

PLANNING COMMISSION
Meeting Agenda
Monday – February 23, 2015
7:00 PM
City Council Chambers – 155 NW 2nd Avenue

Commissioner Tyler Smith (Chair)

Commissioner John Savory (Vice Chair)

Commissioner Shawn Hensley

Commissioner John Serlet

Commissioner Larry Boatright

Commissioner (Vacant)

Commissioner (Vacant)

- 1. CALL TO ORDER**
 - a. Pledge of Allegiance and Invocation*
- 2. CITIZEN INPUT ON NON-AGENDA ITEMS**
- 3. MINUTES**
 - a. Planning Commission Minutes, February 9, 2015*
- 4. PUBLIC HEARING**
 - a. Consider a Minor Land Partition request from Jason Bristol to partition an existing 1.22 acre developed parcel located at 486 S Knott St into two parcels.*
- 5. NEW BUSINESS**
- 6. FINAL DECISIONS**

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

 - a. Netter Minor Land Partition (MLP 14-04)*
 - a. Faist 6 Subdivision & Minor Land Partition (SUB & MLP 15-01)*
- 7. ITEMS OF INTEREST/REPORT FROM STAFF**
 - a. Next Regular Planning Commission meeting scheduled for Monday, March 9, 2015*
- 8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**
- 9. ADJOURNMENT**

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

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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.

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – February 9, 2015
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Commissioners Tyler Smith (Chair), John Savory (Vice Chair), Shawn Hensley, John Serlet, and Larry Boatwright

STAFF: Bryan Brown, Planning Director, David Epling, Associate Planner, and Laney Fouse, Planning Staff

OTHERS: Pat Sisul, Tom Kendall, Kathy Lapidus, Eliot Lapidus, Allen Manuel, Connie Faist, Tim Faist, Lisa Casey, Kevin Casey, Robin Bergin, Charlie Bergin, Betty Faist, Larry Faist, and Ed Netter

1. CALL TO ORDER

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

2. CITIZEN INPUT – None.

3. MINUTES

a. *Planning Commission Minutes, January 13, 2015*

Motion: A motion was made by Commissioner Savory and seconded by Commissioner Serlet to approve the January 13, 2015 minutes as written. Motion passed 5/0.

4. PUBLIC HEARINGS

a. *Consider a Minor Land Partition request from Ed Netter to partition one existing lot located at 1000 N Pine St. to create a flag lot for a single family home. (MLP 14-04 Netter)*

Chair Smith read the public hearing format and opened the public hearing.

None of the Commissioners had ex parte contacts or any conflicts of interest to declare.

Dave Epling, Associate Planner, entered the staff report into the record. This was a request to partition an existing 18,295 square foot parcel into two parcels containing 9,197 square feet and 8,098 square feet. An existing home would remain on the 9,000 square foot parcel and the 8,000 square foot parcel would be developed with a new single family dwelling. There would be a utility easement on the north boundary of the property. The easement would be 15 feet wide and would also be used for a driveway. The Planning Commission could require sidewalks and curbs, or they could waive the provision. Staff found that although sidewalks were on the west side of the street along Pine, there were no sidewalks on the east side of Pine and the development was on the east side. Staff suggested not requiring sidewalks at this time. Funding was being sought for grants for future improvements to the entire length of Pine and Pine Street is currently under County jurisdiction. A traffic impact study was not required, however a 10 foot right-of-way dedication was required along the subject property frontage to meet standards for a collector street. Two

parking spaces were required for each single family dwelling and adequate parking would be reviewed during the building permit process. Staff found the proposal met the required applicable standards. Public facilities and services were available to serve the proposed lot. Access would be by the shared private access easement. Under Section 16.64, street improvements, curbs, and sidewalks were required, however staff recommended these improvements be waived because the lot fronting the public street is already developed and the standard half street and sidewalk improvements usually applied to new land divisions may not be proportional to this request. Staff recommended that the improvements be limited to a paved driveway approach to City standards, sewer, and erosion control standards. Staff recommended approval of the application with the conditions of approval as listed in the staff report.

Applicant:

Ed Netter, resident of Canby, explained he wanted to divide the property and build a house that fit the infill standards on the back lot. The neighbor behind the back lot requested the arborvitae be left for privacy. He would fix up the existing house and pour a driveway and approach off of Pine Street. He was requesting the Planning Commission to not require the sidewalks because there were no other sidewalks on that side of the street. He agreed to all of the conditions proposed by staff.

Proponents: None.

Opponents:

Tim Casey, resident of Canby, questioned the wisdom of not building sidewalks when they had the opportunity especially when funding for future improvements was questionable. Pine Street was continuing to be infilled, and there were many kids walking along a street with no sidewalks. This was the ideal time to establish sidewalks. They were needed for the health, safety, and value of the neighborhood. Creating more pedestrian traffic, but no sidewalks was not the way to go. Neighborhoods with sidewalks were safer and of a greater value.

Clint Coleman, resident of Canby, was in favor of the project, however he thought sidewalks should be done now and not later. It would add safety and would be less expensive if they were done now.

Chair Smith closed the public hearing at 7:25 pm.

Chair Smith asked if a non-remonstrance was allowed so that if sidewalks were built in the future that the owners would have to put in their fair share for the sidewalks as well.

Mr. Brown, said they had the option for a non-remonstrance. From his experience, he did not see much value in them as cities often did not get around to enforcing their use with an actual future improvement. One problem with N Pine St is that it is not under City jurisdiction so the City has not prioritized spending its own funds but we are recommending obtaining right-of-way so a standard street section with a sidewalk could be established in a future street wide project where we could be certain of a permanent sidewalk location so it would not have to be torn up. They did not know how quickly the rest of the street would be improved or redevelopment would continue to occur. It would not help pedestrians now because it would only be a short segment of sidewalk. Staff did not think both street and sidewalk improvements were proportional to the cost and benefits the developer would get from one new house. He was not certain if the sidewalk would have to be torn up or not should the City get a grant for full length street improvements. If the City

got a grant, the street trees would likely be a part of that project and usually are placed within the public right-of-way, not on private property.

Public Hearing Closed/Deliberation:

Chair Smith thought the application should be approved either with no requirements for sidewalks or a non-remonstrance.

Commissioner Savory could not see putting in a sidewalk for this one parcel especially when there was a chance it would have to be torn up in a few years when the street was improved. He was in favor of waiving the requirement.

Commissioner Serlet shared the same feelings about not requiring a sidewalk in this instance.

Commissioner Hensley did not think they should require street trees either since it was not applicable to the already developed property or for the new flag lot in the back.

There was further discussion regarding whether or not street trees should really be applicable for this application.

Chair Smith did not think it applied since the application did not qualify as a new subdivision and the requirement was in the subdivision section 16.64.

Motion: Commissioner Hensley moved to approve MLP 14-04 and to strike Conditions 8, 9, and 14, Commissioner Savory seconded the motion. Motion passed 5/0.

b. Consider a Subdivision and Minor Land Partition application from Tom Kendall to partition 10.19 acres into 3 parcels and create a 30 lot subdivision. (SUB & MLP 15-01 Faist 6 Subdivision)

Chair Smith opened the public hearing.

None of the Commissioners had ex parte contacts or any conflicts of interest to declare.

Bryan Brown, Planning Director, entered his staff report into the record. He showed a picture of the location. There were two existing residences on the parcel. This was for a subdivision on the upper portion for 30 lots and a minor land partition on the existing developed portion forming two separate parcels – one for each existing house. Staff received one letter from Virginia Chapman who was concerned about closing off access on school portion of Teakwood for one hour in the afternoon for bus loading. The rerouting of traffic from Township Road has caused vehicles to use 11th Avenue where she lives and has caused some congestion. The traffic study showed Teakwood was able to handle the additional traffic without unreasonable impact. The City's traffic engineer reviewed the study performed by Lancaster Engineering for the applicant and thought the findings were appropriate. There were a few minor issues pointed out with the study results, but they were not change the indicated results or recommendation that no mitigation was necessary for this project. The subdivision proposal included an extension of the east/west streets in the previous Faist addition. They would have temporary dead ends at this time. The ordinance standard was not to serve more than 130 lots with only two means of access. If they added the 30 lots to the whole Faist area, it would be 162 lots with only two accesses until the streets extended further to the east. Teakwood could provide another third means of access, although it was owned by the School District and is currently closed for the hour in the afternoon for bus loading. Staff

proposed eliminating Condition 5, having received written confirmation from the City's traffic engineer that the traffic study conclusions were appropriate. He thought they should substitute a new condition that said "the existing 36 inch wide gravel driveway approach to Parcel 2 off of Teakwood Street shall be relocated north to align with an extension of 11th Place to minimize disruption of street and curb improvements adjacent to Parcel 2 on Teakwood Street when 11th Place is extended in the future". He was not sure why interior lots, not the ends of the streets, were being used for emergency vehicle turnarounds. There was also an optional turn around on the adjacent property if they could work it out with the property owner. Teakwood was proposed to be widened to a 50 foot right-of-way and to get that width, four feet of right-of-way would be dedicated on the east side of the plat. The applicant had indicated only improving Teakwood to the end of the subdivision, and staff was requesting they include the four feet of right-of-way through the minor partition parcels all the way down to 13th Avenue. A portion of the 6 foot sidewalks would be placed on private property and would require a pedestrian easement, which was standard practice in Canby. Staff recommended approval with conditions.

Applicant:

Pat Sisul, Sisul Engineering, said this was Phase 6 of the Faist development. He gave a history of Teakwood and how he thought it would be a third access for emergency vehicles. He discussed the capacity analysis that showed the 13th Avenue and Teakwood intersection would operate within capacity at full build out of the development. It would not be overburdened with only two points of access and with the number of lots proposed. The property was 10 acres, with the bottom four acres being divided into two lots with the minor partition. The northern six acres would be the proposed 30 lot subdivision. The streets were designed to extend to the adjacent parcel which had been recently annexed and planned to be developed. He explained the existing conditions of the site and some trees that would have to be removed. He then reviewed the site plan. The reason interior lots were being used for emergency turn around was because of the 70 foot dimension requirement needed for backing the vehicles out. They had discussed using the adjacent parcel owned by the School District, and an easement would need to be signed by the School Board. He thought they would be favorable to granting the easement. Teakwood had been downgraded from a collector to a local street, and they were planning to finish the street so it matched the local standards. They would be adding four feet of pavement and a curb and dedicate four feet of right-of-way. Staff had requested to take the right-of-way dedication all the way to 13th Avenue and there was no objection to that. There was also no objection to realigning the driveway of the existing house with 11th Place. He then discussed the local street improvements that would be made. Sanitary sewer and water would be connected to existing lines in Teakwood and the applicant would fill the lots at the end of the streets for the building elevations to help with providing gravity sanitary sewer service to all lots.

Proponents: None

Opponents:

Robin Bergin, resident of Canby, was concerned about the Teakwood trees being removed as currently there was a grass easement there where people walked their dogs. She thought two parks were also going to be included in development of this area, but the City could not afford to put in a dog park and maintain it and she questioned putting in a park in this development. She did not think the dog park should take a back seat to areas that had not been developed yet. She also thought the development would bring extra traffic, and did not think the traffic study took into account the heavy pedestrian use on Teakwood and 13th Avenue. She would like a sidewalk to be put in on the east side of Teakwood.

Elliott Lapidus, resident of Canby, discussed how the population of Baker Prairie School was going to increase with the subdivision and it would contribute to the foot and bus traffic. There was a lot of speeding by both buses and cars through the intersection in the morning as well, which was not included in the findings. He questioned whether the traffic in its entirety was considered. The combination of the bus traffic and pedestrians and other vehicles would impact the area. He attended the initial development meetings and there had been discussion about how the traffic accessing the school would move on Sequoia Parkway in addition to the industrial traffic. It was never fully addressed. His biggest concern was speed of the traffic and lack of visibility for turning onto Teakwood.

Rebuttal:

Mr. Sisul stated the trees had to be removed and they were on private property. It was not public right-of-way. Regarding the parks, there was an area dedicated to the City for a park in 2002, but nothing had been done with it. It was a place where someone could walk their dog. There was also another area in the recently annexed parcel that would become a park when the property developed. However, it was not a part of this subdivision application. The Park SDC fees paid by these homes would contribute to other parks in the City. Sidewalks would be installed along the interior streets and Teakwood. Kids walking to school would have convenient and safe access to school. Regarding the speeding, that was an enforcement issue for the Police Department.

Commissioner Savory was in favor of putting in speed bumps to slow traffic down.

Mr. Sisul said often Fire Departments were not in favor of using speed bumps. The site distance at 13th Avenue and Teakwood was evaluated in the traffic study and it was found to have adequate site distance. Teakwood would be wide enough for people to park on both sides of the street and still have two lanes of traffic going through.

Mr. Brown said the standard used to be 36 feet, but was now 34 feet for a standard local street. Having a tighter width for two lanes of traffic and parking on both sides was also a traffic calming device. There were no plans to connect Sequoia Parkway to this area.

Chair Smith closed the public hearing.

Deliberation:

Commissioner Savory was concerned about the speeding on Teakwood and was in favor of adding a provision for speed bumps.

Commissioner Serlet thought it was out of the Planning Commission's jurisdiction, and something the Traffic Safety Commission should address. Speed was an issue all over the City.

Mr. Brown suggested a speed analysis be done on Teakwood to find out if there was a problem before any speed bumps were put in. It could be done later if a problem was identified.

Chair Smith proposed to add to the conditions that the City would retain the right to require the developer to install up to two speed bumps on Teakwood if there was a proven speed problem through a traffic analysis.

Commissioner Hensley thought this was an enforcement issue to be dealt with by the City based on existing traffic, and not specific to traffic to be added by this development so not something the developer needed to pay for.

Motion: Commissioner Savory moved to approve SUB & MLP 15-01 Faist 6 Subdivision as recommended by staff with Condition 5 replaced with “moving the existing 36 inch wide gravel driveway approach on Parcel 2 to align with the extension of SE 11th Place.” Commissioner Boatright seconded, motion passed 5/0.

Commissioner Serlet asked Councilor Coleman to address the speeding issue at the next Traffic Safety Commission meeting.

5. NEW BUSINESS

a. Northwoods Request for Extension of Development Agreement and Conceptual Development Plan

Mr. Brown said there was a master plan for four phases of the Northwood Estates subdivision. Two phases had been developed and the Master Plan for Phase 3 and 4 is to expired February 24, 2015, and the applicant has requested the master plan and development agreement be extended.

Motion: Chair Smith moved to approve the Northwood’s request for extension of Development Agreement and Conceptual Development Plan for one year, Commissioner Savory seconded, motion passed 5/0.

6. OLD BUSINESS – None.

7. ITEMS OF INTEREST FROM STAFF

Mr. Brown said the next regular Planning Commission meeting was scheduled for Monday, February 23, 2015.

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

9. ADJOURNMENT

Chair Smith adjourned the meeting at 9:14 pm.

The undersigned certify the February 9, 2015 Planning Commission minutes were presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 23rd day of February, 2015

Bryan Brown, Planning Director

Laney Fouse, Minutes Taker



City of Canby

MINOR PARTITION STAFF REPORT

FILE #: MLP 15-02

Prepared for the February 23, 2015 Planning Commission Meeting

LOCATION: 486 S. Knott Street

ZONING: R-2 High Density Residential

Tax lots: 31E33DC05000 (Bordered Property in Map Below)



LOT SIZES: 1.22 ACRES, 52,959 SF

OWNERS: Jason Bristol and Jeanne Bristol

APPLICANT: Jason Bristol

APPLICATION TYPE: Minor Partition (Type III)

CITY FILE NUMBER: MLP 15-02

I. PROJECT OVERVIEW & EXISTING CONDITIONS

The applicant proposes to partition an existing 1.22 acre (52,959 square foot) parcel into two parcels containing approximately 4,664 square foot and 48,295 square foot each. An existing single-family home is to remain on proposed 4,664 square foot Parcel 1, and proposed Parcel 2 will contain three existing single-family dwellings. An existing driveway will access the three dwellings on Parcel 2, and the applicant has proposed a new access to the dwelling on Parcel 1.

ATTACHMENTS:

- A. Applicant Narrative
- B. Site Plan

AGENCY COMMENTS:

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

The City Transportation Engineer commented: construct a 6 foot wide concrete sidewalk along the entire frontage with S. Knott Street, driveways shall be ADA compliance and 6 inch concrete thickness, and a sidewalk easement may be required.

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

II. APPLICABLE CRITERIA & STAFF FINDINGS

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

- 16.08 General Provisions
- 16.10 Off-street Parking and Loading
- 16.20 R-2 Zone High Density Residential
- 16.21 Residential Design Standards
- 16.43 Outdoor Lighting Standards
- 16.46 Access Limitations on Project Density
- 16.56 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: The subject property is situated on the east side of S. Knott Street, and sidewalks have been constructed on the east side of the street extending south from SE 3rd Avenue to within approximately 170 feet of the property. Only two parcels separate the subject property from the existing sidewalk that ends at 390 S. Knott. The applicant is not proposing any new dwelling construction but indicates on the site plan building a sidewalk along the frontage of proposed 4,664 square foot Parcel 1 and a new driveway from the parcel onto S. Knott Street. Staff can see the advantage of requiring sidewalks across the frontage of both proposed parcels as part of this application because of the proximity of the existing sidewalk and the opportunity for street safety improvements at the subject property. A curb is already constructed at the location. As a condition of approval, the Planning Commission may impose sidewalk construction along the property frontage or waive the provision at the time of the Public Hearing.

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 City Engineer must confirm any R.O.W. requirements.

16.08.160 Safety and Functionality Standards

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

Findings: Upon 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. Additionally, the standards listed in the section are addressed in various criteria discussed in this staff report.

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 any permit process. The applicant is not proposing any new dwelling construction at this time and both proposed lots will contain existing dwellings. The construction of a 'parking pad' is indicated for proposed Parcel 1 on the site plan. The new parking area must meet City standards. The dwellings on Parcel 2 have been in place for an extended period of time and considering the size and existing development of Parcel 2, adequate parking is available.

16.10.070 Parking lots and access

- A. (3) Areas used for standing or maneuvering of vehicles shall have paved asphalt, concrete, solid concrete paver surfaces, or paved “tire track” strips maintained adequately for all weather use and so drained as to avoid the flow of water across sidewalks or into public streets, with the following exception:
- a. The Planning Director or Planning Commission may approve the use of an engineered aggregate system for outdoor storage and/or non-required parking areas provided that the applicant can demonstrate that City Standards related to:

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

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

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

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

Findings: The criteria in (4)(a) above requires 20 feet of paving from right-of-way of S. Knott Street for proposed and existing driveways. However, three of the existing dwellings on proposed Parcel 2 are set back to the rear of the property and currently served by a gravel driveway. One of the dwellings is approximately 160 feet from the right-of-way of S. Knott Street and the other two are approximately 250 feet from the roadway. In order to meet the criteria stated in (4)(b) above, the applicant must pave approximately 100 feet of driveway extending into newly created Parcel 2 from the right-of-way of S. Knott Street.

B. Access

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

Findings: The City standard for local streets requires a six foot wide sidewalk. At this particular location no sidewalk is constructed along the street frontage of the subject property. Because the sidewalk extends south from SE 3rd Avenue to within approximately 170 feet of the subject parcel, it may be feasible to require the applicant to construct a sidewalk for the two newly created lots as part of the this land use application. The Commission could waive this provision or require the sidewalk construction at the time of the public hearing.

16.10.070(B)(8): 16.10.070(B)(8): Criteria in this section states that minimum access requirements for residential uses (ingress and egress) shall not be less than indicated in the section (except that in the case of flag lots, section 16.64.040 shall apply).

Findings: According to the applicant's information, the two proposed lots front on S. Knott Street for a distance of 41.36 feet for Parcel 1 and 73.71 feet for Parcel 2, and those frontages exceed the required minimum of 20 feet. The proposed driveway shall have a minimum access width of 12 feet paved surface for the existing single-family home, and the access that serves the three remaining dwellings shall have a minimum width of 20 feet with a 12 foot minimum paved surface as required under 16.10.070(B)(8).

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

Findings: The new access shall comply with the 30 foot separation from the nearest intersection and the 10 foot separation from adjacent driveways.

Table 16.10.070: Minimum dimensional Standard for Parking:

Findings: Parking standards will be verified during the driveway permit process. The proposed driveway shall not exceed 24 feet in width at the property line.

16.20 R-2 High Density Residential Zone

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

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

Findings: The R-1.5 zone allows uses permitted outright in the R-1 zone. The existing single-family homes are permitted outright.

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

Findings: The R-2 zone does not have a minimum lot size, because density, setbacks, impervious surface, and other standards are used to address new development. Section 16.20.020(A) requires a minimum residential density of 14 units per acre. The property contains four existing single-family dwellings and does not meet the minimum. Additionally, two of the existing homes do not meet the minimum interior yard setback of 7 feet from the property line. The applicant is not proposing any additional dwellings at this time, and because dwellings have existed on the property for some time, meeting the density criteria is not necessary for this particular application.

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, new construction of additional dwellings will not occur. The above standards do not apply.

16.21.050 Infill Homes

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

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

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 or its reflection at a point 3 feet or higher above the ground at the property line of the source. Light that does not meet this requirement constitutes light trespass. Streetlights shall be fully shielded. However, the applicant is permitted to have some unshielded lighting if lumens are within the limits of Table 16.43.070 below.

Findings: The Planning Commission has determined with previous applications that lighting standards are not applicable to street lights. Lighting standards for new single-family homes in 16.43 are applicable. New construction is not part of this application.

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: Section 16.56 contains general language regarding land divisions and has no specific evaluation criteria.

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 a particular case.

16.60.040 Minor partitions.

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

- A. Conformance with the text and applicable maps of the Comprehensive Plan;
- B. Conformance with all other applicable requirements of the Land Development and Planning Ordinance;
- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;
- E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

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

16.60.060 Final procedures and recordation.

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

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

- B. Recordation of an accurate survey map, prepared by a registered engineer or licensed surveyor, must be completed within one year of the approval of the tentative map. One copy of the recorded survey map shall be filed with the City Planner for appropriate record keeping.

- C. The applicant shall bear full responsibility for compliance with applicable state and city regulations regarding the recordation of documents and subsequent transfer of ownership.
- D. The Planning Director may approve a single one-year extension to the original one-year period. Applicants must file a request for such extension in writing, stating the reasons the request is needed. The Planning Director shall review such requests and may issue the extension after reviewing any changes that may have been made to the text of this title and any other pertinent factors, including public comment on the original application.

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

16.64 Subdivisions-Design Standards

16.64.010 Streets

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

16.64.070

- C.(3) Street Trees. Street trees shall be provided consistent with the provisions of Chapter 12.32.
- K. Street tree planting is required of the subdivider and shall be according to city requirements. (Ord. 899 section 4, 1993)

Findings: As a condition of approval, the applicant shall submit a Street Tree Plan that illustrates the requirement of one street tree every 30 feet along the street frontage or give reasons for exceptions to meeting required separations. The plan shall indicate removal of any dead existing trees and how the plan meets other provisions of Chapter 12.32. The applicant shall pay the required street tree fees prior to recording 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.

16.64.040 Lots

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

Findings: The lots meet the above criteria.

B. Minimum Lot Sizes:

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

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

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

Findings: The proposal meets the above criteria.

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

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

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 two proposed parcels are currently developed with single-family homes and no additional construction is proposed. Staff does not recommend a bonding requirement.

16.64.070 Improvements

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

1. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans may be

required before approval of the tentative plat of a subdivision or partition. No work shall commence until the developer has signed the necessary certificates and paid the subdivision development fees specified elsewhere in this division.

2. Improvement work shall not commence until after the city is notified, and if work is discontinued for any reason it shall not be resumed until after the city is notified.
3. Improvements shall be constructed under the inspection and to the satisfaction of the City. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction which warrant the change.

Findings: The City Transportation Engineer cited relevant standards for street improvements that included construction of a 6 foot sidewalk along the entire frontage of the property, and 6 inch thick concrete driveways to ADA standards. Staff considers it reasonable for the Commission to place a condition of approval to require sidewalk construction and driveway paving for both of the proposed lots for safety and necessary improvements on the local street frontage that needs upgrades at a location where future development may or may not occur in the near future. However, the Commission should consider existing conditions at the property such as recognition that the parcel is already developed and whether or not standard improvements are proportional with the land use case.

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

Findings: As-built plans are not sought for just sidewalk installation and driveway paving.

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

Findings: As previously discussed, staff recommends that improvement be limited to paved driveway approach and possible sidewalk construction to city standards.

C. Streets

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

Findings: A condition of approval addresses monumentation requirements.

4. Prior to city approval of the partition plat, all perimeter and back lot line monumentation shall be installed and the installation of the front lot monumentation (along and within street

rights-of-way) shall be guaranteed. Any monuments destroyed during improvement installation shall be replaced at the developer's expense.

Findings: A condition of approval addresses monumentation requirements.

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

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

D. Surface Drainage and Storm Sewer System.

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

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

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

Findings: Construction of sidewalks has yet to occur on the east side of S. Knott Street. However, an existing curb extends south from SE 3rd Avenue across the subject parcel's frontage. Staff recommends that the Commission consider construction of sidewalks along the property frontage as a result of this project.

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

Findings: No new streetlights are proposed.

K. Other Improvements.

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

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

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

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

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

O. Bond.

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

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

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

16.86 Street Alignments

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 a future bike lane adjacent to this portion of S. Knott Street. Construction of the six foot wide curb tight sidewalk is a Planning Commission decision.

16.86.040 Recommended Roadway Standards

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

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

16.89 Application and Review Procedures

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.

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 require that System Development Charges (SDCs) be collected at the time of construction of any new homes.

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.

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 15-02 subject to the following conditions of approval:

V. CONDITIONS OF APPROVAL

Minor Partition Conditions Unique to This Request:

1. The applicant is responsible for determining if existing utility service to all existing structures will need to be relocated or protected by private easement as a result of this partition.
2. If sidewalk installation is required, a minimum 36" wide clear path behind any mailboxes is required to meet ADA standards.
3. All work associated with the new paved driveway access or utility installations shall secure a street construction permit and comply with City current Public Works Design Standards.
4. Any utility easement to serve Parcel 1 and Parcel 2 shall be shown on the recorded partition plat and a shared access and maintenance agreement recorded with the plat.

5. The applicant shall pave the proposed driveway for Parcel 1 a minimum of 20 feet from the right-of-way of S. Knott Street. In order to meet the criteria stated in 16.10.070(A)(4)(b), the applicant must pave approximately 100 feet of driveway extending into newly created Parcel 2 from the right-of-way of S. Knott Street.
6. The applicant shall pay the current city fee and provide a street tree plan per the Tree Regulation standards in Chapter 12.32. The plan is applicable to Parcel 1 and Parcel 2 and shall illustrate the requirement of one street tree every 30 feet along the street frontage or give reasons for possible exceptions. The plan shall indicate removal of any dead existing trees and how the plan meets other provisions of Chapter 12.32. The street tree fee shall be paid prior to the recordation of the partition plat.
7. A street tree easement 12 feet wide measured from the front property line shall be provided along the frontage of Parcel 1 and Parcel 2 to allow street tree(s) on private property to be planted. This easement shall be designated on the Partition Plat.

Final Partition Plat Conditions:

8. A final surveyed partition plat shall be prepared by a licensed surveyor for recording the partition plat of record. Prior to recordation with Clackamas County, the plat shall be submitted to the city along with applicable fees for review by the city and other appropriate agencies. The final plat must be submitted to the city within one year of Planning Commission approval or the applicant must request, in writing, a one year extension from the Planning Commission. The applicant or county shall provide the city with a recorded copy of the plat in a timely manner.

Monumentation/Survey Accuracy Conditions

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

Residential Building Permits Conditions:

11. Construction of all required public improvements and the recordation of the partition plat must be completed prior to the issuance of future building permits.
12. All public improvements shall comply with all applicable City of Canby Public Works Design Standards.
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.

MINOR PARTITION APPLICATION

486 & 486 A, B, C S. Knott St., Canby, OR

Applicant

Jason Bristol
21733 S. Hwy 99E
Canby, OR 97013
jbristol@web-ster.com
Cell 503.803.2920

Project Description

Existing Conditions

The subject property is 1.22 acres (52,959 square feet) in area and contains four existing single-family residences.

The site has street frontage on S. Knott St. and there are no other points of access.

The site is zoned R-2 as are adjacent properties. Single-family residences occupy properties to the South and East. Multi-family residences occupy properties to the North.

Proposal

This application requests approval of a minor partition to divide property into two parcels. The existing single-family two-story residence at 486 S. Knott St. will reside on Parcel 1. The additional, existing, single-family one-story residences at 486 A, B, and C S. Knott St. will reside on Parcel 2. No additional building sites are proposed.

S. Knott St. will provide direct access for 486 S. Knott St. The existing private driveway will continue to service the residences on Parcel 2.

Public Facilities and Services

1. Sanitary Sewer: City of Canby provides sewer to the area. This application proposes no additional connections.
2. Water Service: City of Canby provides water to the area. This application proposes no additional connections.
3. Storm Water: Storm water will be managed on site. This application proposes no changes to storm water management.
4. Streets: This application proposes no new streets.

Findings

The existing single-family residence will reside on Parcel 1. The existing three single-family residences will reside on Parcel 2. The purpose of the minor land partition is to establish 486 S. Knott St. onto its own Tax Lot for selling purposes. Parcel 2 will continue to be held for future redevelopment to maximize its use with details still unknown. For this reason, frontage improvements are only being proposed for Parcel 1.

Two off-street parking spaces are proposed at the Southwest corner of Parcel 1. Parking for residences on Parcel 2 will remain unchanged at 10+ spaces. This meets the requirement of Subsection 16.10.010A.

The lot widths and frontage of Parcel 1 (41.36 ft.) and Parcel 2 (73.71 ft. minimum) meet the 20 ft. minimum requirement of Subsection 16.20.030.B.

Per Subsection 16.20.030.C, the minimum yard requirements are:

1. Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only.
2. Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots, fifteen feet single story or twenty feet two-story;
3. Interior yard: seven feet, except as otherwise provided for zero-lot line housing. Interior yards may be reduced to three feet for detached accessory structures, except accessory dwellings, erected sixty feet or more from any street other than an alley.

All minimum yard requirements are met by the existing home on Parcel 1 except the interior yard on the North. This is an existing condition at 3.7 ft. All minimum yard requirements are met by the existing homes on Parcel 2 except the interior yard on the North. This is an existing condition at 5.9 ft.

The proposed lot area of Parcel 1 is 4,664 sq. ft. The impervious surface will be approximately 2,290 sq. ft. or 49%. This meets the requirement of 16.20.30.E.

Subsection 16.20.030.F requires that sight distance be protected by maintaining vision clearance areas. No new construction is proposed within the vision clearance area.

The distance between the proposed driveway of Parcel 1 and the neighboring property to the North is over 20 ft. while it is over 50 ft. to Parcel 2. This meets the requirement of 16.46.030.A.

The criteria for approval of a minor partition application are found in Chapter 16.60.030 of the Canby Municipal Code:

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. (Ord. 740 section 10.4.30 (B)(1), 1984)*

A. Conformance to the Comprehensive Plan

The subject property is designated High Density Residential. The R-2 zoning district is applied to this property in implementation of this comprehensive plan designation and Policy No. 5 of the Comprehensive Plan's Land Use Element *[Canby shall utilize the Land Use Map as the basis of zoning and other planning or public facility decisions]*.

No development on Parcel 1 or Parcel 2 would occur on this property as a result of approval of this application. Due to the condition of the house on Parcel 1, it is prudent to keep the home and minimize the lot size around it while maintaining setback requirements. This use is typical of other uses found in this neighborhood and therefore, is in conformance with Policy No. 1 *[Canby shall guide the course of growth and developments so as to separate conflicting or incompatible uses while grouping compatible uses]*.

Upon approval of this application, Parcel 2 is poised to be redeveloped at a density consistent with the existing zoning is supportive of Policy No. 2 *[Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing sprawl]*.

The site is adequately served with all required public services, so approval of this application does not conflict with Policy No. 3 *[Canby shall discourage any development which will result in overburdening any of the community's public facilities or services]*.

There are no identified natural hazard areas on the subject property so approval of this application is not in conflict with Policy No. 4 *[Canby shall limit development in areas identified as having an unacceptable level of risk because of natural hazards]*.

B. Conformance With Land Development and Planning Ordinance

The subject property is zoned R-2 High Density Residential. The proposed use of the subject property is single-family residential and isn't proposed to change. This use is permitted outright in the R-2 zone per Subsection 16.20.010A.

Subsection 16.20.030A requires minimum residential density for new development. No new development is proposed, therefore the requirement is mute.

The lot widths and frontages of Parcel 1 and Parcel 2 meet the 20 ft. minimum requirement of Subsection 16.20.030.B.

Per Subsection 16.20.030.C, all minimum yard requirements are met by the existing homes except for the interior yards on the North. This is an existing condition.

Subsection 16.20.030.D sets a maximum building height of 35 feet in the R-2 zone. The tallest existing home is 23.3 ft. and conforms to this standard.

Subsection 16.20.030.E establishes the maximum impervious surface allowed shall be 70% of the lot area. Parcel 1 will have an impervious surface of approximately 49% while Parcel 2 is approximately 10%. This is met.

Subsection 16.20.030.F requires that sight distance be protected by maintaining vision clearance areas. No new construction is proposed within the vision clearance area.

C. Overall Design of Parcels

Both parcels proposed in this partition are suitable for the existing single-family residential use proposed. Parcels 1 and 2 contain the existing homes and meet the setback requirements on the three sides affected by this application. Parcel 2 is rectangular in nature and provides sufficient room for future access and redevelopment. Easements for utilities and sidewalks along the street frontages of these parcels will be provided as required by the City.

D. Street Access

Both parcels in this partition have direct access to a City street. No private roads are proposed.

E. Service Availability

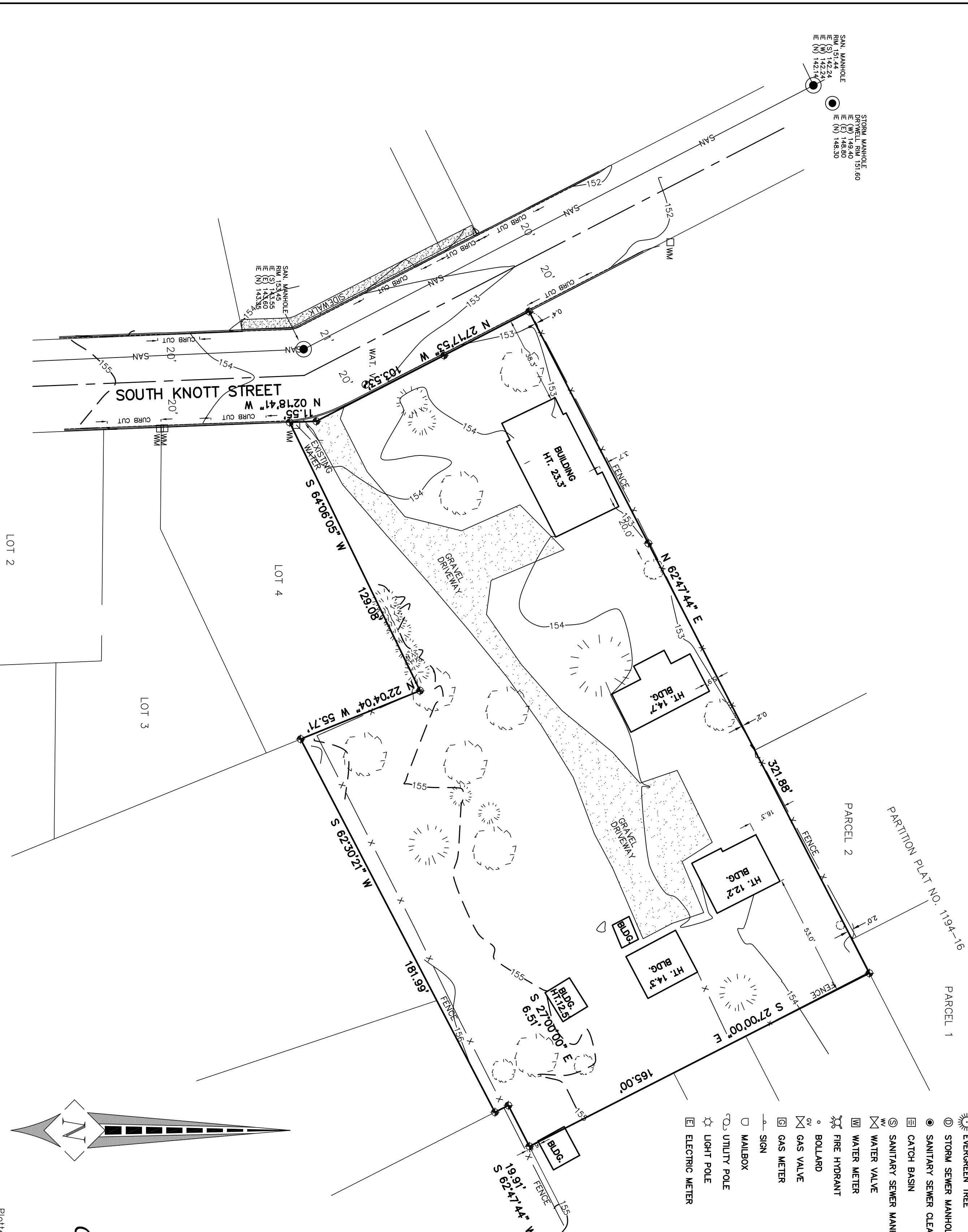
All services required for servicing the existing homes on Parcels 1 and 2 are in place and readily available along the site's frontage on S. Knott St. Sanitary sewer and Canby water are available in S. Knott St. Storm drainage will continue to be accommodated on-site. Telephone, gas, and electric services are also available along the street frontage of the subject property.

Conclusion

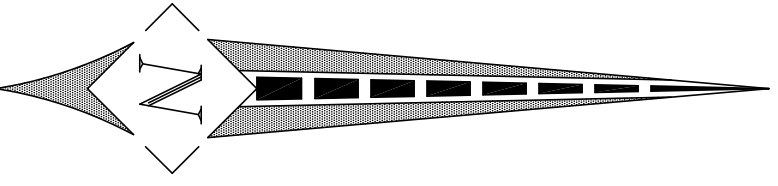
The proposed partition complies with the applicable comprehensive plan policies and development standards. Adequate services will continue to provide for the needs generated by the homes on Parcel 1 and 2. Approval of this application is hereby

EXISTING CONDITIONS MAP

TAX LOT 5000, LOCATED IN THE
 S.E. 1/4 SECTION 33, T.35, R.1E., W.M.,
 CITY OF CANBY, CLACKAMAS COUNTY, OREGON
 DECEMBER 31, 2014 SCALE 1"=30'



- LEGEND:**
 Some Symbols shown may not be used on map
- DECIDUOUS TREE
 - EVERGREEN TREE
 - STORM SEWER MANHOLE
 - SANITARY SEWER CLEANOUT
 - CATCH BASIN
 - SANITARY SEWER MANHOLE
 - WATER VALVE
 - WATER METER
 - FIRE HYDRANT
 - BOLLARD
 - GAS VALVE
 - GAS METER
 - SIGN
 - MAILBOX
 - UTILITY POLE
 - LIGHT POLE
 - ELECTRIC METER
 - UTILITY AND LIGHT POLE
 - GUY WIRE
 - TRAFFIC SIGNAL POLE
 - ELECTRICAL POWER PEDESTAL
 - COMMUNICATIONS PEDESTAL
 - COMMUNICATIONS MANHOLE
 - OVERHEAD LINE
 - GAS LINE
 - ELECTRICAL LINE
 - COMMUNICATIONS LINE
 - SANITARY SEWER LINE
 - STORM DRAIN LINE
 - WATER LINE
 - FENCELINE
 - ELECTRIC RISER
 - UTILITY RISER



SIGNED ON:
REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON 2007
 NOVEMBER
JAMES BURTON BROWN
 60379

VALID THROUGH DECEMBER 31, 2015

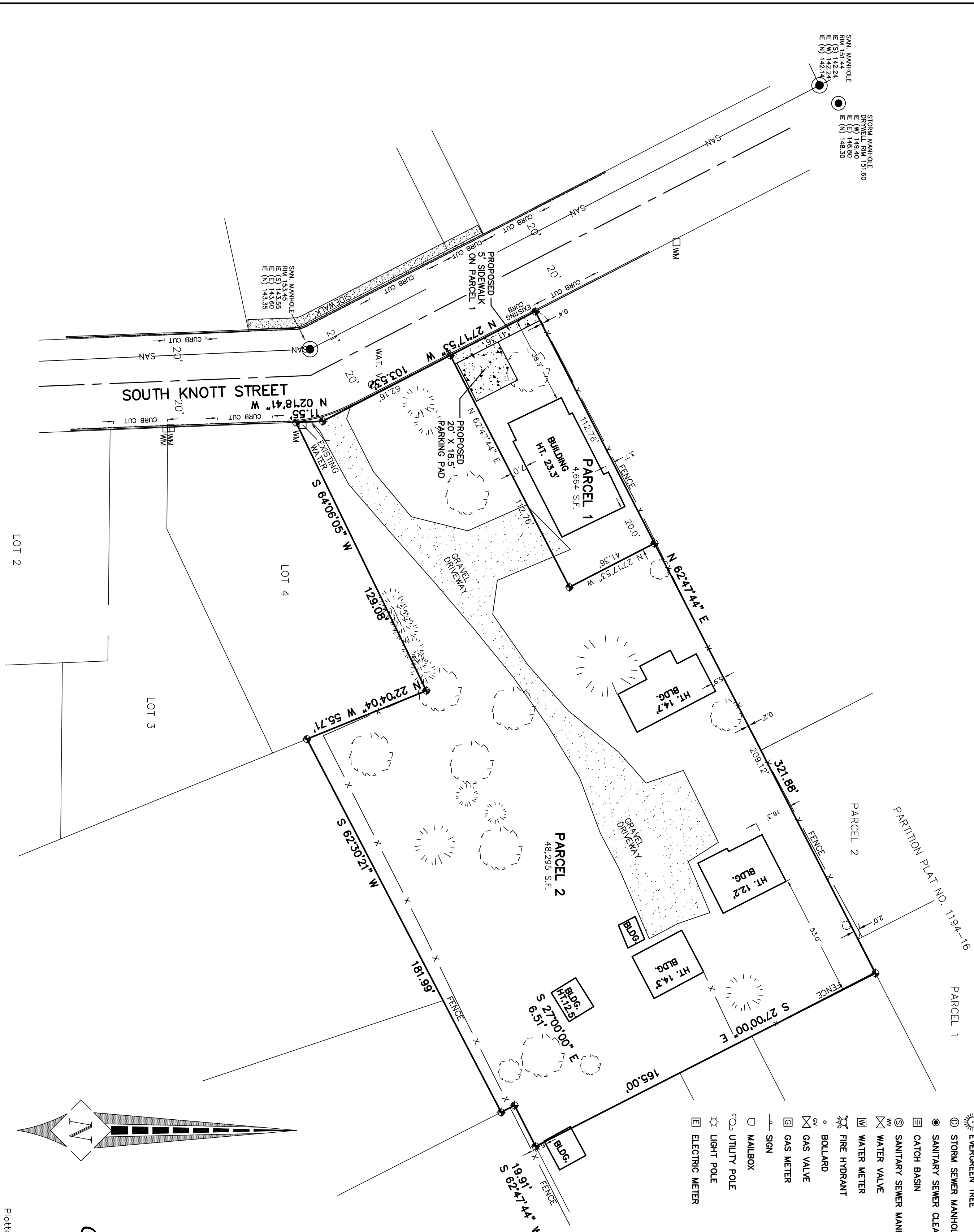


CENTERLINE CONCEPTS
 LAND SURVEYING, INC.

729 MOLALLA AVE., SUITE 1 & 2
 OREGON CITY, OREGON 97045
 PHONE 503.650.0188 FAX 503.650.0189
 Plotted: M:\PROJECTS\BRISTOL-KNOTT STREET\dwg\PLAN MAP.dwg

SITE IMPROVEMENTS

TAX LOT 5000, LOCATED IN THE
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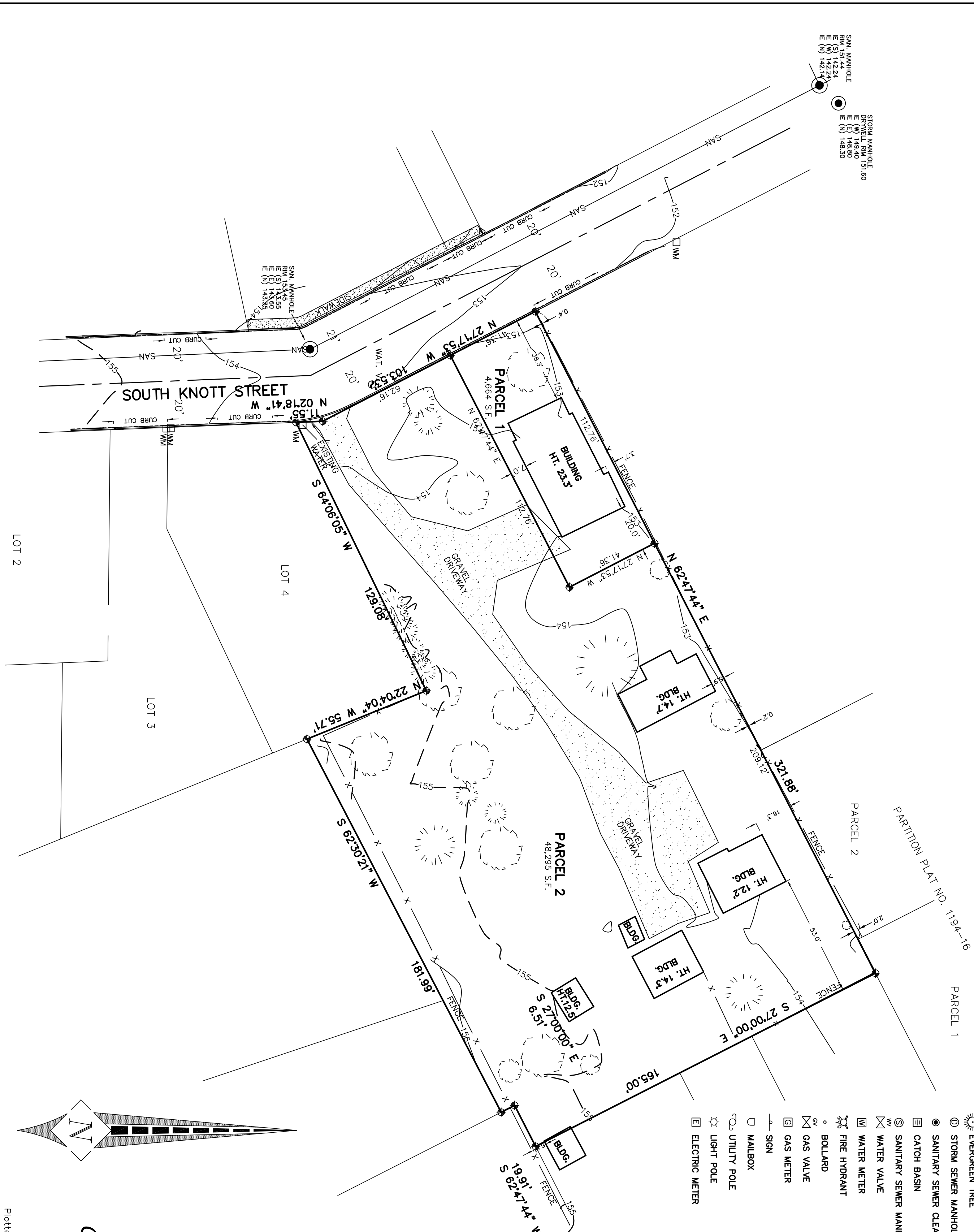
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 Plotted: M:\PROJECTS\BRISTOL-KNOTT STREET\PLAN MAP.dwg

SIGNED ON:

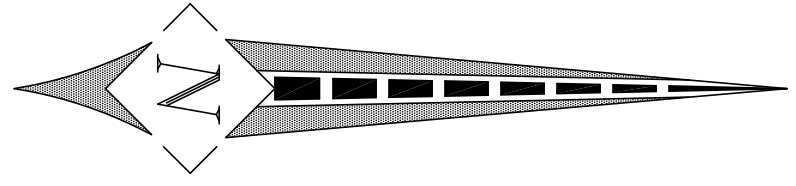
 OREGON 2007
 NOVEMBER
 JAMES BURTON BROWN
 60379
 VALID THROUGH DECEMBER 31, 2015

SITE MAP

TAX LOT 5000, LOCATED IN THE
 S.E. 1/4 SECTION 33, T.35, R.1E., W.M.,
 CITY OF CANBY, CLACKAMAS COUNTY, OREGON
 DECEMBER 31, 2014 SCALE 1"=30'



- LEGEND:**
 Some Symbols shown may not be used on map
- | | | | |
|--|-------------------------|--|---------------------------|
| | DECIDUOUS TREE | | UTILITY AND LIGHT POLE |
| | EVERGREEN TREE | | GUY WIRE |
| | STORM SEWER MANHOLE | | TRAFFIC SIGNAL POLE |
| | SANITARY SEWER CLEANOUT | | ELECTRICAL POWER PEDestal |
| | CATCH BASIN | | COMMUNICATIONS PEDestal |
| | SANITARY SEWER MANHOLE | | COMMUNICATIONS MANHOLE |
| | WATER VALVE | | OVERHEAD LINE |
| | WATER METER | | GAS LINE |
| | FIRE HYDRANT | | ELECTRICAL LINE |
| | BOLLARD | | COMMUNICATIONS LINE |
| | GAS VALVE | | SANITARY SEWER LINE |
| | GAS METER | | STORM DRAIN LINE |
| | SIGN | | WATER LINE |
| | MAILBOX | | FENCELINE |
| | UTILITY POLE | | ELECTRIC RISER |
| | LIGHT POLE | | UTILITY RISER |
| | ELECTRIC METER | | |



CENTERLINE CONCEPTS
 LAND SURVEYING, INC.
 729 MOLALLA AVE., SUITE 1 & 2
 OREGON CITY, OREGON 97045
 PHONE 503.650.0188 FAX 503.650.0189

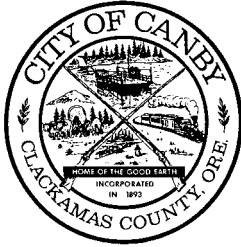
REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON 2007
 NOVEMBER 2007
 JAMES BURTON BROWN
 60379

VALID THROUGH DECEMBER 31, 2015

SIGNED ON:

Plotted: M:\PROJECTS\BRISTOL-KNOTT STREET\PLAN MAP.dwg

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

A REQUEST FOR A MINOR LAND)	FINDINGS, CONCLUSION & FINAL ORDER
PARTITION)	MLP 14-04
1000 N. Pine Street)	ED NETTER

NATURE OF THE APPLICATION

The Applicant has sought approval for a Minor Land Partition #MLP 14-04 creating 2 parcels in a flag lot arrangement with an access and utility easement for the development of a detached single-family home on Parcel 2 and retain the existing home on Parcel 1 on property located at 1000 N. Pine Street and described as Tax Map/Lot 31E34BB 01500, Clackamas County, Oregon. The property is zoned Low Density Residential (“R-1”) under the Canby Municipal Code (“CMC”).

HEARINGS

The Planning Commission considered application MLP 14-04 after the duly noticed hearing on February 9, 2015 during which the Planning Commission approved MLP 14-04. 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 February 9, 2015 and presented at the February 9, 2015 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 the following 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:

- The Planning Commission deliberated and concurred to strike Condition of Approval 8 and 9 in the staff report that required the applicant to provide a Street Tree Plan and pay the appropriate street tree fees and to establish a 12 foot wide street tree easement along the frontage of Parcel 1 finding that no new development was to occur on Parcel 1 that fronts the public street.
- The Planning Commission deliberated and concurred to strike Condition of Approval 14 in the staff report that required the applicant to construct a 6 foot wide sidewalk along the street frontage of Parcel 1 finding no existing sidewalks on this street and undue risk in it being installed in a manner that would match a targeted future overall street improvement project.

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 14-04 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 14-04** is approved, subject to the following conditions:

Minor Partition Conditions Unique to This Request:

1. A sewer and water service plan for the new parcels and impact on service to the existing house shall be submitted and approved by City prior to filing the partition plat of record.
2. The applicant shall construct a 15 foot access and utility easement with a 12 foot paved surface for Parcel 2. A Street Opening Permit may be required during construction.
3. A cross access and maintenance agreement shall be filed of record for the shared access easement and single driveway.
4. The applicant/developer shall be required to provide a minimum 36" wide clear path behind any mailboxes to accommodate ADA requirements prior to filing the partition plat.
5. All work associated with the required paved driveway or utility installations shall secure a street construction permit and comply with City current Public Works Design Standards.
6. The access and utility easement to serve Parcel 2 shall be shown on the recorded

partition plat and a shared access and maintenance agreement recorded with the plat.

7. The applicant is responsible to either relocate all necessary utility services within the proposed 15 foot wide access and utility easements to serve both Parcel 1 and Parcel 2 or provide a private easement across Parcel 1 protecting and assuring continued use of those private service lines where they exist for home retained on the property.

Final Partition Plat Conditions:

8. A final surveyed partition plat shall be prepared by a licensed surveyor for recording the partition plat of record. Prior to recordation with Clackamas County, the plat shall be submitted to the city along with applicable fees for review by the city and other appropriate agencies. The final plat must be submitted to the city within one year of Planning Commission approval or the applicant must request, in writing, a one year extension from the Planning Commission. The applicant or county shall provide the city with a recorded copy of the plat in a timely manner.

Monumentation/Survey Accuracy Conditions

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

Residential Building Permits Conditions:

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.
12. The new home on Parcel 2 shall comply with the residential design standards of CMC 16.21 and both Parcel 1 and 2 must be evaluated to determine if the "infill home" standards are applicable at the time of a building permit.
13. The homebuilder shall apply for a City of Canby Site Plan Permit and County Building Permit for any proposed home.
14. The homebuilder for Parcel 2 shall apply for a City of Canby Erosion Control Permit.
15. On-site stormwater management shall be designed in compliance with the

Canby Public Works Design Standards.

16. Construction shall comply with all applicable City of Canby Public Works Design Standards.
17. 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.
18. 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.

I CERTIFY THAT THIS ORDER approving **MLP 14-04** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 23rd day of February, 2015

 Tyler Smith
 Planning Commission Chair

 Bryan Brown
 Planning Director

 Attest

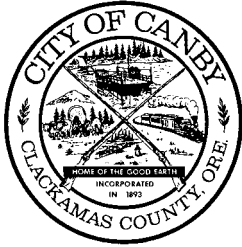
ORAL DECISION: February 9, 2015

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Tyler Smith</i>	✓			
<i>John Savory</i>	✓			
<i>Shawn Hensley</i>	✓			
<i>John Serlet</i>	✓			
<i>Larry Boatright</i>	✓			
<i>Vacant</i>				
<i>Vacant</i>				

WRITTEN DECISION: February 23, 2015

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Tyler Smith</i>	✓			
<i>John Savory</i>	✓			
<i>Shawn Hensley</i>	✓			
<i>John Serlet</i>	✓			
<i>Larry Boatright</i>	✓			
<i>Vacant</i>				
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**BEFORE THE PLANNING COMMISSION
OF THE CITY OF CANBY**

A REQUEST FOR A MINOR LAND PARTITION/SUBDIVISION 1868 SE 13th Avenue)))	FINDINGS, CONCLUSION & FINAL ORDER SUB/MLP 15-01 Larry & Betty Faist
------------------------------------------------------------------------------------------------	-------------	---------------------------------------------------------------------------------------------

NATURE OF THE APPLICATION

The Applicant has sought approval for a Minor Land Partition and concurrent Subdivision (SUB/MLP 15-01) creating 3 parcels and dividing the northern parcels into a 30 lot subdivision on property located at 1868 SE 13th Avenue and described as Tax Map/Lot 41E03BD 02900, Clackamas County, Oregon. The property is zoned Low Density Residential (“R-1”) under the Canby Municipal Code (“CMC”).

HEARINGS

The Planning Commission considered application MLP/SUB 15-01 after the duly noticed hearing on February 9, 2015 during which the Planning Commission approved SUB/MLP 15-01. These findings are entered to document the approval.

CRITERIA AND STANDARDS

In judging whether or not a Minor Land Partition/Subdivision 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 February 9, 2015 and presented at the February 9, 2015 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/Subdivision 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 the following 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:

- They concurred with testimony that traffic on S Teakwood Street would increase but supported the conclusions of the traffic impact analysis performed by Lancaster Engineering with concurrence from DKS Associates – the City’s contract traffic engineer - in finding that the level of service on S Teakwood and intersection with SE 13th Avenue would remain well below levels of concern.
- It was acknowledged after discussion that allowing a portion of the public sidewalk to be placed within a designated public pedestrian easement on private property paralleling the public street is a suitable way to conform to the adopted local street cross-section and provide a balance between private lot land utilization and public right-of-way community needs.
- They eliminated Condition of Approval #5 listed in the staff report as confirmed to be unnecessary and substituted a new condition recommended by the City Engineer to require the relocation of the existing gravel driveway approach to Parcel 2 from S Teakwood northward to align with the future extension of SE 11th Place to minimize disruption of street and curb improvements when that street is extended in the future.
- Clarified that the street tree plan and associated street tree easement shall only apply to the subdivision.
- Supported staff’s recommendation that four feet of additional right-of-way along the east side of S Teakwood Street be secured not only with the subdivision but also along the frontage associated with the minor partition.

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 and residential Subdivision applications meet all applicable approval criteria, and recommending that Files #SUB/MLP 15-01 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/Subdivision approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **MLP/SUB 15-01** is approved, subject to the following conditions:

General Public Improvement Conditions:

1. Prior to the start of any public improvement work, the applicant must schedule a pre-construction conference with the city and obtain construction plan sign-off from applicable agencies.
2. The development shall comply with all applicable City of Canby Public Works Design Standards.
3. Easements for the optional turnarounds on adjacent property shall be recorded

- prior to any development on lots 7, 17, and 24.
4. Minimum floor elevations must be shown for certain designated lots as indicated on Sheet 6, Sanitary Sewer, and reflected on the building permit plot plan.
 5. Relocate the existing gravel driveway approach to Parcel 2 from S Teakwood Street northward to align with the future extension of SE 11th Place in a manner conforming to the City public works design standards for a residential drive.
 6. The final construction design plans shall conform to the comments provided by the City Engineer in his memorandum dated January 28, 2015.

Fees/Assurances:

7. All public improvements are normally installed prior to the recordation of the final plat. If the applicant wishes to forgo construction of any portion of the public improvements until after the recordation of the final plat, then the applicant shall provide the City with appropriate performance security (subdivision performance bond or cash escrow) in the amount of 110% of the cost of the remaining public improvements to be installed.
8. If the applicant chooses to provide a subdivision performance bond for some or all of the required public improvements, the applicant shall obtain a certificate from the city engineer that states:
 - a. The applicant has complied with the requirements for bonding or otherwise assured completion of required public improvements.
 - b. The total cost or estimate of the total cost for the development of the subdivision. This is to be accompanied by a final bid estimate of the subdivider's contractor, if there is a contractor engaged to perform the work, and the certificate of the total cost estimate must be approved by the city engineer.
9. The applicant must guarantee or warranty all public improvement work with a 1 year subdivision maintenance bond in accordance with 16.64.070(P).
10. The applicant must pay the city Master Fee authorized engineering plan review fee equal to 0.4% of public improvement costs prior to the construction of public improvements (approval of construction plans)

Streets, Signage & Striping:

11. The street improvement plans for S. Teakwood Street frontage and the interior streets shall conform to the TSP and Public Works standards as indicated by the city engineer.
12. A roadway striping plan shall be submitted by the applicant and shall be approved by city engineer and by the Public Works street department prior to the construction of public improvements.
13. A roadway signage plan shall be submitted by the applicant and shall be approved by the city engineer and by the Public Works street department prior to the construction of public improvements.
14. The applicant shall be responsible for installing all required street signage and striping at the time of construction of public improvements, unless

other arrangements are agreed to by the City.

Sewer:

15. The applicant shall submit documentation of DEQ approval of the sewer plans to the City Engineer prior to the construction of this public improvement.

Storm Water:

16. Storm water systems shall be designed in compliance with the Canby Public Works Design Standards as determined by the City Engineer.
17. The applicant shall construct DEQ approved drywells at the end of each street within of subdivision.

Grading/Erosion Control:

18. The applicant shall submit grading and erosion control plans for approval by Canby Public Works in conjunction with construction plan approval prior to the installation of public improvements and start of grading.
19. The applicant shall grade all areas of the site, including the proposed lots, to minimize the amount of soil to be removed or brought in for home construction.

Final plat conditions:

General Final Plat Conditions:

20. The applicant shall apply for final plat approval at the city and pay any applicable city fees to gain approval of the final subdivision plat. Prior to the recordation of the final plat at Clackamas County, it must be approved by the city and all other applicable agencies. The city will distribute the final plat to applicable agencies for comment prior to signing off on the final plat if deemed necessary.
21. All public improvements or submittal of necessary performance security assurance shall be made prior to the signing and release of the final plat for filing of record.
22. The final plat shall conform to the necessary information requirements of CMC 16.68.030, 16.68.040(B), and 16.68.050. The city engineer or county surveyor shall verify that these standards are met prior to the recordation of the subdivision plat.
23. All “as-builts” of public improvements, including: curbing and sidewalks; planter strips; streets; street lighting; street signage; street striping; storm; sewer; electric; water/fire hydrants; cable; underground telephone lines; CATV lines; and natural gas lines, shall be filed at the Canby Public Works and the Canby Planning Department within sixty days of the completion of improvements and prior to the recordation of the final plat.
24. Clackamas County Surveying reviews **pending subdivision plat documents for Oregon Statutes and county requirements. A subdivision final plat prepared in substantial conformance with the approved tentative plat must be submitted to the City for approval** within one year of approval of the tentative plat or

- formally request an extension of up to 6-months with a finding of good cause.
25. The applicant shall record the final plat at Clackamas County within 6 months of the date of the signature of the Planning Director.
 26. The applicant shall assure that the city is provided with a copy of the final plat in a timely manner after it is recorded at Clackamas County, including any CC&Rs recorded in conjunction with the final plat.
 27. The City shall assign addresses for each newly created subdivision lot and distribute that to the developer, and other agencies that have an interest.

Dedications

28. The applicant shall show on the final plat the appropriate R.O.W. width dedication of 4 feet to assure a 50 foot R.O.W. width on S. Teakwood Street for the full length of the subject property to SE 13th Avenue. The R.O.W. dedication shall include Parcels 1 and 2 of the partition application, however, sidewalk construction can be waived for these parcels until further subdivision occurs.

Easements

29. A 12 foot utility easement along all of the lot's street frontages shall be noted on the final plat. This easement may be combined with other easements and shall be measured from the property boundary.
30. Sidewalk easements are required along the frontage of the newly created private lots.

Street Trees

31. A Street Tree Plan and shall be submitted with the final plat for the subdivision only, and street tree fees must be paid prior to release of the final plat. The plan will allow the city to establish street trees per the Tree Regulation standards in Chapter 12.32 of the Canby Municipal Code. The total per tree fee amount is determined by the number of trees indicated on the Street Tree Plan developed utilizing the 30 linear feet per tree spacing standard along with ordinance separation requirements along the total street frontage on both sides of all internal streets and the adjacent side of external streets as indicated on the Street Tree Plan.

Monumentation/Survey Accuracy Conditions

32. The county surveyor and/or city engineer shall verify that the lot, street, and perimeter monumentation shall meet the requirements set forth in Oregon Revised Statutes and conform with the additional survey and monumentation standards of 16.64.070(M)(1-3) prior to recordation of the final plat.

Residential Building Permits Conditions:

33. Construction of all required public improvements and recordation of the final subdivision plat must be completed prior to the construction of any homes.
34. The homebuilder shall apply for a City of Canby Site Plan Permit and County

Building Permit for each home.

35. The homebuilder shall apply for a City of Canby Erosion Control Permit.
36. All residential construction shall be in accordance with applicable Public Works Design Standards.
37. On-site storm water management shall be designed in compliance with the Canby Public Works Design Standards.
38. Clackamas County Building Codes Division will provide structural, electrical, plumbing, and mechanical plan review and inspection services for home construction per contract with the City. The applicable county building permits are required prior to construction of each home.
39. 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 driveways widths shall be 24 feet with an allowed exception for 28 feet for a home with 3 or more garages.
40. Sidewalks and planter strips shall be constructed by the homebuilder as shown on the approved tentative plat. All usual system development fees shall be collected with each home within this development.

I CERTIFY THAT THIS ORDER approving **SUB/MLP 15-01** was presented to and **APPROVED** by the Planning Commission of the City of Canby.

DATED this 23th day of February, 2015

 Tyler Smith
 Planning Commission Chair

 Bryan Brown
 Planning Director

 Attest

ORAL DECISION: February 9, 2015

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Tyler Smith</i>	✓			
<i>John Savory</i>	✓			
<i>Shawn Hensley</i>	✓			
<i>John Serlet</i>	✓			
<i>Larry Boatright</i>	✓			
<i>Vacant</i>				
<i>Vacant</i>				

WRITTEN DECISION: February 23, 2015

<i>Name</i>	<i>Aye</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
<i>Tyler Smith</i>	✓			
<i>John Savory</i>	✓			
<i>Shawn Hensley</i>	✓			
<i>John Serlet</i>	✓			
<i>Larry Boatright</i>	✓			
<i>Vacant</i>				
<i>Vacant</i>				