approval must be obtained from Canby Fire District prior to issuance of a City building permit.

Minor Partition Conditions Unique to This Request:

9. The applicant is responsible for determining if existing utility service to all existing structures will need to be relocated or protected by private easement as a result of this partition.
10. Any access or utility easement to serve the parcels shall be shown on the recorded partition plat.

Final Partition Plat Conditions:

11. A final surveyed partition plat shall be prepared by a licensed surveyor for recording the partition plat of record. Prior to recordation with Clackamas County, the plat shall be submitted to the city along with applicable fees for review by the city and other appropriate agencies. The final 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.

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 final 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 city engineer or county surveyor shall verify compliance with this condition prior to the recordation of the final plat.

I CERTIFY THAT THIS ORDER approving DR 18-01/MLP 18-01 which was presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 12th day of March, 2018

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

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

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

**ORAL DECISION: March 12, 2018**

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

**WRITTEN DECISION: March 12, 2018**

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