

PLANNING COMMISSION

Meeting Agenda

Monday, July 23, 2018

7:00 PM

City Council Chambers – 222 NE 2nd Avenue

Commissioner John Savory (Chair)

Commissioner Larry Boatright (Vice Chair)

Commissioner John Serlet

Commissioner Derrick Mottern

Commissioner Tyler Hall

Commissioner Shawn Varwig

Commissioner Andrey Chernishov

1. CALL TO ORDER

- a. Invocation and Pledge of Allegiance

2. CITIZEN INPUT ON NON-AGENDA ITEMS

(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 citizen input before tonight's meeting ends or as quickly as possible thereafter.)

3. MINUTES

- a. Approval of Planning Commission Minutes for July 9, 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 & Design Review (Type III), application Applicant proposes to develop a 2,500 SF professional office building in a C-M (Heavy Commercial/Manufacturing) zone at 1530 SE 3rd Court (**DR 18-05 Gustafson Professional Office Building**).
- b. Consider a request for a Minor Land Partition (Type III) application to create a separate lot for the Mulino Road Pump Station currently existing on an easement granted by property owner . (**MLP 18-03 City of Canby Mulino Road Pump Station**)

6. FINAL DECISIONS - None

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

- a. **Final Findings DR 18-05 Gustafson Professional Office Building**
- c. **Final Findings MLP 18-03 City of Canby Mulino Road Pump Station**

7. ITEMS OF INTEREST/REPORT FROM PLANNING STAFF

- a. Next regularly scheduled Planning Commission meeting – Monday, August 13, 2018
 - SUB 18-02 Cougar Run 23-lot Subdivision
 - SUB 18-03 Pine Place 6-lot Subdivision

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

9. ADJOURNMENT

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

PUBLIC HEARING FORMAT

The public hearing will be conducted as follows:

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

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

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

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

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

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

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



City of Canby

SITE AND DESIGN REVIEW STAFF REPORT

FILE #: DR 18-05

Prepared for the July 23, 2018 Planning Commission Hearing

LOCATION: 1530 SE 3rd Court

TAX LOT: 31E34C04000 (Bordered in map below)

LOT SIZE: 0.33 acres

ZONING: C-M Heavy Commercial/Manufacturing Zone/M-1 Light Industrial Zone

OWNER: Scott Gustafson



APPLICANT: Draft Craft, LLC

REPRESENTATIVE: Peter Hostetler

APPLICATION TYPE: Site & Design Review (Type III)

CITY FILE NUMBER: DR 18-05

APPLICANT'S REQUEST:

The subject parcel is located on the north side of SE 3rd Court approximately 140 feet east of Redwood Street. The applicant is seeking site and design approval to construct a 2,469 square foot office building. The proposed building must be utilized for business and professional offices including medical/healthcare uses as required under approval of CPA 04-02/ZC 04-03, and Development Agreement 2005-020680, unless the Planning Commission approves alternative uses or until a change of the zone designation. The Agreement also notified future property owners that industrial uses are permitted in the surrounding zones and complaints about noise are not justified under the Agreement. The parcel is not located within Canby Industrial Area Overlay or the Downtown Canby Overlay zone. The structure is designed as a one-story building with conventional wood construction

and will have masonry and wood trim and be painted in earth tones. The structure will be situated on SE 3rd Court which is a private street within the approved subdivision and has access onto Redwood Street. The subject parcel is zoned C-M, Heavy Commercial/Manufacturing Zone with a small portion of the lot extending approximately 50 feet into the M-1, Light Industrial Zone and is correspondingly designated appropriately in the Canby Comprehensive Plan. The site is not located in a Comprehensive Plan Area of Special Concern. The property is bordered on the south and west by the M-1 zone and the north and east by the C-M zone.

SECTION I APPLICABLE REVIEW CRITERIA:

City of Canby Land Development and Planning Ordinance Chapters:

- 16.08 General Provisions**
- 16.10 Off-Street Parking and Loading**
- 16.30 Heavy Commercial/Manufacturing Zone**
- 16.32 M-1 Light Industrial Zone**
- 16.43 Outdoor Lighting Standards**
- 16.46 Access Limitations**
- 16.49 Site and Design Review**
- 16.89 Application and Review Procedures**
- 16.120 Parks, Open Space, and Recreational Land**

SECTION II REVIEW FOR CONFORMANCE WITH APPLICABLE APPROVAL CRITERIA:

16.08 General Provisions:

16.08.070 Illegally Created Lots

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

Findings: Based on available information, the parcel was created as Lot 8, Redwood Professional Village 2 Subdivision. Subsequently, the subject property can be considered a legal lot for land use purposes.

16.08.090 Sidewalks Requirements

A. In all commercially zoned areas, the construction of sidewalks and curbs (with appropriate ramps for the handicapped on each corner lot) shall be required as a condition of the issuance of a building permit for new construction or substantial remodeling, where such work is estimated to exceed a valuation of twenty thousand dollars, as determined by the building code. Where multiple permits are issued for construction on the same site, this requirement shall be imposed when the total valuation exceeds twenty thousand dollars in any calendar year.

B. The Planning Commission may impose appropriate sidewalk and curbing requirements as a condition of approving any discretionary application it reviews. (Ord. 740 section 10.3.05(I), 1984)

Findings: The project is a development of a vacant lot. Sidewalks and curbs on the street frontage shall be improved to Canby Public Works standards as required by the City Engineer. Improvements could include sidewalks 5 foot wide constructed along the frontage. All sidewalks within the development area must meet required standards.

16.08.150 Traffic Impact Study (TIS)

A. Purpose. The purpose of this section of the code is to implement Section 660-012-0045(2)(b) of the State Transportation Planning Rule, which requires the city to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards to determine when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities: what information must be included in a Traffic Impact Study; and who is qualified to prepare the Study.

B. Initial Scoping. During the pre-application conference, the city will review existing transportation data to determine whether a proposed development will have impacts on the transportation system. It is the responsibility of the applicant to provide enough detailed information for the city to make a determination. If the city cannot properly evaluate a proposed development's impacts without a more detailed study, a transportation impact study (TIS) will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts. If a TIS is required, the city will provide the applicant with a "scoping checklist" to be used when preparing the TIS.

C. Determination. Based on information provided by the applicant about the proposed development, the city will determine when a TIS is required and will consider the following when making that determination.

1. Changes in land use designation, zoning designation, or development standard.
2. Changes in use or intensity of use.

3. Projected increase in trip generation.
4. Potential impacts to residential areas and local streets.
5. Potential impacts to priority pedestrian and bicycle routes, including, but not limited to school routes and multimodal street improvements identified in the TSP.
6. Potential impacts to intersection level of service (LOS).

Findings: Based on criteria listed in *16.08.150 (C)* above, a TIS was conducted for the application that created the subdivision (SUB 05-06/MLP 05-04). A provision conditioned in CPA 04-02/ZC 04-03 stated that future development could not generate more than 1,022 vehicle trip ends during an average weekday, and the traffic study determined that development of the subdivision would generate 864 vehicle trips.

16.10 Off Street Parking

16.10.030 General requirements

A. Should the owner or occupant of a structure change the use to which the building is put, thereby increasing parking or loading requirements, the increased parking/loading area shall be provided prior to commencement of the new use.

C. In the event several uses occupy a single structure, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately. If the applicant can demonstrate that the uses do not have overlapping parking needs (based on days and hours of operation) and can share parking, the total requirement for combined uses may be reduced by up to 60 percent.

Findings: In this particular case, the applicant is not changing the existing use on the property but building on a vacant parcel. All uses that will occupy the structures in the future must be consistent with those required under Development Agreement 2005-020680, such as business and professional offices, including medical, dental, and other similar healthcare uses.

16.10.050 Parking standards designated

Parking for the proposed building can be calculated with the standard for commercial buildings listed in *Table 16.10.050*. This standard states the following:

General Offices: *2.00 spaces per 1,000 gross square feet of floor area.*

Findings: The applicant referred to the table in 16.10.050 to include parking information in the submitted narrative that calculated the square footage of the building and the number of proposed parking spaces based on the formula of 2 spaces for every 1000 square foot of floor space. The applicant stated a square footage of 2,469 square feet for general office use that results in a calculation of parking spaces for office use that totals 5 parking spaces required for the use. The applicant stated that a total of 14 spaces would be provided for the project. The project meets this requirement.

16.10.060 Off-street loading facilities

A. The minimum number of off-street loading berths for commercial and industrial uses is calculated using the table listed in 16.10.060(A).

Findings: Commercial buildings of less than 5000 square feet in size are exempt from loading berth requirements.

16.10.070 Parking lots and access

16.10.100 Bicycle Parking

Findings: Staff finds that applicant's response adequately addresses this criterion. The submitted narrative indicates that the provisions for bicycle parking listed in 16.10.100 can be met. The applicant delineates the location of the bicycle parking spaces (rack) on the submitted site plan. The information provided addressed provisions for parking space size, number, and type listed in 16.10.070 and other requirements for parking lot and access standards. Site accesses will be developed during the construction process. Although the proposal is situated on a private street, it appears to meet the driveway spacing distance of 10 foot driveway separation listed in the Public Works Design Standards for a local street.

16.30 C-M (Heavy Commercial/Manufacturing Zone)

Findings: The property was approved for current zoning (C-M) under land use case CPA 04-02/ZC 04-03. The C-M Zone refers to uses permitted in the C-2 and C-1 zones that allow for office uses. A condition of approval as well as a Development Agreement limited the property and subsequent subdivision to professional office uses such as medical and dental space. The proposal is consistent with the limited uses for the subdivision.

16.32 M-1 (Light Industrial Zone)

Findings: A strip of M-1 zoning, approximately 60 foot wide and 475 feet long, extends along the norther portion of the subdivision. Based on the applicant's submitted drawings, this area of the subject property is intended for storm water retention and a maneuvering area in the parking lot. Business or professional office is a permitted use in the M-1 Zone.

16.42.040 Signs

Findings: The applicant proposes a "Blade Sign" that will be installed during construction. Any future signs must be reviewed with submittal of a Sign Permit Application at the time of construction and must be placed outside any vision clearance area. The sign shall meet provisions in Table 2 of Section 16.42.050.

16.43 Outdoor Lighting Standards

Findings: The applicant states that all lighting for this project will be constructed to meet requirements. However, no material was submitted with the application to verify if the lighting meets the standards listed in Chapter 16.43. A Lighting Plan is required under Section 16.43.110 meeting the criteria listed in that section. Also, the luminaire lamp lumens details required in this section must be verified with technical data usually provided by a manufacturer. Data also must be submitted to address Table 16.43.070 for shielding and if height standards are met as required by 16.43.080. Meeting this criteria will be a condition of approval.

16.46 Access Limitations on Project Density

Findings: As previously mentioned, ingress and egress for the project is from SE 3rd Court. Based on available information, the proposed driveway will meet spacing standards listed in the Section. Considering the street is private, the driveway and sidewalk must comply with Clackamas County building and ADA standards at the time of inspection.

16.49.040 Site and Design Review - Criteria and Standards

- B. In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:
1. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable city ordinances insofar as the location, height and appearance of the proposed development are involved; and
 2. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
 3. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.
 4. The proposed development incorporates the use of LID best management practices whenever feasible based on site and soil conditions. LID best management practices include, but are not limited to, minimizing impervious surfaces, designing on-site LID storm water management facilities, and retaining native vegetation.
 5. The Board shall, in making its determination of compliance with this Ordinance, shall use the matrix in Table 16.49.040 to determine compatibility unless this matrix is superseded by another matrix applicable to a specific zone or zones under this title. An application is considered to be compatible with the standards of Table 16.49.040 if the following conditions are met:

a. The development accumulates a minimum of 60 percent of the total possible number of points from the list of design criteria in Table 16.49.040; and

b. At least 10 percent of the points used to comply with (a) above must be from the list of LID Elements in Table 16.49.040. (Ord. 1338, 2010).

D. In review of a Type III Site and Design Review Application, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the INTENT of the design review standards set forth in this ordinance.

Findings: The applicant filed a Type III application, and provided a response to Table 16.49.040 to demonstrate compliance with the total point menu matrix and meets criterion in “B” above. Information provided to the file established that the proposal meets the above criteria.

16.49.065 Bicycle and pedestrian facilities

Developments coming under design review shall meet standards listed in this section.

Findings: Staff concludes that the applicant adequately addressed this criterion. The facilities are discussed in the narrative and delineated on the Tentative Site Plan.

16.49.070 Landscaping provisions, Authority and intent

The purpose of this section is to establish standards for landscaping within the City of Canby in order to enhance the environmental and aesthetic quality of the city

16.49.080 General provisions for landscaping

Findings: The applicant provided a scaled landscape plans and comments to address planting and landscape provisions listed in this section. The information contained specifics on LID storm water management, specification of tree and plant materials and other information required in this section and contained in the landscape calculation form provided with the application. After a review of all information provided, staff concluded that the project meets these standards.

16.89 Application and Review Procedures

16.89.020 Description and Summary of Processes

All land use and development applications shall be decided by using the procedures contained in this Chapter. Specific procedures for each type of permit are contained in Sections 16.89.030 through 16.89.060. The procedure type assigned to each permit governs the decision-making process for that permit. Additional requirements may be found in the individual chapters governing each permit type. The four types of procedure are described below. Table 16.89.020 lists the City’s land use and development applications and their required procedures.

C. Type III Procedure (Quasi-Judicial/Legislative). Type III decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the City Council. Type III procedures generally use discretionary approval criteria.

Finding: The proposed project is subject to a Type III Site and Design Review procedure. The required land use application process has been followed. Both a pre-application meeting and a neighborhood meeting were held prior to formal public hearing application. Meeting notes for both meetings were included with the applicant submittal. The proposed project is subject to a Type III Site and Design Review procedure as set forth in Chapter 16.89 and subject to criteria and standards in the appropriate Sections of the CMC. Therefore, this proposal is subject to Planning Commission review and decision.

16.89.050 Type III Decision

Findings: Requirements under this section are included in the application materials. The Pre-application was held on April 19, 2018. The neighborhood meeting was held April 27, 2018.

16.120 Parks, Open Space, and Recreation Land

Findings: The applicant shall accept the application of a parks SDC fee prior to issuance of a building permit in lieu of park land dedication with this development project. This standard can be met.

Public Comments:

No public comments were received at the time this staff report was written.

Agency Comments:

City Engineer provided comments in a memo dated July 9, 2018 and will be conditions of approval.

DirectLink stated adequate public services will be available.

No other comments concerning the proposal were received from service providers beyond input from the pre-application meeting.

SECTION III STAFF CONCLUSION/RECOMMENDATION:

Staff concludes that the use is in conformance with the City's Comprehensive Plan and the Zoning Ordinance. Additionally, the relevant site and design standards and minimum acceptable compatibility scores are met, and the site can accommodate the proposed use. The public service and utility provision to the site is available or can be made available

through future improvements. Staff recommends **approval** of DR 18-05 subject to meeting the conditions of approval listed below.

Approval of this application is based on submitted application materials. Approval is strictly limited to the submitted proposal and is not extended to any other development of the property. Any modification of development plans not in conformance with the approval of application DR 18-05 including all conditions of approval, shall first require an approved modification in conformance with the relevant sections of the Canby Municipal Code.

SECTION IV CONDITIONS OF APPROVAL:

Conditions Unique to this Proposal

1. The applicant shall file a sign permit for any future planned signs that shall be limited to the size and height standards applicable to the C-M (Heavy Commercial/Manufacturing Zone) as indicated in Section 16.42.050, Table 2, of the sign ordinance. The proposed signs, after been found to conform to the sign ordinance, must secure a building permit from Clackamas County Building Inspection prior to their installation if applicable.
2. The project must be in conformance with the applicable findings and recommendations outlined by the City Engineer in his memorandum dated July 9, 2018 as follows:
 - 1) A 5 foot sidewalk shall be constructed along the entire frontage with SE 3rd Court.
 - 2) The driveway entrance shall be a commercial driveway approach consisting of 6" min concrete thickness with WWF mesh.
 - 3) Sanitary sewer stub is available at the site.
 - 4) Storm water shall be disposed on-site or connected to the existing stub.
3. At the Pre-construction Conference, the applicant shall submit a Lighting Plan and other data that proves the project meets criteria stated in Section 16.43 CMC.
4. At the Pre-construction Conference, the applicant shall submit a Grading Plan.
5. At the Pre-construction Conference, the applicant shall submit a Utility Plan.

Procedural Conditions

Prior to Issuance of a Building Permit the following must be completed:

6. 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. Any drainage plan shall conform to an acceptable methodology for meeting adopted storm drainage design standards as indicated in the Public Works design standards.

7. A Sediment and Erosion Control Permit will be required from the City prior to commencing site work.
8. Prior to the issuance of a building permit, the installation of public or private 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 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.
9. Construction plans shall be designed and stamped by a Professional Engineer registered in the State of Oregon.
10. Clackamas County will provide structural, mechanical, grading, and review of Fire & Life Safety, Plumbing, and Electrical permits for this project.

Prior to Occupancy of the Facility:

11. Prior to occupancy of the facility, all landscaping plant material indicated on the submitted landscape plan shall either be installed and irrigated with a fully automatic design/build irrigation system as proposed, or with sufficient security (bonding, escrow, etc.) pursuant to the provisions of CMC 16.49.100 (B).

Section V Attachments/Exhibits:

1. Application
2. Applicant narrative
3. Proposed Site Plan
4. Combined Plan Set
5. Neighborhood Meeting Comments
6. Pre-application Conference Summary
7. Agency/Public Comments

APPLICATION FOR SITE & DESIGN REVIEW

NARRATIVE

Applicant:

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

Owner:

Scott Gustafson
541 NW 2nd Avenue
Canby, OR 97013

Location:

1530 SE 3rd Court, Canby, Oregon

Legal Description:

Tax Lot 4000;
Assessor Map: 3 1E 34C

Zoning:

C-M (Heavy Commercial/Manufacturing Zone)

Size:

14476 Square Feet

Proposal:

Develop and build 2500 square foot professional office building with off-street parking, landscaping and signage.

Date:

May 31ST, 2018

SITE DESCRIPTION

The Lot is located on the NW side of SE 3rd Court. SE 3rd Court is a privately owned and maintained road which connects to S Redwood Street. The Lot is currently vacant, mostly flat, with slight slope to the NE. The Lot has no identified significant natural resources or physical hazards.

Public sanitary sewer, water lines, electrical conduits, and communication conduits are located on the Lot. Fire protection is provided to the Lot by Canby Fire District and police protection is provided by the City of Canby Police Department.

1530 SE 3rd Court is Lot 8 of Clackamas County Partition Plat No. 4043 titled "Redwood Professional Village" dated December 13th, 2005.

PROPOSAL

A single story, "B Occupancy" building is being proposed with other appropriate site improvements including parking, landscaping and utilities. The building is roughly 2500 square feet with 13 parking spaces including an ADA compliant space and required landscaping.

The building is a conventional wood frame structure. The exterior closely matches those of the development with horizontal lap siding and masonry accents.

The parking spaces provided exceed that which customarily required for a building of this size. Stormwater is contained onsite with a retention basin.

The landscaping contains additional trees and drought resistant plants.

The building is connected to the parking and public sidewalks at both entrances.

A pre-application conference was held with the City of Canby and service providers to discuss the proposal on April 19th, 2018.

A traffic impact study has not been provided nor required for other proposals in the Redwood Professional Village. The Redwood Professional Village was allotted a total of 1020 vehicle trips per day. As per Staff Report DR 10-01 page 10 last paragraph, the total of the existing developments has a total of 308 daily vehicle trips. It would seem onerous to require a traffic impact study for this proposal since there are a total of 712 daily vehicle trips still unaccounted for.

A neighborhood meeting for the proposal was held April 27th, 2018 at 5:00PM on site at 1530 SE 3rd Court, Canby, Oregon. The meeting notice was mailed two weeks prior to April 27th, 2018 to surrounding property owners within a 500' radius. The proposal was discussed and Lot inspected by attendees. No objections were expressed but much excitement was regarding the proposal.

The meeting was attended by:

Scott Gustafson, Owner
Tim Gustafson
Stephanie Gustafson
Carson Gustafson
Jackson Gustafson
Peter Hostetler

APPLICABLE CRITERIA AND STANDARDS

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

16.08 General Provisions

16.10 Off-Street Parking & Loading

16.30 Heavy Commercial Manufacturing Zone

16.42 Sign

16.43 Outdoor Lighting Standards

16.46 Access Limitations

16.49 Site and Design Review

16.89 Application and Review Procedures

LAND USE AND DEVELOPMENT ORDINANCE

Chapter 16.08 General Provisions

16.08.08 Legal Lot of Record

Response: This Lot was created by Clackamas County Plat No: 4043 titled "Redwood Professional Village" dated December 13th, 2005. This criterion is met.

16.08.09 Sidewalks

Response: SE Third Court is a private road that has been developed and approved by previous City Standards and contains the sidewalks and curbing required. This criterion is met.

16.08.110 Fences

Response: The surrounding properties are all commercial or industrial and noise considerations are not applicable. The proposal includes trash and HVAC equipment screening. This criterion is met.

Chapter 16.10 Off-Street Parking and Loading

16.10.050 Parking Standards Designated

Response: Per Table 16.10.050 – Commercial – f. General Offices there are 2 parking spaces required for every 1000 square feet of floor area. The proposal includes 14 total parking spaces for the 2469 square foot office building. The criterion is met.

16.10.060 Off-Street Loading Facilities

Response: No loading facilities are needed or required. The criterion is met.

16.10.070 Parking Lots & Access

Response: The included Site Plan demonstrates stall sizes, maneuvering areas, construction, and dimensions standards that meet the City Code. The criterion is met.

16.10.100 Bicycle Parking

Response: The proposal includes a rack to accommodate three bicycles. The criterion is met.

Chapter 16.30 Heavy Commercial Manufacturing Zone

16.30.010 Uses Permitted Outright

Response: The general office use of the proposal is permitted outright. This criterion is met.

16.30.030 Development Standards

Response: The included Site Plan & Elevations demonstrate setbacks, building height, lot coverage, and vision clearances that meet the City Code. This criterion is met.

16.42 Signs

16.42.040 Design Standards for Signs

Response: The Blade/Overhang Sign proposed in the included Elevations does not project more than 8' from the building face, is more than 2' of the City street curb, and the bottom is higher than 8' off the sidewalk beneath it. This criterion is met.

16.42.050 Size, Type, & Location of Signs Permitted by Zoning District & Use

Response: The proposed sign is less than 48 square feet. This criterion is met.

16.43 Outdoor Lighting Standards

16.43.070 Luminaire Lamp Lumens, Shielding, & Installation Requirements

Response: The proposal is located in the LZ 2 Zone. The included Site Plan, Elevations, and Manufacturer Specification Sheet demonstrate the proposal's adherence to the City Code. This criterion is met.

16.46 Access Limitations

Response: The applicant proposes no new streets or access connections. This criterion is met.

Chapter 16.49 Site & Design Review

16.49.040 Criteria & Standards

Response: *The completed Site & Design Review Land Use Application includes the Site Design Review Matrix which demonstrates the proposal's adherence to the City Code. This criterion is met.*

16.49.065 Bicycle & Pedestrian Facilities

Response: The included Site Plan shows the interconnectivity sidewalks to the abutting properties. This criterion is met.

16.49.080 General Provisions for Landscaping

Response: The included Landscaping Plan and completed Design Review Matrix demonstrate the proposal's adherence to the City Code. This criterion is met.

16.49.090 Specifications for Tree and Plant Materials

Response: The included Landscaping Plan demonstrates the proposal's adherence to the City Code. This criterion is met.

16.49.120 Parking Lot Landscaping Standards

Response: The included Landscaping Plan and completed Design Review Matrix demonstrate the proposal's adherence to the City Code. This criterion is met.

Chapter 16.89 Application and Review Procedures

16.89.050 Type III Decision

Response: The applicant has completed the Preapplication Conference, held a Neighborhood

Meeting, and applied for the Type III Site & Design Review. The remaining portions of this chapter are to be conducted by City Staff. This criterion is met.

CONCLUSION

The foregoing narrative and accompanying plans and documents together demonstrate that the proposed subdivision and partition conform with the applicable criteria and standards of the City's Land Development and Planning Ordinance. Therefore, the applicant requests that the Planning Commission approve the application.

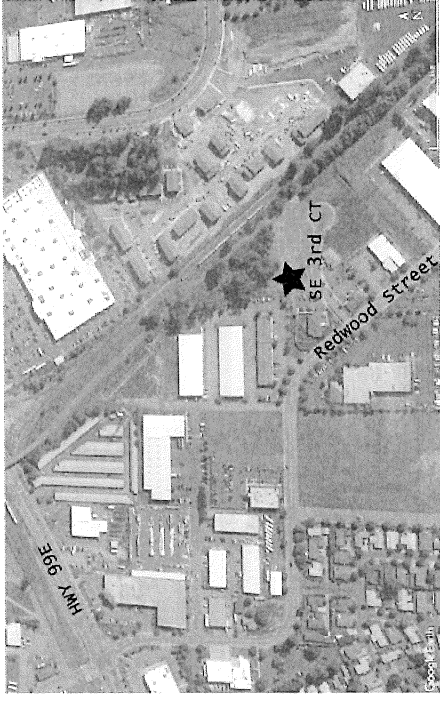
NARRATIVE:
 PROPOSED NEW BUSINESS OFFICE
 WITH 14 PARKING SPACES & LANDSCAPING

LOCATION:
 1530 SE 3RD COURT
 CANBY, OR 97013

LOT SIZE: 14476 SQFT
BUILDING SIZE: 2469 SQFT
SIDEWALKS: 800 SQFT
PAVEMENT: 5366 SQFT
LANDSCAPING: 2721 SQFT

DESIGNER:
 DRAFT CRAFT LLC.
 PETER HOSTETTLER
 DESIGN@DRAFTCRAFT.COM
 503-505-0149

VICINITY MAP



SE 3RD COURT

10' PUE

NEAREST FIRE
 HYDRANT 130'
 TO SOUTH

12' PUE

OPEN SPACE
 33'5"

10'

68'

DECORATIVE
 BIKE RACK

36'

STORMWATER
 RETENTION
 SWALE

33'3"

ADA STALL

6' SOLID CEDAR
 GARBAGE ENCLOSURE

INTERCONNECTIVITY
 SIDEWALK

MANUEVERING AREA

18'-0" 24'-0"

50'2"

OPEN SPACE

15' PUE

DATE MAY 16, 2018

SCALE 1" = 15'

PAGE SITE PLAN

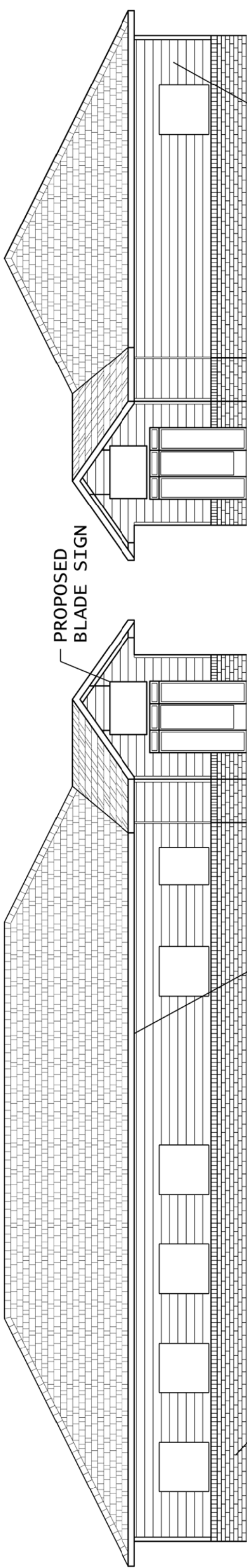
REVISION 1

CLIENT Scott Gustafson

CONTRACTOR KHC inc.

DRAFTCRAFT

WEST



MASONRY VENEER - MUTUAL MATERIALS
MADRONA SPRINGS BRICK

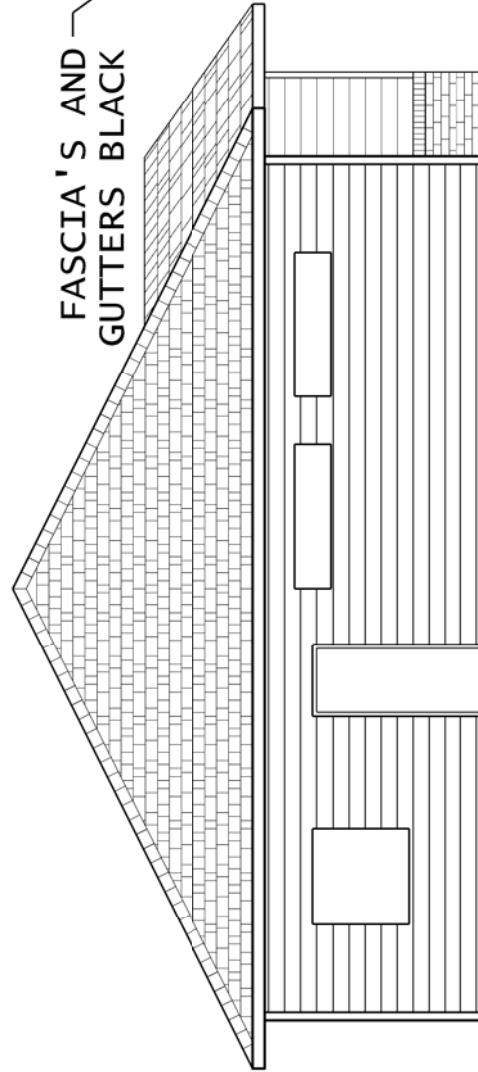
SOFFIT LIGHTING TO PROVIDE DOWNCAST
LIGHTING ONTO PARKING LOT FULLY SHIELDED

PROPOSED
BLADE SIGN

8" EXPOSURE HARDI PLANK
SIDING - SHERWIN WILLIAMS
PLANTATION SHUTTER (BROWN)

SOUTH

NORTH



FASCIA'S AND
GUTTERS BLACK

ASPHALT SHINGLE - PABCO
PREMIER ANTIQUE BLACK

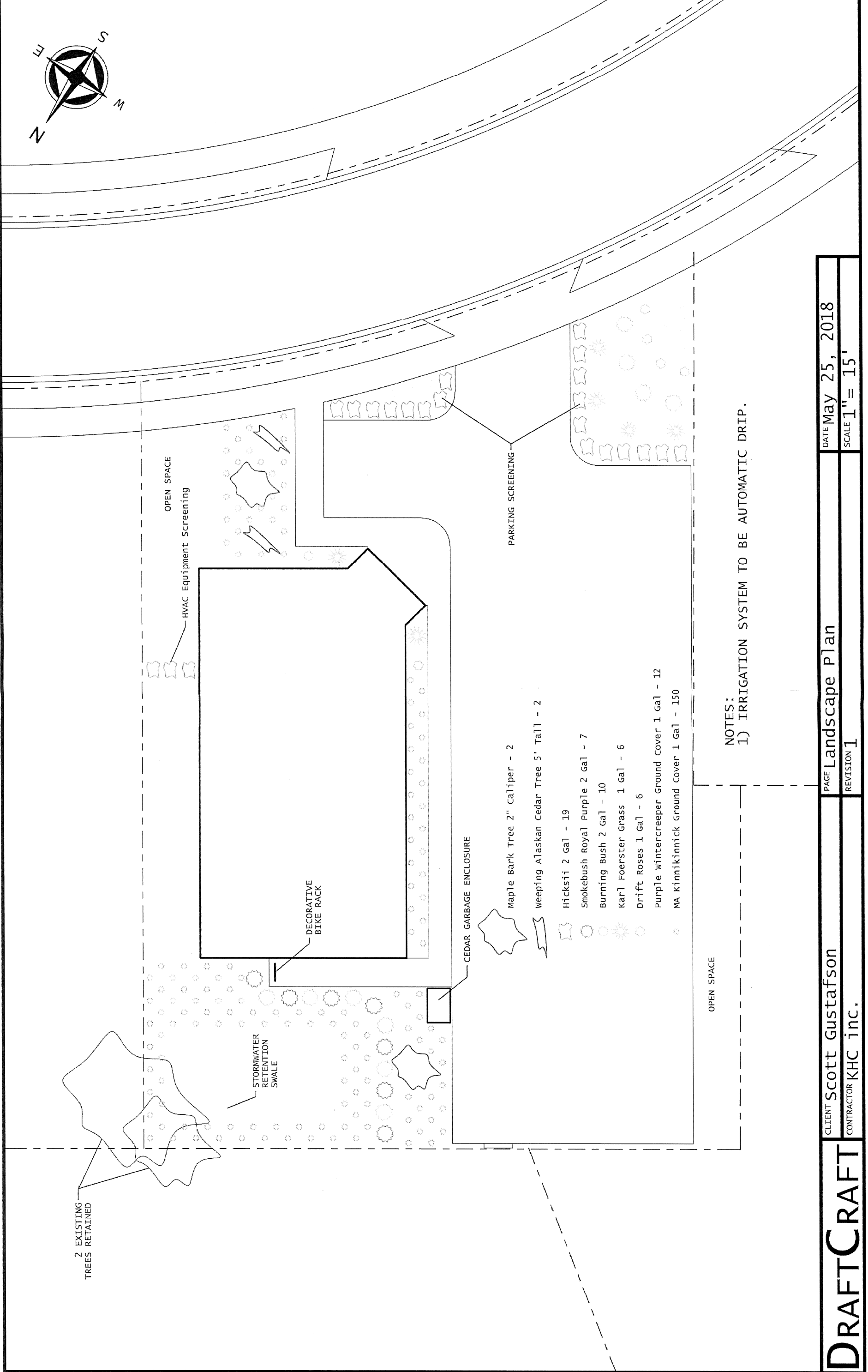
EAST

CLIENT Insurance Office
CONTRACTOR KHC inc.

PAGE Preliminary Elevations
REVISION 1

DATE May 25, 2018
SCALE 1/8" = 1'

DRAFTCRAFT



2 EXISTING TREES RETAINED

OPEN SPACE
HVAC Equipment Screening

DECORATIVE BIKE RACK

CEDAR GARBAGE ENCLOSURE

PARKING SCREENING

OPEN SPACE

- Maple Bark Tree 2" Caliper - 2
- weeping Alaskan Cedar Tree 5' Tall - 2
- Hicksii 2 Gal - 19
- Smokebush Royal Purple 2 Gal - 7
- Burning Bush 2 Gal - 10
- Karl Foerster Grass 1 Gal - 6
- Drift Roses 1 Gal - 6
- Purple Wintercreeper Ground Cover 1 Gal - 12
- MA Kinnikinnick Ground Cover 1 Gal - 150

NOTES:
1) IRRIGATION SYSTEM TO BE AUTOMATIC DRIP.

DRAFTCRAFT	CLIENT Scott Gustafson CONTRACTOR KHC inc.	PAGE Landscape Plan	DATE May 25, 2018
		REVISION 1	SCALE 1" = 15'



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

LAND USE APPLICATION

SITE AND DESIGN REVIEW

Downtown Canby Overlay - Type III

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

Applicant Name: Draft Craft LLC Phone: 5035050149
 Address: 10060 S New Era Road Email: design@draftcraft.com
 City/State: Canby, OR Zip: 97013

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

Property Owner Name: Scott Gustafson Phone: 503-266-2216
 Signature: [Signature]
 Address: 23885 S Blount Rd. Email: scott.gustafsonius.com
 City/State: Canby, Or. Zip: 97013

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:

1530 SE 3rd Court, Canby, Oregon 14476 31E34C 4000
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

Vacant Land CM
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

New 2469 sqft General Office Building, Parking & Landscaping
 Describe the Proposed Development or Use of Subject Property

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

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 to: PlanningApps@canbyoregon.gov

Applicant City
Check Check

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

- 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) 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
The following general information shall be included on the landscape plan:
 - 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.

Applicant City
 Check Check

- 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	2469	- Square footage of building footprints
2. Parking/hardscape	6166	- Square footage of all sidewalks, parking, & maneuvering areas
3. Landscaped area	2721	- Square footage of all landscaped areas
4. Total developed area	10950	- Add lines 1, 2 and 3
5. Undeveloped area	3526	- Square footage of any part of the site to be left undeveloped.
6. Total site area	14476	- Total square footage of site

Required Site Landscaping (Code 16.49.080)

7. Percent of landscaping required in Zoning District	15%	- 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	2171	- Multiply line 4 and line 7
9. Proposed square footage of landscaping	2721	- Fill in value from line 3

Required Landscaping within a Parking Lot (Code 16.49.120)

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	CM	- 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	6166	- 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	14	- 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	925	- 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	1319	- Calculate the amount of landscaping proposed within 10 feet of all parking and maneuvering areas.

Parking Lot Tree Calculation

16. Number of parking spaces	14	- Total number of vehicle parking spaces
17. Area of parking lot & hardscape	6166	- Area from line 12
18. Number of parking spaces (line 16) divided by 8	2	- Round up to the nearest whole number

19. Area of parking lot area (line 17) divided by 2,800	3	- Round up to the nearest whole number
20. Number of required trees in parking lot	3	- Fill in the larger of row 18 and row 19
21. Number of trees provided within 10 feet of parking lot	3	- Fill in the number of proposed trees within 10 feet of parking and maneuvering areas.

SITE AND DESIGN REVIEW APPLICATION: DESIGN REVIEW MATRIX

Applicants: Please circle the applicable point column for your project and compute the total and percentages at the end of the table.

Table 16.49.040 Site Design Review Menu

As part of Site and Design Review, the following menu shall be used as part of the review. In order to "pass" this table 60% of total possible points shall be earned, 10% of the total possible points must be from LID elements

Design Criteria	Possible Points				
	0	1	2	3	4
Parking					
Screening of parking and/or loading facilities from public right-of-way	Not screened	Partially screened	Fully screened	-	-
Parking lot lighting provided	No	Yes	-	-	-
Parking location (behind building is best)	Front	Side	Behind	-	-
Number of parking spaces provided (% of minimum required)	>120%	101-120%	100%	-	-
Screening of Storage Areas and Utility Boxes					
Trash storage is screened from view by solid wood fence, masonry wall or landscaping.	No	Yes	-	-	-
Trash storage is located away from adjacent property lines.	0 - 10 feet from adjacent property	11 - 25 feet from adjacent property	>25 feet from adjacent property	-	-
Utility equipment, including rooftop equipment, is screened from view.	Not screened	Partially screened	Fully screened	-	-
Access					
Distance of access to nearest intersection.	≤70 feet	71 - 100 feet	>100 feet	-	-

Pedestrian walkways from public street/sidewalks to building entrances.	One entrance connected.	-	Walkways connecting all public streets/sidewalks to building entrances.	-	-
Pedestrian walkways from parking lot to building entrance.	No walkways	Walkway next to building only	Walkways connecting all parking areas to building entrances	-	-

Design Criteria	Possible Points				
	0	1	2	3	4
Tree Retention					
Percentage of trees retained	<10%	10-50%	51-75%	>75%	-
Replacement of trees removed	<50%	≥50%	-	-	-
Signs	0	1	2	3	4
Dimensional size of sign (% of maximum permitted)	>75%	50-75%	<50%	-	-
Similarity of sign color to building color	Not similar	Somewhat similar	Similar	-	-
Pole sign used	Yes	No	-	-	-
Building Appearance	0	1	2	3	4
Style (similar to surroundings)	Not similar	Somewhat similar (1 or 2 points possible depending on level of similarity)		-	-
Color (subdued and similar to surroundings is better)	Neither	Similar or subdued	Both	-	-
Material (concrete, wood and brick are best)	Either 1 or 2 points may assigned at the discretion of the Site and Design Review Board				
Size of building (smaller is better)	>20,000 square feet	≤20,000 square feet	-	-	-
Provision of public art (i.e. murals, statues, fountains, decorative bike racks, etc.)	No	-	-	-	Yes

Landscaping	0	1	2	3	4
Number of non-required trees provided	-	At least one tree per 500 square feet of landscaping.	-	-	-
Amount of grass (less grass is better) (% of total landscaped area)	>50%	25-50%	<25%	-	-
Low Impact Development (LID)	0	1	2	3	4
Use of pervious paving materials (% of total paved area)	<10%	-	10-50%	51-75%	>75%
Provision of park or open space area	None	-	Open space (Generally not for public use)	-	Park (public or privately owned for public use)

Design Criteria	Possible Points				
Use of drought tolerant species in landscaping (% of total plants)	<25% drought tolerant	-	25-50% drought tolerant	51-75% drought tolerant	>75% drought tolerant
Provision of additional interior parking lot landscaping (% of minimum required)	100%	101-110%	111-120%	>120%	-
Provision of an eco-roof or rooftop garden (% of total roof area)	<10%	-	-	10-50%	>50%
Parking integrated within building footprint (below-grade, structured parking, or tuck-under parking) (% of total on-site parking)	<10%	-	-	10-50%	>50%
Disconnecting downspouts from city stormwater facilities	None	Some downspouts disconnected	All downspouts disconnected	-	-
Shared parking with adjacent uses or public parking structure (% of total required parking spaces)	None	<50%	≥50%	-	-

Provision of rain gardens/bioretenation areas for stormwater runoff (% of total landscaped area)	None	-	10-50%	51-75%	>75%
Total Possible Points = 71, 60%=42.6 points, 10%=7.1 points					

Total Points Earned: 47 (42.6 required for 60%)

Total LID Points Earned: 11 (7.1 required for 10%)

4/27 5:00 PM

SIGN IN SHEET

Peter Hostetter Ken Hostetter Const

~~See Costation~~

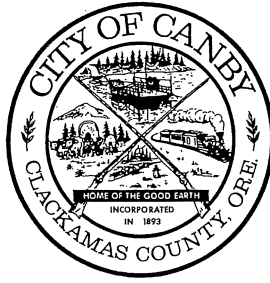
Jim Just
PARSON

LACK

Stephanie Gustafson

MINUTES:

- General proposal was discussed
- No objections made
- Swale location discussed



Pre-Application Meeting

1530 SE 3rd Court

April 19, 2018

10:30 am

Attended by:

Tim Gettel, Wave Broadband, 503-307-0029

Scott Gustafson, Owner, 503-266-2216

Bryan Brown, Planning Department, 503-266-0702

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

Jennifer Cline, Public Works Department, 503-266-0780

Peter Hostetler, KHC, Inc, 503-266-5754

Tim Gustafson, Owner, 503-266-2216

Jim Stuart, Canby Utility, 503-263-4322

Jerry Nelzen, Public Works Department, 971-253-9173

Shane Hester, Erosion Control, 503-266-0698

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

KHC, INC., Peter Hostetler

- We are proposing a 2,500 sq ft building on a 14,000 sq ft lot at SE 3rd Court and it is very similar to the existing buildings already on the court. This building will have its own parking and storm water management on site and I believe all the utilities are stubbed to the site.

CURRAN-MCLEOD ENGINEERING, Hassan Ibrahim

- This project is straight forward, the street is already built, curbs on both sides, the sidewalk you will have to do the entire frontage and I did not go to the site and measure the width of the sidewalk, it will have to match the existing sidewalk and I think it is 5 ft.
- Sanitary sewer is stubbed to the site.

CANBY UTILITY, WATER DEPARTMENT, Jim Stuart

- We have water and water in the public utility easement (PUE).
- We will need your load calculations for electric and you can submit them to Gary Stockwell.
- You can send your fixture count for the water to me.

CITY OF CANBY, PUBLIC WORKS DEPARTMENT, Jerry Nelzen

- Jerry said he was bringing Jennifer up to speed to the land adjacent to your property. Scott, you, Amanda and I have discussed this issue and do you want Jennifer to look at the site and Scott said yes. Jerry said before I commit to anything with Jennifer we should all meet together at the site and discuss the issues. Jennifer said her concern was if it was a natural drainage area you cannot fill it in. Jerry asked Scott if he wanted to fill some of it in and Scott said yes, we wanted to take some of the dirt from the site and fill it in. I went down there and there are humongous chunks of concrete in the swale and I think it was created when they built the logging bridge by taking the dirt from there to build the ramp. I did not observe any type of drainage or stormwater piped to it. At times this area is used heavily by

the homeless. Hassan said they will need to walk up and down the railroad tracks to see if there is anything contributing to that area. Jerry said what the agreement was with the city is if this was leveled off you would maintain it correct and Scott said yes, he would maintain the back triangle.

- If I remember correctly I think the sewer comes into the manhole and I would like to work with you Peter on that when you do the connection. The Perman office building has low flow toilets and we have to clean the line monthly because they literally do not have enough water flowing through the line and it backs up. Peter asked if they will add to that issue and Jerry said he was hoping you will help with more water flow. It is a dry line they are falling into and they do not get any flow above it and DCS Morgan only has a bathroom and does not add much to the line.
- What kind of storm system were you planning on doing and Peter said we are likely doing a swale system in the northeast corner of the property.

WAVE BROADBAND, Tim Gettel

- When do you think you will start your project and Scott said early spring of next year.

CITY OF CANBY, EROSION CONTROL, Shane Hester

- Once Jennifer and Jerry decide what to do with the area behind your property we can discuss your site erosion control at that time.

CITY OF CANBY, PLANNING DEPARTMENT, Bryan Brown

- To do this project it will require a type 3 Site and Design Review application and I can provide you the code sections that are applicable by scanning them to you.
- I did not have time to do system development charge (SDC) calculations and it should not be too difficult for this one. It would be helpful if you could provide me your expected employee count in the building and I will compare it with the parks methodology. It is based on a square footage (sq ft) and a set amount of employees per sq ft for your use. There is some room for negotiation and whether we use our methodology or what you are actually going to have.
- We will need some sort of documentation for the waste water discharge because the average daily waste water discharge is based upon an equivalent home and the set fee is 155 average gallons per day. We are going to charge you at least equal to a house, but what we need to decide is if you will have more impact than a normal house and if so, how many gallons per day discharge. If your office you are in now will be similar to the new office you can give us some of your bills to make comparisons and Scott said we are just moving our office and we have many years of water bills. Bryan said what we think about is what is your customer count likely to come through on an average day and might actually use your facilities and how many employees also.
- The parking standards are (2) spaces per thousand sq ft.
- The setbacks I think look fine.
- You are not part of the Downtown Overlay District and therefore there are no design standards for your building. You are subject to the matrix in the Site and Design Review chapter, which are all related to voluntarily choosing certain points that are indicators of a quality development.

- We are agreeing you do not have to worry about street trees and you would be setting the precedence if you wanted to plant some, but it is a private street. You are more than welcome if you want to plant trees in the planter strip.
- Jerry asked if there was a private storm system stubbed to the lots and Peter said they do and with Trent's building, we tied the overflow to it. Jerry asked if you were planning on doing it again and Peter said on DCS Morgan's building the engineer never called it out and can we do one on this? Hassan said if I remember correctly with the history of the project there are a couple of lots that have services and Jerry said there was not enough treatment space to put it on their site. Hassan said if this lot has been specified to have storm drainage, we can look at the plans and Bryan said we can look at the subdivision plat to see if the area behind the lots had any natural storm drainage. Peter said there are drywells in the street and Jerry said the stubs go out of the drywell to certain lots and Hassan said some of the lots are connected to all of them. Bryan said if you do fill in the area where the concrete chunks are located you are not going to build on it because it is on your property and Scott said it is not on our property it is the city's property. Bryan said this has a strange zoning area because you have CM zoning and then this strip is zoned light industrial on the back part of these lots. There is paved private trail on the back of these properties and Jerry said it was a part of the conditions of approval for this subdivision. Scott asked if the trail came on this property and Peter said no.
- Bryan said he was thinking if there would be a need for a traffic study and at this point to be safe I better say yes, we do need to do a traffic generation letter and we will need a \$500.00 deposit. I will work with DKS Engineers and have it as a record because for any new development it is best we have the documentation and it is expected by the code to address traffic. I cannot imagine you will generate enough traffic for us to study a nearby intersection. I do not know for sure the cost, but it may cost you another \$1,000.00 to get the letter. Scott said we will be removing one part of traffic to another part of town and Bryan said it does not matter because this is a new development and someone else will occupy the building you will be leaving. If I remember correctly there is a trip cap placed on the development in this subdivision, which I am against because when you develop each lot it adds traffic and what would be any left for the last lot. The trip cap is at 1,000 trips per day and you would have to go to the council to change it. Hassan said do we know how many they have now and Bryan said no, not at this time.
- This subdivision can only build professional business offices and there are a lot of people wanting to build warehouses and they are not allowed here. Peter asked why and Bryan said it was a condition of approval for the re-zoning placed on this property and we have the documentation that states only professional businesses and Peter asked if he could get a copy of it.

CITY OF CANBY, PUBLIC WORKS DEPARTMENT, Jennifer Cline

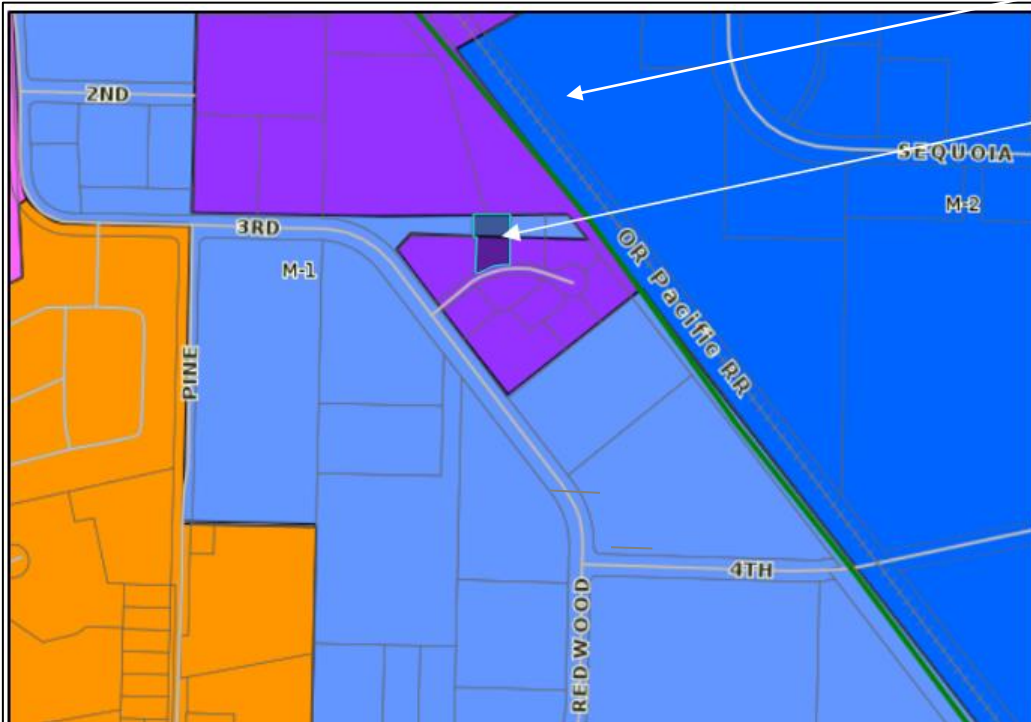
- Since this is a private street you will need to work with the county on having them approve the driveway and sidewalk for ADA purposes. Hassan said the driveway will have to be commercial also.



City of Canby

PUBLIC HEARING NOTICE & REQUEST FOR COMMENTS
City File No.: **DR 18-05 PROFESSIONAL OFFICE BUILDING**
PLANNING COMMISSION PUBLIC HEARING DATE:
MONDAY, JULY 23, 2018 AT 7 PM, COUNCIL CHAMBERS

The purpose of this Notice is to invite you to a Planning Commission Public Hearing and to request your written comments regarding a Site & Design Review (Type III), application (**DR 18-05 Gustafson Professional Office building**). Applicant proposes to develop a 2,500 SF professional office building in a C-M (Heavy Commercial/Manufacturing) zone at 1530 SE 3rd Court.



Location: 1530 SE 3rd Court
(See property hatched in red on map at left).

Tax Map & Lot#: 31E34C04000
Lot Size & Zoning: 14,374 SF (.33 acres), C-M Heavy Commercial/Manufacturing Zone

Property Owners: Scott Gustafson

Applicant: Peter Hostetler
Application Type: Site & Design Review (Type III)

City File Number: DR 18-05

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

Comments due – If you would like your comments to be

incorporated into the City’s Staff Report, please return the Comment Form by Wednesday, July 11, 2018. Written and oral comments can also be submitted up to the time of the Public Hearing or 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? Written may be mailed to the Canby Planning Department, P O Box 930, Canby, OR 97013; delivered in person to 222 NE 2nd Ave; or emailed to 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, July 13, 2018, and can be viewed on the City’s website: 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
- 16.30 Heavy Commercial Manufacturing Zone
- 16.42 Signs
- 16.43 Outdoor Lighting Standards
- 16.46 Access Limitations on Project Density
- 16.49 Site & Design Review
- 16.89 Application & Review Procedures

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 Second Street
E-mail: PublicComments@canbyoregon.gov

Written comments to be included in Planning Commission packet are due by Wednesday, July 11, 2018. Written and oral comments can be submitted up to the time of the Public Hearing and or be delivered in person during the Public Hearings.

Application: DR 18-05 Gustafson Professional Office Building

COMMENTS:

1. A 5-foot wide sidewalk shall be constructed long the entire frontage with SE 3rd Ct,
2. The driveway entrance shall be a commercial driveway approach consisting of 6" min concrete thickness with WWF mesh.
3. Sanitary sewer stub is available for the site.
4. Storm water shall be disposed on-site or connected to the existing stub.

NAME: Hassan Ibrahim
EMAIL: hai@curran-mcleod.com
ORGANIZATION/BUSINESS/AGENCY: Curran-McLeod Consulting Engineers, Inc.
ADDRESS: 6655 SW Hampton St, Portland, OR 97223
PHONE # (optional): 503-684-3478
DATE: July 9, 2018

PLEASE EMAIL COMMENTS TO
PublicComments@canbyoregon.gov

Thank You!

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: Hassan Ibrahim
AGENCY: Curran-McLeod Consulting Engineers, Inc.
DATE: July 9, 2018



City of Canby

MINOR PARTITION STAFF REPORT

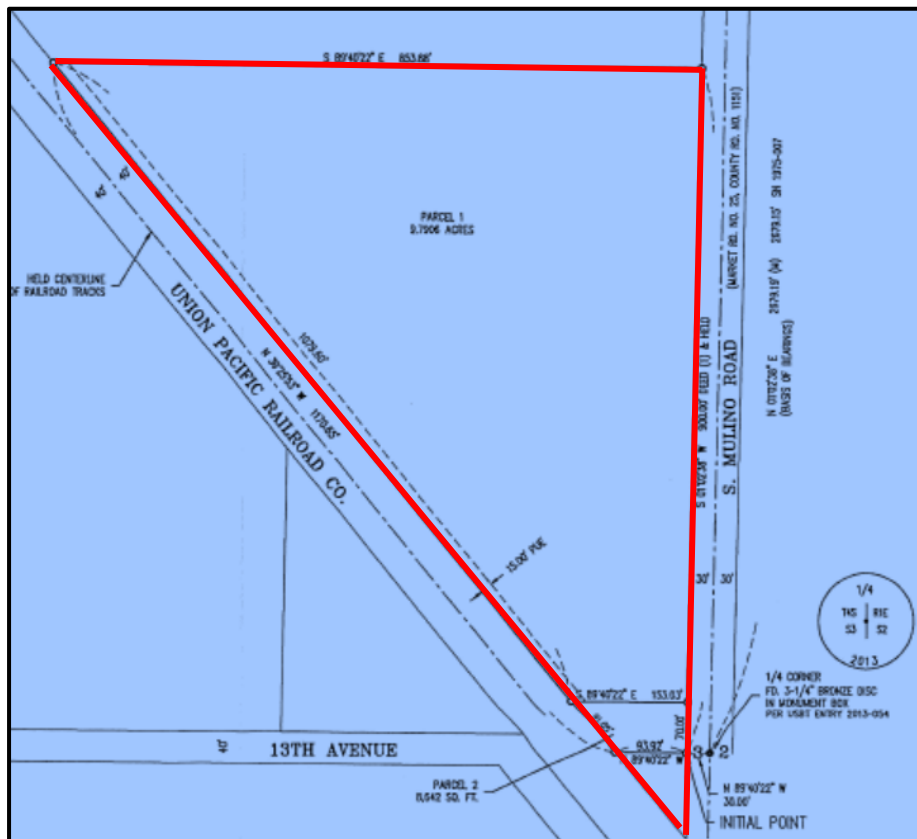
FILE #: MLP 18-03

Prepared for the July 23, 2018 Planning Commission Hearing

LOCATION: 1295 S Mulino Road

ZONING: M-1 Light Industrial/I-O Canby Industrial Area Overlay Zone

Tax lot: 41E0300101 (Red Bordered/Hatched Property in Map Below)



LOT SIZES: 10 ACRES

OWNER: Lisa Weygandt

APPLICANT: Hassan Ibrahim – Engineering Consultant - on behalf of City of Canby

APPLICATION TYPE: Minor Partition (Type III)

CITY FILE NUMBER: MLP 18-03

I. PROJECT OVERVIEW & EXISTING CONDITIONS

The City of Canby recently completed the construction of a sanitary sewer pumping station which is now in service near the southeast corner of the existing 10 acre industrial zoned tract. An easement was provided to the City to construct the pump station and force main paralleling the railroad. One of the conditions requested by the owner and agreed to by the City in exchange for the easement was to create a separate lot for the pump station site.

The minor partition application is intended to separate a 8,642 square foot parcel from the 10 care property for future ownership by the City while the remaining 9.8 acre parcel remains under ownership by the Weygandts.

AGENCY/PUBLIC COMMENTS:

Review comments were solicited from the public, City departments, and applicable reviewing agencies. All comments received by the time of posting this staff report have been included, while staff will present others for consideration at the public hearing.

II. APPLICABLE CRITERIA & STAFF FINDINGS

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

- 16.08 General Provisions
- 16.32 M-1 – Light Industrial Zone
- 16.35 I-O Canby Industrial Area Overlay Zone
- 16.46 Access Limitations
- 16.60 Major or Minor Partitions
- 16.64 Subdivisions-Design Standards
- 16.89 Application and Review Procedures

Chapter 16.08 General Provisions

16.08.070. Illegally created lots

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

Findings: The subject property appears to have been established in 1962 or before when the existing home was constructed on the property. This is prior to 1976 when City approval was required for establishing of new separate parcels rather than simply the recording of deeds. Staff is comfortable in considering the existing lot to be legally created for land use purposes.

16.08.090 Sidewalks required.

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

Findings: Mulino Road is a County rural roadway indicated as an industrial collector street in the Canby Transportation System Plan. As an existing rural roadway, no sidewalks or curbing exist along any portion of Mulino Road on either side. It would not seem necessary or appropriate to require the construction of a sidewalk for this minimal 70' of Mulino Road frontage at this time. However, the Planning Commission could consider the requirement to record a "non-remonstrance agreement" with Parcel 2 which is intended for City ownership to insure that the City will participate in and not protest a possible future local improvement district that include responsibility for sidewalk installation in the future. **This has been recommended as a required condition of approval.**

Sidewalk and street improvements are required under Section 16.10. Section 16.10.070(B)(6) states: "To afford safe pedestrian access and egress for properties within the city, a sidewalk shall be constructed along all street frontages, prior to use or occupancy of the building or structure proposed for said property." No new development is planned on the northerly 9.8 acre Parcel 1 with the existing home and out buildings. Future industrial redevelopment of Parcel 1 will require sidewalk and street construction along the Mulino St. frontage, with the "City non-remonstrance sidewalk agreement" obligating the City to make an extension to fill a gap or participate in a sidewalk local improvement district.

16.08.130 Standard Transportation Improvements.

Findings: This section of the Code pertains to additional transportation projects that may not be identified in the Canby Transportation System Plan, and whether the use is permitted outright or permitted subject to the issuance of a conditional use permit. No transportation project is proposed with the sanitary sewer project so this section of the Code is not applicable.

16.08.150 Traffic Impact Study (TIS).

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

Findings: The Planning Director determined that a traffic study was not necessary for the proposed partition since no change of use is planned for the larger Parcel 1 and the Parcel 2 sewer pump station has no continual human occupancy but just occasional maintenance service needs. A traffic study analysis will be required when the 9.8 acre Parcel 1 is proposed for further development.

16.08.160 Safety and Functionality Standards

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

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

- a. Adequate street drainage exists. No change in the Mulino Road frontage is required at this time. A non-remonstrance agreement for street and sidewalk improvements if a local improvement district is ever formed or to extend a sidewalk across the Parcel 1 frontage when a sidewalk is constructed on adjacent parcels. (This has been recommended as a condition of approval).
- b. The street intersection has safe access and clear vision

- c. Public utilities are available and adequate to serve the new development. This use is to provide sanitary sewer service to nearby residential and industrial zone property currently outside the reach of a gravity served mainline.
- d. Access to a public street with the minimum pave width of 20 feet along the site's frontage exists.
- e. Same as d.
- f. The mobility standards identified in the TSP will still be met for the adjacent Mulino Road not resulting in any deficiency.

16.32 M-1 Light Industrial Zone

16.32.030 Development Standards:

The following subsections indicate the required development standards of the M-1 zone that are applicable to this case:

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

Findings: The subject property is situated within the M-1 Zone and the minimum lot size is 5000 square feet per Section 16.34.030. The smallest proposed parcel 2 in the partition is 8,642 square feet, and the same parcel also meets the 50' minimum width and frontage requirements at 70 feet. A good portion of the property is a wetland area outside of the developed pump station.

16.35 I-O Canby Industrial Area Overlay Zone

Findings: The partition property is also located within the I-O Zone, (Canby Industrial Area Overlay Zone). The industrial overlay (I-O) zone actually eliminates the applicable minimum lot size and lot width requirements of the underlying M-1 zone as indicated above. The same permitted (Minor Public Facility) use as allowed in the M-1 zone outright is also allowed in the applicable I-O zone.

All development standards were met with the pump station construction except a reduction in the interior side yard setback from 10' to 6' on the south boundary which is an undevelopable area primarily containing a creek for storm-water runoff which is owned by the Oregon Pacific Railroad. The underlying M-1 zone side yard setback is zero. The pump station was moved southward to avoid as much of the protected wetland to the north as possible, thus reducing mitigation requirements.

16.46 Access Limitations on Project Density

Findings: There is no evidence that the Partition of the property into two lots will impact the suitability of providing appropriate future access to Parcel 2 when it is redeveloped to industrial use. A new driveway was installed to serve the constructed pump station on Parcel 2. Driveway separation distance is suitable. No new roads are proposed to trigger minimum access standards.

16.60 Major or Minor Partitions

16.60.020 Standards and criteria

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

Findings: As indicated above, the standards of Chapter 16.64, Subdivision Design Standards are applicable to this proposal. The above section also gives the Planning Commission the authority to be flexible with public improvement requirements that may be unreasonable and unique to this case. No development is proposed on the 9.8 acre Parcel 1 that contains an existing home and outbuildings. Development of Parcel 2 with the City sanitary pump station has already occurred without triggering the need for frontage improvements when granted a building permit. Required infrastructure frontage improvements will clearly be necessary at the time of future industrial development of Parcel 1. Since Parcel 2 which is to have ownership transferred to the City has already been developed with the pump station, it would make sense to require that frontage sidewalk and street improvements to match those to be required with future industrial development of the adjacent Parcel 1 be required to be extended by the City on the Parcel 2 to close the gap in improvements at that future time. This could either occur by the lot developer or potentially through a City formation of a Local Improvement District. In either case, the execution of a non-remonstrance street and sidewalk improvement agreement is recommended to prompt City participation in such a LID if it were to occur and/or to extend necessary improvements across the 70' of frontage to our Parcel 2 when they occur on adjacent properties to close the gap that would otherwise occur at that time. With such an agreement requirement for Parcel 2, the necessary improvement requirements may be considered to have been satisfactorily met with this partition request.

The administration of such

16.60.030 Minor partitions.

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

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

Findings: The application meets the definition of a partition stated in Section 16.04.470, and more specifically as a Minor Partition in that the applicant intends to divide a single parcel into two separate parcels and does not propose any new streets or roadway. Since no new development is currently planned for Parcel 1 and Parcel 2 is already developed with the City sanitary pump station, no other public facilities are needed at this time. Future industrial development will be required to install all necessary improvements to Parcel 1 and its sale must disclose that requirement, while staff has recommended that non-remonstrance agreement be

executed applicable to Parcel 2 to insure the extension of street and sidewalk improvements across its frontage when provided on adjacent properties since it is already newly and fully developed. With the non-remonstrant agreement, the above minor partition standards will be met except for the minor conflict deviation with the side yard setback which was explained above.

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 Planning Commission may find that the installation of usual public improvements associated with a Minor Partition are unreasonable at this time and that execution of a non-remonstrance agreement for at least the newly developed Parcel 2 to be transferred to the City would be appropriate to fill any gap in improvements along the street frontage when adjacent parcels are developed in the future.

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

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

16.64 Subdivisions-Design Standards

16.64.010 Streets.

- A. Generally. Minimum right-of-way and roadway width shall follow the requirements of the TSP and/or Public Works Design Standards;
- M. Planting Easements. The Planning Commission may require additional easements for planting street trees or shrubs.

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.

Findings: It is generally best practice to obtain necessary future right-of-way needs when partitioning or subdivision of property happens. We have already discussed delaying actual improvements until substantial new development occurs that would warrant that expense. The Planning Commission can also delay needed street right-of-way dedication for Mulino Road as well. However, it can be easier to provide and document future ROW needs and easements that will be necessary at the time of future development on a Plat than by separate instrument at a future date.

Mulino Road is currently a County Road which is subject to the County's improvement standards. However, it is adjacent to the City and we also have applicable street cross section standards that will need to be met when future industrial development is proposed. Staff has determined that the existing 60' of ROW for Mulino Road will need to be expanded to a minimum of 72' to accommodate future improvements. This will require 6 feet of additional ROW dedication adjacent to the subject property either with this partition or when future development occurs. Since development has already occurred on Parcel 2 for which ownership is to be transferred to the City, it would be best to secure the needed ROW now where it can be easily indicated on the plat since future development is not likely. The County could possibly have a higher standard applicable to future improvements for this roadway. Staff would recommend requiring the needed future ROW dedication at this time, but also recognize the Planning Commission may delay the dedication if it is determined to impose an unnecessary or unreasonable hardship at this time in consideration of the nature of this partition, what precipitated the need for this partition to transfer ownership of the sanitary sewer pump station site to the City as requested by the property owner.

16.64.070

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

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

Findings: The street trees are not appropriate at this time since their exact placement in the ultimate ROW is not known and could be harmed with future redevelopment of the property. They are likely to be located in a planter strip within the public right-of-way so a street tree easement would not be needed on the private property. Trees for Parcel 1 should be planted in the future when the street improvement and sidewalk are extended across the frontage of the parcel.

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: Staff would recommend that if the dedication of additional ROW is made a condition of approval of the Partition, that the standard 12' public utility easement or any lesser standard acceptable to service providers by required and shown on the recorded partition plat.

16.64.040 Lots

A. Size and Shape. The lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel shall not exceed three times

its width (or four times its width in rural areas) unless there is a topographical or environmental constraint or an existing man-made feature such as a railroad line.

Findings: The proposed lot shape and size of Parcel 2 to be transferred to the City is appropriate in consideration of the wetlands which covers a portion of the parcel and the unique needs associated with the nature of the sanitary sewer pump station constructed on the property.

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 except for the reduced side yard setback to help protect the established wetland that lies directly to the north of this facility.

16.64.060 Grading of building sites.

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

Findings: The subject parcel is situated on somewhat level property without any indication of hazard to public facilities. Staff does not recommend a bonding requirement for grading purposes since no additional development is required at this time.

16.64.070 Improvements

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

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

Findings: Staff is not recommending any public improvements to be associated with this partition. However, we have recommended the dedication of 6 feet of additional ROW adjacent to the Mulino Road frontage of both parcels and the execution of a non-remonstrance agreement for Parcel 2 since it is already developed and should provide comparable improvements to Mulino Road as will be required and occur when adjacent property is redeveloped to industrial use.

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

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

- B. The following improvements shall be installed at the expense of the sub divider unless specifically exempted by the Planning Commission:
1. Streets, including drainage and street trees;
 2. Complete sanitary sewer system;
 3. Water distribution lines and fire hydrants;
 4. Sidewalks and any special pedestrian ways;
 5. Street name and traffic-control signs;
 6. Streetlights;
 7. Lot, street and perimeter monumentation;
 8. Underground power lines and related facilities;
 9. Underground telephone lines, CATV lines, natural gas lines, and related facilities;

Findings: As previously pointed out, no improvements are being recommended at this time. These usual improvements will be required with future industrial development for Parcel 1 and the recommended non-remonstrance agreement for Parcel 2 will place on record the expectation that the City provide comparable improvements to the Mulino Road frontage when either adjacent parcels develops and installs required frontage public improvements.

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

Findings: A Traffic Study will be required when future industrial development occurs on the larger Parcel 1. It will assist in whether any adjacent off-site mitigations are necessary to address any identified adverse impacts to the City transportation system. No Traffic Study is necessary associated with the minor partition since no new development results from transfer of Parcel 2 to City ownership.

D. Surface Drainage and Storm Sewer System.

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

Findings: All residential storm water must be retained onsite per Chapter 4 of the Canby Public Works Design Standards. However, no public improvements or new private site development is planned at this time. The constructed lift station and parking area did not trigger the 2,500 square foot of additional impervious surface area that triggers a full drainage analysis.

- 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: Sidewalks are an ordinance requirement. Canby practice has always allowed the required sidewalk construction to be associated with actual construction on the private building lot. Staff recommends that a non-remonstrance agreement be required for Parcel 2 being transferred to City ownership which would require that sidewalk and usual half-street improvements along the Mulino Road frontage be required to be installed in conjunction with or when the adjacent property to the north develops and installs required improvements. This assures that a gap in sidewalk and street improvements does not occur adjacent to Parcel 2 since the construction of the pump station occurred has already recently occurred.

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 necessary in conjunction with this partition at this time.

K. Other Improvements.

1. Curb cuts and driveway installation are not required of the sub divider but, if installed, shall be according to city standards.
2. Street tree planting is required of the sub divider and shall be according to city requirements.
3. The developer shall make necessary arrangements with utility companies or other persons or corporations affected, for the installation of underground lines and facilities....

Findings: Access to Mulino Road is already provided to the existing use on Parcel 1 and was recently constructed to serve the pump station on Parcel 2. Electric service will be placed underground when future industrial development takes place on Parcel 1. Street trees will be required with the Site & Design Review application for new development to occur on Parcel 1. Again, staff recommends delaying usual standard frontage improvements until development is proposed.

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

O. Bond.

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

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

Findings: No public improvements are recommended with this partition but if required by the Commission shall meet the above criteria and will be installed prior to recording the partition plat, and if not, bonding will be necessary to record the Partition Plat.

16.89 Application and Review Procedures

Findings: This application is being processed in accordance with Chapter 16.89. Notice of the public hearing was mailed to owners and residents of lots within 200 feet of the subject development and to applicable agencies. Notice of the meeting was posted at City Hall, Library, and published in the Canby Herald. This chapter requires a Type III process for minor partitions. A neighborhood meeting is not required for minor partitions. A pre-application conference was waived by the Planning Director since the only development contemplated has already occurred on Parcel 2. Utilities will be brought in along Mulino Road should future development be contemplated in the future. The review procedures have been met.

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

16.120.020 Minimum standard for park, open space and recreation land

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

Findings: Criteria in this section requires that System Development Charges (SDCs) be collected at the time of construction of any new building when the site is not suitable for dedication of a park or open space. A park is not needed according to the Master Park Plan at this location. Therefore SDC fees will be collected prior to development occurring. No development is currently planned for Parcel 1 which has a home and out buildings on it and used for agricultural/nursery growing.

III. PUBLIC TESTIMONY

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

IV. Decision

Based on the application submitted and the facts, findings, and conclusions of this report, staff recommends that the Planning Commission **approve** Minor Land Partition File MLP 18-03 subject to the following conditions of approval:

V. CONDITIONS OF APPROVAL

Minor Partition Conditions Unique to This Request:

1. Six feet of additional public right-of-way adjacent to the Mulino Road frontage shall be dedicated to bring this side up to the ultimate 72' minimum street cross section requirements indicated to be required in the adopted Transportation System Plan for property fronting on an industrial collector street classification and shall be shown on the Partition Plat to be recorded of record.
2. A 12' Public Utility Easement adjacent to the inside edge of the adjacent Mulino street ROW, or less if approved by all utility service providers, shall be provided and designated on the Partition Plat.
3. A non-remonstrant agreement shall be recorded with the Partition Plat applicable to Parcel 2 to place a public record that the City shall be required to install comparable

street and sidewalk improvements to the Mulino Road frontage of Parcel 2 when improvements are made to the adjacent parcel or agree to participation in a Local Improvement District if established for which Parcel 2 is a part.

Final Partition Plat Conditions:

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

Attachments:

Partition Tentative Site Plan
Applicant's Narrative

City of Canby
LISA M. WEYGANDT TRUST
APPLICATION NARRATIVE FOR MINOR PARTITION

The City of Canby recently completed construction of a sanitary sewer pumping station to serve the south east portions of the City Limits and Urban Growth Boundary. The pumping station is currently in service serving the new residential developments along SE 13th Avenue, including the Timber Park Subdivision.

Lisa Weygandt provided an easement to the City of Canby at the far SE corner of the City Limits/UGB for the pumping station and an easement paralleling the railroad for the force main. One of the conditions requested by the owner and agreed to by the City in exchange for the easement was to create a separate lot for the pump station site.

This minor partition application is intended to separate one 8,642 square foot parcel from the 10 acre property, and leave a remnant 9.8 acre parcel.

The property is inside the City Limits and the Urban Growth Boundary, and the pump station site is the lowest elevation property in the southeast quadrant of the City. The pump station site was selected due to its location and elevation, giving it an ability to serve the remaining undeveloped properties along SE 13th Avenue and the southern portions of the Canby Pioneer Industrial Park. Additionally, this location can serve a much larger area in the future when the UGB is expanded to the south and east.

The property is currently farmed, partially with grass seed and partially fallow, and contains the Weygandt residence and farm support buildings. The southeast corner of the property contains a small manmade wetland which partially defined the extent of the land offered to the City for the pumping station. The property owner requested the pump station site be 70 feet in width to include most of the wetlands.

The following criteria were identified by the City Planning Department to address compliance with the Municipal Code:

CMC 16.08 General Provisions

16.08.020 Zoning: This site is located within the City Limits and is zoned for Light Industrial (M-1) development with an Industrial Area Overlay (IO). The proposed minor partition complies with all requirements of the designated zone and overlay.

16.08.110 Fences: The partitioned lot has security fencing installed in compliance with this development standard. No modification is proposed for the 9.8 acre remnant parcel.

16.08.130 Standard Transportation Improvements: This site abuts Mulino Road which is under the jurisdiction of Clackamas County. No development is proposed for the remnant 9.8 acre parcel at this time, which already has a residence on site. The pump station site was submitted to Clackamas County for approval and for direction on needed transportation improvements. At this time no improvements other than a culvert were required for the site. This section of Mulino Road is not included in any capital improvements identified in the Canby Transportation System Plan.

16.08.150 Traffic Impact Study: Due to the minimal service requirements of the pump station site and no proposed development on the remnant parcel, a Traffic Impact Study should not be necessary for this minor partition. The pump station parcel should have only one trip per day to monitor the operation.

16.32 M-1 Light Industrial Zone

16.32.010 Uses Permitted Outright: Although this application is for the minor partition and not for approval of the pump station improvement, the pumping station is an outright permitted use as noted in 16.32.010 DD.

16.32.030 Development Standards: The minor partition meets all requirements for lot size and frontage defined in the Code. M-1 zoning requires a minimum 5,000 SF lot size with minimum 70 foot frontage width. The pump station parcel is 8,642 SF with 70 feet of frontage on Mulino Road. The remnant parcel is 9.8 acres.

16.35 Canby Industrial Area Overlay (IO) Zone

16.35.030 Uses Permitted Outright: Although this application is for the minor partition and not for approval of the pump station improvement, the pumping station is an outright permitted use in the Industrial Overlay zone.

16.35.050 Development Standards: The development standards in the IO zone replace some of the requirements in the M1 zone. In the IO Zone, there is no lot size minimum and no minimum frontage requirement.

The IO zone increases the side yard setback from zero required in the M-1 zone, to 10 feet required in the IO zone. Due to limitation imposed by the wetlands on the pump station, the existing building is located 6 feet from the south boundary and 53 feet from the northern boundary. The adjoining property to the south is an undevelopable area owned by the Oregon Pacific Railroad and primarily contains a creek for stormwater runoff. The area north of the building is protected wetland.

16.60 Major or Minor Partitions

16.60.020 Standards and Criteria: This minor partition is proposed to create two lots, one 8,642 SF lot to transfer to the City of Canby for the wastewater pumping station and a second remnant lot of 9.8 acres. No development is proposed on the remnant tract so no public improvements are anticipated.

The Clackamas County Surveyor recommended this process as the most efficient means to create the separate lot that could be transferred to City ownership. Transfer will be accomplished by deed after recording the partition plat.

16.60.040 Minor Partitions: This minor partition conforms to the comprehensive plan and zoning land use requirements. The actual pump station building on the proposed pump station lot does create a conflict with the side yard setback in the IO overlay zone. The building is setback 6 feet from the adjoining railroad property and the IO zone requires a 10 foot interior yard setback.

16.64 Subdivisions - Design Standards

16.64.010 Streets: No streets are proposed for this minor partition.

16.64.015 Access: Mulino Road provides access to each of the two proposed lots. Clackamas County has approved the access to the pump station lot.

16.64.070 Improvements: No infrastructure improvements are proposed for this minor partition. The purpose of this application is to create a separate lot that can be transferred to City ownership for the wastewater pumping station. The remnant tract will remain as cultivated farm land with the existing residence and farm structures.

Clackamas County has jurisdiction over Mulino Road and has not required any frontage improvements at this time. When industrial development of the remnant lot is completed, the City will be required to provide comparable improvements to the Mulino Road frontage.

16.89 Application and Review Procedures

16.89.020 Description and Summary of Processes: This minor partition application is a type III process that will require notice to the surrounding property owners and a hearing before the Planning Commission. All property owners within 200 feet need to be notified of the application as well as the neighborhood association and Clackamas County. A neighborhood meeting is not required.

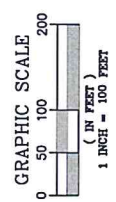
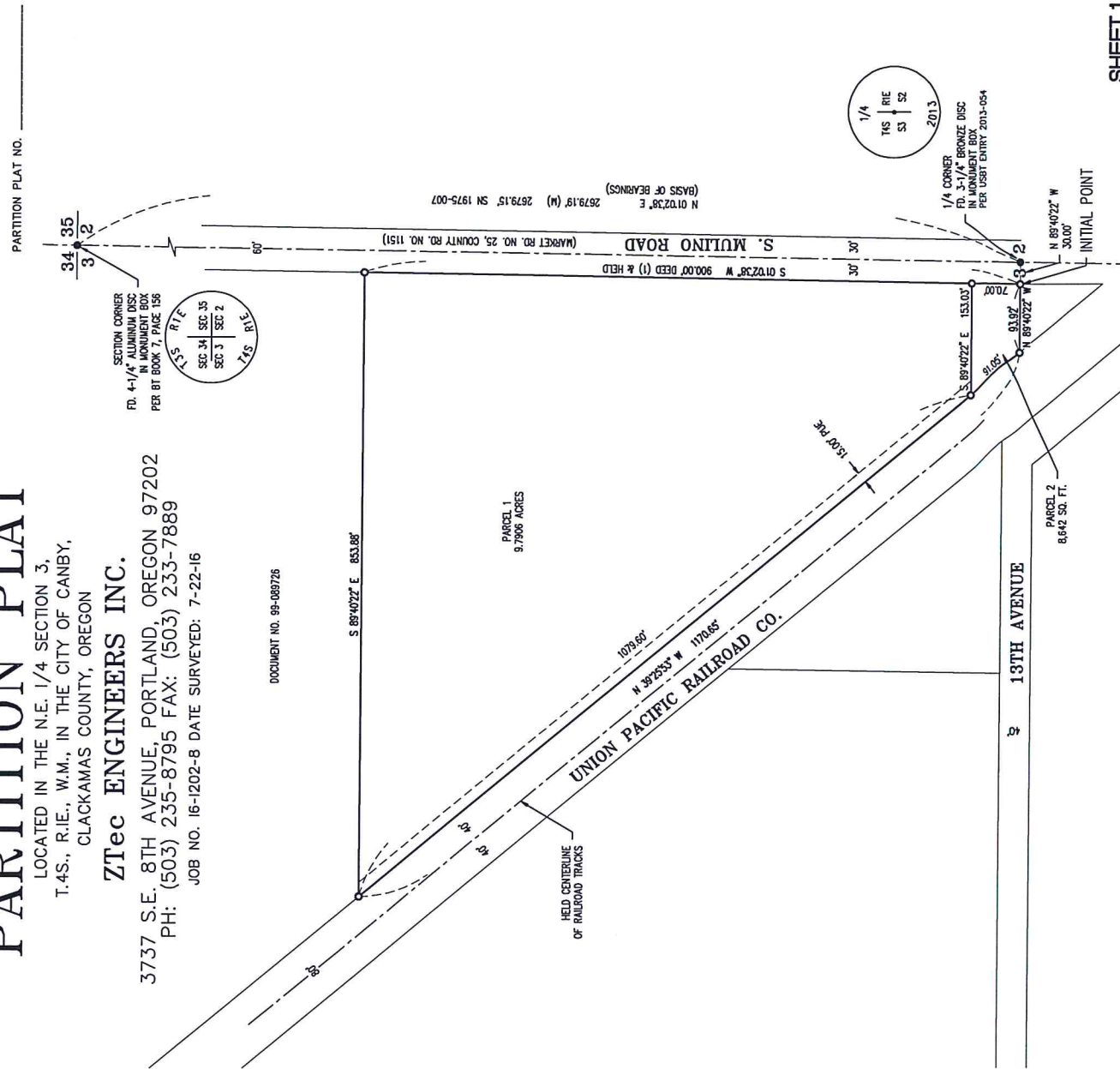
Property owners within 200 feet include:

T4S, R1E, Sec 2, TL 600	Suzanne Webber 24464 S Mulino Road Canby, OR 97013
T4S, R1E, Sec 3, TL 102	Lisa M Weygandt Trust 24401 S Mulino Road Canby, OR 97013
T4S, R1E, Sec 3, TL 103	Weygandt LLC 24401 S Mulino Road Canby, OR, 97013
T4S, R1E, Sec 3, TL 200	Chad Robison & Carrie Claeys 2542 SE 13th Avenue Canby, OR 97013
T4S, R1E, Sec 3, TL 2700	Roger & Julie McKinnon 2675 SE 13th Avenue Canby, OR 97013
T4S, R1E, Sec 3, TL 2800	Roger & Julie McKinnon 2675 SE 13th Avenue Canby, OR 97013
T4S, R1E, Sec 3, TL 3100	Union Pacific Railroad Molalla Branch Division of the Oregon Pacific Railroad

PARTITION PLAT

LOCATED IN THE N.E. 1/4 SECTION 3,
 T.4S., R.1E., W.M., IN THE CITY OF CANBY,
 CLACKAMAS COUNTY, OREGON
ZTec ENGINEERS INC.
 3737 S.E. 8TH AVENUE, PORTLAND, OREGON 97202
 PH: (503) 235-8795 FAX: (503) 233-7889
 JOB NO. 16-1202-8 DATE SURVEYED: 7-22-16

- LEGEND:**
- DENOTES MONUMENTS FOUND AS NOTED
 - DENOTES 5/8"X3/4" LONG IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "ZTEC ENGRS. LS 1944" AND SET ON
 - I.R. DENOTES IRON ROD.
 - FD. DENOTES FOUND.
 - (M) DENOTES MEASURED.
 - SQ. FT. DENOTES SQUARE FEET.
 - SN DENOTES PRIVATE SURVEY CLACKAMAS COUNTY SURVEY RECORDS
 - DEED (1) DOCUMENT NO. 2014-000208
 - PUE DENOTES PUBLIC UTILITY EASEMENT



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 CHRISTOPHER
 FISCHBORN
 1944
 RENEWAL DATE: 1/7/2018

NOTE:
 THIS PARTITION PLAT IS SUBJECT TO THE CONDITIONS IMPOSED
 BY THE CITY OF CANBY IN CASE FILE NO. 2010-_____

PRELIMINARY

PARTITION PLAT

LOCATED IN THE N.E. 1/4 SECTION 3,
T.4S., R.1E., W.M., IN THE CITY OF CANBY,
CLACKAMAS COUNTY, OREGON

ZTec ENGINEERS INC.

3737 S.E. 8TH AVENUE, PORTLAND, OREGON 97202
PH: (503) 235-8795 FAX: (503) 233-7889

JOB NO. 16-1202-8 DATE SURVEYED: 7-22-16

PARTITION PLAT NO. _____

SURVEYOR'S CERTIFICATE:

I, CHRIS FISCHBORN, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE LINES REPRESENTED ON THE ATTACHED PARTITION PLAT, BEING ALL OF THAT TRACT OF LAND DESCRIBED IN THAT DEED RECORDED AS DOCUMENT NO. 2014-000208, CLACKAMAS COUNTY DEED RECORDS, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 1 EAST, OF THE WILLAMETTE MERIDIAN, IN THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON.

THAT AT THE INITIAL POINT I SET A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED ZTEC LS 1944, SAID POINT BEING ON THE WEST RIGHT OF WAY LINE OF SOUTH MULINO ROAD AT A POINT THAT IS NORTH 89°40'22" WEST A DISTANCE OF 50.00 FEET FROM A 3-1/2 INCH BRONZE DISC IN A MONUMENT BOX AT THE EAST CORNER OF SAID SECTION 3, THENCE CONTINUING NORTH 89°40'22" WEST HELD THE SOUTH CORNER OF SAID SECTION 3, THENCE NORTH 89°40'22" WEST A DISTANCE OF 13.92 FEET TO A POINT ON THE NORTHEASTLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE NORTH 39°25'51" WEST ALONG SAID NORTHEASTLY RIGHT OF WAY LINE A DISTANCE OF 170.65 FEET TO A POINT ON THE NORTH LINE OF SAID DOCUMENT NO. 2014-000208 TRACT; THENCE SOUTH 89°40'22" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 853.88 FEET TO A POINT OF SAID WEST RIGHT OF WAY LINE OF SAID SOUTH MULINO ROAD; THENCE SOUTH 01°02'29" WEST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 900.00 FEET TO THE INITIAL POINT.

SAID PARCEL OF LAND CONTAINS AN AREA OF 9.7906 ACRES (426,477 SQUARE FEET) MORE OR LESS.

NARRATIVE:

PURPOSE OF SURVEY: TO PARTITION THAT TRACT OF LAND DESCRIBED IN DOCUMENT NO. 2014-000208, CLACKAMAS COUNTY DEED RECORDS, INTO 2 PARCELS AS SHOWN.

BEARS OF BEARINGS: NORTH 01°02'29" EAST ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 3, AS PER SN 1975-007.

MULINO ROAD: HELD THE CENTERLINE OF THE ROAD AS BEING ON THE SECTION LINE AND THEN HELD THE WEST RIGHT OF WAY LINE AT 30.00 FEET WEST OF SAID SECTION LINE.

NORTH PROPERTY LINE OF DOCUMENT NO. 2014-00208: HELD THIS LINE AT 900.00 FEET NORTH OF THE EAST ONE-QUARTER CORNER OF SECTION 3, AND THEN HELD AN ANGLE OF 89°17'00" OFF OF SAID SECTION LINE, AS PER DEED (1).

SOUTH PROPERTY LINE OF SAID DOCUMENT NO. 2014-00208: HELD THE EAST ONE-QUARTER CORNER OF SECTION 3 AND HELD THIS LINE AS PARALLEL WITH THE NORTH PROPERTY LINE, AS PER DEED (1).

OREGON PACIFIC RAILROAD: HELD THE CENTERLINE OF THE EXISTING TRACKS AND HELD THE NORTHEASTLY RIGHT OF WAY OF SAID RAILROAD AT 40.00 FEET FROM SAID CENTERLINE OF THE TRACKS.

PRELIMINARY

DECLARATION:

KNOW ALL MEN BY THESE PRESENTS THAT, USA M. WEGANDOT, TRUSTEE OF THE USA M. WEGANDOT TRUST THE OWNER OF THE LAND REPRESENTED ON THE ATTACHED MAP, DOES HEREBY MAKE, ESTABLISH AND DECLARE THE ANNEXED MAP AS DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, TO BE A TRUE AND CORRECT AND PLAT THEREOF; ALL PARCELS BEING OF THE DIMENSIONS SHOWN HEREON. THE DECLARANT DOES FURTHER STATE THAT THE PROPERTY PLATTED HEREIN IS SUBJECT TO THE PROVISIONS AS NOTED, ALL IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF THE OREGON REVISED STATUTES, AND DOES HEREBY GRANT THE EASEMENT HEREON.

USA M. WEGANDOT,
TRUSTEE OF THE USA M. WEGANDOT TRUST

ACKNOWLEDGMENT:

STATE OF OREGON
COUNTY OF CLACKAMAS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____ BY USA M. WEGANDOT, TRUSTEE OF THE USA M. WEGANDOT TRUST

NOTARY PUBLIC - OREGON _____
COMMISSION NO. _____
MY COMMISSION EXPIRES _____

APPROVALS:

APPROVED THIS _____ DAY OF _____ 20____

BY: _____
CITY OF CANBY

APPROVED THIS _____ DAY OF _____ 20____

CLACKAMAS COUNTY SURVEYOR, AND
CLACKAMAS COUNTY BOARD OF COMMISSIONERS
DELEGATE PER COUNTY CODE CHAPTER 11.02

STATE OF OREGON
COUNTY OF CLACKAMAS
I DO HEREBY CERTIFY THAT THE ATTACHED PLAT
WAS RECEIVED FOR RECORD ON THE _____ DAY
OF _____ 20____ AT _____ O'CLOCK _____ M.

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES
AS PROVIDED BY ORS 92.095 HAVE BEEN PAID THROUGH
JUNE 30, 20____

APPROVED THIS _____ DAY OF _____ 20____

RAY ERLAND, CLACKAMAS COUNTY ASSESSOR & TAX COLLECTOR

BY: _____
DEPUTY

SHERRY HALL, CLACKAMAS COUNTY CLERK

BY: _____
DEPUTY

**CITY OF CANBY
APPLICATION FOR MINOR PARTITION**

OWNER: Lisa Weygandt Trustee
Lisa M Weygandt Trust Dated December 27, 2013
24401 S Mulino Road
Canby, OR 97013

APPLICANT: City of Canby
Hassan Ibrahim, PE
CURRAN-McLEOD, INC

LOCATION: 24401 S Mulino Road
970 feet abutting Mulino Road and the Oregon Pacific Railroad

TAX LOT: T3S, R1E, WM, Section 3, Tax Lot 101

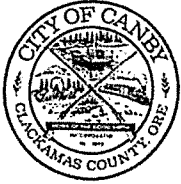
ZONING: M1 - Light Industrial with IO Canby Industrial Area Overlay

COMP PLAN: L1 - Light Industrial

REQUEST: Minor Partition to create a separate lot for a utility pumping station. Pump station currently exists on an easement granted by the property owner. City agreed at the time of securing the easement to make application on behalf of the owner to create a lot separate from the 9.8 acres remaining in the tax lot.

ATTACHMENTS:

1. Land Use Application
2. Application Narrative with list of impacted property owners
3. Property Deed
4. Preliminary Plat



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

LAND USE APPLICATION

MINOR PARTITION Process Type III MAJOR PARTITION Process Type III

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

Applicant Name: CITY OF CANBY Phone: (503) 266-7001
 Address: 222 NE 2ND AVE Email: _____
 City/State: CANBY OR Zip: 97013

Representative Name: HASSAN IBRAHIM Phone: (503) 807-2737
 Address: 6655 SW HAMPTON, STE 210 Email: HAI@CURRAN-MCLEOD.COM
 City/State: PORTLAND, OR Zip: 97223

Property Owner Name: LISA WEYGANDT Phone: (503) 266-5817
 Signature: Lisa weygandt
 Address: 24401 S. MULINO RD Email: WEY1013@MAC.COM
 City/State: CANBY, OR Zip: 97013

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

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

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

PROPERTY & PROJECT INFORMATION:

1295 S. MULINO RD 10 AC T4S R1E SEC 3, TL 101
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

RESIDENCE / FARM USE M1 L1
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

PARTITION 0.2 AC FOR MUNICIPAL SEWAGE PUMP STA.
 Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE
MLP 18-03	6/19/18	If		

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

Clackamas County Official Records
Sherry Hall, County Clerk

2014-000208

UNTIL OTHERWISE REQUESTED,
SEND TAX STATEMENTS TO:
Lisa M. Weygandt, Trustee
24401 S. Mulino Road
Canby OR 97013



\$53.00

01/03/2014 11:43:55 AM

D-D Cnt=1 SIn=4 KANNA
\$5.00 \$10.00 \$16.00 \$22.00

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, that LISA MAE WEYGANDT, hereinafter called GRANTOR, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto LISA M. WEYGANDT, Trustee of the Lisa M. Weygandt Trust dated Dec 27, 2013, hereinafter called GRANTEE, and unto GRANTEE'S heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Clackamas, State of Oregon, commonly known as 24401 S. Mulino Road, Canby, OR 97013 and more particularly described as follows, to wit:

Beginning at the east one quarter corner of Section 3, T4S, R1E, W.M.; thence N 00° 40' 09" E along the east line of said Section 3, 900.00 feet to a point; thence leaving the said section line S 89° 57' 09" W 883.41 feet to a point in the west right of way line of Southern Pacific Railroad; thence along the said west right of way line S 39° 49' 01" E 1184.94 feet to a point in the south line of the northeast one quarter of Section 3; thence along the said south line N 89° 57' 09" E 123.18 feet to the point of beginning. Containing 10.40 acres more or less.

(Assessor's Acct. #00996202, Map 41E03 00101)

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

The true and actual consideration paid for this transfer, stated in terms of dollars, is SNIL. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration. THIS IS A TRANSFER FOR ESTATE PLANNING PURPOSES.

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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 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, AND SECTIONS 2 AND 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 27 day of Dec, 2013.

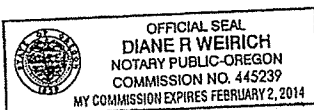
Lisa Mae Weygandt
LISA MAE WEYGANDT Grantor

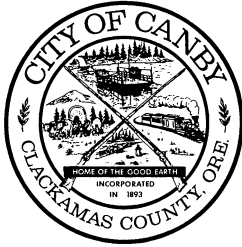
STATE OF OREGON)
) ss.
County of Clackamas)

December 27, 2013

Before me personally appeared the above named LISA MAE WEYGANDT, and acknowledged the foregoing instrument to be her voluntary act and deed.

Diane R Weirich
Notary Public for Oregon
My Commission Expires: February 2, 2014





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

**A REQUEST FOR SITE AND DESIGN)
REVIEW FOR AN OFFICE BUILDING)
1530 SE 3RD COURT)**

**FINDINGS, CONCLUSION & FINAL ORDER
DR 18-05
PETER HOSTETLER/SCOTT GUSTAFSON**

NATURE OF THE APPLICATION

The Applicant has sought an approval for a Site and Design Review DR 18-05 to construct a 2,469 square foot office building on property addressed as 1530 SE 3rd Court otherwise described as Tax Lot 31E34C04000, City of Canby, Clackamas County, Oregon. The property is zoned Heavy Commercial/Manufacturing and Light Industrial (M-1) under the Canby Municipal Code (CMC).

HEARINGS

The Planning Commission considered application **DR 18-05** after the duly noticed hearing on July 23, 2018 during which the Planning Commission by a ___/___ vote approved **DR 18-05**. These findings are entered to document the specifics of the approval.

CRITERIA AND STANDARDS

In judging whether or not a Site and Design Review 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 and Design Review and other applicable code criteria and standards reviewed in the Staff Report prepared for and presented at the July 23, 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 application (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 and the exact wording thereof:

-

CONCLUSION

In summary, the Planning Commission adopted the findings contained in the Staff Report along with the modifications indicated above, concluded that the Site and Design Review application meets all applicable approval criteria, and recommended that File DR 18-05 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, that the application will meet the requirements for Site and Design Review approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **DR 18-05** is approved, subject to the following conditions of approval:

Conditions of Approval

Staff concludes that, with conditions, the application will meet the requirements for site and design review approval. The city will not approve the building permit until all applicable conditions of approval are either met or shown to be met on the final construction plans. Staff has concluded the following conditions of approval are appropriate to assure conformance with applicable review criterion:

Conditions Unique to this Proposal

1. The applicant shall file a sign permit for any future planned signs that shall be limited to the size and height standards applicable to the C-M (Heavy Commercial/Manufacturing Zone) as indicated in Section 16.42.050, Table 2, of the sign ordinance. The proposed signs, after been found to conform to the sign ordinance, must secure a building permit from Clackamas County Building Inspection prior to their installation if applicable.
2. The project must be in conformance with the applicable findings and recommendations outlined by the City Engineer in his memorandum dated July 9, 2018 as follows:
 - 1) A 5 foot sidewalk shall be constructed along the entire frontage with SE 3rd Court.
 - 2) The driveway entrance shall be a commercial driveway approach consisting of 6" min concrete thickness with WWF mesh.
 - 3) Sanitary sewer stub is available at the site.
 - 4) Storm water shall be disposed on-site or connected to the existing stub.
3. At the Pre-construction Conference, the applicant shall submit a Lighting Plan and other data that proves the project meets criteria stated in Section 16.43 CMC.
4. At the Pre-construction Conference, the applicant shall submit a Grading Plan.
5. At the Pre-construction Conference, the applicant shall submit a Utility Plan.

Procedural Conditions

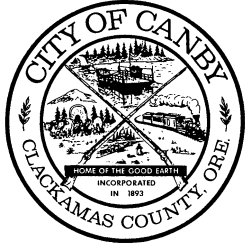
Prior to Issuance of a Building Permit the following must be completed:

6. 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. Any drainage plan shall conform to an acceptable methodology for meeting adopted storm drainage design standards as indicated in the Public Works design standards.
7. A Sediment and Erosion Control Permit will be required from the City prior to commencing site work.
8. Prior to the issuance of a building permit, the installation of public or private 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 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.
9. Construction plans shall be designed and stamped by a Professional Engineer registered in the State of Oregon.
10. Clackamas County will provide structural, mechanical, grading, and review of Fire & Life Safety, Plumbing, and Electrical permits for this project.

Prior to Occupancy of the Facility:

11. Prior to occupancy of the facility, all landscaping plant material indicated on the submitted landscape plan shall either be installed and irrigated with a fully automatic design/build irrigation system as proposed, or with sufficient security (bonding, escrow, etc.) pursuant to the provisions of CMC 16.49.100 (B).

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

**A REQUEST FOR A MINOR LAND)
PARTITION)
1295 S MULINO RD)**

**FINDINGS, CONCLUSION & FINAL ORDER
MLP 18-03
MULINO PUMP STATION**

NATURE OF THE APPLICATION

The City of Canby recently completed the construction of a sanitary sewer pumping station which is now in service near the southeast corner of the existing 10 acre industrial zoned tract. An easement was provided to the City to construct the pump station and force main paralleling the railroad. One of the conditions requested by the owner and agreed to by the City in exchange for the easement was to create a separate lot for the pump station site.

The minor partition application is intended to separate a 8,642 square foot parcel from the 10 care property for future ownership by the City while the remaining 9.8 acre parcel remains under ownership by the Weygandts.

HEARINGS

The Planning Commission considered application MLP 18-03 after the duly noticed hearing on July 23, 2018 during which the Planning Commission by a ___/___ vote approved MLP 18-03. These Findings are entered to document the approval.

CRITERIA AND STANDARDS

In judging whether or not a Minor Land Partition application shall be approved, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable code criteria and standards were reviewed in the Staff Report dated July 23, 2018 and presented at the July 23, 2018 meeting of the Canby Planning Commission.

FINDINGS AND REASONS

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

CONCLUSION

In summary, the Planning Commission adopted the findings contained in the Staff Report along with the additional findings concluded at the public hearing and noted herein, concluding that the Minor Land Partition

application meets all applicable approval criteria, and recommending that File #MLP 18-03 be approved with the Conditions of Approval reflected in the written Order below.

ORDER

The Planning Commission concludes that, with the following conditions, the application meets the requirements for Minor Land Partition approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **MLP 18-03** is approved, subject to the following conditions:

CONDITIONS OF APPROVAL

I. CONDITIONS OF APPROVAL

Minor Partition Conditions Unique to This Request:

1. Six feet of additional public right-of-way adjacent to the Mulino Road frontage shall be dedicated to bring this side up to the ultimate 72' minimum street cross section requirements indicated to be required in the adopted Transportation System Plan for property fronting on an industrial collector street classification and shall be shown on the Partition Plat to be recorded of record.
2. A 12' Public Utility Easement adjacent to the inside edge of the adjacent Mulino street ROW, or less if approved by all utility service providers, shall be provided and designated on the Partition Plat.
3. A non-remonstrant agreement shall be recorded with the Partition Plat applicable to Parcel 2 to place a public record that the City shall be required to install comparable street and sidewalk improvements to the Mulino Road frontage of Parcel 2 when improvements are made to the adjacent parcel or agree to participation in a Local Improvement District if established for which Parcel 2 is a part.

Final Partition Plat Conditions:

1. A surveyed partition plat prepared by a licensed surveyor shall be recorded with Clackamas County after application and review of a Final Partition Plat by the City. The partition plat must be submitted to the city within one year of Planning Commission approval of the partition or the applicant must request, in writing, a one year extension from the Planning Commission. The applicant or county shall provide the city with a recorded copy of the plat in a timely manner.
2. The applicant shall bear full responsibility for compliance with applicable State or county regulations regarding the recordation of deed documents and subsequent transfer of ownership related to the newly established lot(s).
3. All provisions of applicable utility agencies shall be met prior to the recordation of the partition plat.
4. Construction of all required public improvements and the recordation of the partition plat must be completed prior to the issuance of building permits and comply with all applicable City of Canby Public Works Design Standards.