

PLANNING COMMISSION
Meeting Agenda
Monday – December 14, 2015
7:00 PM

City Council Chambers – 155 NW 2nd Avenue

Commissioner John Savory (Chair)

Commissioner Shawn Hensley (Vice Chair)

Commissioner John Serlet

Commissioner Larry Boatright

Commissioner Kristene Rocha

Commissioner Derrick Mottern

Commissioner Tyler Smith

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- 1. CALL TO ORDER**
 - a. *Pledge of Allegiance and Invocation*

 - 2. CITIZEN INPUT ON NON-AGENDA ITEMS**

 - 3. MINUTES**
 - a. *Planning Commission Minutes, November 23, 2015*

 - 4. PUBLIC HEARING**
 - a. *Consider a Minor Land Partition application, (MLP 15-03 – Peter Hostetler. The applicant proposes to partition a parcel located at 483 S Redwood Street creating a second parcel, zoned M-1 Light Industrial.*

 - 5. NEW BUSINESS**
 - a. *Planning Commission Policies & Procedures(By-Laws)*

 - 6. FINAL DECISIONS**

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

 - a. *MLP 15-03 Peter Hostetler*

 - 7. ITEMS OF INTEREST/REPORT FROM STAFF**
 - a. *Next Regular Planning Commission meeting scheduled for Monday, December 28, 2015*
 - *Pioneer Property – Minor Land Partition*

 - 8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION**

 - 9. ADJOURNMENT**

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

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

PUBLIC HEARING FORMAT

The public hearing will be conducted as follows:

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

All interested persons in attendance shall be heard on the matter. If you wish to testify on this matter, please 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 – November 23, 2015
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Commissioners John Savory, Shawn Hensley, John Serlet, Kris Rocha, and Derrick Mottern
ABSENT: Larry Boatwright and Tyler Smith
STAFF: Bryan Brown, Planning Director, and Laney Fouse, Planning Staff, and Clint Coleman, Councilor and Planning Liaison
OTHERS: Scott Salisbury, Jason Phillips, Scott McCormack Charles Burden, Pat Sisul, Craig Lewelling, and Craig Harris

1. CALL TO ORDER

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

2. CITIZEN INPUT – None

3. MINUTES

a. September 28, 2015 Planning Commission Minutes

Motion: A motion was made by Commissioner Rocha and seconded by Commissioner Serlet to approve the September 28, 2015, minutes as written. Motion passed 5/0.

4. PUBLIC HEARING

a. Consider a site and design and conditional use approval to construct a new self-storage facility. (Canby Self-Storage DR 15-06/CUP 15-03)

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

Bryan Brown, Planning Director, entered his staff report into the record. He discussed the Site and Design Review and Conditional Use for the two zones on the property, CM and M-1, and the Industrial Zone Overlay. The City Council recently made a policy to not enforce the 12 person per acre requirement in the Industrial Park, but to make it a target to aspire to. This project would create one full time and two part time employee positions. The use was permitted outright in the M-1 zone if it was considered a warehouse use, however the Industrial Overlay District said uses that did not relate to and support industrial uses needed a Conditional Use Permit. It could be considered a commercial use which was outright permitted in the CM zone. Staff recommended approval of this use in this location. Mr. Brown then discussed the elevations of the buildings. The applicant was proposing metal roll up doors and the Industrial Overlay District said the exterior was not to have metal, but metal accents were allowed. He then

discussed the landscape design, chain link fence, two phases which included buildings A & B first with C & D to come at a later date, road improvements on SE First Avenue, and driveway access with a right turn only to exit. The street had the minimum of 20 feet of road width to allow two-way traffic. The applicant agreed to sign a Waiver of Remonstrance Agreement to future local improvements that would require them to connect to a future gravity sewer line on SE First when other properties developed or to not protest a Local Improvement District the Council might want to form for the benefit of the surrounding properties that would install a sewer line. The proposed facility would have one restroom for the employees. A gravity sewer system would eventually be constructed to serve the other lots in this area, but he thought it was appropriate to allow the applicant to use a private grinder pump system connected to a private line to pump the sewage to a manhole in SE First in the meantime. The applicant thought visibility on 99E was important and would like a pole sign, but pole signs were not allowed in the Industrial Overlay District. The CM district did allow large monument signs and a 30 foot high monument sign was being proposed and it would be put in the CM zone. At the time other properties were developed they would have to do away with their private grinder pump system and connect with the gravity sewer or not protest and participate in a Local Improvement District to get the needed improvements on First Avenue. The traffic study recommendations were for the right turn out only. A letter was received from one of the adjacent business owners, Scott McCormack, in objection to the applicant using a metal roof. In talking with the applicant, it would not be a roof that people could see due to the elevations. This was true for most of the buildings in the Industrial Park. The parking standard was one parking space for every 1,000 square feet and this would be built out to about 43,000 square feet. However, that did not make sense for this warehouse facility. Staff looked at a parking generation study which indicated for a warehouse use of this many square feet, there should be seven parking spaces. The City's Code said a minimum of five parking spaces for a warehouse. The applicant was proposing six parking spaces. Staff thought that was sufficient. Staff recommended approval with the conditions in the staff report with the exception of modifying Condition #2 regarding extending the gravity fed sanitary line to the development. The condition was written before the applicant agreed to the alternative for the private grinder pump. The modification would read, "Conform with the applicable findings of the City Engineer except regarding the sanitary sewer service for which agreement had been made to allow a grinder pump and private line to be installed with a tracer wire in the SE First Avenue right-of-way to an existing manhole located approximately 200 feet to the west of the property." He also suggested adding a Condition #9 which would state, "The applicant shall execute and record a prepared consent to local improvements and Waiver of Remonstrance Agreement to assure future connection to the public sanitary sewer at the time a gravity sewer main was available in SE First Avenue when extended to or across the easterly property line of the development by others and to consent to the formation of an LID by the City Council for the purpose of assessing the cost of such sanitary sewer improvement projects to the benefitted properties including any part of this property." The stormwater would be handled separately on the site.

Applicant: Scott Beck, architect in Canby, said the project was to construct four buildings in two phases. He discussed the cutting edge design, log in kiosk, and modern look of the buildings. The purpose of the use of metal was to eliminate a pole building appearance. Metal buildings could be tastefully done like JV Northwest. He explained the materials were primarily hardy cement panels to give the appearance of stucco and concrete tilt. The metal doors were a necessary evil as wooden doors tended to warp and required more maintenance. It was difficult to find another door type that would be appropriate. Other metal components would be the door jams and headers. He described the perimeter landscaping. This was a flag lot and not as desirable for certain types of businesses that wanted street frontage. He thought a mini storage facility made sense for this type of property. He showed examples of what the metal roof would look like. It would not be unattractive and because of the flat pitch it would not be seen. There would be security cameras on the property as well.

Jason Phillips, co-owner of the property, explained they were still deciding whether or not the project needed to be done in two phases due to finances. They were seeking approval for two phases in case that was what had to be done. They had discussed putting down asphalt in the C and D building area if it was done in phases.

Proponents:

Jason Phillips, co-owner of the property, said the unique shape of the property lent itself well to a project like this to pull vehicles off of the main street and use the key pad to gain access. Customers would not be obstructing any traffic flow. The property had been vacant for several years and no buildings were being proposed on the nearby parcels. They would be adding value and taxes to the City as well as construction jobs. There would be an employee on site 24 hours, seven days a week to answer problems or questions from customers as well as janitorial and landscape staff. The project would have low impact on utilities. There weren't a lot of alternatives to the metal doors as they needed to roll up into a drum.

Scott Salisbury, resident on Henrici Rd in Oregon City, said in order to use the kiosk people had to pay with their credit card for a passcode. When they came to the gate they were on camera and the security showed what time they came and when they left. Storage space was in demand and was a need in the City. If they had to do it in phases, construction of the second phase would happen quickly. Regarding the metal doors, there was no other option.

Opponents: None

Neutral:

Craig Lewelling, property owner in the Industrial Park, had participated in the creation of the Overlay Zone and the purpose of the zone was to make the park a high quality park that had

good family wage jobs. He also discussed cost fairness and the Advanced Financing District for Hazel Dell Way. They had to come up with a formula to make it equitable and fair.

Craig Harris, AAI Engineering of Beaverton, said when the park was created and streets put in, there was a formula created for properties using the systems to participate in bringing the systems up to speed. They were happy about the waiver for remonstrance for the sewer, but it needed to cover more of the improvements. He did not know if RV storage was a use that was allowed, and if it was, the RV storage would need screening. The buildings were all backed up to the property line and once all the phases were built the roll up doors would not be seen. If they stayed with the same color palette, the roof would not be an issue. He discussed the stormwater system on behalf of Charlie Burden, which was too close to Mr. Burden's drinking water well.

Charlie Burden was representing the property owners of CCD Hazel Dell LLC to the north of this property at 23230 S Hwy 99E. He wanted to make sure the well was safe. It looked like the stormwater system was within the 100 foot zone and it should be extended outside of that zone. He wanted to make sure what was done onsite did not contaminate the drinking water system.

Rebuttal:

Pat Sisul of Sisul Engineering, 375 N Portland Avenue, Gladstone, said they were not aware of the well and could certainly move the stormwater infiltration system for the lower part of the site to create a 100 foot separation. If Mr. Burden allowed them to come on his property to do a survey on the location of the well, they could make sure there would be adequate distance from his well. He explained how the stormwater system was planned for the site.

Chair Savory closed the public hearing at 8:00 pm.

Commissioner Deliberation:

Commissioner Rocha asked about the aesthetics of the buildings and blending in with the rest of the area.

Mr. Salisbury replied this would be set back from the street and those buildings that could be seen would be made to look aesthetically pleasing.

Chair Savory was glad to hear the well request could be accommodated. He did not have a problem with the metal roof and doors. The Planning Commission had recommended the number of employees per acre be waived for applications such as this and the Council had addressed the issue. His major concern was since they were already at the 20 foot minimum for the street width, people would not follow the right turn only sign and try to make left hand turns out. He thought there needed to be some sort of a divider to prevent that from happening.

Mr. Harris clarified that type of divider was called a pork chop.

Mr. Brown suggested modifying Condition #1 to read, “Comply with the findings of DKS traffic analysis including the requirement for a physical improvement such as a pork chop to direct traffic for a right turn out only while still allowing left turns in.” He also suggested adding a Condition #10, “The applicant shall comply with the required separation distances from the existing well.”

Motion: A motion was made by Commissioner Serlet and seconded by Commissioner Rocha to approve Canby Self Storage DR 15-06/CUP 15-03 with the modifications to Condition #1 and #2 and adding Condition #9 and #10 as proposed by staff. Motion passed 5/0.

5. NEW BUSINESS – None

6. FINAL DECISIONS

a. Canby Self Storage DR 15-06/CUP 15-03

Mr. Brown said he would add the modified and additional conditions as well as the following findings: agreement for the use of the private grinder system, the amount of metal utilized was appropriate, and due the unique use, the overhead metal doors were functionally required.

Motion: A motion was made by Commissioner Hensley and seconded by Commissioner Serlet to approve the Final Findings for Canby Self Storage DR 15-06/CUP 15-03 as modified. Motion passed 5/0.

7. ITEMS OF INTEREST / REPORT FROM STAFF

a. Next regular Planning Commission meeting scheduled for Monday, December 14, 2015

1. Minor Land Partition – Mr. Brown said the Hostetler Minor Land Partition was the only item on the December 14 agenda.
2. Leave of Absence – Mr. Brown stated that now there was a new Planning Commissioner, he strongly urged the Commission to make a formal decision on Commissioner Smith’s long term leave of absence.

Chair Savory recommended that Mr. Smith resign as he had stayed at the request of the Commission because they were short on members. He would talk to Mr. Smith about it.

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

Chair Savory welcomed new Commissioner Mottern.

There was discussion regarding formalizing a process to handle long term absences by Planning Commissioners.

9. ADJOURNMENT

Motion: Commissioner Rocha moved for adjournment, Commissioner Hensley seconded. Motion passed 5/0. Meeting adjourned at 8:27pm.

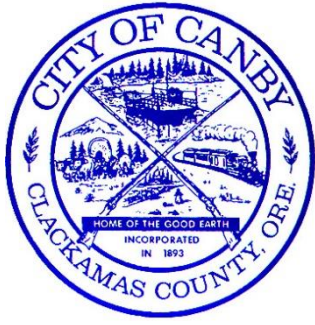
The undersigned certify the November 23, 2015 Planning Commission minutes were presented to and APPROVED by the Planning Commission of the City of Canby.

DATED this 14th day of December, 2015

Bryan Brown, Planning Director

Laney Fouse, Meeting Recorder

Assisted with Preparation of Minutes – Susan Wood



City of Canby

MINOR PARTITION STAFF REPORT

FILE #: MLP 15-03

Prepared for the December 14, 2015 Planning Commission Meeting

LOCATION: 483 S Redwood St

ZONING: M-1 Light Industrial

Tax lots: 31E34C 01810 (Property bordered in red below)



LOT SIZES: 2.01 ACRES

OWNERS: Merlin C. Buser

APPLICANT: Peter Hostetler

APPLICATION TYPE: Minor Partition (Type III)

CITY FILE NUMBER: MLP 15-03

I. PROJECT OVERVIEW & EXISTING CONDITIONS

The applicant proposes to partition an existing 2.01 acre parcel into two parcels containing approximately 1.2 acres and 0.8 acres each. An existing industrial building will remain on the proposed 1.2 acre parcel (Lot 1 on the site plan), and the proposed 0.8 acre parcel (Lot 2) will result in vacant land designated for developed at a later date. An existing driveway will continue to access the industrial building on proposed Lot 1, while an additional access will be created for Lot 2 when the parcel is developed in the future. Sidewalk and street improvements required under Section 16.10 are already in place at the site as a result of previous development. Any future access shall meet all applicable requirements.

ATTACHMENTS:

- A. Applicant Narrative
- B. Site Plan

AGENCY AND PUBLIC COMMENTS:

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

The City Engineer commented that no public improvements are required and sewer and water connections can be permitted during the building permit process.

Northwest Natural Gas stated that service is available at the site.

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
- 16.32 M-1 Light Industrial Zone
- 16.46 Access Limitations on Project Density
- 16.56 Land Division General Provisions
- 16.60 Major or Minor Partitions
- 16.64 Subdivisions-Design Standards
- 16.88 General Standards and Procedures
- 16.89 Application and Review Procedures
- 16.120 Parks, Open Space, and Recreation Land General Provisions

Chapter 16.08 General Provisions

16.08.010 Compliance with title

No building, structure, or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered contrary

to the provisions of this title. *No lot area, yard, or required off-street parking or loading area existing on or after the effective date of the ordinance codified in this title shall be reduced in area, dimension, or size below the minimums required by this title, nor shall any lot area, yard, or required off-street parking or loading area that is required by this title for one use be used to satisfy the lot area, yard, off-street parking or loading area requirement for any other use, except as may be provided in this title.* (Ord. 740 section 10.3.05(A), 1984)

16.08.070 Illegally created lots

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

Findings: The property was previously created as Parcel 3 of Partition Plat 1994-52 and is considered a legal parcel for land use purposes. The proposal meets the above criteria.

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 proposal does not include any new use or development on the property, and the project did not meet TIS requirements listed in Chapter 16.08.150.

16.08.160 Safety and Functionality Standards

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

Findings: Upon future 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.

16.32 M-1 Light Industrial Zone

16.32.030 Development Standards:

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

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

Findings: The subject property is situated within the M-1 Zone and the minimum lot size is 5000 square feet per Section 16.32.030. The smallest lot in the proposed partition is 0.8 acres, or 34,848 square feet, and the proposal also meets minimum width and frontage requirements.

16.46 Access Limitations on Project Density

TABLE 16.46.30

Access Management Guidelines for City Streets*

Street Facility	Maximum spacing** of roadways	Minimum spacing** of roadways	Minimum spacing** of roadway to driveway***	Minimum Spacing** driveway to driveway***
Arterial	1,000 feet	660 feet	330 feet	330 feet or combine
Collector	600 feet	250 feet	100 feet	100 feet or combine
Neighborhood/Local	600 feet	150 feet	50 feet****	10 feet

Findings: There is no evidence that 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. Based upon staff's calculations, any future driveway access to the new parcel will meet the driveway spacing provisions of the above table.

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 waive immediate requirements if construction is not instigated prior to filing the final plat. In this particular case construction is not proposed and will take place at a later date. Future public improvements are not necessary according to comments from the City Engineer, and a review of

future improvements on the property are guaranteed through the required site and design review application process.

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 new lot. Extending individual service laterals within any future access and utility easement from the main utilities services located in the existing adjacent public streets will be necessary. Access to the newly created parcels would occur over an existing driveway access and any future 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 City Engineer commented that all public improvements are in place and no new improvements are required.

- 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

As noted under 16.60.020 above, 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.

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 frontages 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. The plat shall include a 12 foot wide street tree easement along the adjacent street frontages to allow planting street trees on private property behind the curb tight sidewalk.

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: As previously stated sidewalks along the property frontages are developed as a result of previous development of the property. Therefore, the pedestrian way standards are 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.

16.64.060 Grading of building sites.

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

Findings: One of the proposed parcels is currently developed with an industrial use, and the above criteria will be addressed during the site and design review process when future development occurs on the vacant parcel. 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 Engineer stated that no additional public improvements are required for this project.

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 when improvements are not required or construction has yet to take place.

- 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, the City Engineer stated that no public improvements are required, and future development will result in a site and design review application process.

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 stormwater must be retained onsite per Chapter 4 of the Canby Public Works Design Standards and be reviewed during future construction on the site.

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 occurred on the property street frontages.

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

Findings: No new streetlights are proposed or required at this time.

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: No new streets or improvement are necessary.

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

16.89.010 Purpose The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to review applications and participate in the decision-making process in a timely and effective way. (Ord. 1080, 2001)

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. However, based on information in the file, a neighborhood meeting was held on November 12, 2015 and a pre-application conference was held on September 8, 2015.

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.

1. The required parkland shall be dedicated as a condition of approval for:
 - a. Approval of a tentative plat of a subdivision or partition.

Findings: Criteria in this section require that System Development Charges (SDCs) be collected at the time of any future construction on the newly created 0.8 acre parcel.

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 15-03 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. All work associated with the future paved driveway access or utility installations shall secure a street construction and street opening permit and comply with City current Public Works Design Standards.
3. Any utility easement to serve Parcel 1 and Parcel 2 shall be shown on the recorded partition plat.
4. 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.
5. 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:

6. 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

7. 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.
8. 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.

Narrative

A. Conformance with the text and applicable maps of the comprehensive plan:

Existing vacant portion of land located on the North side of 483 S Redwood Street is proposed to be partitioned to provide yet another M-1 zoned lot of sufficient size to accommodate multiple approved uses in such zoning.

B. Conformance with other applicable requirements of the land development and planning ordinance:

Proposed partition is of such size to meet access requirements from the city's collector street.

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 of development of adjacent properties:

The arrangement of the proposed parcel is such that per the preapplication conference no issues were brought up by utility companies in providing all necessary utilities for the future development of the lot. The proposed parcel will not need any easements from adjacent properties for its future development.

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:

Proposed lot has direct access to city's collector street.

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:

Proposed lot already has public sidewalk across the front of the lot and no additional public facilities will be needed until driveway apron is proposed at later date.

PARCEL 2
 PARTITION PLAT NO. 1994-52
 S89°36'00"E 303.84'

LOT 4

LOT 2

AREA=35,622
 (0.8 ACRE)

118.44'

"RUSTBUSTERS"

S89°38'04"E 120.85'

PROPOSED
 PROPERTY LINE

S89°31'07"E 168.62'

LOT 1

N00°00'03"E 334.54'

65.5'

64.9'

LOT 1

216.10'

EXISTING
 BUILDING

AREA=52,117
 (1.2 ACRES)

EXISTING DRIVEWAY 54' FROM
 SOUTHERN PROPERTY LINE

PROPERTY FRONTAGE WHERE
 DRIVEWAY ACCESS COULD BE
 LOCATED PER TABLE 16-46.30

L=79.97'
 R=220.00'

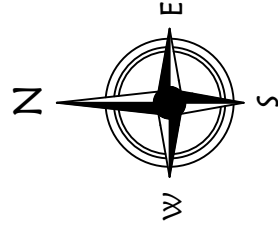
L=126.17'
 R=220.00'

L=159.96'
 R=280.00'

L=26.33'
 R=17.00'

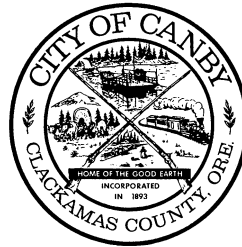
TOWNSHIP ROAD

S88°45'55"W 207.26'



Scale: 1" = 50'

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



**A REQUEST FOR A MINOR LAND)
PARTITION)
483 South Redwood Street)**

**FINDINGS, CONCLUSION & FINAL ORDER
MLP 15-03
Peter Hostetler**

NATURE OF THE APPLICATION

The Applicant has sought approval for a Minor Land Partition #MLP 15-03 creating 2 parcels containing approximately 1.2 acres and 0.8 acres each located at 483 South Redwood Street and described as Tax Map/Lot 31E34C 01810, Clackamas County, Oregon. The property is zoned Light Industrial (“M-1”) under the Canby Municipal Code (“CMC”).

An existing industrial building will remain on the proposed 1.2 acre parcel (Lot 1 on the site plan), and the proposed 0.8 acre parcel (Lot 2) will result in vacant land designated for developed at a later date. An existing driveway will continue to access the industrial building on proposed Lot 1, while an additional access will be created for Lot 2 when the parcel is developed in the future. Sidewalk and street improvements required under Section 16.10 are already in place at the site as a result of previous development. Any future access shall meet all applicable requirements.

HEARINGS

The Planning Commission considered application MLP 15-03 after the duly noticed hearing on December 14, 2015 during which the Planning Commission approved MLP 15-03. These Findings are entered to document the approval.

CRITERIA AND STANDARDS

In judging whether or not a Minor Land Partition application shall be approved, the Planning Commission determines whether criteria from the *City of Canby Land Development and Planning Ordinance* are met, or can be met by observance of conditions. Applicable code criteria and standards were reviewed in the Staff Report dated December 14, 2015 and presented at the December 14, 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:

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 15-03 be approved with the Conditions of Approval reflected in the written Order below.

ORDER

The Planning Commission concludes that, with the following conditions, the application meets the requirements for Minor Land Partition approval. Therefore, **IT IS ORDERED BY THE PLANNING COMMISSION** of the City of Canby that **MLP 15-03** is approved, subject to the following conditions:

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. All work associated with the future paved driveway access or utility installations shall secure a street construction and street opening permit and comply with City current Public Works Design Standards.
3. Any utility easement to serve Parcel 1 and Parcel 2 shall be shown on the recorded partition plat.
4. 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.
5. 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:

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6. 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

- 7.** 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.
- 8.** 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.

Planning Commission Policies & Procedures

(By-Laws)

Proposed Amendment Additions

Vacation of Office; Removal from Office. Any Commissioner who has been absent from three consecutive regularly scheduled meetings or half of all scheduled and held meetings in any given one year time period, without an approved extended leave of absence or having advised the Chair and staff advisor of the circumstance of the absence, shall be reported to the Mayor and City Council for consideration for removal from the Commission for nonperformance of duty. Such notice will also be sent to the absent Commissioner who shall have 14 days to provide reasons justifying his absence prior to the City Council taking any action to terminate the member's appointment. The City Council shall fill any resulting vacancy as soon as practicable.

Leave of Absence. A Commissioner shall have an obligation to provide notice of an impending leave of absence with dates noted to the Commission Chair, staff advisor, and City Recorder who will forward such notice to the City Council. The City Council may authorize an extended leave of absence for Planning Commission members for a period not to exceed six (6) months for reasons of serious illness, accident, family emergency, being called to military service, and other possible extraordinary reasons. The City Council, in the event of a grant of a leave of absence may, in order to provide continuity on the Commission, appoint a "temporary appointee" who is willing to act to serve on behalf of and in place of said absent member during such member's absence.