



# City of Canby

## MINOR PARTITION/VARIANCE STAFF REPORT

FILE #: MLP 17-03/VAR 17-02

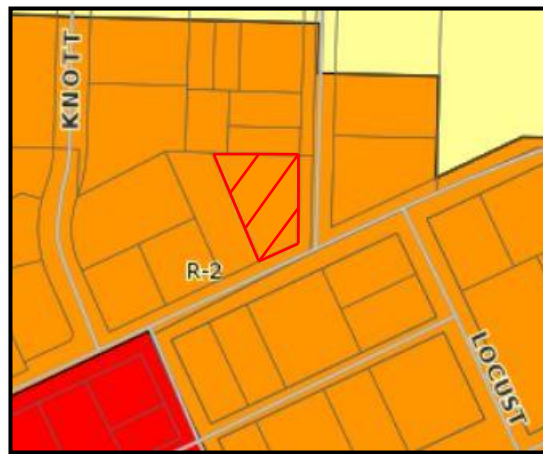
Prepared for the August 28, 2017 Planning Commission Meeting

**LOCATION:** 354 NE 4<sup>th</sup> Avenue

**ZONING:** R-2 (High Density Residential)

**Comprehensive Plan:** HDR (High Density Residential)

**Tax lots:** 31E33CA01600 (Bordered Property in Map Below)



**LOT SIZES:** 0.21 ACRES (9,148 SQUARE FEET)

**OWNERS:** Jason Bristol

**APPLICANT:** Jason Bristol

**APPLICATION TYPE:** Minor Partition/Minor Variance (Type III & II)

**CITY FILE NUMBER:** MLP 17-03/VAR 17-02

### I. **PROJECT OVERVIEW & EXISTING CONDITIONS**

The applicant proposes to partition an existing 0.21 acre (9,148 square foot) parcel into three parcels containing approximately 4,941 square foot, 1,982 square feet, and 2,211 square foot each. The existing parcel is located at the northwest corner of NE 4<sup>th</sup> Avenue and N. Locust Street. An existing single-family home is to remain on the proposed 4,941 square foot lot identified as Parcel 1 on the tentative partition plat. The applicant intends to develop the remaining two parcels with single-family dwellings having common wall construction usually called townhouses. The parcels will have driveway access from N. Locust. The applicant also proposes a Variance Application to reduce the required rear yard setback of 10 feet to 9.5 feet between the existing dwelling and the proposed property line.

### **ATTACHMENTS:**

A. Applicant Narrative

## B. Site Plan

### **AGENCY COMMENTS:**

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

The City Engineer's comments are included as conditions of approval.

Canby Fire recommended residential fire sprinkler for the building due to proximity to other structures.

Public Comment: A comment from the Canby Bike/Ped Committee recommended added along the east side of the property.

Other agencies either had no comment or failed to respond at the time this report was completed.

## **II. APPLICABLE CRITERIA & STAFF FINDINGS**

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

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

### ***Chapter 16.08 General Provisions***

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#### **16.08.070 Illegally created lots**

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

**Findings:** Based on available information the subject parcel was created in its current configuration as a remnant parcel when the adjacent property to the west was created by survey in 1957, prior to State Statute land use requirements for subdivision of land. Subsequently, the lot can be considered a legally created parcel for land use purposes.

**16.08.090 Sidewalks required.**

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

**Findings:** The subject property is situated on the northwest corner of NE 4<sup>th</sup> Avenue and N. Locust Street. Sidewalks and other street improvements have been constructed on NE 4<sup>th</sup> Avenue but not on the N. Locust Street frontage. The City has determined that the applicant can pay funds toward future street improvements on N. Locust Street in lieu of making half-street improvements at this time. Driveways will be constructed to City standards.

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

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

**Findings:** A Traffic Impact study is not required for the proposal because the project did not meet TIS requirements listed in Chapter 16.08.150.

**16.08.160 Safety and Functionality Standards**

The City will not issue any development permits unless the proposed development complies with the city's basic transportation safety and functionality standards, the purpose of which is to ensure that development does not occur in areas where the surrounding public facilities are inadequate.

**Findings:** The parcel is already developed, and public facilities and improvements are in place. Subsequently, standards listed in A-E of this section do not apply.

***Chapter 16.10 Off Street Parking & Loading***

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**Table 16.10.050 Off-street Parking Provisions**

**Findings:** Two Parking spaces are required for each single-family dwelling, and adequate parking would generally be reviewed during any construction permit process. However, the applicant is not proposing any new dwelling construction at this time and two of the proposed lots will contain future dwellings and parking must be established at the time of construction. The applicant indicates that the existing dwelling on the property will be provided with a parking pad and driveway to accommodate two vehicles.

**16.10.070 Parking lots and access**

- A. (3) Areas used for standing or maneuvering of vehicles shall have paved asphalt, concrete, solid concrete paver surfaces, or paved "tire track" strips maintained adequately for all weather use and so drained as to avoid the flow of water across sidewalks or into public streets, with the following exception:

- a. The Planning Director or Planning Commission may approve the use of an engineered aggregate system for outdoor storage and/or non-required parking areas provided that the applicant can demonstrate that City Standards related to:

**Findings: Standards for outdoor storage and non-required parking areas are listed in this section. The applicant is not proposing any outdoor storage or non-required parking areas.**

- b. Use of permeable surfacing materials for parking lots and driveways is encouraged whenever site and soil conditions make permeable surfacing feasible. Permeable surfacing includes, but is not limited to: paving blocks, turf block, pervious concrete, and porous asphalt. All permeable surfacing shall be designed, constructed, and maintained in accordance with the Canby Public Works Design Standards and the manufacturer's recommendations. Maintenance of permeable surfacing materials located on private property are the responsibility of the property owner.

**(4)** The full width of driveways must be paved in accordance with (3) above:

- a. For a minimum of 20 feet from the right-of-way line back into the private property to prevent debris from entering public streets, and
- b. To within 150 feet of all portions of the exterior wall of the first story of any structure(s) served by the driveway to ensure fire and emergency service provision.

**Findings: The criteria in (4)(a) above requires 20 feet of paving from right-of-way of the frontage street for proposed and existing driveways. Information shows that the existing single-family dwelling fronting on NE 4<sup>th</sup> Avenue has an existing gravel driveway off N. Locust Street. The applicant's site plan indicates that a new two-vehicle parking pad will be constructed off on N. Locust Street to replace the driveway. Additional driveway improvement will be required when further development occurs on the other proposed lots.**

**B. Access**

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

**Findings: The City standard for local streets requires a six foot wide sidewalk. At this particular location, sidewalks are in place on NE 4<sup>th</sup> Avenue, and the applicant will contribute funds for future street and sidewalk improvements on N. Locust Street that will be constructed at a later date.**

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

**Findings: Based on available information, it appears that the existing and future accesses will comply with the 30 foot separation from the nearest intersection. The proposal must meet the Canby Public Works Standard of 10' driveway separation from the driveways on adjacent properties. In order to meet the 10' driveway separation standard, the shared access driveways for each townhouse on parcels 2 and 3 shall be no greater than 12' wide for each dwelling. The**

standard will be a condition of approval.

**Table 16.10.070:** Minimum dimensional Standard for Parking:

**Findings:** Based on available information, it appears that the proposed driveways will meet current code requirements.

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

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**16.20.010 Uses permitted outright:** Uses permitted outright in the R-2 zone shall be as follows:

**A.** Uses permitted outright in the R-1.5 zone, subject to the density standards in Section 16.20.030(A).

**Findings:** The R-2 zone allows uses permitted outright in the R-1.5 and R-1 zones. The existing single-family home and proposed townhouses are permitted outright.

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

**Findings:** The R-2 zone does not have a minimum lot size, because density, setbacks, impervious surface, and other standards are used to address new development. The applicant is proposing to divide the property at this time and will construct townhouses on the two new lots at a later date. Section 16.20.030(A) states that, "New development shall achieve a minimum density of 14 units per acre." The three units proposed on the 0.21 acre property will meet the required density. According to information provided by the applicant, the proposed lots will meet the minimum width and frontage requirements as well as impervious surface. However, the existing dwelling will not meet rear setback standards for the zone from the proposed southern property line of Parcel 2. The applicant has submitted a Variance Application to vary the setback that will be discussed later in this report.

### ***16.21 Residential Design Standards***

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

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

**16.21.030 Single family and two-family dwelling design menu.**

**16.21.040 Main entrances for single family and two family dwellings.**

**Findings:** The residential design standards of Section 16.21.020-040 are applicable to new homes that will have a street facing façade. In this case, new construction of additional dwellings will not occur until a later date. The above standards do not apply at this time.

**16.21.050 Infill Homes**

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

**Findings:** Infill homes are defined in 16.04.255 and are specific to the R-1 and R-1.5 zones. The subject property is located within the R-2 zone. Subsequently, this criterion is not applicable.

## ***16.43 Outdoor Lighting Standards***

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### **16.43.030 Applicability**

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

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

### **16.43.060 Prohibited Light and Lighting.**

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

**Findings:** The Planning Commission has determined with previous applications that lighting standards are not applicable to street lights. New construction is not part of this application.

## ***16.46 Access Limitations on Project Density***

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**Findings:** There is no evidence that the two additional lots will impact the suitability of the existing access to lots within the neighborhood. No new roads are proposed to trigger minimum access standards. The majority of the remaining access standards of this section do not apply to residential driveways.

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

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### **16.60.020 Standards and criteria**

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

**Findings:** As indicated above, the standards of Chapter 16.64 (Subdivision-Design Standards) are applicable to this proposal. The above section also gives the Planning Commission the authority to be flexible with public improvement requirements, such as installation of a sidewalk or widening of the street.

### **16.60.040 Minor partitions.**

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

- A.** Conformance with the text and applicable maps of the Comprehensive Plan;
- B.** Conformance with all other applicable requirements of the Land Development and Planning Ordinance;

- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;
- E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

**Findings: The application meets the definition of a partitioning stated in Section 16.04.470. The applicant intends to divide a single parcel into three separate lots and does not propose any new streets or roadway. Public facilities and services are presently available to serve the proposed lots and the existing dwelling. Extending individual service laterals within the access and utility easement from the main utilities services located in the existing adjacent public streets may be necessary. Access to the newly created parcels would occur over new driveway access to the proposed lots and the existing single-family dwelling. A condition of approval shall be placed to establish that all utility easements are made part of the recorded partition plat.**

**16.60.060 Final procedures and recordation.**

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

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

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

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

***16.64 Subdivisions-Design Standards***

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**16.64.010 Streets**

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

**16.64.070**

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

**K.** Street tree planting is required of the subdivider and shall be according to city requirements. (Ord. 899 section 4, 1993)

**Findings:** Because an existing dwelling is in place, a street tree plan may not be applicable. However, placement of a street tree may be required every 30 feet along each street frontage, where possible, depending on existing tree removal during construction. Proposed new driveways will limit where new street trees could be planted along the frontage. Subsequently, a temporary street tree easement to plant the trees on private property is required and must be delineated on the final plat. The applicant shall provide a fee based on the placement of a tree at every 30' of street frontage or submit a formal Street Tree Plan.

**16.64.030 Easements**

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

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

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

**Findings:** All public street improvements and pedestrian access have been completed for NE 4<sup>th</sup> Avenue. Street improvements for N. Locust are waived because of future planned improvements to N. Locust Street by the City. As a condition of approval, the applicant will provide funds for appropriate improvement costs fronting the project.

**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.

**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: If proposed parcels 2 and 3 are addressed as separate lots, the lots will not meet criteria for depth to width ratio stated in 16.64.040(A) above. However, in this particular case, the common-wall townhouses can be considered a single structure, and the two lots have a common property line that dissects the dwelling. It is reasonable to consider the total width of both lots in relation to the depth in this circumstance which will result in the proposal meeting the ratio. As discussed in the applicant's narrative and delineated on the tentative plat, the proposal meets the above criteria.**

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

**Findings: New homes are not proposed as part of this request. Infill lots are not applicable to this zone designation.**

**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: One proposed parcel is currently developed and the applicant does not propose building on the other two parcels at this time. Staff does not recommend a bonding requirement.**

**16.64.070 Improvements**

- A. Improvement Procedures. In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations, or at his own option, shall conform to the requirements of these regulations and improvement standards and specifications followed by the city, and shall be installed in accordance with the following procedure:
1. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plat of a subdivision or partition. No work shall commence until the developer has signed the necessary certificates and paid the subdivision development fees specified elsewhere in this division.
  2. Improvement work shall not commence until after the city is notified, and if work is discontinued for any reason it shall not be resumed until after the city is notified.
  3. Improvements shall be constructed under the inspection and to the satisfaction of the City. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction which warrant the change.

**Findings: In this particular case, the City is waving actual street improvement in lieu of the applicant paying required fees that will be applied to the cost of future improvement on N. Locust Street. As a condition of approval, the applicant shall submit a report from a certified engineer to establish the**

**engineering and construction costs for required street improvements on N. Locust Street and submit those fees to the City of Canby.**

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

**Findings: As-built plans are not sought for just driveway paving.**

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

**Findings: As previously discussed, staff recommends that improvement be limited to required fees for future improvement construction by the City.**

**C. Streets**

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

**Findings: A condition of approval addresses monumentation requirements.**

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

**Findings: A condition of approval addresses monumentation requirements.**

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

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

**D. Surface Drainage and Storm Sewer System.**

3. All new subdivisions in Canby are required to treat stormwater on site. Stormwater management using LID practices is required where feasible, pursuant to requirements of this

chapter and other applicable sections of this code. LID facilities shall be constructed in accordance with Canby Public Works Design Standards.

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

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

**Findings: Construction of sidewalks will occur on the N. Locust Street frontage of the proposed partition at a later date.**

**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.**

**K. Other Improvements.**

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

**Findings: A condition of approval shall state that a city Street Opening Permit is required when curb cuts are proposed. The existing overhead utility lines are not proposed to be placed underground.**

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

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

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

**O. Bond.**

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

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

**Findings: Any public improvements required by the Commission shall meet the above criteria.**

### ***16.86 Street Alignments***

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**16.86.020 General provisions.**

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

**Findings: Bike lanes and sidewalks will be addressed when future street improvements occur on N. Locust Street.**

**16.86.040 Recommended Roadway Standards**

Specific standards for roadway design are located in the Transportation System Plan and Canby Public Works Design Standards.

**Findings: No new streets are proposed or recommended by staff. However, if required by the Commission, the above standard must be met.**

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

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**Findings: This application is being processed in accordance with Chapter 16.89. Notice of the public hearing was mailed to owners and residents of lots within 200 feet of the subject development and to applicable agencies. Notice of the meeting was posted at the appropriate locations 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 and a pre-application conference was not required for this application. A minor variance is considered a Type II application but is included with this decision.**

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

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

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

**Findings: Criteria in this section require that System Development Charges (SDCs) be collected at the time of construction of any new homes.**

### ***16.53 MINOR VARIANCE***

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#### **16.89.040(D) Type II Procedure**

The Planning Director shall make Type II decisions in writing addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the Planning Director shall approve, approve with conditions, or deny the requested permit or action.

#### **16.53.010 Minor Variances**

**A.** The following variances shall be reviewed using a Type II procedure (see Chapter 16.89), using the approval criteria in subsection B, below. Applications shall be made on forms provided by the Planning Department.

1. Setbacks: up to a ten percent (10%) reduction to the setbacks required in the zone.

**B.** A minor variance may be granted if the applicant demonstrates compliance with all of the following criteria, if applicable:

1. The variance is required due to the lot configuration or other physical conditions of the site;

2. The variance is proposed in order to preserve trees or will not result in the removal of significant natural resources, including trees;

3. The variance will not reduce allowable lot size, violate landscaping requirements, or result in a violation of other chapters or sections of this ordinance; and

4. The variance will not be materially detrimental to other property within the same vicinity.(Ord. 1080, 2000)

**Findings: The applicant has requested less than 10% reduction of the required rear setbacks that will be reduced from 10 feet to 9.5 feet. The proposed lots are zoned R-2 and intended for multi-unit development. In this particular case, the parcel is difficult to develop because it is a corner lot and a remnant parcel in an area where remaining buildable space is limited or not available. The size and shape of the property restricts any additional residential development on property that is designated for multi-family density. The size, and street corner location as well as the required setbacks for the zone limit the available buildable space for multi-unit development.**

**The newly configured lot contains existing trees, but it does not appear that removal will be necessary because of the variance to the setback. Criteria in (B)(2) above does not apply. Additionally, the variance will not change the lot size or violate any sections of the ordinance.**

**The variance request amounts to an insignificant reduction to the required setback that will total 5% of the rear yard setback requirement. The proposal will not be materially detrimental to an area that is already developed with single family and multi-family dwellings.**

**16.53.030 Revocation of variances**

- A. Automatic Revocation. All variances shall be automatically revoked if not exercised within one year from the date of approval, or such additional time as is specified by the granting body at the time of approval. Variances shall not be deemed exercised until the use of the property permitted by the variance has actually commenced or, in the event that such use involves construction, that all required permits for said construction have been obtained.
  
- C. Extension of approval. A one-time extension will be allowed if applied for no later than ninety (90) days prior to the expiration of the original approval. A request for extension must:
  - 1. Not change the original application.
  - 2. Explain specifically why an extension is needed.
  - 3. A minor variance or minor sign variance extension shall be approved by the City Planner. A major variance extension shall be approved by the Planning Commission as a new business item.
  - 4. If approved, those with standing on the original application shall be notified of the extension by mail. Those so noticed may obtain a public hearing on the extension by filing a request in writing within ten (10) days of the notice date. The public hearing shall follow the notice requirements and procedure for major variances. The cost of notification and any required public hearing must be borne by the applicant.
  - 5. An extension shall not be granted for more than one (1) year. (Ord. 740 section 10.8.20(C), 1984; Ord. 955 section 31, 1996; Ord 1237, 2007; Ord. 1299, 2008)

**III. Decision**

Based on the application submitted and the facts, findings, and conclusions of this report, staff recommends that the Planning Commission **approve** Minor Land Partition/Variance File MLP 17-03/VAR 17-02 subject to the following conditions of approval:

**IV. CONDITIONS OF APPROVAL**

Minor Variance:

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- 1. The minor variance must be exercised within one year of approval unless an extension is granted by the Planning Director.

Minor Partition Conditions Unique to This Request:

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- 1. The applicant is responsible for determining if existing utility service to all existing structures will need to be relocated or protected by private easement as a result of this partition.
- 2. All work associated with the new paved driveway access or utility installations shall secure a street construction permit and comply with City current Public Works Design Standards.
- 3. Any utility easement to serve the parcels shall be shown on the recorded partition

- plat.
4. The applicant shall pave the driveways at least 20 feet back from the right-of-way frontage on N. Locust Street in order to meet criteria listed in Section 16.10.070(A)(4).
  5. The applicant shall submit a report from a certified engineer to establish the engineering and construction costs for required street improvements on N. Locust Street and submit those fees to the City of Canby prior to recordation of the final plat.
  6. A temporary street tree easement to plant the trees on private property is required and must be delineated on the final plat. The applicant shall provide a fee based on the placement of a tree at every 30' of street frontage or submit a formal Street Tree Plan.
  7. Driveways for each townhouse on parcels 2 and 3 shall be no greater than 12' wide for each dwelling.
  8. The project must be in conformance with the applicable findings and suggestions outlined by the City Engineer in his memorandum dated July 25, 2017 that are contained in the file unless otherwise specified by the Planning Commission. The comments are as follows:
    1. *Section 2.207 of Canby Public Works Design Standards requires half street improvements to be constructed as part of any development. N. Locust Street is being considered for reconstruction by the City and consequently, half street improvements will not be required to be constructed at this time as part of this development. However, the developer will be required to provide the City for review and approval a detailed engineer's cost estimate for the construction of the half street improvements and pay the City a fee in-lieu for deferring such improvements.*
    2. *The existing right of way on N. Locust is 40 foot for the entire length of the roadway. The City will not be pursuing any additional right of way dedication. Therefore, right of way dedication will not be required as part of this development.*
    3. *If sidewalk easement doesn't exist along NE 4<sup>th</sup> Avenue, an easement will be required to encompass the existing sidewalk.*
    4. *The developer will be required to provide a street profile design on N. Locust Street in order to determine the driveway grades along the site frontage.*
    5. *We recommend the developer granting the City a 10 foot temporary grading easement along the site frontage of N. Locust Street and NE 4<sup>th</sup> Avenue. The easement will terminate upon the City completing the work on those streets.*

Final Partition Plat Conditions:

- 
9. A final surveyed partition plat shall be prepared by a licensed surveyor for recording the partition plat of record. Prior to recordation with Clackamas County, the plat shall

be submitted to the city along with applicable fees for review by the city and other appropriate agencies. The final plat must be submitted to the city within one year of Planning Commission approval or the applicant must request, in writing, a one year extension from the Planning Commission. The applicant or county shall provide the city with a recorded copy of the plat in a timely manner.

Monumentation/Survey Accuracy Conditions

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

Residential Building Permits Conditions:

- 
- 12.** Recordation of the partition plat must be completed prior to the issuance of future building permits.
  - 13.** All public improvements shall comply with all applicable City of Canby Public Works Design Standards.





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

# LAND USE APPLICATION

## MINOR PARTITION Process Type II MAJOR PARTITION Process Type III

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

Applicant Name: Same as owner Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Email: \_\_\_\_\_  
 City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

Property Owner Name: Jason Bristol Phone: 503 803 2920  
 Signature: Jason Bristol  
 Address: 21733 S Hwy 99E Email: jbristol@web-ster.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:**

<u>354 NE 4th Ave, Canby, OR 97013</u>	<u>.21 Acres, 9,135 sq ft</u>	<u>31A33CA01600</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>Single Family Residence</u>	<u>R-2</u>	<u>High Density Residential</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

Divide property to create 3 parcels  
 Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
<u>MUP17-03e</u>	<u>6-9-17</u>	<u>JS</u>	RECEIPT #	DATE APP COMPLETE
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

VAR 17-02



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

# LAND USE APPLICATION

## MINOR VARIANCE – Process Type II

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

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

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

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

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

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

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

**PROPERTY & PROJECT INFORMATION:**

Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

Describe the Proposed Development or Use of Subject Property

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

MINOR VARIANCE APPLICATION – TYPE II

Instructions to Applicants

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](mailto: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 200 feet of the subject property. If the address of a property owner is different from the address of a site, an address for each unit on the site must also be included and addressed to “Occupant.” A list of property owners may be obtained from a title insurance company or from the County Assessor’s office.

One (1) copy of a written, narrative statement describing the proposed development and detailing how it conforms with the Municipal Code and to the approval criteria 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

Two (2) paper copies of the proposed plot plan, printed on 11 ½” x 17” paper, and drawn to an engineer’s scale no smaller than 1”=50’. The plot plan shall include the following information:  
A. All legal lot lines, north arrow, lot size and dimensions, location of public and private easements, and location and names of all adjacent streets.  
B. Any major topographic or landscape features, driveways, wells, septic tanks, drain fields, and jurisdictional watercourses or wetlands on or abutting the property. As a reminder, the property owner is responsible for meeting all state/federal wetland and waterway regulations.  
C. Location and description of all existing and proposed structures. Call out the distance between the structures and lot lines, and clearly illustrate the setback variance that is being requested.

## MINOR VARIANCE – TYPE II: APPLICATION PROCESS

1. Prior to submitting an application, all applicants are encouraged to request a pre-application meeting with the City, or the City Planner may determine that a pre-application meeting is necessary after an application has been discussed or upon receipt of an application by the City. To schedule a pre-application meeting, an applicant must submit a completed pre-application form and set of preliminary plans to the City Planner, and after receiving the Planner's initials, must then make and take 16 copies of the pre-application materials to the Canby Public Works Department to schedule the pre-application meeting. The City does not charge a fee for a pre-application meeting.
2. At the time an application is submitted to the City, payment of all required application processing fees is required. An application will not be accepted without payment of fees. City Staff can provide you with information concerning application fees.
3. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application materials are also routed to various City/State/County departments, as applicable, for their comments. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.
4. Notice of the application is mailed to all property owners and residents within 200 feet of the property. The property owners and residents are given 10 days to submit written comments.
5. Staff investigates the application, including comments received, and writes a decision. The staff's decision is mailed to the applicant, to the property owners and residents who received the original notice, and to anyone else who submitted comments during the comment period; and opportunity is given to appeal the decision.
6. An appeal must be requested in writing within 10 days of the date the decision notice is mailed. If an appeal is requested, the applicant is required to pay an additional \$1,600 application processing fee to cover the cost of the appeal hearing.
7. Prior to the appeal hearing, the City will prepare notice materials for posting on the subject property. This material will be posted **by staff** at least ten (10) days before the public hearing.
8. The staff report will be available to all interested parties seven (7) days prior to the hearing.
9. The Planning Commission holds a public hearing on the appeal request. Unless the Planning Commission decides to hear the appeal de novo, only testimony regarding items already in the record is permitted, and no new information may be entered. The staff report is presented to the Commission. Testimony is presented by the appellant, the applicant, proponents and opponents.
10. The Commission then makes findings of fact, and issues a decision to either uphold the original decision, modify the original decision, or overturn the original decision. The Planning Commission's decision may be appealed to the City Council.
11. If the Commission's decision is appealed, City Council holds a public hearing. The staff report is presented and testimony taken, as at the original hearing(s). The City Council decides to hear the appeal either de novo, or on the record. The Council may affirm, revise or reverse the action of the Planning Commission in all or in part. The Council may also remand the matter back to the hearing body for further consideration.

## MINOR VARIANCE – TYPE II: STANDARDS AND CRITERIA

Under Section 16.53.010 of the Canby Municipal Code, an application for MINOR VARIANCE approval shall be evaluated based on the following standards and criteria:

- A. The variance is required due to the lot configuration or other physical conditions of the site;
- B. The variance is proposed in order to preserve trees or will not result in the removal of significant natural resources, including trees;
- C. The variance will not reduce allowable lot size, violate landscaping requirements, or result in a violation of other chapters or sections of this ordinance; and
- D. The variance will not be materially detrimental to other property within the same vicinity.

## Application for Minor Partition

Applicant	Jason Bristol 21733 S. Highway 99E Canby, OR 97013 (503) 803-2920
Location	354 NE 4 <sup>th</sup> Avenue West of N Locust Street
Legal Description	Tax Lot 31E33CA01600
Comprehensive Plan Designation	High Density Residential
Zone	R-2 High Density Residential
Site Size	0.21 Acre (9,135 square feet)
Proposal	Partition to create a parcel for existing single-family residence and two parcels for two new shared wall single-family residences.

**SITE & PROPOSAL DESCRIPTION**

This application requests approval for a minor partition to divide property into three parcels. The existing single-family residence will reside on Parcel 1. Parcel 2 and 3 will be suitable for two shared wall single-family homes.

The site is zoned R-2 and is located west of N Locust Street. The site has frontage on NE 4<sup>th</sup> Avenue and N Locust Street; all access will connect to N Locust Street.

The site is in an area of existing single-family attached and detached residences.

The site is presently occupied by an existing single-family residence. The site is very nearly flat, with no identified natural resources or physical hazards. A large fir tree is on the west side of the site and will remain.

The proposed Parcel 1 will have frontage on both NE 4<sup>th</sup> Avenue and N Locust Street, where access is proposed. Proposed Parcels 2 and 3 will have frontage and direct access to N Locust Street.

The following table lists adjacent uses:

**Uses Adjacent to the Site**

North	Single-family housing and Single-family attached housing
East	Across N Locust St.; Single-family housing
West	Single-family housing
South	Across NE 4 <sup>th</sup> Ave.; Multi-family and Single-family housing

The following table identifies the existing public facilities and utilities:

**Existing Public Facilities**

Facility/Service	Existing Status	Comment
Streets: N Locust St	Sufficient right of way; no sidewalk	Improvements yet to be determined by City of Canby
NE 4 <sup>th</sup> Ave	Sufficient right of way; recent improvements	Improvements not necessary
Sanitary sewer	10” line in both N Locust St and NE 4 <sup>th</sup> Ave	Connect Parcels 2 and 3 to main through new on-site 6” pipes
Domestic water	Line in both N Locust St and NE 4 <sup>th</sup> Ave	Connect Parcels 2 and 3 to main by tapping new water service
Storm water	Catch basin is located at corner of N Locust St and NE 4 <sup>th</sup> Ave	Provide infiltration chambers in rear yards of Parcels 2 and 3 for roof drains, no public improvements

## Applicable Criteria and Standards

### Identification of Applicable Criteria and Standards

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

1. Comprehensive Plan:

Land Use Element

Transportation Element

Housing Element

2. Land Development and Planning Ordinance:

Division I. General Provisions

Division III. Zoning

16.08 General Provisions

16.10 Off-Street Parking and Loading

16.20 R-2 High Density Residential Zone

16.53 Variance

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

16.56 General Provisions

16.60 Major or Minor Partitions

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

Division VII. Street Alignments

16.86 Regulations

Division XI. Park, Open Space and Recreation Land

16.120 General Provisions



## Discussion of Criteria and Standards

### COMPREHENSIVE PLAN GOALS AND POLICIES

#### Land Use Element

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

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

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

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

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

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

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

Public facilities are available to the site. Sanitary sewer is provided by the City and is available from a line in both N Locust Street and NE 4<sup>th</sup> Avenue, which has sufficient capacity for this development. Public water is provided by Canby Utility and is available from a line in both N Locust Street and NE 4<sup>th</sup> Avenue. Storm water is not provided as a public facility, but will be managed on-site through the installation of a high capacity infiltrator chamber for a residential downspout drainage system. Public schools generally have capacity throughout Canby. Other public facilities and services, such as police, fire, telephone, electricity, etc., are generally available to be extended onto the site.

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

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

### Transportation Element

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

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

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

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

Response: NE 4<sup>th</sup> Avenue is constructed to a 36 foot width and N Locust Street is constructed to a 31-32 foot width in front of the site and both maintain a 40 feet of right of way. New driveway approaches will be constructed to serve Parcels 1, 2, and 3; in addition, the City of Canby is finalizing an overall plan that will affect the east side of Parcels 1, 2 and 3 on N Locust Street. The driveways for the proposed development are relatively short and therefore will facilitate access for emergency vehicles. The driveway for Parcel 1 will be located at least 30 feet from the intersection (Sec. 16.10.070.B).

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

### Housing Element

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

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

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

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

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

### *Division III. Zoning*

#### *Chapter 16.08 General Provisions*

Appropriate sidewalk and curbing may be imposed at discretion per Sec. 16.08.090.B. Improvements on NE 4<sup>th</sup> Avenue are complete while those on N Locust Street will be determined by the City of Canby as a part of the future N Locust Street improvement projects. Additionally, concrete driveways will be installed at grade, provided by City of Canby, to match future work on N Locust Street. All required easements have been, or will be, granted to the City of Canby.

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

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

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

The parking requirement for single-family dwellings is two spaces per dwelling unit (Table 16.10.050). Parcel 1 will meet this requirement with the proposed driveway parking pad to accommodate two vehicles and will be outside of the vision clearance area of the intersection as specified in Sec. 16.10.040. Parcels 2 and 3 will meet this requirement at time of construction.

On street parking is also available along NE 4<sup>th</sup> Avenue and N Locust Street.

The minimum access width for single-family dwellings is 12 feet per unit per Sec. 16.10.070.B. Parcel 1 will meet this requirement with the proposed driveway parking pad at 20 feet in width. Parcels 2 and 3 will meet this requirement at time of home construction.

The minimum distance between the driveway for Parcel 1 and the intersection is 30 feet per Sec. 16.10.070.B. This requirement will be met as proposed.

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

The proposal for minor partition will create three parcels. The existing single-family residence will reside on Parcel 1. Parcels 2 and 3 will be suitable for two shared wall single-family residences. The proposed residential use is allowed outright in the zone (Sec. 16.20.010.A&B).

New lots in the R-2 Zone are required to meet the development standards specified in Sec. 16.20.030.

The minimum residential density for new development is 14 units per acre per Sec. 16.20.030.A. Three units are required for the proposed development and therefore the minimum density requirement is met.

The minimum width and frontage is 20 feet per 16.20.030.B. All proposed parcels meet this requirement.

Per Sec. 16.20.030.C, the minimum yard requirements are outlined in the table below. The existing structure on proposed Parcel 1 has an interior side yard of 6.5 feet versus the 7 feet required. However, this is an existing condition and the redevelopment proposes no changes. The proposal does request a minor variance for the rear yard of the existing structure on Parcel 1, affecting only a small portion of the setback area, per Sec. 16.53.010. All minimum yard requirements for Parcels 2 and 3 will be met.

Development standards for structures and impervious surfaces on Parcels 2 and 3 can be verified when plans for building permits are submitted. However, the proposal intends to meet the requirements of both 16.20.030.D and 16.20.030.E.

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

Section 16.20.030 R-2 Zone Dimensional Standards

Requirement	Proposed
16.20.030.B Minimum width and frontage of 20 feet	Parcel 1: 50.73 feet Parcel 2: 22 feet Parcel 3: 22 feet
16.20.030.C Minimum yard requirements:	
Street yard, 20 feet for the side with driveway	Parcel 1: 20 feet minimum but increases due to lot irregularity, Parcel 2 and 3: 20 feet
Other street yards, 15 feet	Parcel 1: 23.3 feet
Rear yard, 10 feet for one story building on corner lot, 20 feet for two story building on interior lots	Parcel 1: 9.5 feet minimum with minor variance but increases due to lot irregularity, Parcel 2 and 3: 20 feet minimum
Interior yard: seven feet	Parcel 1: West 6.4 feet East 7 feet minimum, Parcel 2: South 7 feet, Parcel 3: North 7 feet
16.20.030.D Maximum building height: 35 feet	All new construction will be less than 35 ft. in height
16.20.030.E Maximum impervious surface: 70%	Parcel 1: lot coverage is proposed to be approximately 60% Parcel 2 and 3: lot coverage is proposed to be less than 70% and will be verified at time of building application

### *Chapter 16.53 Minor Variances*

The proposal requests a minor variance for the rear yard of Parcel 1 with a setback reduced 5% of what is required in the zone as is allowed in Sec. 16.53.010 A. Due to the irregularity of the lot and the desired configuration, the variance is requested. The proposed variance will not result in the removal of significant resources. The proposed variance will not reduce allowable lot size, violate landscaping requirements, or result in a violation of other chapters or sections of the ordinance. Lastly, the requested variance will not be materially detrimental to other property within the same vicinity as it is only adjacent to proposed Parcel 2 and involves the setback from the existing home. The proposed minor variance demonstrates compliance with all of the required criteria of Sec.16.53.010 B.

### *Division IV. Land Division Regulation*

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

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

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

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

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

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

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

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

No private road is proposed for this development.

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

#### *Chapter 16.64 Subdivisions Design Standards*

##### *Section 16.64.010 Streets*

The proposal does not include the creation or alteration of streets; this section does not apply.

##### *Section 16.64.015 Access*

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

##### *Section 16.64.020 Blocks*

The City requires subdivisions to be designed to accommodate blocks that provide lots of suitable size and access in multiple directions. This project does not include blocks because of the small size and discrete nature of the development. In addition, the project involves the redevelopment of a small lot with surrounding properties that are already developed so that a street could not reasonably be extended. A typical block arrangement is not feasible for this project for these reasons.

##### *Section 16.64.030 Easements*

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

##### *Section 16.64.040 Lots*

The application requests the creation of three parcels, meeting the minimum density requirement and frontage width.

*Section 16.64.060 Grading of Building Sites*

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

*Section 16.64.070 Improvements*

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

*Division VII. Street Alignments*

*Chapter 16.86 Regulations*

This section provides a right of way width for N Locust Street and NE 4<sup>th</sup> Avenue. This right of way is established.

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

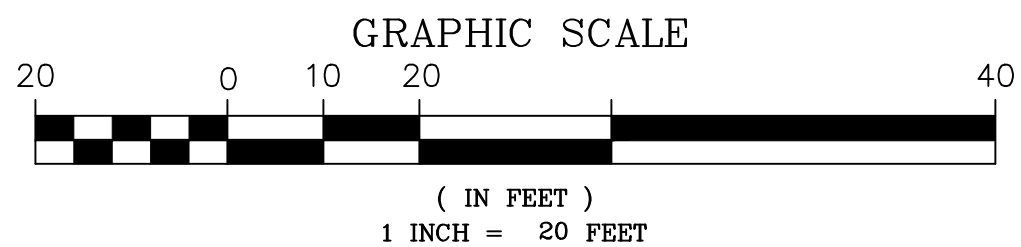
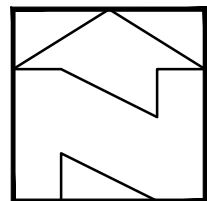
*Chapter 16.120 General Provisions*

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

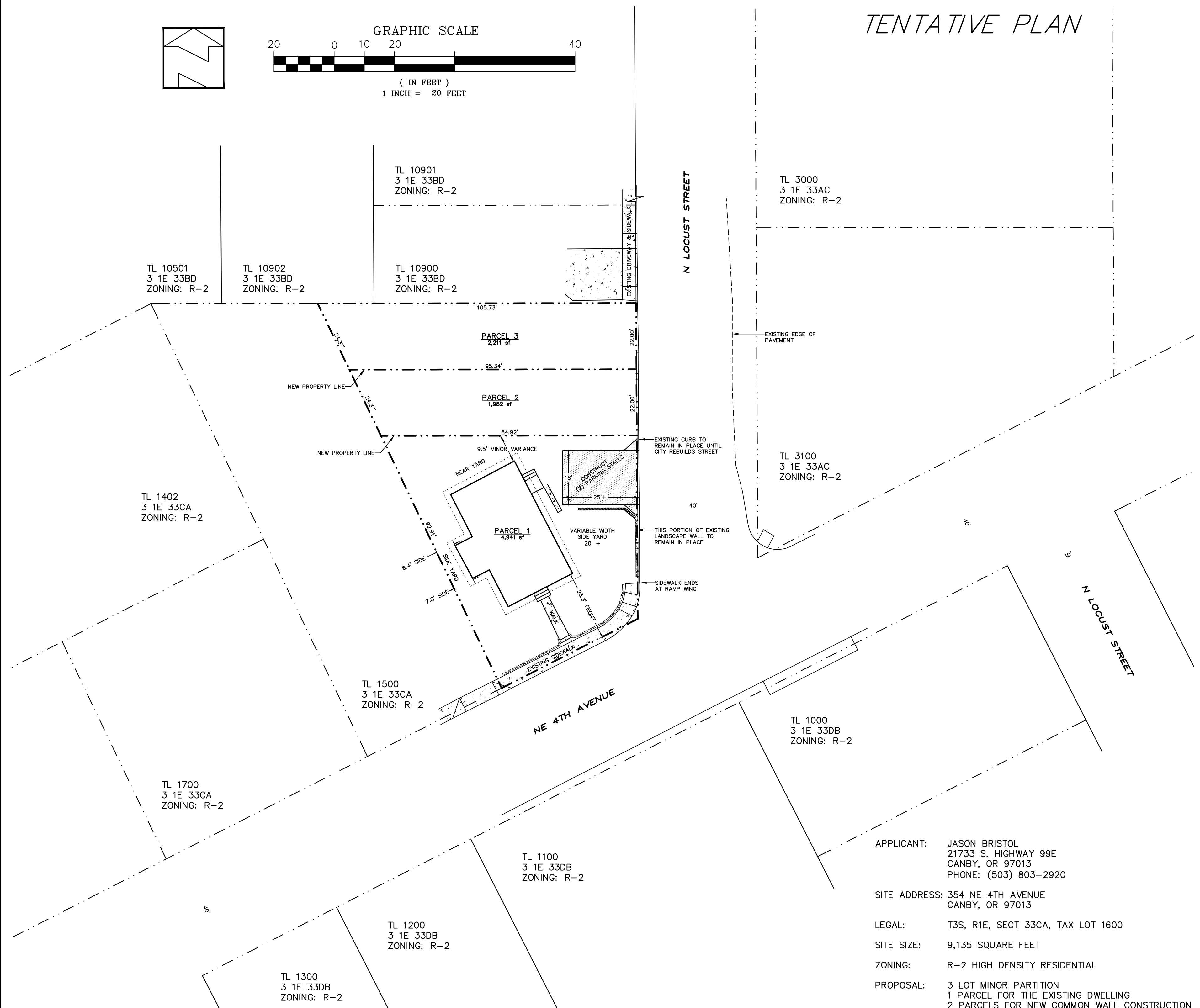
**CONCLUSION**

The foregoing narrative and accompanying plans and documents, together demonstrate the proposed minor partition generally complies with applicable criteria and identified standards and complies with purposes and requirements of the City's code.

Therefore, the applicant requests that the Planning Commission approve the proposal.



TENTATIVE PLAN



REVISIONS	BY

MINOR PARTITION  
JASON BRISTOL

SITE PLAN

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

APPLICANT: JASON BRISTOL  
21733 S. HIGHWAY 99E  
CANBY, OR 97013  
PHONE: (503) 803-2920

SITE ADDRESS: 354 NE 4TH AVENUE  
CANBY, OR 97013

LEGAL: T3S, R1E, SECT 33CA, TAX LOT 1600

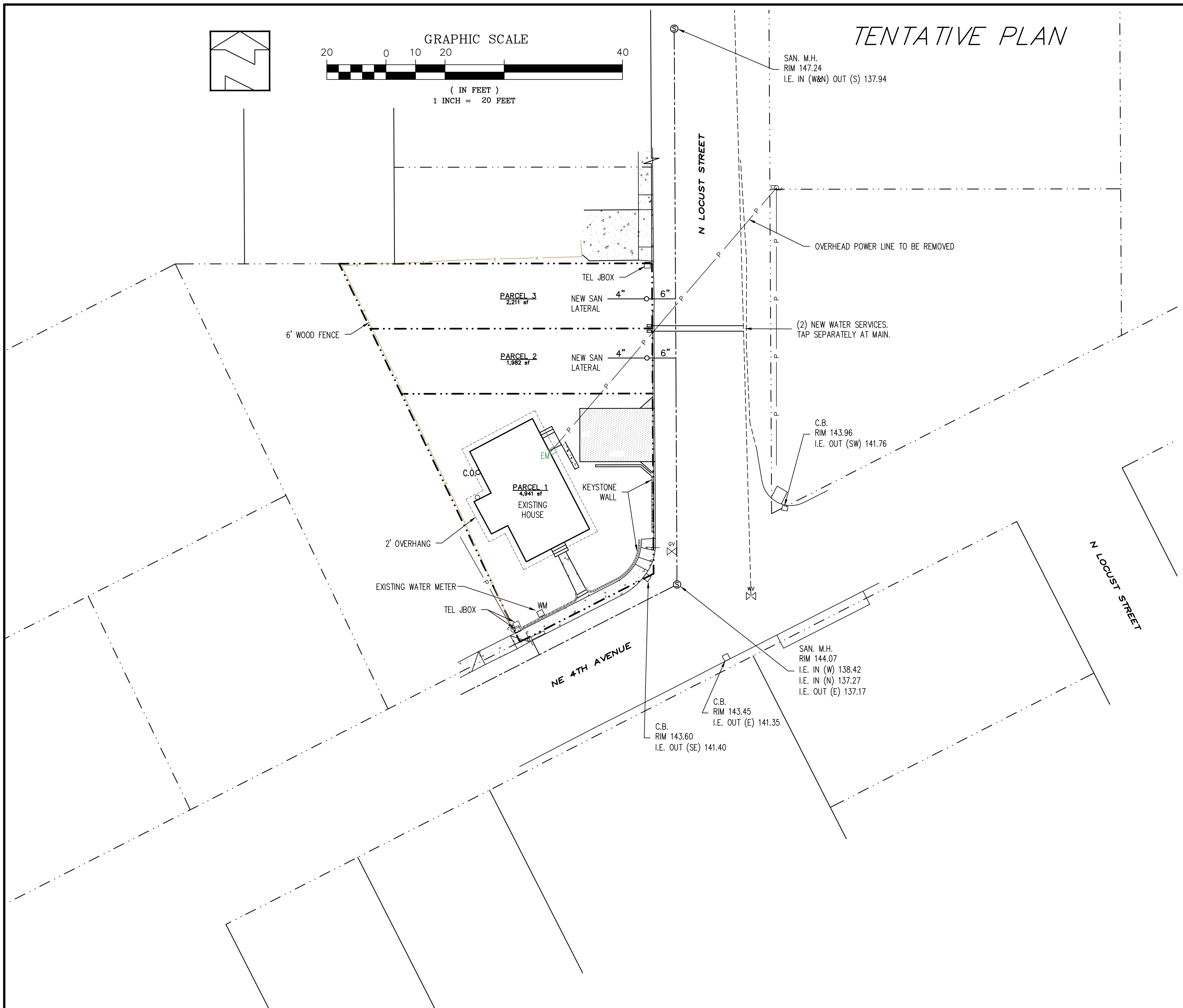
SITE SIZE: 9,135 SQUARE FEET

ZONING: R-2 HIGH DENSITY RESIDENTIAL

PROPOSAL: 3 LOT MINOR PARTITION  
1 PARCEL FOR THE EXISTING DWELLING  
2 PARCELS FOR NEW COMMON WALL CONSTRUCTION

DATE	JUNE, 2017
SCALE	1" = 20'
DRAWN	PS
JOB	SGL 17-044
SHEET	<b>1</b>
OF 4 SHEETS	





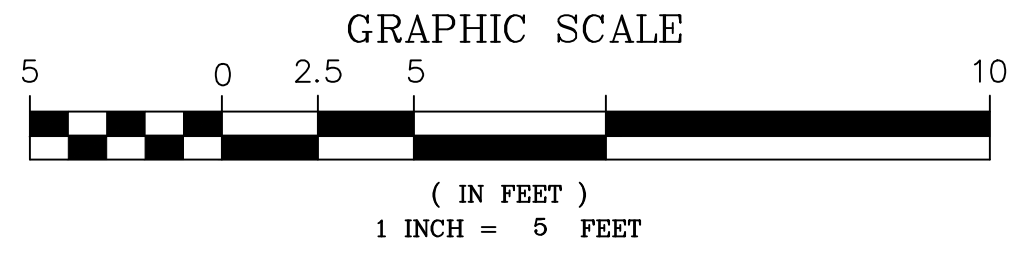
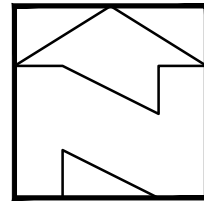
REVISIONS	BY

MINOR PARTITION  
 JASON BRISTOL

UTILITY PLAN

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

DATE	JUNE, 2017
SCALE	1" = 20'
DRAWN	PS
JOB	SGL 17-044
SHEET	<b>2</b>
OF 4 SHEETS	



TENTATIVE PLAN

PARCEL 2  
1,982 sf

AREA WHERE REAR YARD WILL  
MEASURE LESS THAN 10 FEET

38.8'

45.0'

10' REAR YARD EXCEEDED

1.0'

10.0'

9.5'

1.0'

22.9'

PARCEL 1  
4,941 sf

REVISIONS	BY

MINOR PARTITION  
JASON BRISTOL

MINOR VARIANCE

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

DATE JUNE, 2017

SCALE 1" = 10'

DRAWN PS

JOB SGL 17-044

SHEET  
**3**  
OF 4 SHEETS



FD. 1-1/4" I.P., 0.5' BURIED  
O.U., (HELD FOR NORTHING)  
P(1) & SN(2) CALL THIS MONUMENT  
AS A 1" I.P. AND AS 0.14' S.

FD. 5/8" I.R. WITH YPC  
STAMPED "ZTEC LS 1944"  
SET ON PP(1)

FD. 3/4" I.P. AT BACK OF CURB  
HELD AS ORIGINAL PLAT CORNER

FD. 3/4" I.P. AT BACK OF CURB  
HELD AS ORIGINAL PLAT CORNER

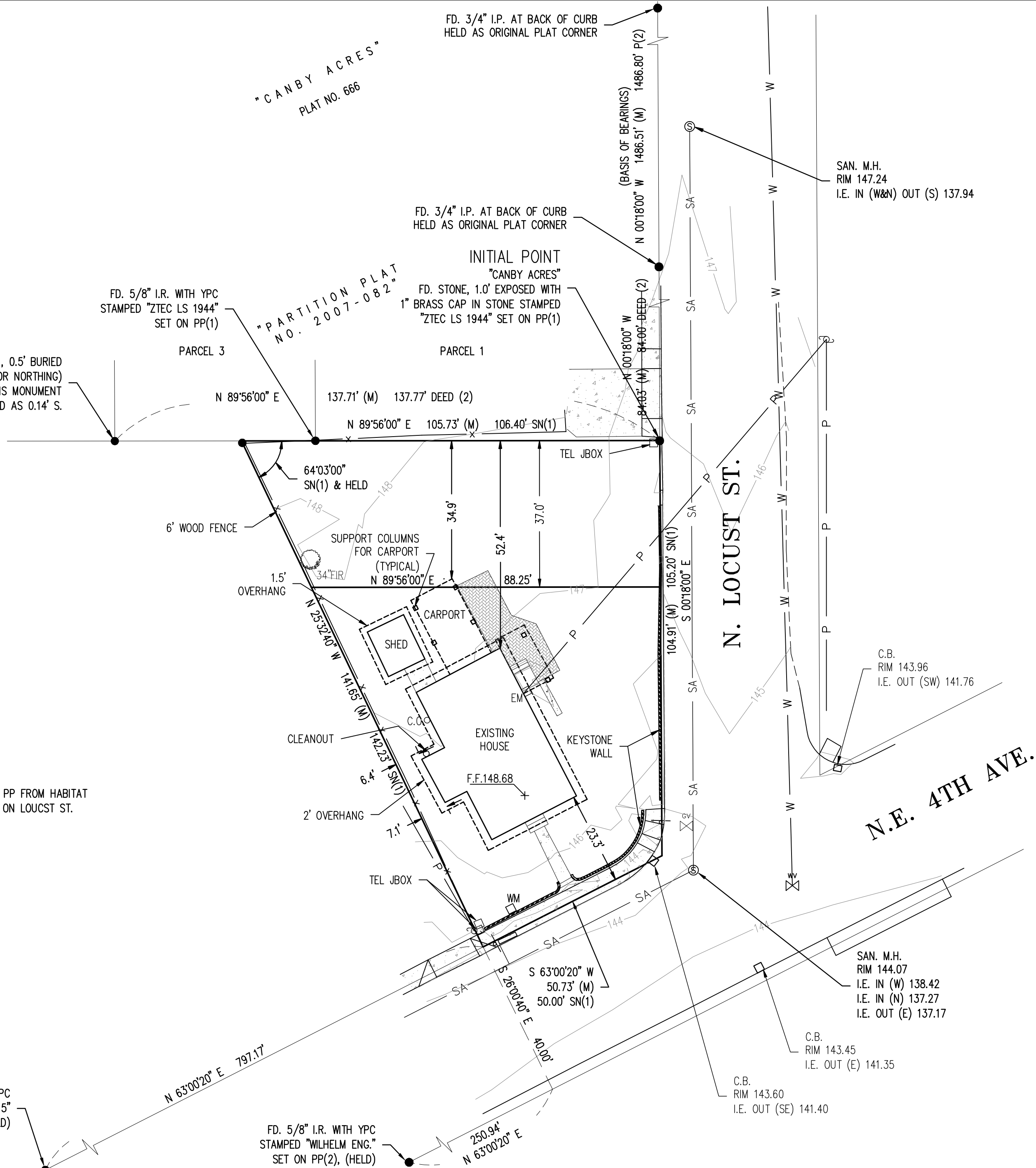
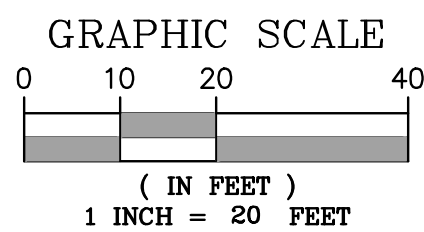
INITIAL POINT  
"CANBY ACRES"

FD. STONE, 1.0' EXPOSED WITH  
1" BRASS CAP IN STONE STAMPED  
"ZTEC LS 1944" SET ON PP(1)

SAN. M.H.  
RIM 147.24  
I.E. IN (W&N) OUT (S) 137.94

**NOTE:**

ELEVATIONS BASED ON RRS IN PP FROM HABITAT  
FOR HUMANITY JOB (N3302-1) ON LOUCST ST.  
ELEV. = 147.90



**LEGEND:**

- DENOTES MONUMENTS FOUND AS NOTED
- I.R. DENOTES IRON ROD
- I.P. DENOTES IRON PIPE
- FD. DENOTES FOUND
- (M) DENOTES MEASURED
- SA — EXISTING SEWER
- ST — EXISTING STORM
- W — EXISTING WATER
- G — EXISTING GAS
- P — EXISTING POWER
- x — EXISTING FENCE
- (XXX.XX) EXISTING SPOT ELEVATION
- EXISTING CONCRETE SIDEWALK
- EXISTING CONTOUR
- EXISTING FIRE HYDRANT
- CB □ EXISTING CATCH BASIN
- ⊙ EXISTING STORM MANHOLE
- ⊙ EXISTING SANITARY MANHOLE
- ☆ EXISTING LIGHT POLE
- ⊕ EXISTING POWER POLE
- WV ⊕ EXISTING WATER VALVE
- WM □ EXISTING WATER METER
- GM □ EXISTING GAS METER
- ⊕ EXISTING GAS VALVE
- ⊕ EXISTING STREET SIGN
- ⊕ EXISTING TREE
- YPC DENOTES YELLOW PLASTIC CAP
- O.U. DENOTES ORIGIN UNKNOWN
- SN DENOTES PRIVATE SURVEY  
CLACKAMAS COUNTY SURVEY RECORDS
- SN(1) SN 2288
- SN(2) SN 16412
- P(1) DENOTES PLAT OF "SORENSEN ADDITION"  
(PLAT NO. 2401)
- P(2) DENOTES PLAT OF "CANBY ACRES"  
(PLAT NO. 666)
- PP(1) DENOTES PARTITION PLAT NO. 1990-001
- PP(2) DENOTES PARTITION PLAT NO. 2003-067
- DEED (1) DOCUMENT NO. \_\_\_\_\_
- DEED (2) DOCUMENT NO. 2004-110813

JOB#:	17-4331-2
DATE:	3-28-17
SCALE:	1"=20'
DRAWN:	JHH
CHKD:	CCF
FILE:	17-4331-2
PLOT:	4-10-17

**ZTEC ENGINEERS INC.**

3880 S.E. 8TH AVE., SUITE 280, PORTLAND, OR. 97202  
PH: (503) 235-8795 FAX: (503) 233-7889

LOCATED IN THE N.W. 1/4 SECTION 33, T.3S., R1E.,  
W.M., IN THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 17, 1981  
CHRIS FISCHBORN  
1944  
RENEWAL DATE: 1/1/2018

JASON BRISTOL

354 N.E. 4TH, CANBY, OR

**SUPPLEMENTAL SURVEY**

RECORDING REQUESTED BY:



9200 SE Sunnybrook Blvd., Ste 130  
Clackamas, OR 97015

GRANTOR'S NAME:  
Douglas Dean Lewis

GRANTEE'S NAME:  
Jason Bristol and Jeanne Bristol

AFTER RECORDING RETURN TO:  
Jason Bristol and Jeanne Bristol  
354 NE 4th Avenue  
Canby, OR 97013

SEND TAX STATEMENTS TO:  
Jason Bristol and Jeanne Bristol  
354 NE 4th Avenue  
Canby, OR 97013

354 NE 4th Avenue, Canby, OR 97013

Clackamas County Official Records **2017-009837**  
Sherry Hall, County Clerk 02/10/2017 02:18:01 PM  
D-D Cnt=1 Stn=0 BARBARA \$58.00  
\$16.00 \$22.00 \$10.00 \$10.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

**Douglas Dean Lewis**, Grantor, conveys and warrants to **Jason Bristol and Jeanne Bristol**, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

That part of the Philander Donation Land Claim No. 56, in Section 33, Township 3 South, Range 1 East of the Willamette Meridian, in the City of Canby, County of Clackamas and State of Oregon, described as follows:

Beginning at a point on the North line of Fourth Street which is North 67° East, and 87.3 feet distant from a stone marked "X" at the North end of "M" Street; running thence North 67° East, tracing the North line of Fourth Street, 50 feet to the true point of beginning of the tract herein described; thence continuing North 67° East on the North line of Fourth Street, 50 feet to the West line of Garden Street; thence North 105.5 feet tracing the West line of Garden Street, to the North boundary line of said Philander Lee Donation Land Claim; thence West tracing and North line, 106.4 feet; thence Southerly to the true point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS TWO HUNDRED THOUSAND AND NO/100 DOLLARS (**\$200,000.00**). (See ORS 93.030).

Grantee herein is prohibited from conveying captioned property for any sales price for a period of 30 days from the date of this deed. After this 30 day period, Grantee is further prohibited from conveying the property for a sale price greater than 120% of the short sale price until 90 days from the date of this deed. These restrictions shall run with the land and are not personal to the Grantee.

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

Recorded by TICOR TITLE 36261602327

**STATUTORY WARRANTY DEED**

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 02/07/17

*Douglas Dean Lewis*  
Douglas Dean Lewis

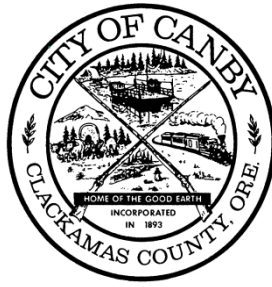
State of Oregon  
County of Clatsop

This instrument was acknowledged before me on February 7, 2017 by Douglas Dean Lewis.

*Gracie L. Soliz*  
Notary Public - State of Oregon

My Commission Expires: 6/5/18





## **Pre-Application Meeting**

**354 NE 4<sup>th</sup> Avenue  
May 16, 2017  
10:30 am**

### **Attended by:**

Jason Bristol, Owner, 503-803-2920  
Hassan Ibrahim, Curran-McLeod Engineering, 503-684-3478  
Pat Sisul, Sisul Engineering, 503-657-0188  
Doug Quan, Canby Utility, Water, 971-563-6314  
Jerry Nelzen, Public Works, 971-253-9173  
Bryan Brown, Planning Department, 503-266-0702

Natalie Bristol, Owner, 503-803-2920  
Gary Stockwell, Canby Utility, Electric, 503-263-4307  
Shane Hester, Public Works, Erosion, 503-266-0698  
Tim Gettel, Wave Broadband, 503-307-0029  
Jim Stuart, Canby Utility, 503-263-4322

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

### **OWNER, Jason Bristol**

- The subject property is at 354 NE 4<sup>th</sup> Avenue, a yellow house with a large backyard and it encompasses .21 acres just over 9,000 sq ft. It has frontage on NE 4<sup>th</sup> Avenue as well as N Locust Street. The zoning is high density, R-2 in the comprehensive plan.
- There are single family and attached family homes in the surrounding area.
- The application requests approval for a minor land partition to divide the property into three parcels. One being for the existing home and a shared wall two single family homes.
- The access will be from N Locust Street, which is the same as it is today.
- We have sewers available in both NE 4<sup>th</sup> Avenue and N Locust Street and the existing house is currently using NE 4<sup>th</sup> Avenue and the proposed common walled homes will utilize N Locust Street for sewer.
- The water service will come off of N Locust for the proposed homes and the existing house's water is coming off of NE 4<sup>th</sup> Avenue.
- Stormwater will be kept on site.
- No new streets for frontage improvements are needed. The question we do have is the sidewalks, the front of the property has a 5 ft sidewalk and the adjacent property on N Locust Street has also a 5 ft sidewalk. Hassan said N Locust Street is on our reconstruction list and our right-of-way is limited to 40 ft. When we did the proposal to the city we are going to narrow N Locust Street to 28 ft paved curb to curb, 5 ft curb-tight sidewalks on each side to make this work. The curb return on the corner of NE 4<sup>th</sup> Avenue and N Locust Street are based on a 40 ft wide maintained curb to curb and we want to pull it in where it would be 14 ft from the centerline. Jason said at what point do you have to change the sidewalk? Hassan said the sidewalk will come in and Jerry said to Jason you will gain some feet to your lot. Discussion followed.

- I am requesting two minor variances for the setbacks and this is due to the unusual shape of the lots and it will only affect a small portion of the house not meeting the setback requirements.

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

- The existing structure is served by an overhead line and as we discussed prior to the meeting, we will require it be converted to an underground service.
- The source for the project will be the transformer to the north of the property. We will need to have a bore or a trench with an easement or public right-of-way to get to the transformer. Jason asked if there was an existing easement and Gary said he could research it because of the new construction and assumed there should be an easement, but at this point it is an assumption.
- Once the city approves the plat and you can send it to me, I will draw a power plan and do a job cost estimate.
- We will need an easement across the front section of the property.

#### **CANBY UTILITY, WATER DEPARTMENT, Doug Quan**

- The new water services will come off of N Locust Street and we will do the tap and bring it to the meter. Standard set fees apply for meter installing.

#### **WAVE BROADBAND, Tim Gettel**

- When you have the trench open let us know and we will either install a 2 inch conduit or drop conduit to the homes.

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

- There is sewer available on NE 4<sup>th</sup> Avenue and N Locust Street.
- Pat asked Hassan if they wanted them to match the curb to the street that is there or do you anticipate changing the profile vertically at all? Hassan said he has not looked at the details, but I will look at it when you design the centerline and see what the best match is. Pat said we may have to rebuild the inlet at the return and Hassan said he thought there might be enough flow to have the water go around the corner to the inlet. Pat said we will need to look at it and see if it will be in line. Hassan said we could use a larger radius on the corner.
- Pat asked if we come out on N Locust for the two sewer lateral how far apart do you want them on the main line and Jerry said he wants them on separate sections of the main line pipe. After they excavate and if there is a bell you can go on each side of it by a foot or two and do a Romac saddle. The 8 inch sewer main is made of concrete and it is shallow around 5 ft in depth. Pat asked Jerry if he wanted the cleanouts in the sidewalk and Jerry said yes or right behind the 5 ft sidewalks, in concrete and use brooks boxes. Pat said they could be in the driveway approach and Jerry said it will work also. Hassan said it would be better if it was in a sidewalk and not in the public utility easement. Jerry asked if there was a cleanout for the existing house and Jason stated it was on the other side of the building.
- Keep all storm drainage on site.

**PUBLIC WORKS DEPARTMENT, Jerry Nelzen**

- You may not have to move the catch basin, but you might have to remove and rebuild the ADA ramp. Pat said when we get to this point we should have a conversation of what we want it to look like.

**PUBLIC WORKS DEPARTMENT, EROSION CONTROL, Shane Hester**

- As far as erosion, obviously, dirt, dust and water all needs to stay on that piece. As long as it does not hit the city streets you will not see me.

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

- Can you tell me why you thought you needed two minor variances? I know one was for the rear yard, 9.5 ft from the property line and was the other from the boundary to the new homes where it is slanted. Jason said at the corner it says 20 ft minimum rear, but I would like to do 18 ft off that corner and it would affect a portion of that building. Bryan said you think you might be able to pick up a foot or two from the curb line and sidewalk moving out. If you do gain more land you can potentially either do a longer building or shift it and you would not need that variance. Discussion ensued. Bryan said if you can eliminate any variances you should.
- You submitting numerous house designs, do you have a preference or have you decided and Jason said at this point I do not, but something similar to the look of the existing home with the porch in the front and it will blend with the other homes in the area.
- A minor variance is up to 10% of a numerical setback value, for example if it is a 10 ft required setback you would have up to 1 ft.
- Your project will be going to the Planning Commission and they will see your variance request, otherwise I may be able to approve them myself.
- The parking spaces are another issue and the way you doing the new attached single family homes, it looks like you will probably have your driveways side by side on separate lots and Jason said yes. Bryan said each one will be 20 ft wide and you will end up having a 40 ft wide driveway backing into the street with four cars and that is the maximum we will allow or otherwise you will have come in and turn-around and go out front. It works and you are right at the edge of what we allow and if you have the 19 or 20 ft and without parking on the sidewalk. Pat said if he calculated it right, the new back of sidewalk will be where front of sidewalk is shown on this plan and we should pick up about 6 ft by narrowing the street and reducing the sidewalk by 1 ft. You will probably not need the rear yard variance for the new lot. Bryan said also if you can have the driveway 20 ft instead of 19 ft and not hang over the sidewalk.
- If you need the minor partition review criteria I can send them to you.
- Bryan said Jason can bond the frontage improvements if you want and then the city can do the proposed N Locust Street improvements and Jerry said it is in our capital improvement projects for 2018-2019. We can have a meeting with the city administrator and make sure everyone is in agreement for this project. Jerry asked if Bryan would talk to Rick about the project and we will all meet together.

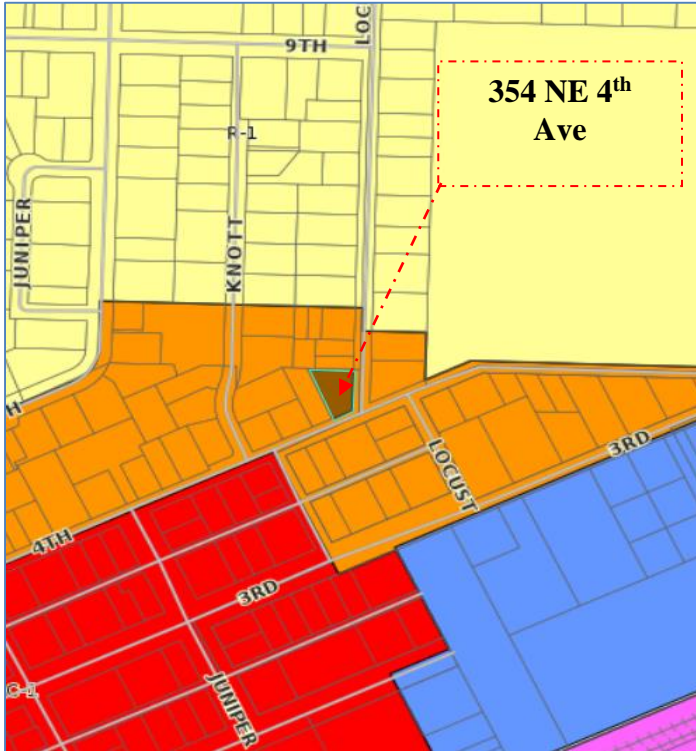




# City of Canby

## NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

The purpose of this Notice is to invite you to a Public Hearing at a Planning Commission meeting on Monday, August 28, 2017 at 7 pm in the City Council Chambers, 222 NE 2<sup>nd</sup> Avenue to review the Minor Land Partition and Variance applications. The applicant proposes to divide 0.21 acres into three parcels. The existing single family residence will reside on Parcel 1. Parcel 2 and 3 will be suitable for two shared-wall single-family homes. The applicant is requesting a variance to reduce the rear setback of the existing dwelling.



**Location:** 354 NE 4<sup>th</sup> Avenue, West of N Locust Street  
**Tax Lot:** 31E33CA01600 (Property is shown on map at the left.)

**Lot Size and Zoning:** R-2 High Density Residential

**Owner:** Jason Bristol

**Applicant:** Jason Bristol

**Application Type:** Minor Land Partition/Variance

**City File Number:** MLP 17-03/VAR 17-02

**Contact:** Dave Epling, 503-266-0686.

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

**Where can I send my comments?** Written comments can be submitted up to the time of the Public Hearing and may also be delivered in person to the Planning Commission during the Public Hearing. (Please see *Comment Form*). Comments can be mailed to the Canby Planning Department, P O Box 930, Canby, OR 97013; dropped off at 222 NE Second Avenue; or emailed to [eplingd@canbyoregon.gov](mailto:eplingd@canbyoregon.gov).

**How can I review the documents and staff report?** Weekdays from 8 AM to 5 PM at the Canby Planning Department. The staff report to the Planning Commission

will be available for inspection starting Friday, August 18, 2017 and can be viewed on the City's website: <http://www.canbyoregon.gov> Copies are available at \$0.25 per page or can be emailed to you upon request.

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

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

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



**CITY OF CANBY –COMMENT FORM**

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

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

Written comments to be included in the Planning Commission’s meeting packet are due by Noon on Wednesday, August 16, 2017. Written comments can also be submitted up to the time of the Public Hearing on Monday, August 28, 2017 and may also be delivered in person to the Planning Commission during the Public Hearing at 7 pm in the City Council Chambers, 222 NE 2<sup>nd</sup> Avenue.

**APPLICATION: MLP 17-03 354 NE 4<sup>th</sup> Ave, Jason Bristol**

**COMMENTS:**

Caqny Fire would like applicant to consider Residential Fire Sprinklers due to proximity of proposed buildings to other structures

**NAME:** Todd Gary

**ADDRESS:** 221 S Pine canby Or 97013

**EMAIL:** tgary@canbyfire.org      **DATE:** 07/25/2017

**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:** Todd Gary

**AGENCY:** Canby Fire District

**DATE:** 07/25/2017

**Thank you!**