

PLANNING COMMISSION

Meeting Agenda

Monday – May 23, 2016

7:00 PM

City Council Chambers – 155 NW 2nd Avenue

Commissioner John Savory (Chair)

Commissioner Shawn Hensley (Vice Chair)

Commissioner John Serlet

Commissioner Larry Boatright

Commissioner Kristene Rocha

Commissioner Derrick Mottern

Commissioner Tyler Smith

1. CALL TO ORDER

- Invocation and Pledge of Allegiance

2. CITIZEN INPUT ON NON-AGENDA ITEMS

3. MINUTES

- None

4. PUBLIC HEARING

- Consider a request for a Conditional Use Permit to convert an existing accessory building into a detached accessory dwelling unit. **(CUP 16-01 Humphreys)**
- Consider a request for a Minor Land Partition of 356 NE 10th Avenue to create a second parcel. **(MLP 16-01 Snyder)**

5. NEW BUSINESS

- None

6. FINAL DECISIONS (Note: These are final, written findings of previous oral decisions. No public testimony.)

- CUP 16-01 Eric Humphreys
- MLP 16-01 Snyder Construction

6. ITEMS OF INTEREST/REPORT FROM STAFF

- Next Regular Planning Commission meeting scheduled for Monday, June 13, 2016

7. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

9. ADJOURNMENT

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for person with disabilities should be made at least 48 hours before the meeting at 503-266-7001.

A copy of this agenda can be found on the City's web page at www.ci.canby.or.us City Council and Planning Commission Meetings are broadcast live and can be viewed on CTV Channel 5. For a schedule of the playback times, please call 503-263-6287.

PUBLIC HEARING FORMAT

The public hearing will be conducted as follows:

- **STAFF REPORT**
- **QUESTIONS** (If any, by the Planning Commission or staff)
- **OPEN PUBLIC HEARING FOR TESTIMONY:**
 - APPLICANT** (Not more than 15 minutes)
 - PROPONENTS** (Persons in favor of application) (Not more than 5 minutes per person)
 - OPPONENTS** (Persons opposed to application) (Not more than 5 minutes per person)
 - NEUTRAL** (Persons with no opinion) (Not more than 5 minutes per person)
 - REBUTTAL** (By applicant, not more than 10 minutes)
- **CLOSE PUBLIC HEARING** (No further public testimony allowed)
- **QUESTIONS** (If any by the Planning Commission)
- **DISCUSSION** (By the Planning Commission)
- **DECISION** (By the Planning Commission)

All interested persons in attendance shall be heard on the matter. If you wish to testify on this matter, please step forward when the Chair calls for Proponents if you favor the application; or Opponents if you are opposed to the application; to the microphone, state your name address, and interest in the matter. You will also need to sign the Testimony sheet and while at the microphone, please say your name and address prior to testifying. You may be limited by time for your statement, depending upon how many people wish to testify.

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

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

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

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

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

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



City of Canby

CONDITIONAL USE STAFF REPORT

FILE #: CUP 16-01

Prepared for the May 23, 2016 Planning Commission Hearing

LOCATION: 900 NE 10th Avenue (Bordered area in map below)

ZONING: R-1 Low Density Residential

TAX LOT: 31E33AA01200



LOT SIZE: 8712 sq. ft.

OWNER: Eric Humphreys

APPLICANT: Eric Humphreys

APPLICATION TYPE: Conditional Use Permit (Type III)

CITY FILE NUMBER: CUP 16-01

I. APPLICANT'S REQUEST:

The applicant is requesting permission to convert an existing accessory building into a detached accessory dwelling unit in the rear yard of an existing principal dwelling at 900 NE 10th Avenue. The subject 8712 square foot property is located on the north side of NE 10th Avenue and is surrounded on all sides by a developed residential neighborhood of single-family homes.

II. APPLICABLE CRITERIA:

1. 16.08.070. Illegally created lots

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

Findings: The subject property was legally created as Parcel 1 of Partition Plat 2006-026

2. 16.10 Off-Street Parking and Loading

Findings: One additional on-site parking space is required to accommodate the occupant of the new accessory dwelling. Based on information provided by the applicant, the existing driveway is wide enough to accommodate three parking spaces, two paved spaces in front of the garage and one in a graveled area adjacent to the driveway. As a condition of approval, the applicant shall pave the additional parking space in order to meet code requirements.

3. 16.16. R-1 Low Density Residential Zone

Findings: In the R-1 zone, Section 16.16.020(O) requires a conditional use permit for an accessory dwelling that is not attached to the primary dwelling. The accessory dwelling shall be separated from the primary dwelling unit by a minimum of 10 feet and conform to the standards in Section 16.16.010(D)(2). In accordance with Section 16.16.030(E)(2)(a), if located inside the allowed building footprint for the principal building, a detached accessory structure may be up to twenty-two feet tall, as measured to the highest point of the roof. The accessory dwelling unit may not exceed 800 square feet of floor area.

4. 16.46. Access Standards

Findings: The access to the existing dwelling is adequate for the accessory dwelling unit

5. 16.50.010. Authorization to Grant or Deny Conditional Uses

In judging whether or not a conditional use permit shall be approved or denied, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the location proposed and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.

- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

FINDINGS: The exterior siding and roofing must be similar in color, material and appearance to that used on the primary dwelling although different siding or roofing may be approved by the Planning Commission if they find that the proposed design is more compatible with surrounding residences. The site is surrounded by similar uses, and the applicant indicates the site is level and existing trees are able to be preserved. In this particular case, the proposed dwelling will be located in an existing building and existing setbacks are adequate. Although a calculation was not provided, it is clear to staff that the overall impervious surface on the property will not exceed the 60% maximum allowed. As previously stated, the applicant can provide an additional parking space to accommodate the new accessory dwelling.

Sewer, water, and electricity must be extended to the new accessory dwelling and meet all Public Works and utility standards during the building permit process. Additionally, the applicant must meet required Building Code regulations to convert the existing building to a residential structure.

Based on the size and location of the existing building, the proposed accessory dwelling will not alter the character of the surrounding area or impact uses permitted in the zone. Once approved and built, an accessory dwelling unit will run with the land and can serve as a source of rental income to the current or any future owner of the property if not specifically restricted from doing so as a condition of the Conditional Use Permit. The large lot can easily accommodate the increased intensity of use without a significant loss of open space, air, and light which are typical components regulated by zoning. The proposed 285 square foot accessory dwelling is below the maximum 800 square feet allowed. The development standards for an R-1 zone are met – including setbacks, height, and maximum impervious coverage. Existing trees on the site will be preserved because construction is interior work only. Subject to approval of required construction permits, the proposal can meet criteria in B, C, and D above.

COMPREHENSIVE PLAN CONSISTENCY ANALYSIS FOR ITEM “A” ABOVE:

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.

Applicable Policies:

Policy #1: Canby shall guide the course of growth and development so as to separate conflicting or incompatible uses, while grouping compatible uses.

Analysis: *The proposed accessory dwelling unit is not a conflicting or incompatible use to the*

surrounding neighborhood. The large lot size and availability of access makes it particularly suitable for an additional small dwelling unit. The building has been in place without conflict with surrounding uses and will remain in the same location. Any possible concern would be more of crowding or density and perceived impacts possibly related to the loss of space, air, and light to the immediate adjacent properties. The existing building that will be converted into the dwelling already meets dwelling setbacks and the dwelling placement on the large lot ameliorates these concerns. The subject lot clearly has plenty of space for an additional small dwelling unit behind and to the side of the existing home well within the standard principal building footprint therefore retaining more than the usual rear yard setback.

Policy #2: Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.

Analysis: *The addition of accessory dwelling units in low density single-family zone districts is considered to be one of the primary land use efficiency tools to better utilize space within our current urbanized residential areas. This accommodates the growing demand for housing without spreading to new Greenfield sites on the edge or outside of the City limits which usually means using valuable farm land. The accessory dwelling, if done appropriately, can better utilize land for increased housing without significantly altering the character of a predominantly single family district. Accessory dwellings that are internal to the existing square footage of a home or are attached with a common wall as an addition to an existing home are considered an “outright allowed use” in the low density residential zone. The city code is more restrictive for a detached accessory dwelling unit as it could have more impact on adjacent properties due to its placement on the lot. As proposed, this dwelling utilizes a low pitched roof to stay within the maximum height allowed for a detached accessory structure and meets dwelling setbacks.*

Policy #3: Canby shall discourage any development which will result in overburdening any of the community's public facilities or services.

Analysis: *The impact of a single-bedroom 285 square foot accessory dwelling would be insignificant to public services. Based on available information, utility service providers have indicated that service connections can readily be made to the new structure. Staff understands that the applicant has options for separate water and sewer services or the option to make extensions from the existing home. The applicant stated that he discussed hookups for water and electricity with Canby Utility and the connections appear feasible. Extension of services from the existing home may be suitable, while separate metering and service lines are often better for billing or service flexibility in the future. Public facility and service providers were asked to comment on this application and it appears existing services are sufficient to serve the site.*

A typical home is expected to generate approximately 9 vehicle trips in a typical 24 hour weekday. These are of course spread out over the day. NE 10th Avenue is classified as a neighborhood route in this immediate area so the increase of traffic is insignificant for the capacity of the street and should not overburden traffic in the

area.

Policy #4: Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards.

Analysis: *No natural hazards have been identified on the subject property.*

Policy #5: Canby shall utilize the land use map as the basis of zoning and other planning or public facility decisions.

Analysis: *The parcel is currently zoned Low Density Residential (R-1) and is surrounded by other R-1 zoned properties.*

Policy #6: Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the requirements of the land development and planning ordinance, in guiding the use and development of these unique areas.

Analysis: *The property is not located in an "area of special concern" designated in the Canby Comprehensive Plan.*

ENVIRONMENTAL CONCERNS ELEMENT

GOALS: TO PROTECT IDENTIFIED NATURAL AND HISTORICAL RESOURCES.
TO PREVENT AIR, WATER, LAND, AND NOISE POLLUTION.
TO PROTECT LIVES AND PROPERTY FROM NATURAL HAZARDS.

Analysis: *The subject property is considered to be urbanized and no environmental concerns have been identified.*

TRANSPORTATION ELEMENT

GOAL: TO DEVELOP AND MAINTAIN A TRANSPORTATION SYSTEM WHICH IS SAFE, CONVENIENT AND ECONOMICAL.

Applicable Policies:

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

Analysis: *No improvement to the street or sidewalk system is necessary to serve the intensification of use associated with this proposal.*

Policy #4: Canby shall work to provide an adequate sidewalk and pedestrian pathway system to serve all residents.

Analysis: *The subject property is accessed by a system of existing adequately paved streets and sidewalks are on some of the nearby streets.*

Policy #6: Canby shall continue in its efforts to assure that all new developments provide adequate

access for emergency response vehicles and for the safety and convenience of the general public.

Analysis: *Canby Fire indicated that the building must be identified in order for emergency vehicles to reach the dwelling. The City Engineer commented that a 5 foot sidewalk easement be required along the frontage of 10th Avenue. Prior to occupancy of the new accessory dwelling, the applicant shall comply with any code requirements identified by various agencies. As a condition of approval, staff intends to assure that the accessory dwelling unit would have a separate address visible from NE 10th Avenue.*

PUBLIC FACILITIES AND SERVICES ELEMENT

GOAL: TO ASSURE THE PROVISION OF A FULL RANGE OF PUBLIC FACILITIES AND SERVICES TO MEET THE NEEDS OF THE RESIDENTS AND PROPERTY OWNERS OF CANBY.

Applicable Policies:

Policy #1: Canby shall work closely and cooperate with all entities and agencies providing public facilities and services.

Analysis: *Based on available information, utility providers have indicated that adequate access and services are available.*

Policy #5: Canby shall assure that adequate sites are provided for public schools and recreation facilities.

Analysis: *No public schools or recreation facilities are required at this site.*

CONCLUSION:

Review of the goals, policies, and implementation measures of the Comprehensive Plan indicates that the proposed conditional use is consistent with Canby's Comprehensive Plan.

IV. AGENCY AND PUBLIC COMMENTS:

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

Canby Fire District indicated that the proposed dwelling must be identified in order for emergency vehicles to locate the property.

Other agencies either had no comment or failed to respond at the time this report was completed. One emailed public comments was received and is attached.

V. CONCLUSION

1. Staff concludes that the conditional use is in conformance with the City's Comprehensive Plan

and Land Development and Planning Ordinance subject to meeting Public Works and Building Code standards.

2. Staff concludes that the site can easily accommodate the proposed use.
3. Staff concludes that public service and utility provision to the site is available or can be made available through agreed upon future lateral extensions from the existing home or from services at the street.
4. Staff concludes that the conditional use will not alter the character of the surrounding area in a manner which substantially limits or precludes the use of surrounding properties as they exist today or for uses permitted in the zone.

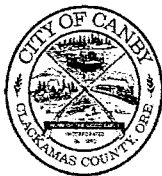
VI. RECOMMENDATION

Based on the application submitted and the facts, findings and conclusions of this report, but without benefit of a public hearing, staff recommends that the Planning Commission **approve** CUP 16-01 with the following conditions:

1. Necessary utility lateral or service extensions shall be installed at the applicant's expense. The location of the sewer and water lateral extensions shall be approved by Public Works and Canby Utility prior to issuance of building permits.
2. The accessory dwelling shall have a separate address visible from the addressing street.
3. The applicant shall pave the designated parking space for the additional dwelling.
4. A 5' sidewalk easement along the NE 10th Avenue frontage shall be granted unless already done previously.

Attachments:

1. Application and applicant narrative
2. Conditional Use Permit Site plan and elevations
3. Agency and citizen comments.



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

LAND USE APPLICATION

Conditional Use Process Type III

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

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

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

Property Owner Name: Eric Humphreys Phone: 503-805-1676
 Signature: [Signature]
 Address: 900 NE 10th Ave. Email: humphreys09@gmail.com
 City/State: Canby, OR Zip: 97013

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

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

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

PROPERTY & PROJECT INFORMATION:

900 NE 10th Ave. Canby, OR 97013 2,864 SQFT 00784431
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

single family residence, unattached outbuilding R-1
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

convert unattached outbuilding to a studio apartment
 Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
<u>CUP 16-01</u>	<u>12</u>	<u>4/28/16</u>	<u>891</u>	
FILE #	DATE RECEIVED	RECEIVED BY	RECEIPT #	DATE APP COMPLETE

Unattached Accessory Improvement Plan

900 NE 10th Ave

Prepared By: Eric Humphreys

Section 1: Concerning Canby Municipal Codes	Page 1
Section 2: Concerning Utilities	Page 2
Section 3: Pictures and Visual Aids	Page 3-5

Abstract: I purchased this property on 11/27/2013 and the Accessory Building was incomplete at that time and has been acting as a mostly empty shed. To get proper use out of the structure we plan to modify it to a fully furnished Studio with the eventual intention of allowing a living space for one of our parents who's health is failing and in the meantime rent to family/friends for a small fee.

Concerning Canby Municipal Code Criteria

Chapter 16.16

- 16.16.010(D)(2) As an unattached accessory dwelling it will meet the requirements stated in Section 16.16.030 which is discussed below.
- 16.16.020(O) The Accessory Dwelling meets the minimum distance from the Primary Dwelling of 10' as it is 15'4" from the Primary Dwelling. Additionally it meets the requirements in 16.16.010(D)(2) and 16.16.030(E) as described below.
- 16.16.030(D)(2) The building meets the minimum set back of 15' as it is set back 69'6".
- 16.16.030(E)(2)(b) The Accessory Building is 7'5" from the nearest property line and therefore can have a maximum height at that point of 12' but is at an acceptable 8', and the highest point of the Accessory Building is 15' from the property line and therefore can have a maximum height of 20' but is at an acceptable 12'.
- 16.16.030(G)(4) The Accessory Building does not have a larger footprint than the primary dwelling as it 285 square feet and the Primary Dwelling is 1,186 square feet.

Chapter 16.50

- 16.50.020 The Application for Conditional Use is being submitted in congruence and at the same time as this Improvement Plan.
- 16.50.040 I recognize the possibility that conditions could be placed by the Planning Commission in order to serve the best interests of the community.
- 16.50.070(A) If approved the project would be completed before the one year mark in which time the permit would be revoked if not exercised.

Concerning Utilities

Sewer: After discussing my plans with the Public Works Department they stated they were concerned with anything that was within easement limit from the street. Since the additional sewer connection would start 30' from the street they stated it would only need to meet County standards which would be approved via the county permit process and apart from that they had no say in the process. My plumber, Drain Away Rooter, who has worked on this section of sewer before will extend the sewer system up to the Accessory Building using county approved materials and techniques.



Sewer Plans

Water and Electricity: Both of these utilities are monitored by Canby Utility. In discussions with them they stated that any extensions would be at the suggestion of my electrician, but that if a secondary line is required for voltage purposes they would be able to install it. My electrician, Nixon Electric, discovered our existing electric panel to be in good shape and have a hefting 200 amps coming from it. A line will be drawn from that panel over the garage and underground along the side of the Primary Dwelling to the Accessory Structure.

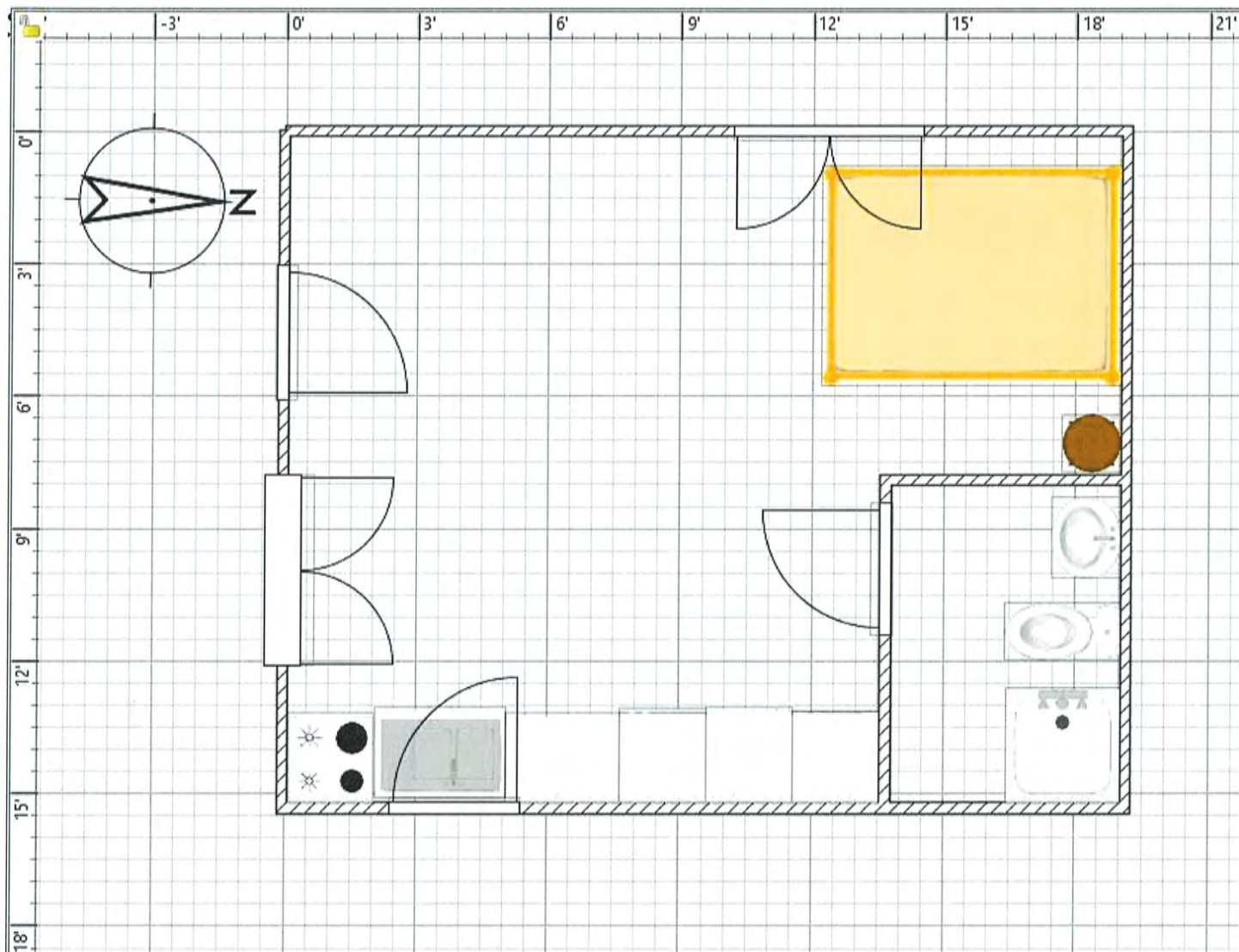


Water Plans

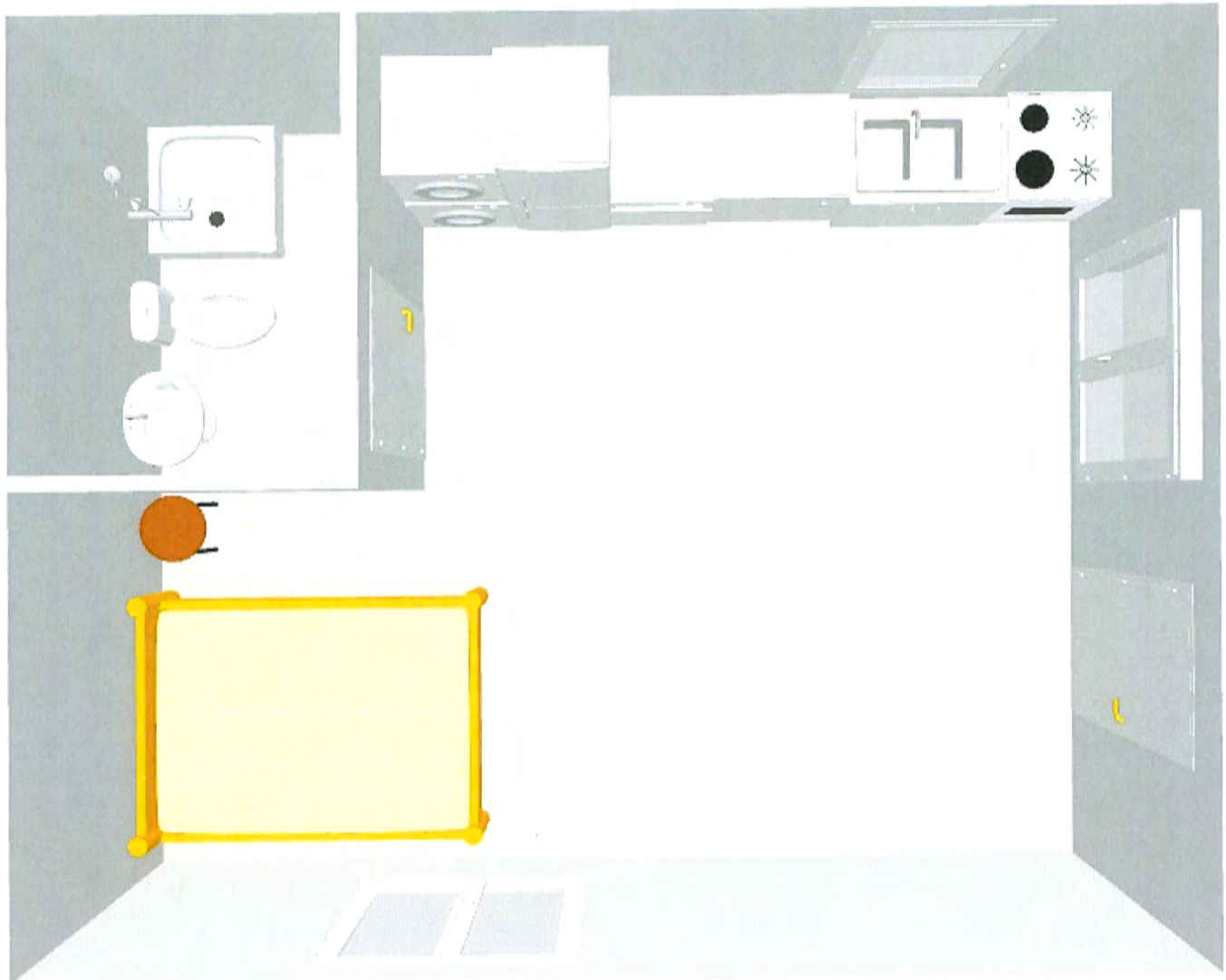


Electric Plans

2D AutoCad plans from above.



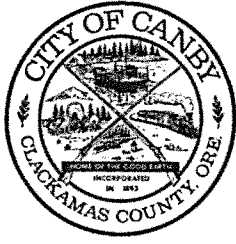
3D AutoCad plans from above.



Pictures and Visual Aids

Property as seen from above with property lines and measurements.

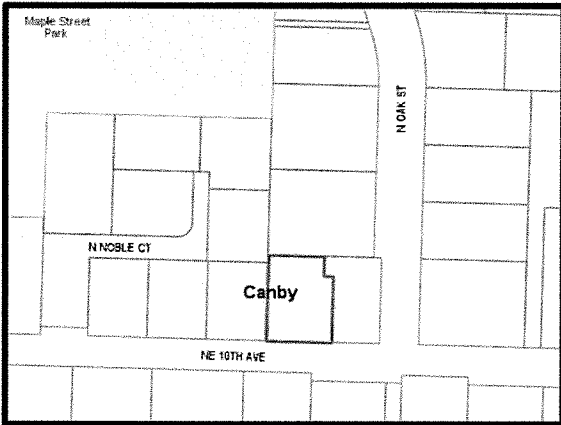




City of Canby

NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

The purpose of this Notice is to invite you to a Public Hearing at a Planning Commission meeting on Monday, May 23, 2016 at 7 pm in the City Council Chambers, 155 NW 2nd Avenue and to comment on a Conditional Use Permit (CUP 16-01) application to allow applicant to convert an unattached outbuilding into a studio apartment. The .20 acre property is located at 900 NE 10th Avenue and is zoned R-1 (Low Density Residential).



Comments due– If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form by Wednesday, May 11, 2016.

Location: 900 NE 10th Ave

Tax Lot: 31E33AA01200 (Property shown on map at the left, bordered in red.)

Lot Size: 8,712 sq. ft. **Zoned:** R-1 Low Density Residential

Owner: Eric Humphreys

Applicant: Eric Humphreys

Application Type: Conditional Use Permit, Type III

City File Number: CUP 16-01

Contact: Bryan Brown, Planning Director, 503-266-0702

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

Where can I send my comments? Written comments can be submitted up to the time of the Public Hearing and may also be delivered in person to the Planning Commission during the Public Hearing. (Please see *Comment Form*). Comments can be mailed to the Canby Planning Department, P O Box 930, Canby, OR 97013; dropped off at 111 NW Second Avenue; or emailed to eplyingd@ci.canby.or.us.

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, May 13, 2014 and can be viewed on the City’s website: <http://www.ci.canby.or.us> Copies are available at \$0.25 per page or can be emailed to you upon request.

Applicable Criteria: Canby Municipal Code Chapters:

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.16 R-1 Low Density Residential Zone
- 16.46 Access Standards
- 16.50 Conditional Uses
- 16.89 Application & Review Procedures

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 City Council based on that issue.

CITY OF CANBY –COMMENT FORM

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

By mail: Planning Department, PO Box 930, Canby, OR 97013
In person: Planning Department at 111 NW Second Street
E-mail: eplingd@ci.canby.or.us

Written comments to be included in the Planning Commission's meeting packet are due by Noon on Wednesday, May 11, 2016. Written comments can also be submitted up to the time of the Public Hearing on Monday, May 23, 2016 and may also be delivered in person to the Planning Commission during the Public Hearing at 7 pm in the City Council Chambers, 155 NW 2nd Avenue.

Application: Conditional Use Permit CUP 16-01, 900 NE 10th Ave

COMMENTS:

1. A 5-FOOT WIDE SIDEWALK EASEMENT WILL BE REQUIRED ALONG THE ENTIRE PROPERTY FRONTAGE WITH NE 10TH AVE UNLESS ONE HAS ALREADY BEEN GRANTED TO THE CITY.

YOUR NAME: HASSAN IBRAHIM
EMAIL: hassan@curran-mcleod.com
ORGANIZATION or BUSINESS (if any): CMJ
ADDRESS: 6655 SW HAMPTON ST, SUITE 210, PORTLAND, OR 97223
PHONE # (optional): _____
DATE: May 6, 2016

AGENCY ONLY: Please check one box and fill in your Name/Agency/Date below:

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

Thank you!

NAME: _____ AGENCY: _____ DATE: _____



City of Canby

MINOR PARTITION STAFF REPORT

FILE #: MLP 16-01

Prepared for the May 23, 2016 Planning Commission Meeting

LOCATION: 356 NE 10th Avenue

ZONING: R-1 Low Density Residential

Tax lots: 31E33BA01600 (Bordered Property in Map Below)



LOT SIZES: 17,000 SF

OWNERS: Snyder Construction, LLC

APPLICANT: Will Snyder, Snyder Construction, LLC

APPLICATION TYPE: Minor Partition (Type III)

CITY FILE NUMBER: MLP 16-01

I. **PROJECT OVERVIEW & EXISTING CONDITIONS**

The applicant proposes to partition an existing 17,000 square foot lot into two parcels with Parcel 1 containing the existing dwelling to be approximately 9,960 square feet and the newly created Parcel 2 approximately 7,040 square feet in size. All utilities to serve the new lot will be accessed via N Locust Street.

ATTACHMENTS:

Partition Tentative Site Plan

Applicant's Narrative

AGENCY COMMENTS:

Review comments were solicited from City departments and applicable reviewing agencies. Summary of comments are included in the staff report, and complete agency comments are part of the file.

Hassan Ibrahim, City Engineer's Office indicated that: 1) the property owner will be required to grant the City a 5-foot wide sidewalk easement along the entire property frontage with N Locust Street with consideration given to requiring the construction of a sidewalk the full distance at this time, 2) the existing ADA sidewalk ramp at the corner of NE 10th Avenue and N Locust Street be reconstructed in a manner to comply with current ADA guidelines, and 3) the sanitary sewer service be extended from the exiting sewer main in N. Locust Street.

II. **APPLICABLE CRITERIA & STAFF FINDINGS**

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

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.16 R-1 Zone
- 16.21 Residential Design Standards
- 16.43 Outdoor Lighting Standards
- 16.46 Access Limitations on Project Density
- 16.56 Land Division General Provisions
- 16.60 Major or Minor Partitions
- 16.64 Subdivisions-Design Standards
- 16.86 Street Alignments
- 16.89 Application and Review Procedures
- 16.120 Parks, Open Space, and Recreation Land General Provisions

Chapter 16.08 General Provisions

16.08.090 Sidewalks required.

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

Findings: A sidewalk with street curb exists along the full NE 10th Avenue frontage of the existing property but does not adjacent to the N Locust Street frontage. A sidewalk does exist on the next

lot to the north on N Locust Street. It makes sense to require the extension of a sidewalk along the entire N Locust Street frontage with this application to connect with existing sidewalks. Five foot wide is suitable to match the existing sidewalks. The total N Locust Street right-of-way is only 40 feet in width, resulting in the sidewalk to be located on private property. This will require the dedication of a 5' wide sidewalk easement to invite the public to walk on private property. Both the provision for a sidewalk easement and the construction of a sidewalk are made a condition of approval. The owner is required to construct the sidewalk along the existing house as well as adjacent to the home to be built on the newly created Parcel 2. The City Engineer has recommended that the ADA ramp at the intersection be reconstructed to meet current ADA guidelines.

16.08.150 Traffic Impact Study (TIS).

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

Findings: A Traffic Impact study is not required for the proposal because the project did not meet TIS requirements listed in Chapter 16.08.150. The increase traffic from one additional parcel eventually supporting a single new home does not warrant a traffic study, considering no mobility deficiency is known to exist within the area.

16.08.160 Safety and Functionality Standards

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

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

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

Chapter 16.10 Off Street Parking & Loading

Table 16.10.050 Off-street Parking Provisions

Findings: Two Parking spaces are required for each single-family dwelling, and adequate parking will be reviewed during the building permit process. The applicant should anticipate providing a 25' street yard with any new home on Parcel 2 to allow cars to park in the on-site driveway without encroaching onto the new sidewalk to be constructed within a 5' sidewalk on private property adjacent to the existing curb. A 20 foot wide driveway is possible within the proposed 64-foot lot width.

16.10.070 Parking lots and access

B. Access

- 6. To afford safe pedestrian access and egress for properties within the city, a sidewalk shall be constructed along all street frontages, prior to use or occupancy of the building or structure

proposed for said property. The sidewalks required by this section shall be constructed to city standards...

Findings: A driveway on the new lot must be paved a minimum of 20' from the property or right-way back into the property. No sidewalk access from the street to the home beyond the driveway itself is required for a 1 or 2 family dwelling unit.

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

Findings: It appears by the submitted site plan that access for the newly created lot will be able to comply with the required 50' separation from the nearest street intersection indicated and maintain a 10 foot separation from adjacent driveways.

Table 16.10.070: Minimum dimensional Standard for Parking:

Findings: Parking standards will be verified during the building permit process. Minimum driveway width is 12' with a maximum of 24' for a home with a 2 car garage.

16.16 R-1 Low Density Residential Zone

16.16.010 Uses permitted outright: Uses permitted outright in the R-1 zone shall be as follows:
B. Single family dwelling; one single-family dwelling per lot.

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

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

Findings: The proposed two lots each meet the 7,000 square foot minimum and 10,000 maximum lot sizes. The existing dwelling will meet the minimum rear setback to the proposed new property boundary, and both lots will comply with the minimum 60 foot lot with and verification of maximum impervious area will be verified during the building permit process for new dwelling construction on Parcel 2.

16.21 Residential Design Standards

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

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

16.21.030 Single family and two-family dwelling design menu.

16.21.040 Main entrances for single family and two family dwellings.

Findings: The residential design standards of Section 16.21.020-040 are applicable to new homes that will have a street facing façade. In this case, construction of the new home will occur on proposed Parcel 2 that fronts on N Locust Street so must comply with the residential design standards at that time of building permit review.

16.21.050 Infill Homes

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

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

Based on available information, parcels surrounding proposed Parcel 2 have existing dwellings with single-story homes that will be within 25 feet of a common lot line. A condition of approval to alert the home builder to the applicable infill home evaluation criteria shall be placed to assure code compliance at the time of submittal of a building permit. These include the additional 35% maximum lot coverage (building without garage area), garage standards, similar setback to within 5’ to closest adjacent home on the same side of the street, maximum height of 28’, and compliance with two story step-up height standard at the interior and rear setback lines.

16.43 Outdoor Lighting Standards

16.43.030 Applicability

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

A. New uses, buildings, and major additions or modifications:

1. For all proposed new land uses, developments, buildings, and structures that require a building permit, all outdoor lighting fixtures shall meet the requirements of this Code.

16.43.060 Prohibited Light and Lighting.

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

Findings: The Planning Commission has determined with previous applications that lighting standards are not applicable to street lights. Lighting standards for new single-family homes in 16.43 are applicable. No change to street lighting is proposed or needed with this request.

16.46 Access Limitations on Project Density

Findings: The one additional lot will not impact the suitability of the existing access to lots within the neighborhood. No new roads are proposed to trigger minimum access standards. The majority of the remaining access standards of this section do not apply to residential driveways.

16.56 Land Division Regulation

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

16.60 Major or Minor Partitions

16.60.020 Standards and criteria

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

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

16.60.030 Minor partitions.

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

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

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

16.60.060 Final procedures and recordation.

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

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

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

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

16.64 Subdivisions-Design Standards

16.64.010 Streets

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

16.64.070

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

Findings: As a condition of approval, the applicant shall submit a Street Tree Plan applicable to Parcel 2 that illustrates the requirement of one street tree every 30 feet along the street frontage or reasons for exceptions to meeting this required spacing due to separation requirements between trees and from other features as indicated in the Tree Planting & Maintenance Policy (Exhibit B) of the Street Tree Ordinance (No. 1385). The applicant shall pay the required street tree fees prior to recording the partition plat. A 12' wide street tree easement along the frontage of Parcel 2 will be necessary to allow placement of the street tree on private property by the City. The establishment of the street tree easement shall be required as a condition of approval to be included on the Partition Plat.

16.64.030 Easements

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

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

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

Findings: The existing block is not over 600 feet therefore the pedestrian way standard is met and is an established neighborhood preventing the ability to design new internal pedestrian ways.

16.64.040 Lots

- A. Size and Shape. The lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel shall not exceed three times its width (or four times its width in rural areas) unless there is a topographical or environmental constraint or an existing man-made feature such as a railroad line.

Findings: The proposed lots meet the above size, width, and shape criteria.

- B. Minimum Lot Sizes:

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

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

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

Findings: The proposal meets the above criteria.

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

Findings: Proposed Parcel 2 meets the definition of an infill lot. As a condition of approval, the applicant must address criteria in 16.21.050 during the building permit site plan review process.

16.64.060 Grading of building sites.

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

Findings: The subject parcel is situated on level property without any indication of hazard to public facilities. Staff does not recommend a bonding requirement for grading purposes.

16.64.070 Improvements

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

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

Findings: Public Works department through the City's Engineer has not recommended any street improvements associated with this partition except for the dedication of a 5' wide sidewalk easement along the N Locust Street frontage, the construction of an associated 5' wide sidewalk to close the gap on N Locust Street and reconstruction of the ADA sidewalk ramp at the intersection of N Locust Street and NE 10th Avenue to new ADA guidelines. A condition of approval to assure these requirements are met will meet the improvement criterion.

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

Findings: Public improvement plans are not required for sidewalk and ADA ramp construction so as-built plans would not be needed for this project.

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

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

9. Underground telephone lines, CATV lines, natural gas lines, and related facilities;

Findings: As previously discussed, staff recommends that improvements be limited to paved driveway approach to city standards, sidewalk construction along the N Locust Street frontage, reconstruction of intersection ADA sidewalk ramps to meet new standards, sewer and water lateral connections, and compliance with building and erosion control standards with development of Parcel 2 .

C. Streets

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

Findings: A condition of approval addresses monumentation requirements.

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

Findings: A condition of approval addresses monumentation requirements.

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

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

D. Surface Drainage and Storm Sewer System.

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

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

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

Findings: Construction of a sidewalk along the N Locust Street frontage has yet to occur. Staff is recommending the provision of a 5' sidewalk easement and construction of a sidewalk along this street frontage.

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

Findings: No new streetlights are proposed in conjunction with this partition.

K. Other Improvements.

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

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

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

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

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

O. Bond.

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

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

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

16.86 Street Alignments

16.86.020 General provisions.

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

Findings: The TSP does not identify any future bike lane adjacent to this portion of N. Locust Street although NE 10th Avenue is indicated to have a bike lane. Construction of a 5 foot wide curb tight sidewalk has been recommended along the N Locust Street frontage to close a gap as sidewalks are recommended along both sides of all local residential streets.

16.86.040 Recommended Roadway Standards

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

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

16.89 Application and Review Procedures

Findings: This application is being processed in accordance with Chapter 16.89. Notice of the public hearing was mailed to owners and residents of lots within 200 feet of the subject development and to applicable agencies. Notice of the meeting was posted at the Development Services Building, City Hall, and Library and published in the Canby Herald. This chapter requires a Type III process for minor partitions. A neighborhood meeting is not required for minor partitions and a pre-application conference was not required for this application since the property is already developed and served by utilities. The review procedures have been met.

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

16.120.020 Minimum standard for park, open space and recreation land

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

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

III. PUBLIC TESTIMONY

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

Staff is expecting to receive and attach a letter from Kevin Batridge, who lives across N Locust Street from the partition.

IV. **Decision**

Based on the application submitted and the facts, findings, and conclusions of this report, staff recommends that the Planning Commission **approve** Minor Land Partition File #MLP 16-01 subject to the following conditions of approval:

V. **CONDITIONS OF APPROVAL**

Minor Partition Conditions Unique to This Request:

1. A new home on Parcel 2 will be subject to the residential design standards of Section 16.21.030 & .040 and the residential infill standards of Section 16.21.050.
2. The applicant shall pay the current city street tree fee and submit a street tree plan applicable to Parcel 2 of the partition that illustrates the location for street trees approximately every 30 feet along the street frontage taking into account proper spacing requirements from driveways and other tree spacing parameters listed in the City Tree Planting and Maintenance Policy (Exhibit B) of Ordinance No. 1385 as reasons for appropriate spacing exceptions. The street tree fee shall be paid and the planting plan submitted prior to the recordation of the partition plat.
3. A street tree easement 12 feet wide measured from the front property line shall be provided along the frontage of Parcel 2 to allow street tree(s) to be planted on private property. This street tree easement shall be designated on the Partition Plat for Parcel 2.
4. Any possible utility easement needed across the N Locust Street frontage by utility service providers shall be made a part of the recorded partition plat.
5. A 5-foot wide sidewalk easement shall be dedicated adjacent to the N. Locust Street partition frontage along with construction of a 5' wide sidewalk and reconstruction of the intersection ADA ramp to meet ADA's new standards.

Final Partition Plat Conditions:

6. A surveyed partition plat prepared by a licensed surveyor shall be recorded with Clackamas County after application and review of a Final Partition Plat by the City. The partition plat must be submitted to the city within one year of Planning Commission approval or the applicant must request, in writing, a one year extension from the Planning Commission. The applicant or county shall provide the city with a recorded copy of the plat in a timely manner.
7. The applicant shall bear full responsibility for compliance with applicable State or county regulations regarding the recordation of deed documents and subsequent

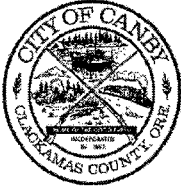
transfer of ownership related to the newly established lot(s).

Monumentation/Survey Accuracy Conditions

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

Residential Building Permits Conditions:

10. All work associated with the required paved driveway, sidewalk installation, or utility installations associated with the new vacant Parcel 2 shall secure a street opening and/or driveway/sidewalk construction permit and comply with the City's current Public Works Design Standards.
11. Construction of all required public improvements, except the public sidewalk, and the recordation of the partition plat must be completed prior to the issuance of building permits and comply with all applicable City of Canby Public Works Design Standards.
12. The homebuilder shall apply for a City of Canby Site Plan Permit and County Building Permit for any proposed home.
13. Per the Canby Public Works Design Standards, minimum residential driveway widths at the inside edge of the sidewalk shall be 12 feet and the maximum residential driveway widths shall be 24 feet with an allowed exception for 28 feet for a home with 3 or more garages.
14. The homebuilder for Parcel 2 shall apply for a City of Canby Erosion Control Permit.
15. On-site storm water management shall be designed in compliance with the Canby Public Works Design Standards when development is proposed for Parcel 2.
16. Clackamas County Building Codes Division will provide structural, electrical, plumbing, and mechanical plan review and inspection services for home construction. The applicable county building permits are required prior to construction of each home.



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

LAND USE APPLICATION

MINOR/MAJOR PARTITION Process Type II/III

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

Applicant Name: Snyder Construction, LLC Phone: 503-833-2626
 Address: PO Box 595 Email: will@whiteriverhomes.net
 City/State: Canby Zip: 97013

Representative Name: Will Snyder Phone: Same
 Address: Same Email: Same
 City/State: _____ Zip: _____

Property Owner Name: Snyder Construction, LLC Phone: Same
 Signature: _____
 Address: _____ Email: _____
 City/State: _____ Zip: _____

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

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

- ❶ 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.
- ❷ 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.
- ❸ 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:

31E33BA 01600

356 NE 10th Ave Canby 17,000 SF 00787456
 Street Address or Location of Subject Property Total Size of Property Assessor Tax Lot Numbers

One detached single family dwelling R1 _____
 Existing Use, Structures, Other Improvements on Site Zoning Comp Plan Designation

Minor partition leaving existing dwelling on south lot and create new north lot
 Describe the Proposed Development or Use of Subject Property

STAFF USE ONLY				
<u>MLP16-01</u>	<u>4/25/16</u>	<u>[Signature]</u>	RECEIPT #	DATE APP COMPLETE
FILE #	DATE RECEIVED	RECEIVED BY		

White River Homes

04/22/2016

RE: Minor Partition of 356 NE 10th Ave Canby

Snyder Construction, LLC DBA White River Homes intends to partition the subject property east and west creating a south lot (Parcel 1) that will contain the existing dwelling and a new north lot (Parcel 2) that will be vacant.

The lot is rectangular with the north/south property lines at 160' long and the east/west property lines at 110' long. The newly created north lot will be facing N Locust St, 64' wide, 110' deep and totaling 7,040 square feet. N Locust St is in good condition and has a curb along the entire eastern length of the lot. NE 10th Ave is in good condition and has a curb and sidewalk along the entire southern length of the lot.

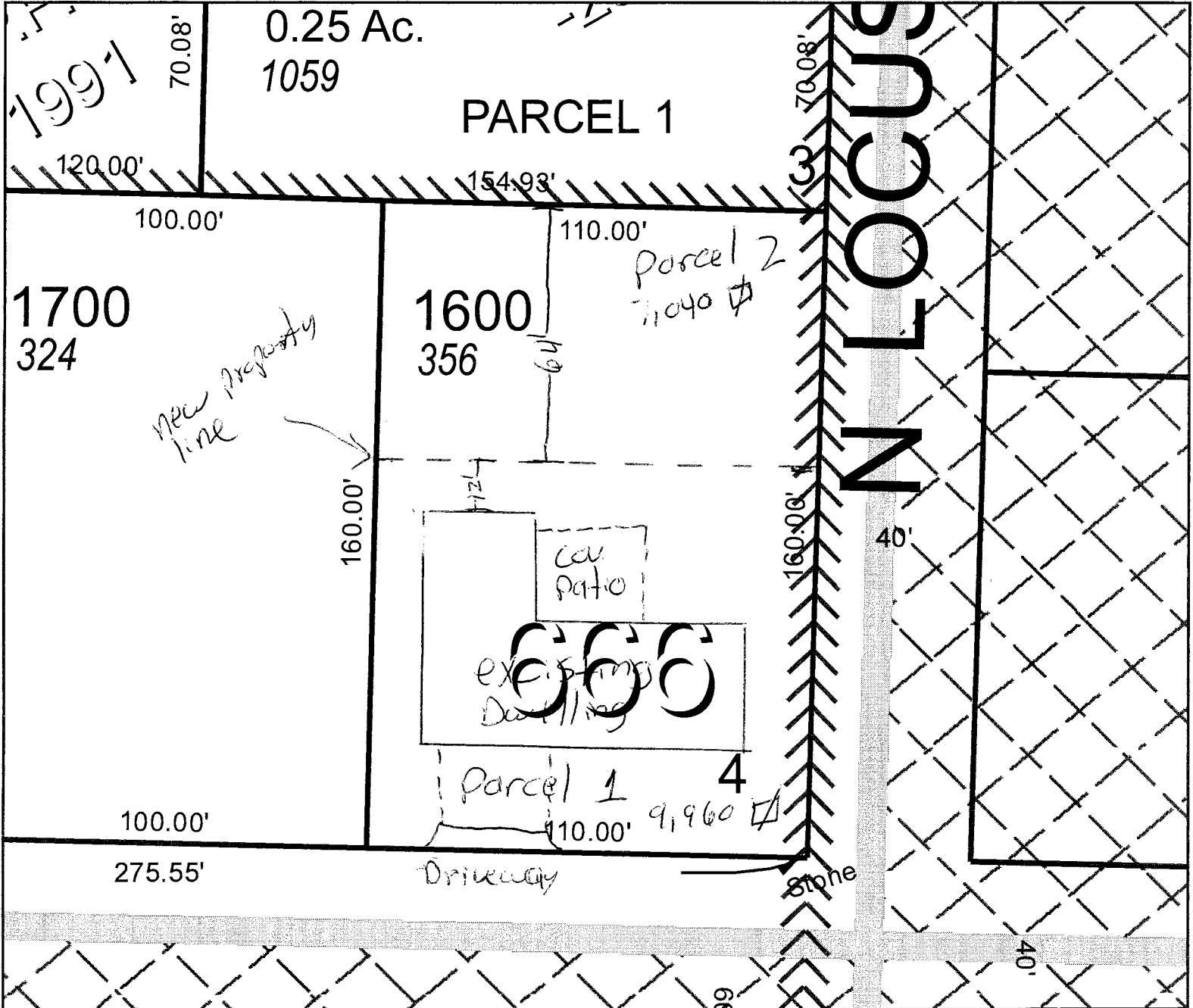
The 17,000 square foot site is zoned R1 which allows lots to be 7,000 to 10,000 square feet. Parcel 1, the lot that contains the existing dwelling will be roughly 9,960 square feet. Parcel 2, the newly created lot will contain roughly 7,040 square feet.

Parcel 1 will use the same utilities currently used and accessed via N Locust St. Parcel 2 will front N Locust St and will access water, sewer, electricity, gas and low voltage all located in N locust St. The sewer is located west of center of N Locust St. Water is located east of the center of N Locust St. Power and Low Voltage is located on the western side of N Locust St. A street light is located on the east side of N Locust St.

Sincerely,



Will Snyder





Fidelity National Financial, Inc.
Customer Service
900 SW 5th Ave, Mezzanine
Portland, OR 97204
tel: 503-796-6663 fax: 503-796-6631
csrequest@fnf.com

Thursday, April 21, 2016

The enclosed radius search was created using data purchased from Core Logic and Metro. This data is derived from county tax records and is deemed reliable, but is not guaranteed. Fidelity National Title cannot be held liable for any additions, deletions, or errors in this search.

This research was completed on the date stated above.

Thank you.

Enclosures:

- Data summary of parcels to be notified
- Map of subject parcel, radius, and parcels to be notified
- County assessor maps for parcels to be notified
- Labels



Fidelity National Title

Company Of Oregon

Prepared By :
Date : 4/21/2016

900 SW 5th Ave, Mezzanine Level Portland, Oregon 97204
Phone: (503) 227-LIST (5478) E-mail: csrequest@fnf.com

OWNERSHIP INFORMATION

Owner : **Brown Ryan J;Shelly L Metzger-Brown**
Co Owner : **Metzger-Brown Shelly**
Site Address : 356 NE 10th Ave Canby 97013
Mail Address : 356 NE 10th Ave Canby Or 97013
Taxpayer : Brown Ryan J & Metzger-Brown Shelly L

Ref Parcel Number : 31E33BA01600
Parcel Number : 00787456
T: 03S R: 01E S: 33 Q: NW QQ: NE
County : Clackamas (OR)
Telephone :

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Brown Ryan J;Shelly L Metzger-Brow	:03/26/2007	007-025909	:\$400,000	:Warranty	:\$400,000	:Conventi
:Nicholson Genevieve E Trust	:12/03/2004	004-110955	:	:Bargain & Sal:	:	:
:Nicholson Genevieve E	:12/03/2004	004-110954	:	:Bargain & Sal:	:	:
:Nicholson Norton J Co-Trste	:06/01/1994	0094-48913	:	:Grant Deed	:	:
:Nicholson Norton & Genevieve	:05/01/1984	0084-18386	:\$79,000	:	:	:
:	:	:	:	:	:	:

PROPERTY DESCRIPTION

Map Page & Grid :
Census Tract : 229.05 Block: 3
Improvement Type : 142 Sgl Family,R1-4,1-Story (Basement)
Subdivision/Plat : Canby Acres
Neighborhood Code : City of Canby
Land Use : 101 Res,Residential Land,Improved
Legal : 666 CANBY ACRES PT BLK 4
:
:
:

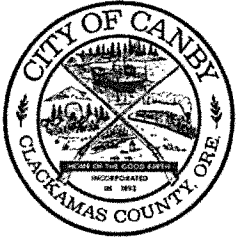
ASSESSMENT AND TAX INFORMATION

Mkt Land : \$98,725
Mkt Structure : \$305,090
Mkt Total : \$403,815
% Improved : 76
15-16 Taxes : \$4,657.15
Exempt Amount :
Exempt Type :
Levy Code : 086002
Millage Rate : 17.0516
M50AssdValue : \$273,121

PROPERTY CHARACTERISTICS

Bedrooms	: 4	Building SF	: 3,008	BldgTotSqFt	: 2,128
Bathrooms	: 2.00	1st Floor SF	: 1,504	Lot Acres	: .40
Full Baths	: 2	Upper Finished SF	:	Lot SqFt	: 17,539
Half Baths	:	Finished SF	: 2,128	Garage SF	:
Fireplace	: Stacked	Above Ground SF	: 1,504	Year Built	: 1952
Heat Type	: Forced Air-Oil	Upper Total SF	:	School Dist	: 086
Floor Cover	: Carpet	UnFinUpperStorySF	:	Foundation	: Concrete
Stories	: 1 Story-Bsmt	Basement Fin SF	: 624	Roof Type	: Composition
Int Finish	: Drywall	Basement Unfin SF	: 880	Roof Shape	: Gable
Ext Finsh	: Brick Ven	Basement Total SF	: 1,504		

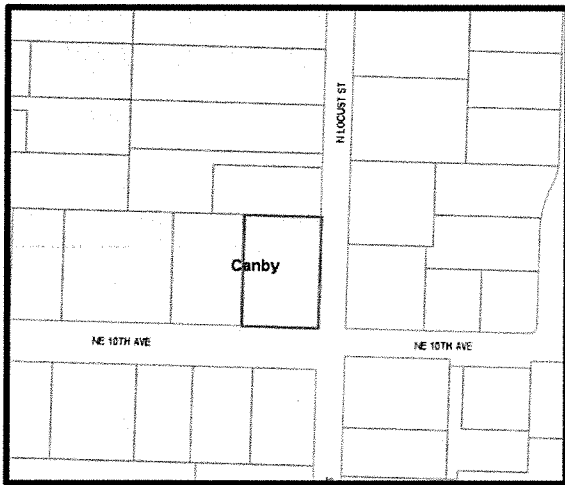
This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.



City of Canby

NOTICE OF PUBLIC HEARING & REQUEST FOR COMMENTS

The purpose of this Notice is to invite you to a Public Hearing at a Planning Commission meeting on Monday, May 23, 2015 at 7 pm in the City Council Chambers, 155 NW 2nd Ave to review a Minor Land Partition application. The applicant proposes to partition the subject property east to west creating a south lot (Parcel 1) which will contain the existing dwelling and the north lot (Parcel 2) will be vacant. The 17,424 square foot lot is zoned R-1 (Low Density Residential).



Comments due– If you would like your comments to be incorporated into the City’s Staff Report, please return the Comment Form by Wednesday, May 11, 2016.

Location: 356 NE 10th Ave

Tax Lot: 31E33BA01600 (Property shown on map at the left, bordered in red.)

Lot Sizes and Zoning: .40 acres, zoned R-1 Low Density Residential

Owner: Snyder Construction, Inc.

Applicant: Will Snyder

Application Type: Minor Land Partition

City File Number: MLP 16-01

Contact: Bryan Brown, Planning Director, 503-266-0702

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

Where can I send my comments? Written comments can be submitted up to the time of the Public Hearing and may also be delivered in person to the Planning Commission during the Public Hearing. (Please see *Comment Form*). Comments can be mailed to the Canby Planning Department, P O Box 930, Canby, OR 97013; dropped off at 111 NW Second Avenue; or emailed to brownb@ci.canby.or.us.

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, December 18, 2015 and can be viewed on the City’s website: <http://www.ci.canby.or.us> Copies are available at \$0.25 per page or can be emailed to you upon request.

Applicable Criteria: Canby Municipal Code Chapters:

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.16 R-1 Low Density Residential Zone
- 16.21 Residential Design Standards
- 16.43 Outdoor Lighting Standards
- 16.46 Access Standards
- 16.56 Land Division General Provisions
- 16.60 Major or Minor Partitions
- 16.64 Subdivisions-Design Standards
- 16.86 Street Alignments
- 16.89 Application and Review Procedures
- 16.120 Parks, Open Space, and Recreation Land General Provisions

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

CITY OF CANBY –COMMENT FORM

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

By mail: Planning Department, PO Box 930, Canby, OR 97013
In person: Planning Department at 111 NW Second Street
E-mail: brownb@ci.canby.or.us

Written comments to be included in the Planning Commission's meeting packet are due by Noon on Wednesday, May 11, 2016. Written comments can also be submitted up to the time of the Public Hearing on Monday, May 23, 2016, and may also be delivered in person to the Planning Commission during the Public Hearing at 7 pm in the City Council Chambers, 155 NW 2nd Avenue.

Application: MLP 16-01, 356 NE 10th Ave, Snyder Construction

COMMENTS:

1. THE PROPERTY OWNER WILL BE REQUIRED TO GRANT THE CITY A 5-FOOT WIDE SIDEWALK EASEMENT ALONG THE ENTIRE PROPERTY FRONTAGE WITH N. LOCUST ST. THIS EASEMENT WILL BE USED FOR FUTURE SIDEWALK CONSTRUCTION & EXTENSION.
2. RECONSTRUCT THE EXISTING ADA RAMP AT THE CORNER OF NE 10TH AVE & N. LOCUST ST TO CURRENT ADA GUIDELINES.
3. ^{A NEW} ~~EXISTING~~ SANITARY SEWER SERVICE CAN BE EXTENDED FROM THE EXISTING SEWER MAIN IN N. LOCUST ST.

YOUR NAME: HASSAN IBRAHIM
EMAIL: haid@curran-melrod.com
ORGANIZATION or BUSINESS (if any): CMI
ADDRESS: 6655 SW HAMPTON ST, SUITE 210, PORTLAND, OR 97223
PHONE # (optional): _____
DATE: May 6, 2016

AGENCY ONLY: Please check one box and fill in your Name/Agency/Date below:

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

Thank you!

NAME: _____ AGENCY: _____ DATE: _____

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

A REQUEST FOR A CONDITIONAL USE)	FINDINGS, CONCLUSION & FINAL ORDER
PERMIT TO ESTABLISH A DETACHED)	CUP 16-01
ACCESSORY DWELLING UNIT AT)	ERIC HUMPREYS
900 NE 10TH AVENUE)	

NATURE OF APPLICATION

The applicant is requesting permission to convert an existing accessory building to a detached accessory dwelling unit in the rear yard behind the principal home at 900 NE 10th Avenue. Section 16.16.020(O) requires a conditional use permit for an accessory dwelling that is not attached to the primary dwelling in the R1 zone. The accessory dwelling shall be separated from the primary dwelling unit by a minimum of 10 feet and conform to the standards in Section 16.16.010(D)(2). In accordance with Section 16.16.030(E)(2)(a) the proposed detached accessory structure may normally be allowed a height up to 22' as measured to the highest point of the roof when located inside the allowed building footprint for the principal home.

One additional on-site parking space is required to accommodate the occupant of an accessory dwelling unit. The accessory dwelling unit may not exceed 800 square feet of floor area. The exterior siding and roofing must be similar in color, material and appearance to that used on the primary dwelling although different siding or roofing may be approved by the Planning Commission if it finds that the proposed design is more compatible with surrounding residences. Once approved and built, accessory dwelling units run with the land and can serve as a source of rental income to the current or any future owner of the property.

HEARINGS

The Planning Commission held a public hearing to consider application CUP 16-01 after the duly noticed hearing on May 23, 2016. These findings are entered to document the specifics of the approval.

CRITERIA AND STANDARDS: 16.50 Conditional Uses

In judging whether or not a conditional use permit shall be approved, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the proposed location and, to approve such use, shall find that the following criteria are either met, can be met by the application of conditions, or are not applicable.

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner which substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

Other Applicable Criteria:

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.16 R-1 Low Density Residential Zone
- 16.46 Access Standards
- 16.89 Application & Review Procedures

FINDINGS AND REASONS

The Planning Commission deliberated on input presented at the May 23, 2016 meeting. The Planning Commission utilized the findings and conditions listed in the staff report along with the presentation record at the public hearing as support for their decision and recommended conditions of approval and the exact wording thereof.

CONCLUSION

The Planning Commission of the City of Canby concludes that, based on the findings and conclusions contained in the May 15, 2016 staff report and Commission deliberations at the May 23, 2016 public hearing:

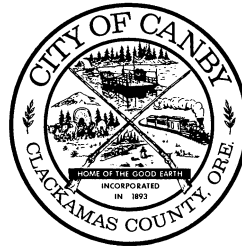
1. That the conditional use is in conformance with the City's Comprehensive Plan and Land Development and Planning Ordinance subject to meeting Public Works and Building Code Standards
2. That the site can easily accommodate the proposed use.
3. That public service and utility provision to the site is available or can be made available through agreed upon future lateral extensions from the existing home or from services at the street.
4. That the conditional use will not alter the character of the surrounding area in a manner which substantially limits or precludes the use of surrounding properties as they exist today or for uses permitted in the zone.

ORDER

IT IS ORDERED BY THE PLANNING COMMISSION of the City of Canby that CUP 16-01 is APPROVED with the following conditions:

1. Necessary utility lateral or service extensions shall be installed at the applicant's expense. The location of the sewer and water lateral extensions shall be approved by Public Works and Canby Utility prior to issuance of building permits.
2. The accessory dwelling shall have a separate address visible from the addressing street.
3. The applicant shall pave the designated parking space for the additional dwelling.
4. A 5' sidewalk easement along the NE 10th Avenue frontage shall be granted unless already done previously.

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



**A REQUEST FOR A MINOR LAND)
PARTITION)
356 NE 10th AVENUE)**

**FINDINGS, CONCLUSION & FINAL ORDER
MLP 16-01
SNYDER CONSTRUCTION**

NATURE OF THE APPLICATION

The Applicant has sought approval for Minor Land Partition Application #MLP 16-01 to partition an existing 17,000 square foot lot into two parcels with Parcel 1 containing the existing dwelling to be approximately 9,960 square feet and the newly created Parcel 2 approximately 7,040 square feet in size and described as Tax Map/Lot 31E33BA 01600, Clackamas County, Oregon. The property is zoned Low Density Residential (“R-1”) under the Canby Municipal Code (“CMC”). All utilities to serve the new lot will be accessed via N Locust Street.

HEARINGS

The Planning Commission considered application MLP 16-01 after the duly noticed hearing on May 23, 2016 during which the Planning Commission approved MLP 16-01. These Findings are entered to document the approval.

CRITERIA AND STANDARDS

In judging whether or not a Minor Land Partition application shall be approved, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable code criteria and standards were reviewed in the Staff Report dated May 23, 2016 and presented at the May 23, 2016 meeting of the Canby Planning Commission.

FINDINGS AND REASONS

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

After accepting public testimony, the Planning Commission closed the public hearing and made additional findings beyond those contained in the staff report to arrive at their decision and support their recommended Conditions of Approval and the exact wording thereof:

CONCLUSION

In summary, the Planning Commission adopted the findings contained in the Staff Report along with the additional findings concluded at the public hearing and noted herein, concluding that the Minor Land Partition application meets all applicable approval criteria, and recommending that File #MLP 16-01 be approved with the Conditions of Approval reflected in the written Order below.

ORDER

The Planning Commission concludes that, with the following conditions, the application meets the requirements for Minor Land Partition approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **MLP 16-01** is approved, subject to the following conditions:

CONDITIONS OF APPROVAL

Minor Partition Conditions Unique to This Request:

1. A new home on Parcel 2 will be subject to the residential design standards of Section 16.21.030 & .040 and the residential infill standards of Section 16.21.050.
2. The applicant shall pay the current city street tree fee and submit a street tree plan applicable to Parcel 2 of the partition that illustrates the location for street trees approximately every 30 feet along the street frontage taking into account proper spacing requirements from driveways and other tree spacing parameters listed in the City Tree Planting and Maintenance Policy (Exhibit B) of Ordinance No. 1385 as reasons for appropriate spacing exceptions. The street tree fee shall be paid and the planting plan submitted prior to the recordation of the partition plat.
3. A street tree easement 12 feet wide measured from the front property line shall be provided along the frontage of Parcel 2 to allow street tree(s) to be planted on private property. This street tree easement shall be designated on the Partition Plat for Parcel 2.
4. Any possible utility easement needed across the N Locust Street frontage by utility service providers shall be made a part of the recorded partition plat.
5. A 5-foot wide sidewalk easement shall be dedicated adjacent to the N. Locust Street partition frontage along with construction of a 5' wide

sidewalk and reconstruction of the intersection ADA ramp to meet ADA's new standards.

Final Partition Plat Conditions:

6. A surveyed partition plat prepared by a licensed surveyor shall be recorded with Clackamas County after application and review of a Final Partition Plat by the City. The partition plat must be submitted to the city within one year of Planning Commission approval or the applicant must request, in writing, a one year extension from the Planning Commission. The applicant or county shall provide the city with a recorded copy of the plat in a timely manner.
7. The applicant shall bear full responsibility for compliance with applicable State or county regulations regarding the recordation of deed documents and subsequent transfer of ownership related to the newly established lot(s).

Monumentation/Survey Accuracy Conditions:

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

Residential Building Permits Conditions:

10. All work associated with the required paved driveway, sidewalk installation, or utility installations associated with the new vacant Parcel 2 shall secure a street opening and/or driveway/sidewalk construction permit and comply with the City's current Public Works Design Standards.
11. Construction of all required public improvements, except the public sidewalk, and the recordation of the partition plat must be completed prior to the issuance of building permits and comply with all applicable City of Canby Public Works Design Standards.
12. The homebuilder shall apply for a City of Canby Site Plan Permit and County Building Permit for any proposed home.
13. Per the Canby Public Works Design Standards, minimum residential driveway widths at the inside edge of the sidewalk shall be 12 feet and the maximum residential driveway widths shall be 24 feet with an allowed exception for 28 feet for a home with 3 or more garages.
14. The homebuilder for Parcel 2 shall apply for a City of Canby Erosion Control

Permit.

- 15.** On-site storm water management shall be designed in compliance with the Canby Public Works Design Standards when development is proposed for Parcel 2.
- 16.** Clackamas County Building Codes Division will provide structural, electrical, plumbing, and mechanical plan review and inspection services for home construction. The applicable county building permits are required prior to construction of each home.