

PLANNING COMMISSION

Meeting Agenda

Monday, August 28, 2017

7:00 PM

City Council Chambers – 222 NE 2nd Avenue

Commissioner John Savory (Chair)

Commissioner Larry Boatright (Vice Chair)

Commissioner John Serlet

Commissioner Derrick Mottern

Commissioner Tyler Hall

Commissioner Shawn Varwig

Commissioner Andrey Chernishov

1. **CALL TO ORDER**
2. **CITIZEN INPUT ON NON-AGENDA ITEMS**
3. **MINUTES**
 - a. Approval of the June 26, and July 10, 2017 Planning Commission Minutes
4. **NEW BUSINESS**
5. **PUBLIC HEARINGS**
 - a. Consider a request for a Zone Change and Comprehensive Plan Amendment for 853 & 861 S Redwood St. (**ZC 17-01/CPA 17-01 Hostetler**)
 - b. Consider Minor Land Partition and Variance applications to partition a .21 acre property into three parcels. (**MLP 17-03/VAR 17-02 Bristol**)
 - c. Consider a request for Site & Design Review, Conditional Use Permit, and Variance applications to construct a 73, 215 sq. ft. warehouse and building on 4.4 acres in the Canby Industrial Park. (**DR 17-06/CUP 17-04/VAR 17-03 VLMK/BE Group**)
6. **FINAL DECISIONS**

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

 - a. ZC 17-01/CPA 17-01 Hostetler
 - b. MLP 17-03/VAR 17-02 Bristol
 - c. DR 17-06/CUP 17-04/VAR 17-03 VLMK/BE Group
7. **ITEMS OF INTEREST/REPORT FROM STAFF**
 - a. Next Planning Commission Meeting – September 11, 2017
8. **ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**
9. **ADJOURNMENT**

PUBLIC HEARING FORMAT

The public hearing will be conducted as follows:

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

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

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

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

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

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

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

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – Monday, July 10, 2017
City Council Chambers – 222 NE 2nd Avenue

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

ABSENT:

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

OTHERS: Pat Sisul, Tony Marnella, Ronald Reimers, Brian Vandetta Linda Allen, Diane Davis, Judith Klemstein, Gary & Elaine McClanahan, Charles E. Burden, and Susan Myers

(Due to technical difficulties no TV or microphones were available during this meeting but an audio recording is available on the Planning Commission web page.)

1. CALL TO ORDER

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

2. CITIZEN INPUT – None

3. MINUTES – None

4. NEW BUSINESS – None

5. PUBLIC HEARING –

- a. Consider a request for a Minor Land Partition & Subdivision of a 1.65 acre lot where one dwelling will remain on Parcel 1. Parcel 2 will be divided into an 8-lot Subdivision. **(SUB/MLP 17-02 Tony Marnella, Tanoak Subdivision)**

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

Bryan Brown, Planning Director, entered his staff report into the record. This was a request for a minor land partition and subdivision of a 1.65 acre lot on Territorial Road and N Oak Street. One dwelling would remain on Parcel 1 and Parcel 2 would be divided into an eight lot subdivision. A slide show was presented showing where the property was located, how the parcels would be partitioned, and the layout of the new 8-lot subdivision. N Oak Street would be widened to accommodate a full width street and sidewalks and curbs would be added to Territorial. A new street would be created that intersected with N Oak Street and headed eastward. It would temporarily dead end until another development would take it to Pine Street. The zoning map

indicated this was a medium density residential zone, R 1.5. Similar zoning was on the west and south sides of the property. The lots in the subdivision were near 5,000 square feet, which was the minimum allowed in R 1.5. Parcel 1 with the existing house would be much larger. He discussed the shadow plat that showed the surrounding area and where the dead end streets might eventually connect with other streets. Staff recommended approval with conditions. Condition #2 stated the applicant had to comply with Public Works' design standards. Condition #3 addressed the fact that NE 18th Avenue dead ended and a temporary turnaround that might take up an entire lot was suggested. He thought the applicant could address whether there was agreement with the Fire Marshall for the turnaround. Condition #15 dealt with where the drywells would be located. The applicant was not locating drywells at the end of the streets, but they had to follow City standards in locating them in appropriate areas. Since there was another condition about following Public Works' design standards, he suggested eliminating this condition. Condition #28 included a sidewalk easement in the public utility easement on the private property adjacent to the right-of-way.

Public input had been received by Jeannette Schilling who was not in agreement with any new dwellings until the roadways in the area were dealt with. Traffic on some of the surrounding streets, such as 99E, Barlow Road, and Arndt Road, contributed to the problem. She was also concerned about the maintenance of the streets, especially on Pine Street. However, Pine was a County maintained street.

Input was also received from Diane Davis who questioned mailbox locations. That information was not in the staff report or the applicant's narrative. The main concern was the safety of people walking across Territorial to get mail. She also mentioned the driveways on the north side to the Willamette Green condos that would be potentially in conflict with driveways on the south side of Territorial. This applied more to a previous development than this application.

A letter was received from Judith Klemstein suggesting to reduce the speed on Territorial to 25 mph and to put in speed bumps. Mr. Brown said speed bumps were not allowable on collector streets due to the fire trucks and ambulances that would use it. The speed was recently lowered on Territorial due to the work of the Traffic Safety Commission from 35 to 30 mph and it would be premature to go to the State to lower it again before they tried out the 30 mph for a period of time. Ms. Klemstein also mentioned a need for more flashing crosswalk signs.

A final letter was received from Marilyn Latham who was concerned about the significant increase in traffic over the past several years on Territorial because there

was not a single stop sign from 99E to Holly. She suggested putting in some stop signs, such as at the intersection of Redwood and Territorial. The majority of traffic was going faster than the posted speed limit and she would like to see the speed dropped to 25 mph and possibly put in speed bumps on Territorial. She thought the subdivision would be a positive change as long as the increased traffic was addressed.

Chair Savory asked about the mailbox issue, was that something the City was responsible for or USPS. Mr. Brown answered the post office had to sign off on what was to be done and the developer usually worked with the post office to decide what was appropriate. It would most likely be a group mailbox.

Chair Savory asked about the traffic calming issues. While speed bumps were unlikely, stop signs could be further discussed and analyzed. Mr. Brown said yes, stop sign requests could go to the Traffic Safety Commission. The Traffic Safety Commission was going to look at an all way stop at Redwood and Territorial at their next meeting.

Applicant: Pat Sisul, Sisul Engineering, said this property had recently been annexed into the City. This proposal was the same as the conceptual plan that had been brought before the Commission for the annexation application. The property came into the City as R 1.5 which permitted lots between 5,000 and 6,500 square feet. It also permitted lots as small as 4,000 square feet if approved by the Planning Commission and it also permitted two to three family dwellings. This proposal was for single family dwellings. This was a medium and high density area. It was a transition from the R-1 on the north side to a higher density portion of the City. The proposal was for a single family 8-lot subdivision and partitioning the existing house off of the rest of the developable property. No new driveways would be placed on Territorial. The driveway would come off of Oak Street. North of 18th Avenue the lots were larger, and to the south the lots were 5,000 square feet. The new street would be 18th Avenue that would provide future connectivity and be an alternate access to Pine Street in the future. Oak Street would be widened to a full local street width and would be extended south in the future to provide alternate connectivity for the neighborhood. The water line had to be replaced with an eight inch water line and the drainage problem would be fixed at the south end of Oak Street. He did contact the Fire Marshall about the turnaround. It was needed if the fire truck had to go more than 150 feet. The Fire Marshall did not think it was necessary to have a turnaround, and he would like to have that condition waived. Regarding Condition #15 about the drywells, they would put catch basins at the end of the street and the drywells would be inside the development. Regarding the letters that came into City, most of the issues were about traffic which were valid concerns, but beyond the scope of this

development. Traffic was a Metro-wide issue and the traffic from Territorial was an I-205 problem. It was the Traffic Safety Commission's job for stop signs and traffic calming issues or the Transportation System Plan needed to be updated to address some of these problems. In regard to the mailbox locations, they should not be on the north side of Territorial. They would be inside the development, however the location was not up to them. It was the decision of the USPS.

Opponent:

Elaine McClanahan, Canby resident, was mostly concerned about the long term maintenance of Oak Street. When the west side of the road was built, it was not maintained. She had to clear blackberry bushes from the road and brought a bag of debris she had picked up from the road. She was concerned that if the road was cleaned, the truck would drop debris and fill the swales that she would have to clean out. She was concerned about this development putting down a new road on the east side over all the debris and that the new road would not be maintained either. She was also concerned about the catch basins. They had dealt with a lot of water in the area, and she wanted some assurance that this development would not add to the problem.

Mr. Brown would contact Public Works about the street condition to see if the City needed to help rebuild the road.

Ms. McClahan agreed traffic and speeding was an issue in this area, especially on Territorial. Safety was a concern, especially for those crossing the street to their mailboxes. There were bicyclists and children on the road as well.

Rebuttal: Mr. Sisul stated in regard to storm drainage, currently there was no catch basin but a grate at the end of the street that often got plugged by leaves. Their plan was to put in catch basins to intercept some of the water before it got to the end of the street and there would be catch basins at the end of the street as well. They had thought about the drainage and would pick up as much water as they could. They were also replacing the water main in Oak Street. It would be an opportunity for the City to work with the developer on the street improvement. The most common size of mailbox was a 16 unit box. It was possible to get a mailbox that would accommodate the folks on the east side as well.

Chair Savory closed the public hearing.

Commissioner Serlet said traffic on Territorial had been issue for a long time.

Motion: A motion was made by Commissioner Mottern and seconded by Commissioner Serlet to approve the minor land partition and subdivision of a 1.65 acre lot with the conditions as written by staff except striking Condition #15 and adding a condition to recommend to the USPS that the mailboxes for the existing residents be relocated with the mailboxes for the new subdivision so they were not on the north side of Territorial. **(SUB/MLP 17-02 Tony Marnella, Tanoak Subdivision)** The motion passed 7/0.

- b. Consider a request for a Site & Design Review to construct two flex space buildings in two phases totaling 40,200 sq. ft. with individual units from 1,500 to 6,000 sq. ft. to house various industrial uses. **(DR 17-05/CUP 17-02 OIC Investments – Ronald Reimers)**

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

Bryan Brown, Planning Director, entered his staff report into the record. This was a request for a site and design review to construct two flex space buildings in two phases to house various industrial uses. The reason for the Conditional Use permit was that the site was located in the Industrial Park and the master plan for the Industrial Park had an Industrial Overlay Zone. The property was zoned M-1, but it was part of the Overlay Zone and the Overlay Zone had development standards to encourage development that met the minimum 12 employees per acre policy. It was not certain if this development would meet that standard and a Conditional Use permit was required. The Council had clarified that developments did not have to absolutely meet that standard. It was an aspirational goal. Staff thought this was a very appropriate use for the Industrial Park. They were proposing to construct two buildings totaling over 40,000 square feet in two phases. The applicant called it industrial flex space and they would divide the buildings into smaller leasable areas. It was a unique use in the Industrial Park. The applicant hoped to find various contracting type businesses that would lease the spaces. He showed pictures of the site on S Hazel Dell Way. There would be a shared driveway on the southern border of the property. He reviewed the site plan with the two buildings, two way circulation, and drainage detention facility. He explained the renderings of the façades and elevations. These were substantial buildings, and the applicant had taken some effort to put some architectural details on the buildings. He explained the conditions of approval. Regarding Condition #3, the applicant was to consult with the Department of State Lands regarding a stream in the back of the property that appeared in a historical reference but showed no evidence of being there any longer. He suggested changing the wording of the condition to say that a final drainage plan analysis shall account for any possible existing off-site run off flow across the property in addition to the on-site stormwater control that was required in Condition #4. Other conditions included following the sign permit process for any signage proposed and conformance with findings and suggestions made by the City Engineer in his memo dated July 6. Condition #4 dealt with making sure the drainage met Public Works design standards and referred to the Clean Water Services Design Manual for solutions. Condition #5 required the applicant to get a Sediment and Erosion Control Permit with the City prior to any site work on the property. Condition #6 required a preconstruction conference sign off process. Condition #7

required the construction plans to be stamped by a professional engineer. Condition #8 stated Clackamas County would handle all of the structural, mechanical, fire and life safety, plumbing and electrical permits. Condition #9 said all the planting material and irrigation system needed to be in before occupancy or the applicant needed to adequately bond it to plant in an appropriate season. The site met all of the Comprehensive Plan and Development Code requirements. All public services and utilities could serve the site. Staff was recommending approval with conditions.

Applicant: Brian Vandetta was representing the applicant. The property was 2.4 acres. The proposal was an industrial flex development. It was zoned M-1, light industrial, and had an Industrial Overlay Zone. The two buildings would be built in two phases. The two buildings had the potential for 25 tenant spaces ranging from 1,500 square feet to 6,000 square feet. They would be concrete tilt up buildings with architectural features. There was a pre-application meeting where a concern was raised regarding potential traffic impacts on the surrounding streets. DKS performed the traffic study and found that no mitigation was necessary. Utilities were available to serve the property. They had submitted a preliminary stormwater report that showed no stormwater would leave the site in a 25 year storm event. Regarding the historic stream, the property was completely developed on all sides. The street wrapped around the east and south side. Development of this property would not adversely impact adjacent properties. A final stormwater report would be submitted that stated those facts. There was adequate parking and landscaping. They had addressed all of the applicable code criteria. They understood all of the conditions and accepted them as presented. He asked for approval of the proposal.

Proponent: Susan Meyers was a Canby resident and part of the Piedmonte Group, the owners of the property. They were in the process of selling the property to the applicant. The easement was recorded on Friday. They were retaining ownership of the lot to the south. This plan was desirable and needed in the Industrial Park. Over the last four years of ownership, no water or stream was flowing across the property.

Opponents: None

Neutral: None

Chair Savory closed the public hearing.

Motion: A motion was made by Commissioner Varwig and seconded by Commissioner Serlet to approve the site and design review to construct two flex space buildings in two phases totaling 40,200 square feet to house various industrial uses with the conditions as written by staff and the amendment to Condition #3. **(DR 17-05/CUP 17-02 OIC Investments – Ronald Reimers)** The motion passed 7/0.

6. FINAL DECISIONS

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

a. Final Findings for **SUB/MLP 17-02 Tony Marnella, Tanoak Subdivision**

Motion: A motion was made by Commissioner Mottern, and seconded by Commissioner Varwig to approve the final decisions for SUB/MLP 17-02 Tony Marnella, Tanoak Subdivision. The motion passed 7/0.

b. Final Findings for **DR 17-05/CUP 17-02 OIC Investments – Ronald Reimers**

Motion: A motion was made by Commissioner Varwig, and seconded by Commissioner Boatright to approve the final decisions for DR 17-05/CUP 17-02 OIC Investments – Ronald Reimers. The motion passed 7/0.

7. ITEMS OF INTEREST / REPORT FROM STAFF

a. Next regular Planning Commission meeting scheduled for Monday – postponed

Mr. Brown said the next Planning Commission meeting was canceled as there were no items on the agenda. The next Planning Commission meeting would be held on August 14 or 28, 2017.

Mr. Brown said the Commission had requested a discussion on the Façade Improvement Program. He had discussed it with the City Administrator and he indicated that was an Urban Renewal funded program and was not under the purview of the Planning Commission. There would be a Work Session on this program in August and Commissioners could attend.

Commissioners Varwig and Serlet volunteered to attend.

Mr. Brown said a copy of the bi-monthly report would be given to the Commission.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

Chair Savory reiterated the traffic issues on Territorial had not been resolved, and more traffic would be added through growth. It was projected that Canby's population would double by 2030. He wanted to have a joint discussion with the City Council on these issues.

Mr. Brown said the Traffic Safety Commission was going to discuss a possible four-way stop at Territorial and Redwood at their next meeting. That would help slow down traffic. They could also look at lowering the speed limit as well.

9. ADJOURNMENT

Motion: Commissioner Serlet moved for adjournment, Commissioner Varwig seconded. The motion passed 7/0. Meeting adjourned at 8:37 p.m.

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – Monday, June 26, 2017
City Council Chambers – 222 NE 2nd Avenue

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

ABSENT: Tyler Hall

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

OTHERS: Darlene & David Fuentes, Todd Gary, Skip Greene

1. CALL TO ORDER

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

2. CITIZEN INPUT – None

3. MINUTES

- a. May 8, 2017 Planning Commission Regular Meeting Minutes

Motion: Commissioner Varwig made a motion to approve the May 8, 2017 regular meeting minutes and Commissioner Serlet seconded. The motion passed 6/0.

- b. May 8, 2017 Planning Commission Work Session Minutes

Motion: Commissioner Serlet made a motion to approve the May 8, 2017 work session minutes and Commissioner Varwig seconded. The motion passed 6/0.

4. NEW BUSINESS – None

5. PUBLIC HEARING -

- a. Consider a request for a Conditional Use Permit to construct a detached accessory dwelling unit in the backyard at 1355 N Oak St. (**CUP 17-03 Fuentes**)

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

Planning Director Bryan Brown entered his staff report into the record. This was a request for a Conditional Use Permit to construct a detached accessory dwelling unit in the backyard at 1355 N Oak Street. This was in an R-1, low density residential, area. There was an existing home on the site and the neighborhood was completely developed with homes except to the south where the property abutted Maple Street Park. He discussed the plot plan of the lot showing the existing house, driveway, and proposed accessory dwelling unit. The unit would have a front porch and he explained the interior layout of the unit. It could not exceed 800 square feet in size. The intent was to extend

the utilities to the unit from the existing home as much as possible. This was to house a family member, however it could be used as a rental in the future. Staff concluded that the Conditional Use was in conformance with the City's Comprehensive Plan and Land Development and Planning Ordinance, that the site could easily accommodate the proposed use, that public service and utility provision to the site was available or could be made available through agreed upon future improvements, and that it would not alter the character of the surrounding area as it existed today or for uses permitted in the zone. There was adequate spacing from neighboring properties. A shrub and one tree would be removed, but they intended to plant some vegetation after the unit was built. One comment had been received from nearby citizens who were in support of the proposed use. No traffic study was required. An additional parking space was required which would be in the front driveway. The driveway would have three paved spaces. Staff recommended approval with conditions.

Applicant: Darlene Fuentez, Canby resident, was requesting the unit to be built as a residence for her mother so she could remain as independent as possible with family nearby to take care of her. Ms. Fuentez had lived in the existing house for 31 years.

Chair Savory stated if it was made a rental in the future, he was concerned that there was no driveway to the unit.

Proponents: None

Opponents: None

Neutral: None

Chair Savory closed the public hearing.

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Mottern to approve the Conditional Use Permit to construct a detached accessory dwelling unit in the backyard at 1355 N Oak St with the conditions as written by staff. **(CUP 17-03 Fuentez)** The motion passed 5/0.

- a. Consider a Site & Design Review/Conditional Use permit to construct an essential public communication service facility consisting of a 150 ft. self-supporting lattice tower with multi omnidirectional antennas and microwave dishes at 202 N Walnut St.
(DR 17-04/CUP 17-01 Clackamas 800 Radio Group)

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

Planning Director Bryan Brown entered his staff report into the record. This was a request for a site and design review and Conditional Use permit to construct a cell tower at 202 N Walnut Street. He showed an aerial photo of the site. He explained how the applicant had looked at adjacent properties first, but due to many challenges had decided the best location was the Industrial Park. The applicant

had given many reasons why they needed a cell tower for the Clackamas Emergency Services Facility in this particular area of town. It was especially needed to communicate with other facilities in order to provide a seamless service for emergency safety providers. This was not a typical private cell tower. It had to be a lattice tower rather than a monopole tower due to safety and stability in strong winds as well as space for microwave dishes being placed on it. The Conditional Use was due to the height of the tower and the fact it was a lattice not monopole. If the pole was located in a preferred zone, which this was M-1, and it was less than 150 feet in height and a monopole, it would be permitted. This tower was 150 feet, but was 167 feet with the tallest antennas, and it was a lattice tower, both which required a Conditional Use. Because this was a public facility, there was a definition in the Code that fit this proposal and called it a minor public facility which was an outright permitted use in this zone. However there was another section in the wireless telecommunications ordinance that needed a Conditional Use because of its height and use of lattice. In the case where there was conflicting codes, the more restrictive aspect was why they were before the Commission today. In going through the site and design review process, there was a point matrix intended to ensure quality development and applications got a certain number of points for various aspects. In working with the developer, staff discovered that trying to apply the matrixes to a cell tower did not work well as the matrixes were designed for a new commercial building. He commended the applicant for doing a reasonable job and trying to make the application fit the matrix aspects. Staff made a finding that the matrix point system was not applicable and the applicant did a decent job with the one that was more reasonable. He then discussed the site plan. The compound area was 2,500 square feet surrounded by a five foot buffer that was screened by arborvitae. There was also a chain link fence with slats for screening and barbed wire on the top. The barbed wire was not an issue in the Industrial Park so long as it was not along a sidewalk. There would be a pre-fabricated building and a generator in the compound. The applicant indicated electricity would be the only utility provider they would need, however the code did require an irrigation system for landscaping and they might need water service as well. There would be a driveway from Walnut Street with a 20 foot paved apron and then a gravel surface to the facility. Only one maintenance car would be there once or twice a month. This was out in the middle of an agricultural field until development occurred. They would have a ten year lease with four or five year renewals. He showed pictures of what the lattice tower would look like on the site. There was an existing lattice tower south of the Industrial Park, but they could not co-locate on it as it was not built to the stability they needed, it wasn't tall enough, and it didn't have the capacity to hold all of the components needed. They had looked at all other facilities within the area and found nothing that would work. Staff recommended approval with conditions. There was discussion that they did not need FCC approval and there was a condition that the applicant prove the site had no wetlands, historic Indian burial grounds, etc. There would be a mounted light on the prefab building that would shine into the compound and there were no nearby houses that the light would bother. However, the code stated light should not trespass off the site and staff did not have enough information to prove that was the case. Staff also wanted to make sure the driveway would conform to the Public Works design standards where it met the street. The applicant would submit the site plan to the City as they were doing the building permit with the County. They would have to go through the City's final construction plan review process.

Commissioner Serlet asked why the tower was reduced from 180 feet to 150 feet.

Mr. Brown explained it was due to the Oregon Department of Aviation who said Dietz Airpark was located nearby and the tower needed to be lowered in height to be safe and it needed to be lighted. Two steady red lights on the top and at mid-point would be installed on the tower.

Commissioner Serlet asked how much the height difference degraded the performance of the tower. Mr. Brown said it still met the minimal needs for service. If it was too detrimental, they would have chosen another site.

Chair Savory was concerned about the footprint of the tower and taking up a large section of industrial land. Mr. Brown replied it was on a tax lot that was 23 acres, but they were only utilizing a little over 3,000 square feet with the buffers and it was on the far corner of the property. The remaining acreage could be developed.

Applicant: Skip Greene, Permitting Agent for Clackamas 800 Radio Group, said they had started out with a request for a 180 foot high tower on the opposite corner of the property. He found out that was a collector street that required a half street improvement. Canby Utility had required a utility line that went across the property which was unacceptable to the property owner. The current proposal was for a location as far in the southwest corner as they could get and still keep the height setbacks. He had no concerns about the conditions of approval. Regarding the landscaping, the arborvitae would be installed with drip bags and the maintenance person would also water them until they were settled in. Once settled in, there would be no need for an irrigation system. He had worked with the Oregon Department of Aviation to get the tower taller, as they would lose service at a lower height. He explained how Dietz Airpark was less than two miles away and ODA had required the tower to be lowered. They lowered it 30 feet and would light it as required. They did not have to put in a white flashing light and he thought the red steady burning lights at night would not be distasteful to neighbors. The goal was to get indoor coverage to as much of the City of Canby as possible as well as getting coverage on the river. This would take care of most of the need. They could put in whatever color fence slats that was required.

Proponents: None

Opponents: None

Neutral: None

Chair Savory closed the public hearing.

Motion: A motion was made by Commissioner Boatright and seconded by Commissioner Varwig to approve the Site and Design Review and Conditional Use Permit to construct an essential public communication service facility consisting of a 150 ft. self-supporting lattice tower with multi omnidirectional antennas and microwave dishes at 202 N Walnut Street with the conditions as written by staff. **(DR 17-04/CUP 17-01 Clackamas 800 Radio Group)** The motion passed 6/0.

6. FINAL DECISIONS

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

1. Final Findings (CUP 17-03 Fuentez)

Motion: A motion was made by Commissioner Mottern, and seconded by Commissioner Serlet to approve the final decisions for CUP 17-03 Fuentez. The motion passed 6/0.

2. Final Findings (DR 17-04/CUP 17-01 Clackamas 800 Radio Group)

Motion: A motion was made by Commissioner Varwig, and seconded by Commissioner Boatright to approve the final decision for DR 17-04/CUP 17-01 Clackamas 800 Radio Group. The motion passed 6/0.

7. ITEMS OF INTEREST / REPORT FROM STAFF

- a. Next regular Planning Commission meeting scheduled for Monday, July 10, 2017.

8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

Commissioner Varwig wanted to re-visit the City's Façade Improvement Program. The program currently only allowed property owners to apply and he would like it to be available for tenants as well and to make them non-matching grants for tenants.

There was consensus to put the item on a future agenda.

9. ADJOURNMENT

Motion: Commissioner Mottern moved for adjournment, Commissioner Chernishov seconded. The Motion passed 6/0. The meeting adjourned at 8:07 p.m.



City of Canby

PLANNING STAFF REPORT/RECOMMENDATION TO THE PLANNING COMMISSION

FILE #: CPA 17-01/ZC 17-01

Hearing Dates: August 28, 2017 (Planning Commission), September 6, 2017 (City Council)

Report Date: August 18, 2017

Prepared by: Bryan Brown, Planning Director

GENERAL INFORMATION:

APPLICATION TYPE: Comprehensive Plan Map Amendment & Zone Change Map Amendment

APPLICANT: Peter Hostetler

OWNER: Ken and Gabriel Hostetler

LOCATION: 853 & 861 S Redwood St

TAX MAP/LOTS: 41E03BB00503/41E03BB00504– (Bordered in red in map below)



EXISTING COMPREHENSIVE PLAN MAP: Low Density Residential (LDR)

PROPOSED COMPREHENSIVE PLAN MAP: Medium Density Residential (MDR)

EXISTING ZONING: Low Density Residential (R-1)

PROPOSED ZONING: Medium Density Residential (R 1.5)

LOT SIZE: 0.66 acres

SECTION I - PROJECT OVERVIEW & EXISTING CONDITIONS

Applicant's Proposal: The applicant submitted applications for a Comprehensive Plan Map Amendment to change the Plan designation from current Low Density Residential (LDR) to Medium Density Residential (MDR) land use designation and a corresponding Zone Map Amendment from Low Density Residential (R-1) to Medium Density Residential (R 1.5) for approximately 0.66 acres. The original application included a Subdivision application to reconfigure and further divide the two existing parcels each containing an existing home planned to be retained into an eventual total of 5 lots, 4 in the immediate future. Because of access restriction onto S Redwood Street imposed by Clackamas County who has jurisdiction over this street; the applicant agreed to move forward with the two Plan Amendments, drop the Subdivision application and has submitted Lot Line Adjustment and Minor Partition applications which together are intended to first adjust the common boundary line between the two existing tax lots to accommodate required setbacks around the existing home and then divide the southern Tax Lot into 3 new parcels. County access standards indicate that when a land division is proposed on property with both a higher and lower classification of street that all access be from the lower street classification. The applicant continues his original plan to relocate the access drive to S Redwood for the existing home to a new location onto SE 9th Avenue to comply with both the County and City access standards for that drive. City requirements differ in that we would not have required the relocation of the existing drive to S. Redwood Street from the home to be retained on the northern Tax Lot. So except for the adjustment of the northern tax lots southern boundary with the separate Lot Line Adjustment application, the configuration of the northern Tax Lot will remain as a single lot for the immediate future.

Existing Conditions: The Comprehensive Plan Map Amendment and Zone Change Map Amendment which are now the only components of this current land use application request will make changes designation changes to these two official City maps. The area of map change consists of two existing tax lots with two existing homes and a detached garage which are all proposed to be retained. The common property line between the two existing tax lots will be adjusted to comply with building setback requirements and the average lot size range allowed within the proposed R 1.5 zone in a subsequent lot line application that has been submitted. A subsequent Partition application also submitted will divide the southern existing tax lot into 3 lots conforming to the proposed R 1.5 zone. The existing driveway access out to S Redwood Street on the southern tax lot will be relocated with access to SE 9th Avenue with the two new lots also taking access to SE 9th Avenue. There is a future plan and hope for the existing driveway access serving the home on the northern tax lot to eventually serve as a shared drive for access to an additional flag lot where a garage is currently located but would be removed. The sharing of the driveway is necessary by City standards to maintain driveway spacing standards.

Surrounding Conditions: The adjacent property to the north and west of the subject property has the Medium Density Residential (MDR) land use designation and corresponding Median Density Residential (R 1.5) zoning. This application is to extend the existing adjacent land use designation and zoning district to the subject property from the Low Density Residential (LDR) land use designation and Low Density Residential (R-1) zone that exist today. Both adjacent streets are built to City standard with existing sidewalks and street paving. There is some deterioration of the street pavement on S Redwood Street and the existing sidewalk is narrower than today's standard. Early in the review process staff informed the applicant that retaining the existing detached garage would not be allowed on a separate new lot without a principal residential dwelling. The owner anticipates creating another lot through a separate future partition application when they are ready to remove the garage and sale part of the property.

SECTION II APPLICABLE REVIEW CRITERIA

Applicable criteria used in evaluating this application are listed in the following sections of the *City of Canby Land Development and Planning Ordinance* as they pertain to Comprehensive Plan and Zone Map Amendments.

In addition, consistency must be demonstrated with the City's Comprehensive Plan goals and policies, and the Oregon Land Use Statewide Planning Goals with the Comprehensive Plan Amendment.

Canby Comprehensive Plan, January, 2007, Goals & Policies

Statewide Planning Goals – 1-19 as applicable

CMC 16.08.150 – Traffic Impact Study (TIS)

CMC 16.10 - Off-street Parking and Loading

CMC 16.18 - Medium Density Residential Zone (R 1.5)

CMC 16.46 - Access Limitations on Project Density

CMC 16.54.040 - Amendments to Zoning Map

CMC 16.88 - General Standards & Procedures

CMC 16.88.180 - Comprehensive Plan Amendments, (D) Quasi-judicial Plan Amendment Standards and Criteria

CMC 16.88.190 - Conformance with Transportation System Plan and Transportation Planning Rule

16.89 - Application and Review Procedures

SECTION III REVIEW FOR CONFORMANCE WITH APPLICABLE APPROVAL CRITERIA (Findings):

Canby Comprehensive Plan – Findings

Staff accepts the findings contained in the applicant's narrative as satisfactory demonstration of conformance and consistency with the goals and policies of the City's Comprehensive Plan with the following additional findings.

Land Use Element. This request proposes to change the Comprehensive Plan land use designation for the two tax lots at the subject location to match the Medium Density Residential designation of the adjacent properties to the north and west. The designation across S Redwood Street to the east remains Public (P) where school property exists and the designation across SE 9th Avenue to the south remains Low Density Residential (LDR). The proposed change is a logical contiguous extension of the higher intensity residential land use designation for the area with S Redwood Street and SE 9th Avenue providing very suitable new boundaries between the higher and lower density residential land use designation. The larger size of the existing parcels in relation to the others which are adjacent already having the MDR designation to the north and west invite a transition to more efficiently utilize the land for additional single family home sites that are within reasonable size of those existing in the remainder of the area. This assures the proposed use is suitably related to those it is directly adjacent to.

The City currently has a lower supply of platted R 1.5 zone lots available than it has R-1 zone lots. The same holds for land area zoned R-1 versus the proposed R 1.5. The proposed change in the Comprehensive Plan Map designation and corresponding zoning district will increase the supply of the smaller lot size therefore increasing housing opportunity choices within the City, and doing so in a compatible manner to the adjacent developed properties. This review criterion is satisfied.

Transportation Element. With a subsequent partition application the applicant will be moving an existing home's driveway from a collector street (S Redwood St) over to a local classification street (SE 9th Ave). This reduces conflict with driveway separation distance on a busier street and eliminates separation distance issues at the street intersection which reduces potential traffic conflict points. A Transportation Planning Rule analysis was performed with the Comprehensive Plan and Zone Change Amendments and demonstrates that the change to a higher density residential land use designation and zone does not result in a significant increase in traffic already accounted for within the City's adopted Transportation System Plan and therefore will not result in any adverse impact on the adjacent streets. This satisfies conformance with this review criterion.

Statewide Planning Goals – Findings

Staff accepts the findings contained in the applicant's narrative and adds the following additional findings to support demonstration of consistency with Oregon's Land Use System Planning Goals:

Goal 12 – Transportation: Traffic Analysis focused on the Transportation Planning Rule requirements found in State Statute. This analysis was required by the City and paid for by the applicant. The TPR analysis prepared by DKS Associates notes the proposed change in Comprehensive Plan and zone district and reasonable worst case trip generation to arrive at TPR findings. The findings indicate an increase of traffic being added to the surrounding roadway network is 2 AM peak hour trips and 4 PM peak hour trips with 38 new daily trips. The zone change was found to comply with TPR requirements.

Land Development and Planning Ordinance - Findings

CMC 16.08.150 – Traffic Impact Study (TIS)

The purpose of this section of the code is to implement Section 660-012-0045(2)(b) of the State Transportation Planning Rule, which requires the city to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. The City required a TPR analysis memorandum to document that TPR requirements are satisfactorily met with the proposed Comprehensive Plan Map change and Zoning Map change proposed. The memorandum indicates that the expected reasonable traffic impact from the new map amendments will cause "no further degradation" to the surrounding roadway network therefore complies with TPR requirements without necessary mitigation measures.

CMC 16.10 - Off-street Parking and Loading

The applicant's narrative demonstrates this criterion will be met.

CMC 16.18 - Medium Density Residential Zone (R 1.5)

The applicant's immediate development objective is to create two new single family lots on the south existing tax lot area, retaining the existing home on a lot between to new lots. A new flag lot behind the existing home on the northern existing tax lot is planned at some undetermined point in the future. A change in the zoning is necessary in order to allow the reduced lot sizes to accomplish this objective. The Comprehensive Plan Map land use designation must also be amended to conform to the increase in residential density this request will result in. Staff finds and accepts the applicant's findings with regard to conformance with density and all dimensional development standards of the R 1.5 zone with his subsequent lot line adjustment and partition applications.

If and when an additional flag lot is created through a future separate partition application on the northern tax lot the setback distance required between the 12' wide shared access easement and the existing home is five feet (CMC 16.64.040(1)(3)). A possible lack in being able to meet this standard may require a minor or major variance application to accompany the partition if the full 5 foot setback is not available. The existing attached garage associated with the northern existing home cannot exist on a separate residentially zoned lot unless accessory or incidental to a home. This means it likely will have to be removed to make room for a new home in the future when a partition is proposed to create this additional lot.

Lots which will house an existing home are allowed to exceed the normal maximum allowed lot size within the R 1.5 zone. The Code also provides for lot size averaging as long as the average size of all lots is within the allowed range. The average lot size associated with the creation of the original 5 total resulting lots will be 5,807 sf which falls between the 5,000 sf minimum and the 6,500 sf maximum. Because of the exception for existing homes, this criterion is met and can be met with possible future partitions.

The proposed new western lot on the lower existing tax lot, although meeting the minimum lot size is restricted in buildable area to only 23' in width due to an existing 12' easement along the west side of the lot and a 7' interior side yard setback on the east side. There are potential home plans with a maximum 23' width but this is a considerably narrower building pad than available on most newly created R 1.5 lots due to the existing easement. Working to find opportunities for increased efficiency of land use does not always result in ideal lot configurations. However, the applicable review criterion of the subsequent partition application will be met.

CMC 16.46 - Access Limitations on Project Density

CMC Table 16.46.30 indicates driveway spacing on a collector street facility (S Redwood Street) shall have a minimum separation distance of 100'. The applicant has indicated that the driveway to serve a possible future partition to create a flag lot behind to the west will utilize a single shared existing driveway curb opening in order to not violate the access spacing standard. The proposed development if the Plan Amendments are approved will result in 3 new driveways on SE 9th Avenue – a local street facility – which appear to satisfactorily meet the required 10 foot separation standards between driveways or 5' separation from an adjoining property boundary. The first driveway on the corner lot will meet the minimum 30' separation requirement from the street intersection. Any future partition to create a flag lot on the northern existing tax lot will need to share the access easement and associated driveway approach on S. Redwood Street.

CMC 16.54.040 - Amendments to Zoning Map - Findings

Staff accepts the findings contained in the applicant's narrative as satisfactory demonstration of conformance and consistency with the City's Comprehensive Plan, and the plans and policies of the county, state and local districts, as well as demonstration that required public facilities and services are available or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation. The applicant has abandoned his 5 lot subdivision and is now only proposing immediate partition of the southern tax lot into 3 lots.

CMC 16.54.060 – Improvement Conditions - Findings

The Planning Commission may recommend to the City Council certain improvements or physical changes to a property to be met before the change in zoning takes effect if directly related to the health, safety or general welfare of those in the area. Although the condition of S Redwood adjacent to the subject property has deteriorated, staff would not recommend requiring physical improvements with the Map Amendments. Consideration of improvements will be addressed at the partition and half-street improvements have already been alluded to by Clackamas County who has current jurisdiction over S Redwood Street.

CMC 16.58 – Planned Lot Line Adjustment - Findings

Staff accepts the findings contained in the applicant's narrative as satisfactory demonstration of conformance with the review criteria for approval of the future planned lot line adjustment. The exact boundary of the adjusted property line will be required through a survey in producing a re-plat that the County will likely require to implement approval of a lot line adjustment that involves lots that are part of an existing platted subdivision. Staff's research of these legal lots of record indicate they are Lot 1 & 2, of South Redwood Estate, Plat #3106.

CMC 16.88.180 – Comprehensive Plan Amendments, (D) Quasi-judicial Plan Amendment Standards and Criteria - Findings

Staff accepts the findings contained in the applicant's narrative as satisfactory demonstration of conformance with the review criteria of this code section. We find that this request conforms with all aspects of the City's Comprehensive Plan, and State Land Use goals which are reflected in our acknowledge Comprehensive Plan.

CMC 16.88.190 - Conformance with Transportation System Plan and Transportation Planning Rule - Findings

A Transportation Impact Study was performed in conjunction with the application to document that TPR requirements are satisfactorily met with the proposed Comprehensive Plan Map change and Zoning Map change proposed. The memorandum indicates that the worst case traffic impact from the new map amendments will cause “no further degradation” to the surrounding roadway network therefore complies with TPR requirements without any necessary mitigation.

CMC 16.89 Application and Review Procedures - Findings

The applicant has complied with all application review procedures, including holding a pre-application conference, submittal and payment of the appropriate applications, and holding of a neighborhood meeting. As previously mentioned, the applicant abandoned the concurrent subdivision application and has followed up with a Lot Line Adjustment and Partition applications which are running on a separate public hearing tract. The criterion of this section have been met.

SECTION III - PUBLIC AND REFERRAL AGENCY COMMENTS:

Public Comments:

Neighborhood Mtg.: The attendance sheet submitted by the applicant indicated 3 people attended the meeting held on location at the property. They all appear to be residents who live on SE 9th Avenue. After reviewing the Site Development Plan they had practical questions about where utility services would be coming from and street disruptions during the development on the lots. An explanation of what vegetation may stay or be removed was discussed.

Public Comments: At the time of completion of this staff report staff has received no written or verbal comments from the provided notice to surrounding property owners.

Agency Comments:

Development comments received from the following agencies are included as attachments:

1. Direct Link: They indicated they can serve the property and explained terms and conditions.

SECTION III - STAFF CONCLUSION/RECOMMENDATION:

Based on the application submitted and the facts, findings, and conclusions of this report and the applicants provided submittal, staff concludes that the request is consistent with the City’s Comprehensive Plan and Statewide Planning Goals, that all public service and utility provisions to the site are available or can be made available through the subsequent approval of a planned Partition, and that all other applicable approval criteria have been met.

Staff recommends that the Planning Commission forward a recommendation for approval of the Comprehensive Plan Map Amendment and Zoning Map Amendment (Files #CPA & ZC 17-01) to the City Council.

SECTION IV - ATTACHMENTS/EXHIBITS:

1. Application Forms – Comprehensive Plan Amendment and Zone Map Amendment
2. Applicant Revised Narrative – Dated 6/9/17
3. Maps/Plans – South Redwood Estate Recorded Plat #3106; Applicant’s Original 5 Lot Subdivision Tentative Plat (Not Part of Approval); Applicant’s Revised 4 Lot Tentative Plat (Not Part of Approval);
4. Transportation Planning Rule Analysis - DKS 6.22.17 Memorandum
5. Neighborhood Meeting – Applicant’s Notice Letter, Attendance Sheet, & Meeting Summary
6. Pre-application Conference Minutes
7. Comments – Direct Link



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

LAND USE APPLICATION

**COMPREHENSIVE PLAN
 AMENDMENT – Process Type IV**

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

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

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

Property Owner Name: _____ Phone: _____
 Signature: [Signature]
 Address: 861 S Redwood Street Email: _____
 City/State: Canby, OR Zip: 97013

Property Owner Name: _____ Phone: _____
 Signature: [Signature]
 Address: 853 S Redwood Street Email: _____
 City/State: Canby, OR Zip: 97013

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

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

PROPERTY & PROJECT INFORMATION:

<u>853 S 861 S Redwood Street</u>	<u>29037</u>	<u>41E03BB 00503</u>
Street Address or Location of Subject Property	Total Size of Property	Assessor Tax Lot Numbers
<u>SFR</u>	<u>R1</u>	<u>R1.5</u>
Existing Use, Structures, Other Improvements on Site	Zoning	Comp Plan Designation

Turn 2 lots into 5
 Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
<u>SUB 17-03</u>	<u>5/25/17</u>	<u>[Signature]</u>		
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

17-01 & CPA 17-01



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

LAND USE APPLICATION

Zone Map Change Application

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

Applicant Name: Peter Hosteler Phone: 503 505 0149
 Address: 1000 S New On Rd Email: design@draftcraft.com
 City/State: Canby OR Zip: 97013

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

Property Owner Name(s)*: _____ Phone: _____
 Signature: John S. Hosteler Kenneth D. Hosteler
 Address: 861 + 853 S Redwood Street Email: _____
 City/State: Canby OR Zip: 97013

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

PROPERTY & PROJECT INFORMATION:

853 + 901 S Redwood Street 29037 sq _____
 Street Address or Location of Subject Property Total Size of Assessor Tax Lot Numbers
 Property
SFR R1 R1.5
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation
Take R2 lots + turn into R1.5 lots
 Brief description of proposed development or use

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

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



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

CHECKLIST

ZONE MAP CHANGE

(Amendments to Zoning Map Chapter 16.54)

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

Applicant City
 Check Check

- One (1) copy of this application packet. The City may request further information at any time before deeming the application complete.
- Payment of appropriate fees – cash or check only. Refer to the city’s Master Fee Schedule for current fees. Checks should be made out to the *City of Canby*.
- Please submit one (1) electronic copy of mailing addresses in either an EXCEL SPREADSHEET or WORD DOCUMENT** for all property owners and all residents within 500 feet of the subject property. If the address of a property owner is different from the address of a site, an address for each unit on the site must also be included and addressed to “Occupant.” A list of property owners may be obtained from a title insurance company or from the County Assessor’s office.
- Comprehensive Plan designation of the property.
- The application shall be accompanied by a written narrative explaining the existing use of the property and the need for the change in zoning.
- Two (2) paper copies of the proposed plans, printed to scale no smaller than 1”=50’ on 11 ½ x 17” paper. The plans shall include the following information:
 - Vicinity Map. Vicinity map at a scale of 1”=400’ showing the relationship of the project site to the existing street or road pattern.
 - Site Plan-the following general information shall be included on the site plan:
 - Date, north arrow, and scale of drawing;
 - Name and address of the developer, engineer, architect, or other individual(s) who prepared the site plan;
 - Property lines (legal lot of record boundaries);
 - Location, width, and names of all existing or planned streets, other public ways, and easements within or adjacent to the property, and other important features;
 - Location of all jurisdictional wetlands or watercourses on or abutting the property;
 - Finished grading contour lines of site and abutting public ways;
 - Location of all existing structures, and whether or not they are to be retained with the proposed development;
 - The location of streets, sewer, water, electric, and other utility services;
 - Major topographic and landscape features.
- One (1) copy of the minutes of the neighborhood meeting as required by Municipal Code 16.89.020 and 16.89.070. The minutes to include the date of the meeting and a list of attendees.

3. Staff will check the application, making sure that it is complete and all fees are paid. Copies of the application

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

materials are routed to various City/State/County departments, as applicable, for their comments. Along with the comments received from others, the application is reviewed for completeness. The City Planner will accept or return the application with a written list of omissions within thirty (30) calendar days of the submittal.

4. Staff investigates the request, writes a staff report, places a public notice in the newspaper, notifies surrounding property owners, and makes all facts relating to the request available to the Planning Commission and all interested parties.
5. The staff report will be available ten (10) days prior to the hearing.
6. The Planning Commission holds a public hearing after the determination of a complete application. At the hearing the staff report is presented. Testimony is presented by the applicant, proponents and opponents, followed by rebuttal from the applicant.
7. The Commission then issues findings of fact which support approval, modification or denial of the application and passes such recommendation on the City Council for final action within forty (40) calendar days after the close of the hearing.

STANDARDS AND APPROVAL CRITERIA FOR A ZONE CHANGE

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

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

Upon receipt of the record of the Planning Commission proceedings, and the recommendation of the Commission, the City Council shall conduct a review of that record and shall vote to approve, deny, or approve subject to modification, the recommendation of the Planning Commission. The City Council shall hear the arguments based upon the record. Additional or supplemental information not included within the original record shall not be considered. The arguments on the record shall not be conducted as a public hearing.

16.54.060 IMPROVEMENT CONDITIONS

- A. In acting on an application for a zone change, the Planning Commission may recommend and the City Council may impose conditions to be met by the proponents of the change before the proposed change takes effect. Such conditions shall be limited to improvements or physical changes to the property which are directly related to the health, safety or general welfare of those in the area. Further, such conditions shall be limited to improvements which clearly relate to and benefit the area of the proposed zone change. Allowable conditions of approval may include, but are not necessarily limited to:
 1. Street and sidewalk construction or improvements.
 2. Extension of water, sewer, or other forms of utility lines;
 3. Installation of fire hydrants.
- B. The City will not use the imposition of improvement conditions as a means of preventing planned development, and will consider the potential impact of the costs of required improvements on needed housing. The Planning Commission and City Council will assure that the required improvements will not reduce housing densities below those anticipated in the Comprehensive Plan.

APPLICATION FOR COMPREHENSIVE MAP AMENDMENT, ZONE CHANGE & SUBDIVISION

NARRATIVE

Applicant:

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

Owners:

Gabriel Hostetler
861 S Redwood Street
Canby, OR 97013

Ken Hostetler
853 S Redwood Street
Canby, OR 97013

Location:

853 & 861 S Redwood Street, Canby Oregon

Legal Description:

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

Zoning:

R-1 (Low Density Residential Zone)

Size:

29037 Square Feet

Proposal:

To change the zoning of the lots to R-1.5 and replat the existing two lots into five lots to match the size of the surrounding lots. Existing houses to remain.

Date:

May 25th, 2017

SITE DESCRIPTION

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

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

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

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

PROPOSAL

Three land use actions are proposed. The Lots are currently zoned R-1 and are proposed to be changed to R-1.5 to match those of the surrounding neighborhood. The other action is to subdivide the 2 Lots into 5 Lots. The existing single family residences will occupy two of the five Lots and the detached garage will reside on one of the five Lots. Please refer to Proposed Site Plan.

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

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

Improvements for the Lots 3-5, comprising of driveway aprons, new sidewalk curb ramp, and utility stubs will be made with construction drawings to be approved by the City of Canby and other service providers. The owner of the existing Northern most Lot with existing single family residence and detached garage proposes to place a deed restriction on both proposed Lots 1 and 2 that would force the completion of driveway aprons and utility stubs prior to the recordation of any sales of said Lots. The owner of that existing Northern most Lot plans on continuing to use the proposed two Lots as one for many years to come.

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

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

A traffic impact study for the map amendment, zone change and subdivision has been ordered through the City Planning Department.

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

APPLICABLE CRITERIA AND STANDARDS

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

Urban Growth Element

Land Use Element

Transportation Element

Housing Element

- Statewide Planning Goals 1-19 are also listed with applicable responses

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

16.10 Off-Street Parking and Loading

16.18 R-1.5 Medium Density Residential Zone

16.46 Access Limitations on Project Density

16.54 Amendments to Zoning Map

16.56 Land Division General Provisions

16.64 Subdivisions – Design Standards

16.86 Street Alignments

16.88 General Standards & Procedures

16.89 Application and Review Procedures

16.120 Park, Open Space and Recreation Land General Provisions

COMPREHENSIVE PLAN GOALS

Urban Growth Element

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

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

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

Land Use Element

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

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

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

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

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

Transportation Element

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

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

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

Housing Element

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

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

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

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

STATEWIDE PLANNING GOALS

Oregon's 19 Statewide Planning Goals are addressed below. Though several of the goals are not applicable to the proposed comprehensive plan and zoning map amendments, those that are applicable are responded to in detail.

Goal 1 Citizen Involvement

Response: This land use application is subject to a City of Canby Type III land use review, which allows and solicits citizen involvement. This process has been established by the city and determined to be consistent with this goal. The mandatory public notice of the action and decision, and the hearing on this case before the City Council are all avenues of citizen participation.

Goal 2 Land Use Planning

Response: This statewide goal requires that land use decisions 1) have an adequate factual base, 2) that alternatives have been considered, and 3) that implementation measures are consistent with and adequate to carry out comprehensive plan policies and designations.

The land use action has an adequate factual base, as the subject properties have been thoroughly described in the application and staff report. The site is well-served by a full range of urban services, including transportation, water, sewer, storm water, schools, police and fire protection.

The proposed comprehensive plan map and zoning map amendments would result in more uniform zoning in this area of town.

Implementation measures proposed are consistent with and adequate to carry out comprehensive plan policies and designations. This will be accomplished through the existing zoning code, and the development standards of the zoning code. No changes to the implementation measures of the code are proposed as part of this land use action. The overall consistency of this proposal with the city's comprehensive plan has been addressed by this narrative. Consequently, the proposal is consistent with this goal.

Goal 3 Agricultural Lands

Response: This goal does not apply because the site is not on agricultural land, nor would the proposed change in zoning affect the supply of agricultural land.

Goal 4 Forest Lands

Response: This goal does not apply because the site is not on forest land, nor would the proposed change in zoning affect the supply of forest land.

Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources

Response: There are no inventoried Goal 5 resources on the subject site. Therefore, this goal does not apply.

Goal 6 Air, Water and Land Resources Quality

Response: The property proposed for a map change is, and will continue to be, subject to City of Canby standards for environmental protection. There is no significant impact on air, water, or land resources quality because all uses in either the existing or proposed zone will have to meet

the same environmental standards. Therefore, there is no significant impact as a result of the proposed change, and the intent of this goal is satisfied.

Goal 7 Areas Subject to Natural Disasters and Hazards

Response: The area is not subject to natural disasters or hazards such as steep slopes or unstable soils. This goal does not apply.

Goal 8 Recreational Needs

Response: The site has never been considered useful as a park or for other recreational land uses. These goals do not apply.

Goal 9 Economic Development

Response: This goal requires that comprehensive plans provide adequate opportunities for a healthy economy.

Goal 10 Housing

Response: The subject site is ideally suited to become higher density housing to match that of the surrounding lots.

Goal 11 Public Facilities and Services

Response: The properties are in an already developed area of Canby with a full range of urban services. Adequacy of public facilities and services are addressed in this narrative. Public services are adequate to meet projected demand under the new plan designation and zoning.

Goal 12 Transportation

Response: This goal will be further addressed in the ordered Traffic Impact Study.

Goal 13 Energy Conservation

Response: There are no identifiable energy consequences of this land use action. The transportation system that serves the property will not change as the result of this land use action. The land use action will not result in any appreciable difference in waste production or recycling compared with development under the existing zoning. To the extent that the proposal will promote the redevelopment of the existing properties that are already served by public facilities and a developed transportation system, energy will be conserved. Generally, there is no detectible difference in energy consumption due to the plan map and zoning map change. As a result, the proposal is consistent with this goal.

Goal 14 Urbanization

Response: The property subject to the map changes are on already urbanized land. There are adequate urban, public facilities to serve any future development. There are no impacts to the other urbanization factors in the statewide planning goals, so this proposal is consistent.

Goal 15 Willamette River Greenway

Goal 16 Estuarine Resources

Goal 17 Coastal Shorelands

Goal 18 Beaches and Dunes

Goal 19 Ocean Resources

Response: The properties are not within the plan boundary for the Willamette River Greenway, do not have any estuarine resources, and are not on the Oregon Coast, so goals 15 through 19 do not apply.

LAND USE AND DEVELOPMENT ORDINANCE

Chapter 16.10 Off-Street Parking and Loading

Response: The parking requirement for single family dwellings is two spaces per dwelling unit (Table 16.10.050). The existing dwellings on Parcels 1 and 4 leave more than enough room for two off-street parking spaces and the other Lots are of sufficient size to accommodate two off-street parking spaces. This requirement can be satisfied when building plans are submitted for each remaining Lot.

Chapter 16.18 R-1.5 Medium Density Residential Zone

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

Section 16.18.030 R-1.5 Zone Dimensional Standards

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

Response: Lot 1 6944 sq. ft.; Lot 2 5040 sq. ft.; Lot 3 5024 sq. ft.; Lot 4 6515 sq. ft.; Lot 5 5514 sq. ft.

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

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

16.18.030.C Minimum width and frontage: 40 feet.

Response: All Lots but Lot 2 have a minimum width and frontage of at least 40'. Lot 2 is proposed to be a flag lot per 16.64.040.I. This is addressed further in the application.

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

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

16.18.030.E Maximum Building Height: 35'.

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

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

Response: LOT 1 42%, Lot 2 38%, Lot 4 50%, Lots 3 & 5 can satisfy requirement when building plans are submitted.

16.18.030.G Other Regulations

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

16.46.010 Number of Units in Residential Development

Response: The development proposes to create detached single family residences on individual Lots, therefore Sec. 16.46.010A is the appropriate standard. The Lots will be accessed by S Redwood Street (Collector Street designation) and SE 9th Avenue (Local Street designation). No new accesses or public streets are proposed or required.

16.46.030 Access Connection

Response: The applicant proposes no new streets or access connections.

16.46.070 Exception Standards

Response: No exceptions are necessary.

Chapter 16.49 Site & Design Review

Response: Site and Design Review is required for all new development, except for single family and two-family dwellings (16.49.030). Dwellings in the proposed subdivision are single family, thus will not require site and design review.

16.54 Amendments to Zoning Map

Response: Per 16.54.060, improvements relating to street, sidewalk, and utilities may become conditions of Zone Change approval. The proposal includes no street improvements, minor sidewalk/driveway aprons, and utilities to be extended to newly created Lots except for improvements to Lot 2. As previously stated in the section titled Proposal in paragraph 4, the improvements to Lot 2 are requested to not be required at this time because of the continued use of Lots 1 and 2 as a single Lot with detached garage. Forgoing the improvements required for Lots 1 and 2 at this time will not negatively effect Lots 3-5 at a later date once improvements are needed to be made. Cost considerations and the long term use of Lots 1 and 2 are the reasons for delaying said improvements.

Division IV Land Division Regulations

Chapter 16.62 Subdivisions-Applications

Response: An application that satisfies the filing procedures and information required in Sec. 16.62.010 has been submitted.

Standards and criteria for approval of a subdivision are set forth in Sec. 16.62.020, as follows:

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

Response: Applicable requirements of other sections of the Land Development and Planning Ordinance are discussed in other sections of this narrative and on the Proposed Site Plan included with the application, demonstrating that the proposed land divisions conform to applicable criteria.

B. 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;

Response: The design and layout of the site provides for functional and desirable building sites. All Lots meet or exceed the minimum lot area standards for the R-1.5 Zone, or permitted exceptions thereto. Each Lot has access to a public street and has easy connectivity to S Redwood Street, a collector, and nearby arterial streets, including Highway 99E. Development of the site will not hinder the use or development of any adjacent properties.

C. Subdivision design and layout shall incorporate Low Impact Development techniques where possible to achieve the following:

1. Manage stormwater through a land development strategy that emphasizes conservation and use of onsite natural features integrated with engineered stormwater controls to more closely mimic predevelopment hydrologic conditions.

2. Encourage creative and coordinated site planning, the conservation of natural conditions and features, the use of appropriate new technologies and techniques, and the efficient layout of open space, streets, utility networks and other public improvements.

3. Minimize impervious surfaces.

4. Encourage the creation or preservation of native vegetation and permanent open space.

5. Clustering of residential dwellings where appropriate to achieve (1-4) above. The arrangement of clustered dwellings shall be designed to avoid linear development patterns.

Response: The proposed layout will provide adequate sized Lots that will allow space to create or preserve vegetation and the Lots. The dwellings on Lots 1 and 4 will be preserved as will many of the existing trees and other landscaping features that currently surround the dwellings.

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

Response: Necessary facilities and services are available for the proposed development at the proposed R-1.5 zoning designation. Public water is located in S Redwood Street East of the development. Public sanitary sewer is also available in S Redwood Street. Power and communications facilities are available between the Lots and S Redwood Street in the Street Right of Way. Garbage and recycling collection are available in the neighborhood through Canby Disposal. Fire protection for the area is provided by Canby Fire District, which serves all of the City of Canby and the surrounding area. Police protection is provided by Canby Police Department.

All public services are available for the subdivision at the time of development.

E. The layout of subdivision streets, sidewalks, and pedestrian ways supports the objectives of the Safe Routes to Schools Program by providing safe and efficient walking and bicycling routes within the subdivision and between the subdivision and all schools within a one-mile radius. During review of a subdivision application, city staff will coordinate with the appropriate school district representative to ensure safe routes to schools are incorporated into the subdivision design to the greatest extent possible. (Ord. 890 section 53, 1993; Ord. 740 section 10.4.40(B), 1984; Ord. 1338, 2010)

Response: This proposal will add dwellings across the street from two public schools including Trost

Elementary and Baker Prairie Middle School. Existing sidewalks and crosswalks ensure a safe route to these schools.

F. A Traffic Impact Study (TIS) may be required in accordance with Section 16.08.150. (Ord. 1340, 2011)

Response: A Traffic Impact Study has been ordered and paid for by applicant through the City Planning Department.

Chapter 16.64 Subdivisions Design Standards

Section 16.64.010 Streets

Response: No new streets proposed

Section 16.64.015 Access

Response: The proposal will utilize existing roadways and sidewalks

Section 16.64.020 Blocks

Response: The proposal utilizes existing block layout.

Section 16.64.030 Easements

Response: Easements for utility lines are existing and will be maintained and are suitable to service the new Lots.

Section 16.64.040 Lots

Responses as follows:

(16.64.040.A & B) Lot sizes and shapes comply with dimensional requirements for the R-1.5 Zone, as previously discussed in this narrative and as shown on the proposed site plan.

(16.64.040.C) All R-1.5 Lots have at least 40 feet of frontage on a public street, except Lot 2 which is a flag Lot as discussed below.

(16.64.040.D) No double frontage Lots are being created by this development.

(16.64.040.E) Lot side lines are generally at right angles to the fronting streets.

(16.64.040.F) No Lots in the subdivision can be re-divided.

(16.64.040.H) No hazardous situation related to flooding or soil instability has been identified on the Lots. The new Lots will contain their stormwater within the Lot.

(16.64.040.I.1) One flag Lot is proposed.

(16.64.040.I.2) The flag Lot, which is Lot 2, and Lot 1 will be accessed by a 12' wide access strip which is less than 100' long meeting the exception.

(16.64.040.I.3) The existing dwelling on Lot 1 is 16' from the Northern property line which after having a 12' wide access strip leaves 4' from the existing house. The proposal asks that this fact be accepted in light of consolidating driveways and the additional Lot that is creating behind Lot 1,

otherwise Lot 2 may not be feasible.

(16.64.040.I.4) This requirement can be satisfied when building plans are submitted for each Lot 2.

(16.64.040.I.5) Lot 2 is not accessing the State Highway System or any other Arterial.

(16.64.040.I.6) This requirement can be satisfied when building plans are submitted for each Lot 2.

(16.64.040.I.7) This requirement can be satisfied when building plans are submitted for each Lot 2.

(16.64.040.J) This requirement can be satisfied when building plans are submitted for remaining Lots.

Section 16.64.050 Parks and Recreation

Response: No area is proposed for dedication for public open space on this Lots. The City Development Services Department has indicated that they would prefer that a fee in lieu of payment be provided at the time of building permit submittal for Lots in this subdivision.

Section 16.64.060 Grading of Building Sites

Response: Minor grading will be accomplished on the Lots to create suitable building sites.

Section 16.64.070 Improvements

Response: Improvements for the subdivision are noted on the Proposed Site Plan and have been submitted as part of this application to show the arrangement of Lots, 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. Following approval of the preliminary plan, more detailed construction plans will be submitted to the City for review. At the same time the detailed construction plans will also be submitted to private utility service providers such as the gas and communications companies so that they may design their system improvements to serve the subdivision.

Section 16.64.080 Low Impact Development Incentives

Response: The project does not plan to increase density or building heights allowed through the incentives offered in this section.

Chapter 16.86 Street Alignments

Response: The proposal doesn't contain any new street improvements.

Chapter 16.88 General Standards and Procedures

Response: The general standards and procedures set out in this chapter apply to the regulations of all sections of this title, except as may be specifically noted. The application has been submitted to the City by the applicant and the appropriate fees have been paid (Sec.16.88.030).

Chapter 16.88.180

A. Authorization to Initiate Amendments. An amendment to the Comprehensive Plan may be initiated by the City Council, by the Planning Commission, or by the application of a property owner or his authorized agent.

The Planning Commission shall, within forty days after closing the hearing, recommend to the City Council approval, disapproval, or modification of the proposed amendment.

Response: This amendment to the comprehensive plan is being initiated by the property owner.

B. Application. Application procedures shall be as described in Chapter 16.89.

Response: This application has been submitted according to all listed procedures and was accompanied by the appropriate fee.

C. Legislative Plan Amendment Standards and Criteria. In judging whether or not a legislative plan amendment shall be approved, the Planning Commission and City Council shall consider:

1. The remainder of the Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development;

2. A public need for the change;

3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;

4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;

5. Statewide planning goals.

Response: This application is being initiated by the property owner and only applicable to this property therefore the standards of subsection D are the applicable criteria for this application.

D. Quasi-judicial Plan Amendment Standards and Criteria. In judging whether a quasi-judicial plan amendment shall be approved, the Planning Commission and City Council shall consider:

1. The remainder of the Comprehensive Plan of the city, as well as the plans and policies of the county, state, or any local school or service districts which may be affected by the amendments;

Response: Each applicable element of the Comprehensive Plan of the city is discussed above in detail in Section 16.54.040.A. The State Land Use Goals are incorporated into the City's Comprehensive plan and are thus addressed as well. An increase in students to the local schools will result in increased state and federal funding, benefitting the district as a whole.

2. Whether all required public facilities and services exist, or will be provided concurrent with the anticipated development of the area. (Ord. 740 section 10.8.80, 1984; Ord. 981 section 16, 1997; Ord. 1080, 2001)

Response: Public facilities and services exist to serve the site, as detailed above in Section 16.54.040.B.

E. For proposed comprehensive plan amendments, which must consider the long-term adequacy of the transportation system for OAR 660-10-060 compliance, ODOT must be consulted to determine whether a highway project is "reasonably likely to be funded" based on funding projections at that time. (Ord. 1340, 2011)

Response: As a part of this application and Traffic impact study was ordered and paid for by applicant. It is not likely that three additional single family residences will require an upgrade to any State highways.

Chapter 16.89 Application and Review Procedures

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

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

Chapter 16.120 Parks Open Space and Recreation Land

Response: The City of Canby shall require park land dedication or a fee in lieu of park land dedication in the form of a system development charge. The City has indicated that it would prefer that Lots in this subdivision pay a system development charge rather than dedicate park land.

CONCLUSION

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

101/18

"SOUTH REDWOOD ESTATES"

LOCATED IN THE N. W. 1/4 OF SEC. 3, T4S, R. 1E, W. M.
CITY OF CANBY, CLACKAMAS COUNTY, OREGON

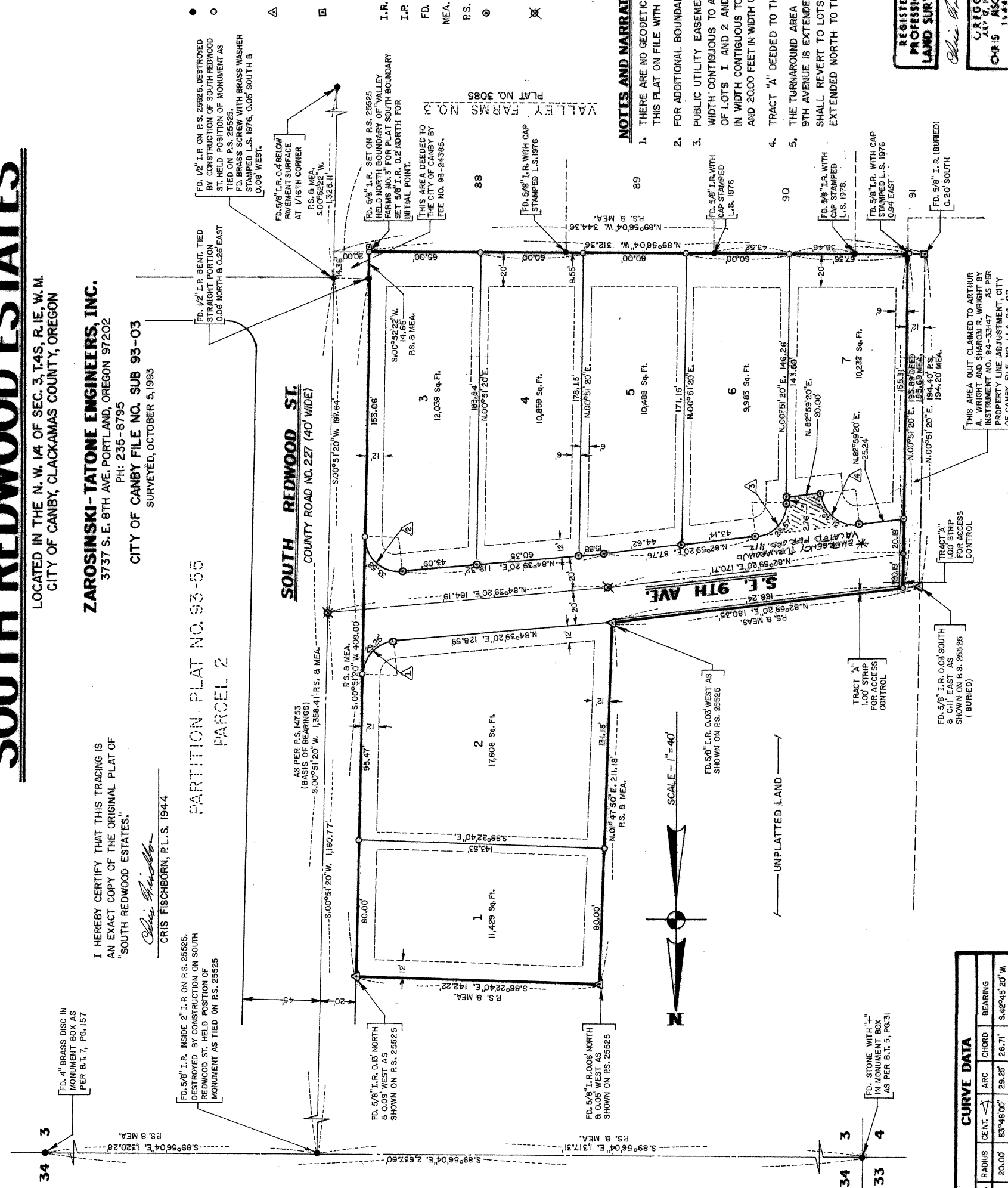
ZAROSINSKI-TATONE ENGINEERS, INC.
3737 S. E. 8TH AVE. PORTLAND, OREGON 97202
PH: 235-8795

CITY OF CANBY FILE NO. SUB 93-03
SURVEYED, OCTOBER 5, 1993

I HEREBY CERTIFY THAT THIS TRACING IS
AN EXACT COPY OF THE ORIGINAL PLAT OF
"SOUTH REDWOOD ESTATES."

Chris Fischborn
CRIS FISCHBORN, P.L.S. 1944

PARTITION PLAT NO. 93-55
PARCEL 2



LEGEND

- DENOTES MONUMENTS FOUND AS NOTED.
- DENOTES 5/8" x 30" LONG IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "ZAROSINSKI-TATONE, INC." DRIVEN TO GROUND SURFACE AND SET ON OCTOBER 5, 1993.
- △ DENOTES 5/8" IRON ROD FOUND WITH AN ALUMINUM CAP STAMPED "ZAROSINSKI-TATONE, P.E. 3915", AS SET ON P.S. 14753.
- DENOTES 5/8" IRON ROD FOUND WITH A YELLOW PLASTIC CAP STAMPED "ZAROSINSKI-TATONE, INC." AS SET BY THIS SURVEYOR ON P.S. 25525.
- I.R. DENOTES IRON ROD.
- I.P. DENOTES IRON PIPE.
- FD. DENOTES FOUND.
- MEA. DENOTES MEASURED.
- P.S. DENOTES RECORDED SURVEY NO. P.S. 25525.
- DENOTES BRASS SCREW WITH A BRASS WASHER STAMPED "Z-T L.S. 1944" TO BE SET IN CONCRETE SIDEWALK ON POST MONUMENTATION. SET IN 5/8" x 30" x 1/2" CAP.
- ⊗ DENOTES 5/8" IRON ROD WITH AN ALUMINUM CAP STAMPED "ZAROSINSKI-TATONE, INC." AND A PUNCH MARK TO BE SET AT PAVEMENT SURFACE ON POST MONUMENTATION. SET IN 5/8" x 30" x 1/2" CAP.

NOTES AND NARRATIVE:

1. THERE ARE NO GEODETIC MONUMENTS WITHIN 1/2 MILE OF THE BOUNDARY OF THIS PLAT ON FILE WITH THE CLACKAMAS COUNTY SURVEYOR.
2. FOR ADDITIONAL BOUNDARY INFORMATION AND NARRATIVE SEE P.S. 25525.
3. PUBLIC UTILITY EASEMENTS FOR SERVING AGENCIES SHALL BE 12.00 FEET IN WIDTH CONTIGUOUS TO ALL STREET RIGHT-OF-WAY AND ALONG THE WEST LINE OF LOTS 1 AND 2 AND ALONG THE NORTH LINE OF LOT 1 AND 6.00 FEET IN WIDTH CONTIGUOUS TO ALL INTERIOR LOT LINES AND THE WEST LINE OF LOT 7 AND 20.00 FEET IN WIDTH CONTIGUOUS TO THE SOUTH BOUNDARY OF THIS PLAT.
4. TRACT "A" DEEDED TO THE CITY OF CANBY BY INSTRUMENT NO. 94-44780
5. THE TURNAROUND AREA IN LOTS 6 AND 7 SHALL BE VACATED WHEN SOUTHEAST 9TH AVENUE IS EXTENDED TO THE WEST OF THIS PLAT AND THE VACATED AREA SHALL REVERT TO LOTS 6 AND 7, DIVIDED BY THE COMMON LOT LINE EXTENDED NORTH TO THE SOUTH RIGHT-OF-WAY LINE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Chris Fischborn

CRIS FISCHBORN
P.L.S. 1944

RENEWAL DATE: 12/31/95

3106
(PAGE 1 OF 2)

NO.	RADIUS	CENT.	ARC	CHORD	BEARING
1	20.00'	83°48'00"	29.25'	26.71'	S.42°45'20"W.
2	20.00'	96°12'00"	33.58'	29.77'	S.47°14'40"E.
3	20.00'	82°08'00"	28.67'	26.28'	S.41°55'20"W.
4	20.00'	90°00'00"	31.42'	26.28'	S.52°00'40"E.

PROJECT NAME
SOUTH REDWOOD ESTATES 2

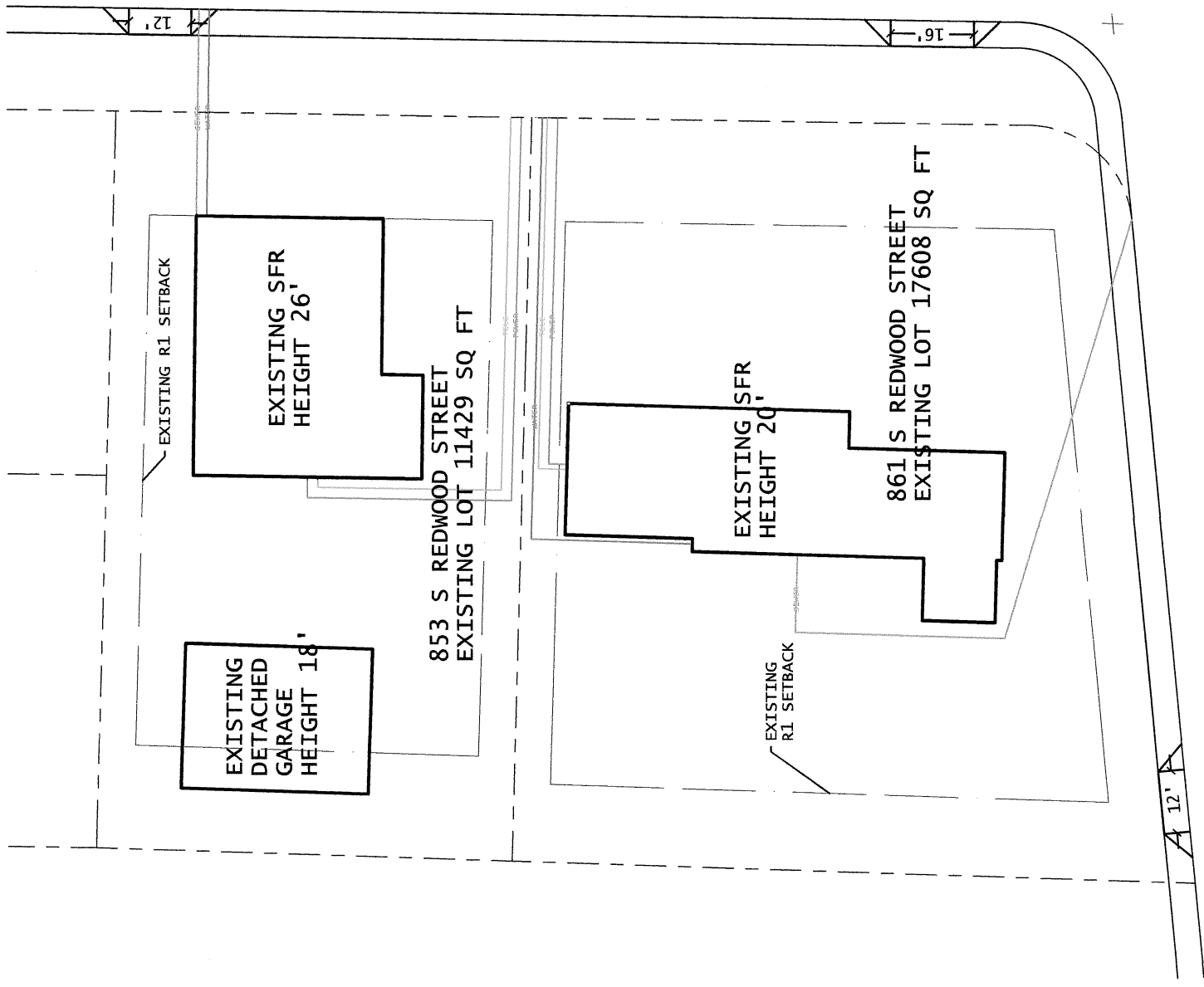
PROJECT ADDRESSES & OWNERS
GABRIEL HOSTETTLER
861 S REDWOOD STREET
CANBY, OR 97013

KENNETH HOSTETTLER
853 S REDWOOD STREET
CANBY, OR 97013

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

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

VICINITY MAP

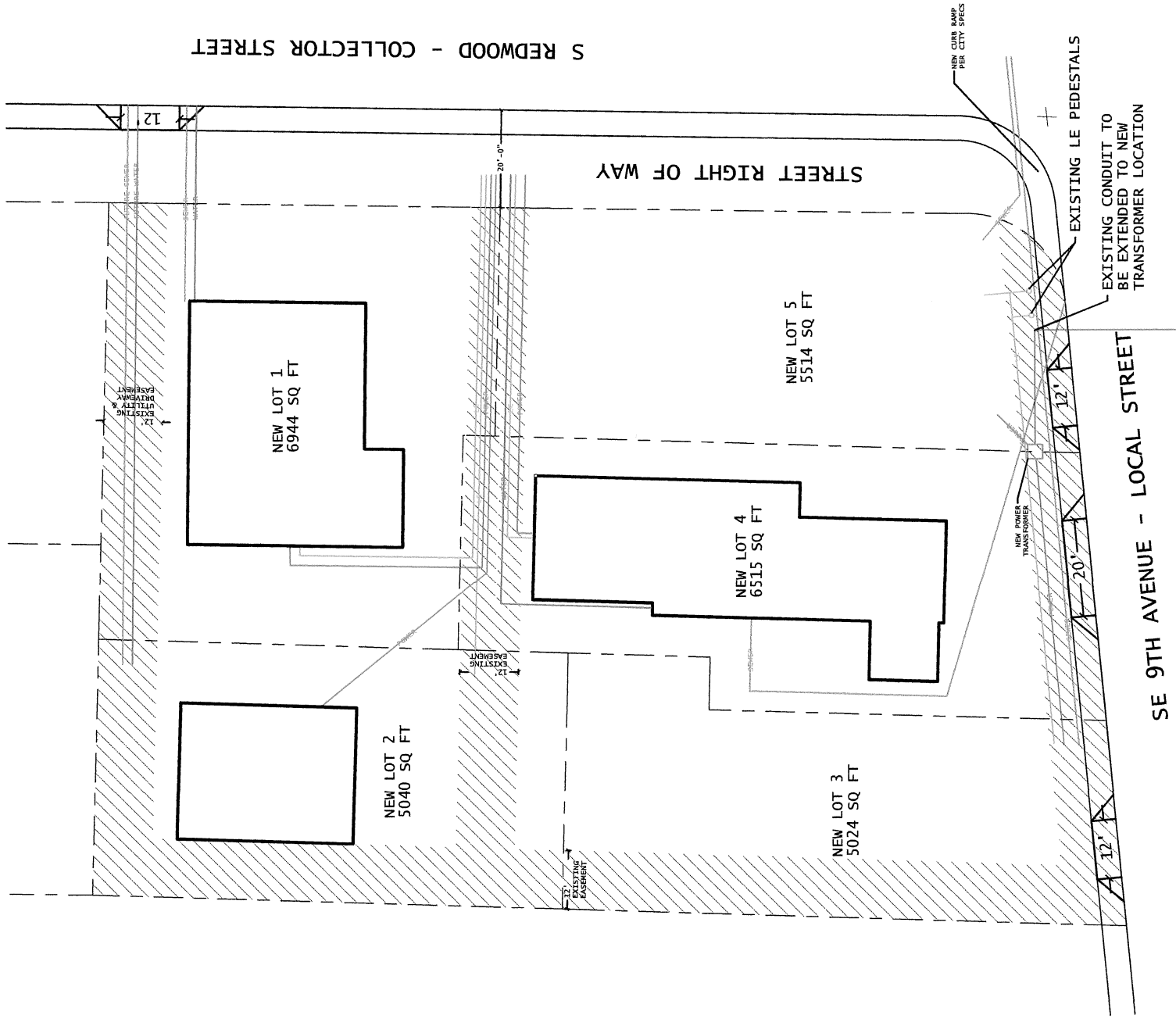


DRAFTCRAFT

CLIENT Gabriel Hostetler
CONTRACTOR KHC inc.

PAGE Existing Site Plan
REVISION 1

DATE May 26, 2017
SCALE 1" = 30'



PAGE	Proposed Site Plan	DATE	May 26, 2017
REVISION	1	SCALE	1" = 30'

CLIENT Gabriel Hostetler
 CONTRACTOR KHC inc.

DRAFTCRAFT

PROJECT NAME
SOUTH REDWOOD ESTATES 2

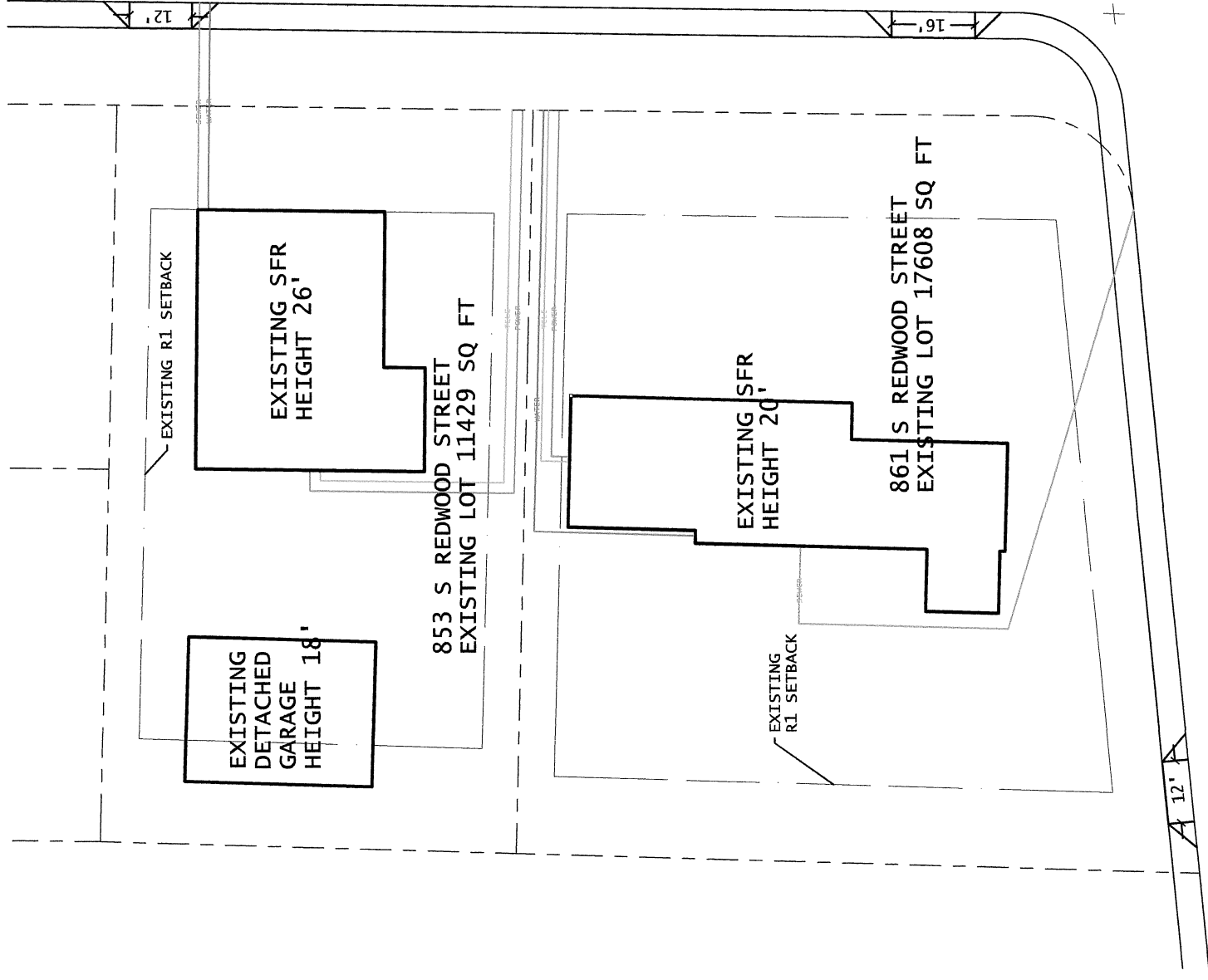
PROJECT ADDRESSES & OWNERS
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KENNETH HOSTETTLER
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DESIGNER
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DESIGN@DRAFTCRAFT.COM
503-505-0149

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

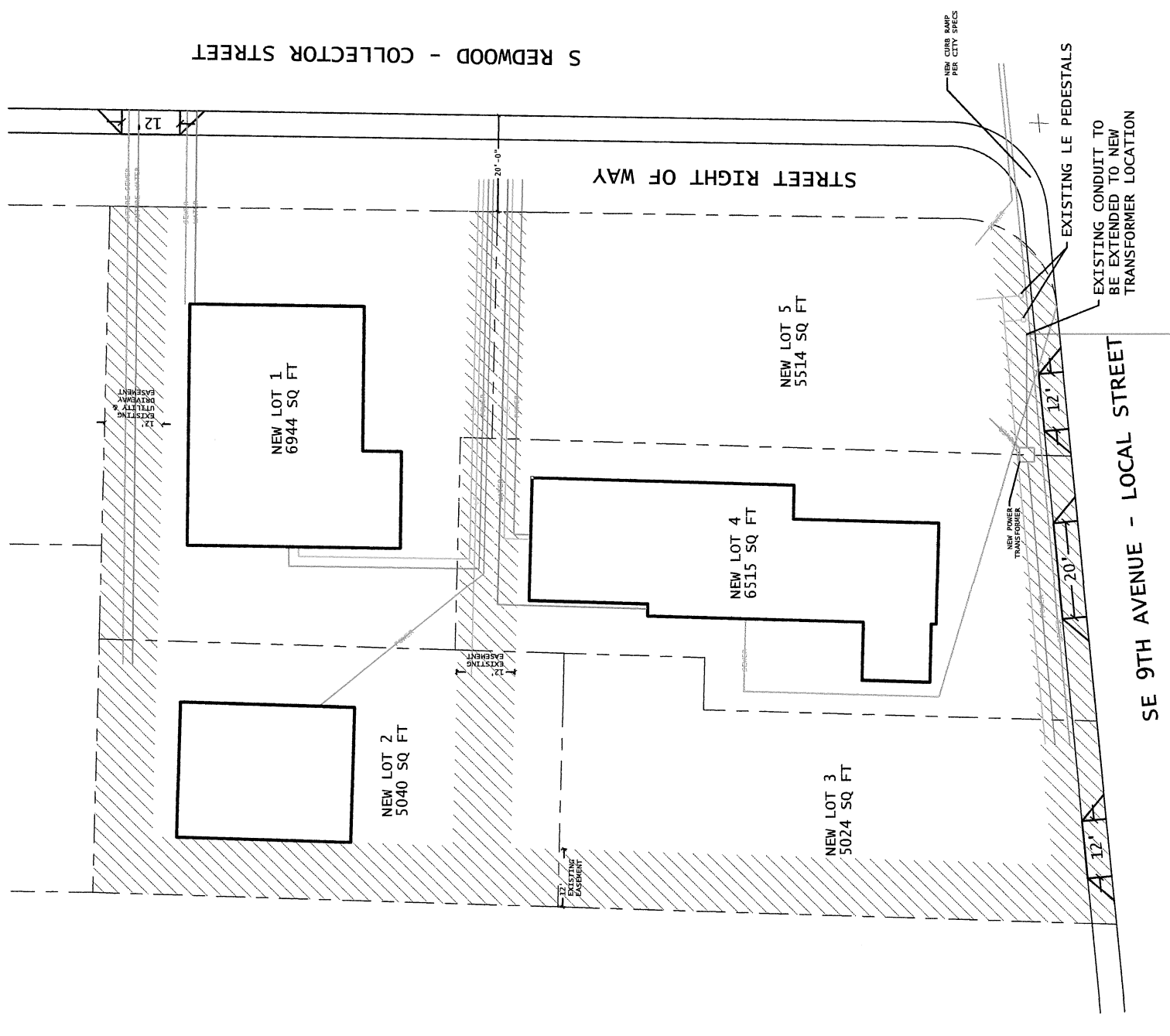
VICINITY MAP



PAGE	Existing Site Plan	DATE	May 26, 2017
REVISION	1	SCALE	1" = 30'

CLIENT Gabriel Hostetler
CONTRACTOR KHC inc.

DRAFTCRAFT



DATE May 26, 2017
SCALE 1" = 30'

PAGE Proposed Site Plan
REVISION 1

CLIENT Gabriel Hostetler
CONTRACTOR KHC inc.

DRAFTCRAFT

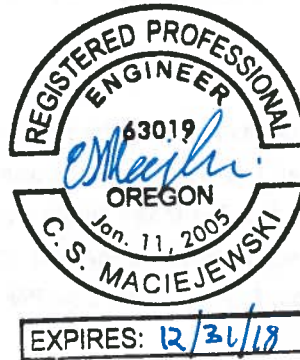
MEMORANDUM

DATE: June 15, 2017

TO: Bryan Brown, City of Canby

FROM: Christopher S. Maciejewski, PE, PTOE
Jordin Kelly, EIT

SUBJECT: Canby 861 and 853 S Redwood Street–Transportation Planning Rule (TPR) Analysis P#11010-083



720 SW Washington St.
Suite 500
Portland, OR 97205
503.243.3500
www.dksassociates.com

This memorandum summarizes how the requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), are met for a proposed zone change for the 861 and 853 S Redwood Street properties (tax lots 41E03BB00504 and 41E03BB00503) in Canby, Oregon. The following sections describe the property zoning designation, reasonable worst case trip generation, and TPR findings.

Property Zoning Designation

The properties proposing the zone change are located inside Canby’s City Limits and are currently designated as R-1: Low Density Residential in the City’s Zoning and Comprehensive Plan Maps. Two dwelling units exist on the site and the developer is proposing to add three more dwelling units (five total dwelling units on the site) which requires a Comprehensive Plan Amendment to change the land use designation to MDR (Medium Density Residential) and the zoning designation from R-1: Low Density Residential to R-1.5: Medium Density Residential. Table 1 below summarizes the zone change information for these properties.

Table 1: Proposed Zone Change at 861 and 853 S Redwood Street, Tax Lot 41E03BB00504

Property	Tax Lots	Lot Size (acres)	Proposed Zoning	City of Canby Zoning	City of Canby Comprehensive Plan Land Use
861 and 853 S Redwood St	41E03BB00504 and 41E03BB00503	0.66	R-1.5 (Medium Density Residential)	R-1 (Low Density Residential)	LDR (Low Density Residential)

Reasonable Worst Case Trip Generation

The TPR requires trip generation analysis to be performed based on the reasonable worst case development that is consistent with the existing zoning and the proposed zoning. Under the existing zoning, it is assumed that the reasonable worst case development is consistent with what exists today; two dwelling units on the site. Under the proposed MDR land use zoning, it is assumed that the reasonable worst case development is consistent with what is proposed; five dwelling units on a single lot, as it is not reasonably likely that additional dwelling units could be built on the 0.66 acre site.

Trip generation is the method used to estimate the number of vehicles that are added to the surrounding roadway network as a result of the proposed project. The trip generation for the proposed project was



estimated using similar land uses as reported by the Institute of Transportation Engineers (ITE).¹ Trip generation was calculated for the proposed five dwelling units and the existing two dwelling units for the AM and PM peak hour as well as daily trips using the Detached Single Family Housing (ITE Code 210) land use. As shown in Table 2, the net vehicle trips (proposed minus existing) expected to be added to the surrounding roadway network is 2 (0 in, 2 out) AM peak hour trips, 4 (2 in, 2 out) new PM peak hour trips, and 38 daily trips.

Table 2: Net Trip Generation Summary

ITE Land Use	ITE Code	Daily Trips	AM Peak Hour			PM Peak Hour		
			IN	OUT	TOTAL	IN	OUT	TOTAL
Proposed: 5 Dwelling Units	210 (Single Family Detached Housing)	67	3	10	13	4	3	7
Existing: 2 Dwelling Units		29	3	8	11	2	1	3
Net Vehicle Trips Added (Proposed – Existing)		38	0	2	2	2	2	4

Transportation Planning Rule Findings

The requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), must be met for proposed changes in land use zoning. The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning, and does not create a significant impact on the surrounding transportation system beyond currently allowed uses.

Even though the proposed zone change for the 861 and 853 S Redwood Street properties is not consistent with the City’s Comprehensive Plan and forecasts used to develop the City’s Transportation System Plan (TSP), the TPR refers to Action 1F.05 from the Oregon Highway Plan² which states that if there is a small increase in daily traffic (less than 400 trips) between the existing plan and the proposed amendment, it can be determined that the proposed zone change will cause “no further degradation” to the surrounding roadway network, specifically for the State facility OR 99E (the only state facility affected).

The Trip Generation section of this memorandum shows that the difference in daily trips between the reasonable worst case of the existing zoning (two single family housing units) and the reasonable worst case of the proposed zoning (five single family housing units) is 38 daily trips. Therefore, it can be concluded that the proposed zone change will not significantly impact and would cause “no further degradation” to OR 99E, a facility that currently meets ODOT mobility targets and is projected to meet mobility targets through 2030.³ Furthermore, the City and Clackamas County facilities near the project site were projected to meet mobility targets in the City’s TSP. The limited number of additional PM peak trip due to the proposed rezone (3 trips) would not significantly impact congestion on those facilities.

Based on the discussion above, the number of additional daily and peak hour trips due to the proposed zone change is not anticipated to significantly impact transportation facilities near the project site and therefore, complies with TPR requirements.

¹ Institute of Transportation Engineers (ITE) manual, Trip Generation, 9th Edition.

² Oregon Highway Plan, OHP Policy 1F Mobility Standards Amendments, December 21, 2011.

³ City of Canby Transportation System Plan, Adopted December 2011.

Neighborhood Meeting

Attendance List

Peter Hostetler	10060 S New Era Road, Canby, OR 97013
Ken Hostetler	853 S Redwood Street, Canby, OR 97013
Ryan Lawless	1361 E 9 th Avenue, Canby, OR 97013
Paul Storm	1450 SE 9 th Avenue, Canby, OR 97013
Randy Pitchford	1405 SE 9 th Avenue, Canby, OR 97013

Neighborhood Meeting

Minutes

Date: Friday May 19th, 2017, 5:30pm

Location: Driveway of 861 S Redwood Street, Canby, OR 97013.

- 1) Handouts including Proposed Site Plan were distributed and briefly discussed.
- 2) Neighbors asked about utility and street disruptions during the development of the lots and applicant discussed notes from Pre-Application Meeting describing utilities and required connection points.
- 3) Trees and vegetation were discussed with what was/is being removed and what is remaining.
- 4) No other concerns were expressed.



First American

Date of Production: Wednesday, May 03, 2017

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 121 SW Morrison St., Suite 300 Portland, OR 97204
 Phone: 503.219.8746(TRIO) | Fax: 503.790.7872
 Email: cs.portland@firstam.com
 Report Generated: 5/3/2017

Ownership

Legal Owner(s): Kenneth & Judy Hostetler
Site Address: 853 S Redwood St Canby, OR 97013
Mailing Address: 853 S Redwood St Canby, OR 97013

Parcel #: 41E03BB00503
APN: 01608647
County: Clackamas

Property Characteristics

Bedrooms: 3
Total Bathrooms: 3
Full Bathrooms: 3
Half Bathrooms: 0
Units: 0
Stories:
Fire Place: N
Air Conditioning: 0
Heating Type:
Electric Type: 0

Year Built: 2006
Building SqFt: 2566
First Floor SqFt: 0
Basement Sqft: 0
Basment Type:

Lot SqFt: 11395
Lot Acres: 0.26
Roof Type:
Roof Shape:
Porch Type:
Building Style:
Garage:
Garage SqFt: 0
Parking Spots: 0
Pool:

Property Information

Land Use: RESIDENTIAL
County Use: 14
Legal Description: 3106 SOUTH REDWOOD ESTATES LT 1

Neighborhood:
School District:
Zoning: R1

Assessor & Tax

Market Land: \$125,685
Market Total: \$366,065
Market Structure: \$240,380
Assessed Total: \$246,374

Taxes: \$4,223.66
% Improved:
Levy Code: 086-002
Millage Rate: 17.1433

Sale History

Last Sale Date:
Prior Sale Date:

Doc #:
Prior Doc #:

Last Sale Price: \$0
Prior Sale Price: \$0

Mortgage

1st Mortgage Date:
1st Mortgage Type:
2nd Mortgage Type:

Doc #:
1st Mortgage Lender:

1st Mortgage: \$0
2nd Mortgage: \$0

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 Report Generated: 5/3/2017

Ownership

Legal Owner(s): Gabriel & Tennille Hostetler
Site Address: 861 S Redwood St Canby, OR 97013
Mailing Address: 861 S Redwood St Canby, OR 97013

Parcel #: 41E03BB00504
APN: 01608656
County: Clackamas

Property Characteristics

Bedrooms: 3
Total Bathrooms: 2
Full Bathrooms: 2
Half Bathrooms: 0
Units: 0
Stories:
Fire Place: Y
Air Conditioning: 0
Heating Type: Forced air unit
Electric Type: 0

Year Built: 1961
Building SqFt: 3232
First Floor SqFt: 0
Basement Sqft: 0
Basment Type: Improved

Lot SqFt: 17573
Lot Acres: 0.40
Roof Type: Composition
Roof Shape: Shingle
Porch Type:
Building Style:
Garage:
Garage SqFt: 0
Parking Spots: 0
Pool:

Property Information

Land Use: RESIDENTIAL
County Use: 14
Legal Description: 3106 SOUTH REDWOOD ESTATES LT 2

Neighborhood:
School District:
Zoning: R1

Assessor & Tax

Market Land: \$130,145
Market Total: \$288,895
Market Structure: \$158,750
Assessed Total: \$198,327

Taxes: \$3,399.98
% Improved:
Levy Code: 086-002
Millage Rate: 17.1433

Sale History

Last Sale Date: 1/12/2007
Prior Sale Date:

Doc #: 2007-003482
Prior Doc #:

Last Sale Price: \$290,000
Prior Sale Price: \$0

Mortgage

1st Mortgage Date: 1/12/2007
1st Mortgage Type: 27
2nd Mortgage Type:




Doc #: 2007-003483
1st Mortgage Lender: Provident Funding Associates L

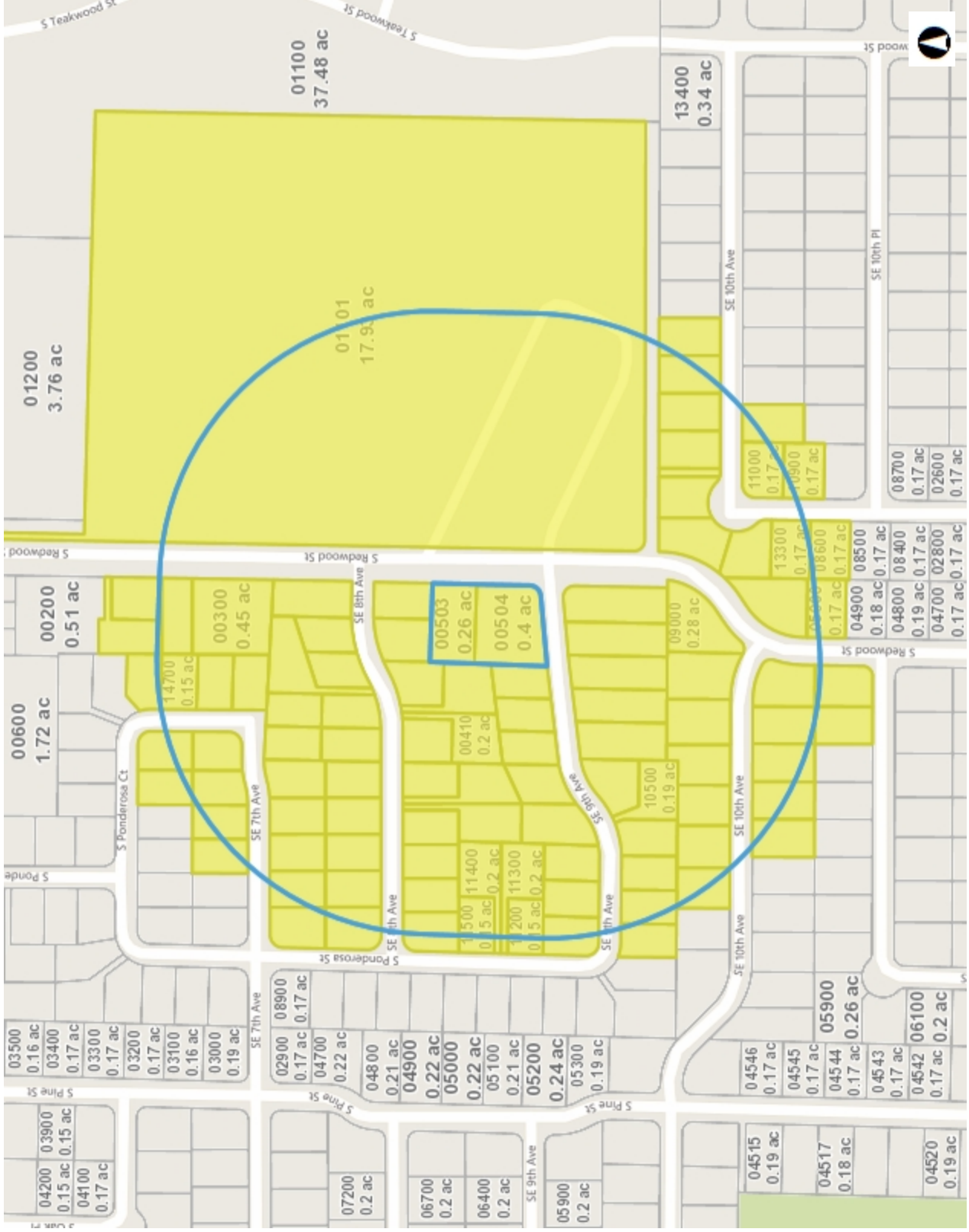
1st Mortgage: \$232,000
2nd Mortgage: \$0

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861 & 853 S Redwood St 500' Radius



-  Subject
-  Radius
-  Radius Properties



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5/3/2017

Notes

0.1 Miles

0.07

0





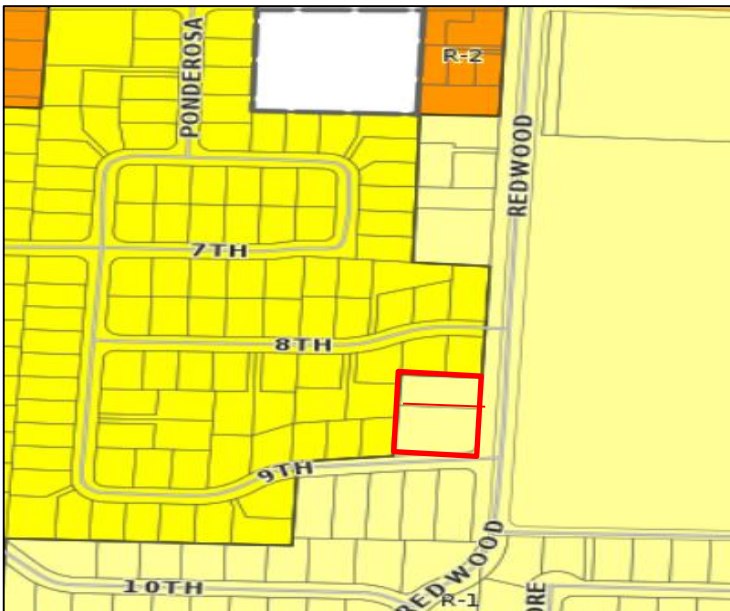
City of Canby

NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

The purpose of this Notice is to Request Your Comments and invite you to the following Public Hearings:

Planning Commission, Monday, August 28, 2017, 7 pm and **City Council, Wednesday, September 6, 2017 at 7:30 pm.**

Both hearings will be held in the City Council Chambers, 222 NE 2nd Ave, 1st Floor for review of Comprehensive Plan Amendment, Zoning Map Amendment, and Subdivision applications. The applicant proposes to change the land use designation of two lots from R-1 Low Density Residential to R-1.5 Medium Density Residential on the Comprehensive Plan Map, and the zoning district from R-1 to R-1.5 on the Zoning Map, and subdivide two lots into five lots.



Comments due– If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form for the **Planning Commission by Wednesday, August 16, 2017**, and for the **City Council by Wednesday, August 23, 2017**.

Location: 853 & 861 S Redwood St (Outlined in red in map on the left.)

Tax Lots: 41E03BB00503 & 41E03BB 00504

Lot Size and Zoning: 0.66 acres, R-1 Low Density Residential

Owners: Gabriel Hostetler, and Ken Hostetler

Applicant: Peter Hostetler

Application Type: Comprehensive Plan/Zoning Map Amendments and Subdivision (Type III)

City File Number: CPA/ZC 17-01 and SUB 17-03

Contact: Bryan Brown at 503-266-0702 or by email brownb@canbyoregon.gov

What is the Decision Process? The Planning

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

Where can I send my comments? Written comments can be submitted up to the time of the Public Hearing and may also be delivered in person to the Planning Commission during the Public Hearing on Monday, August 28, 2017. (Please see *Comment Form*). Comments can be mailed to the Canby Planning Department, PO Box 930, Canby, OR 97013; dropped off at 222 NE 2nd Ave; or emailed to brownb@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 available \$0.25/ page or emailed upon request.

Applicable Criteria: Comprehensive Plan, Goals & Policies; Statewide Planning Goals; Canby Municipal Code Chapters:

- 16.08 General Provisions
- 16.10 Off-Street Parking and Loading
- 16.18 R-1.5 Medium Density Residential Zone
- 16.43 Outdoor Lighting Standards
- 16.46 Access Standards
- 16.54 Amendments to Zoning Map
- 16.62 Subdivisions – Applications
- 16.64 Subdivisions – Design Standards
- 16.86 Street Alignments
- 16.88.180 Comprehensive Plan Amendments
- 16.88.190 Conform with Transportation Plan
- 16.89 Application & Review Procedures
- 16.120 Parks, Open Space & 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.

