

PLANNING COMMISSION

Meeting Agenda

Monday – July 26, 2010

6:00 PM – Work Session

City Hall Conference Room – 182 N Holly Street

7:00 PM - Regular Meeting

City Council Chambers – 155 NW 2nd Avenue

Chair Dan Ewert – Vice Chair Janet Milne

Commissioners Sean Joyce, Charles Kocher, John Proctor, Misty Slagle and Randy Tessman

1. CALL TO ORDER

2. CITIZEN INPUT ON NON-AGENDA ITEMS

3. PUBLIC HEARINGS

a. Approval of a Minor Land Partition for 2 lots at 228 NE 10th Ave. One lot will be 7,000 sq ft and the remaining lot of 10,920 sq ft will contain an existing house. (Clackamas County Assessor Map & Tax Lot No. 31E34C-03400). **MLP 10-01** – Staff: Bryan Brown, Planning Director

4. NEW BUSINESS

5. FINAL DECISIONS

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

a. **MLP 10-01 - Engler**

6. MINUTES

June 28, 2010

7. ITEMS OF INTEREST/REPORT FROM STAFF

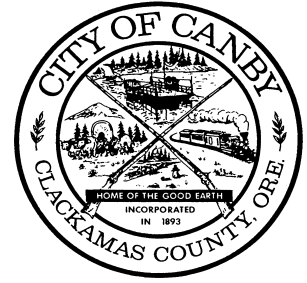
8. ITEMS OF INTEREST/GUIDANCE FROM PLANNING COMMISSION

9. ADJOURNMENT

Topic for Work Session
Proposed Sign Code Modifications

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 to Jill Thorn 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.*



-STAFF REPORT -

APPLICANT'S REQUEST

The applicant is proposing to partition or divide an existing 17,920 square foot property into two parcels.

SPECIFIC DATA

APPLICANT:

Wholesale Real Estate LLC
Attn: Gerry Engler
2075 SW 1st Ave – Suite 2E
Portland, OR 97201

FILE NUMBER/TYPE:

MLP 10-01
Minor Partition

Owner:

Same

STAFF:

Bryan C. Brown
Planning Director

LEGAL DESCRIPTION:

Tax Map: 3-1E-33BA, Tax Lot: 2000
The West 112 feet of Lot 16, Canby Acres

DATE OF REPORT:

July 15, 2010

LOCATION AND LOT SIZE:

228 NE 10th Ave (NE/c NE 10th Ave & N Juniper St)
17,920 square feet

DATE OF HEARING:

July 26, 2010

COMPREHENSIVE PLAN DESIGNATION:

Low Density Residential (LDR)

CURRENT ZONING:

Low Density Residential (R-1)

120-DAY RULE:

The application was deemed complete by letter to the applicant on June 25, 2010 as submitted, thus making the date of complete application on May 28, 2010, the date received. The required

STAFF REPORT
MLP 10-01
Page 1 of 7

application submittal on a disk arrived a few weeks after the submittal date. Therefore, the City must exhaust all local review by September 24, 2010, including any possible appeals per the 120-rule.

PUBLIC NOTICE:

Notice was mailed to property owners and residents within a 200 foot radius of the subject property on July 6, 2010. The property was posted with a sign prepared by staff and posted by the applicant's representative on July 16, 2010. Notice published in the Canby Herald once in either of the two consecutive weeks prior to the hearing occurred on July 21, 2010. Posting of the public hearing at least 10-days before the hearing at City Hall and other locations occurred on July 16, 2010. Therefore, public notice requirements of Chapter 16 of the Canby Municipal Code have been satisfied.

PRE-APPLICATION MEETING:

A pre-application conference was held on February 24, 2010 with the applicant, City staff, and utility company representatives (see attached summary).

APPLICABLE REGULATIONS/APPROVAL CRITERIA:

Canby Municipal Code (CMC) Title 16:

- 16.08 General Provisions
- 16.10 Off-Street Parking and Loading
- 16.16 R-1 Low Density Residential Zone
- 16.56 General Provisions (Land Division Regulations)
- 16.60 Major or Minor Partitions *
- 16.89 Application and Review Procedures

SUMMARY OF PROPOSAL:

Land Use Permit Requirement – City of Canby minor partition approval is required prior to the establishment of and sale of a new lot of record pursuant to CMC 16.60.030. An examination of submitted deeds clearly establish the legal boundary of the existing lot prior to August, 1972 when the requirement to re-plat then took effect.

Development – The applicant is requesting approval of a **Minor Partition** to divide a 17,920 square foot residentially zoned parcel containing an existing detached single-family home into two parcels. Proposed Parcel 1 would retain the existing home and become a 10,920 square foot lot and proposed Parcel 2 would be a 7,000 square foot lot made available for development for a new home site. The proposed new lot boundary would go through the middle of an existing garage building that will be removed as a part of establishing these new legal lots of record. The existing driveway and approach within the Juniper Street right-of-way leading to this garage will be removed and the street curbing and sidewalk restored. The applicant wishes to delay determination of the location of the new driveway to serve the vacant parcel until the lot is developed. That driveway must maintain a 30-foot separation from the nearest adjacent access drive when installed. The applicant has indicated that he has no immediate plans to

STAFF REPORT
MLP 10-01
Page 2 of 7

develop the newly created vacant parcel (see applicant's partition plan and narrative).

Location and Existing Conditions – The proposed partition is located at 228 NE 10th Avenue. The parcel is zoned Low Density Residential (R-1) with a Comprehensive Plan designation of Low Density Residential (LDR). Surrounding properties are all zoned R-1, with a Comprehensive Plan designation of LDR and are all occupied by detached single-family homes. There are no mapped flood hazard areas on the subject property according to Federal Emergency Management Agency (FEMA) flood insurance rate maps. The site is not identified to be in any other mapped hazard area or zone by the City or County. The property to be divided has 160 feet of frontage on N Juniper Street and 112 feet of frontage on 10th Avenue. Adjacent streets are paved with a sidewalk and curb on Juniper but neither of these on 10th Avenue. There are several large trees on the property, none necessarily impacted by this application or future home construction.

APPROVAL CRITERIA ANALYSIS AND FINDINGS:

The Canby Municipal Code sets forth the approval criteria which the applicant's submittal must bear the burden of compliance and that staff and the Planning Commission must use to determine whether or not a Minor Partition application shall be approved or denied. Sections of the Land Development and Planning Ordinance (Chapter 16) which are applicable to the review of this application are identified below in the staff analysis. In judging whether a Minor Partition should be approved, the Planning Commission shall find that the applicable criteria are either met, can be met by observance of conditions, or are not applicable.

16.60.030 MINOR PARTITIONS

A. Conformance with the text and with the applicable maps of the Comprehensive Plan. *(Note: This criterion is not enforceable. Oregon Revised Statutes Section 197.195(1) provides that consistency with the comprehensive plan shall be achieved by incorporating all plan standards into land use regulations.)*

B. Conformance with all other requirements of the Land Development and Planning Ordinance. *With imposition of recommended conditions, the partition will comply with the requirements of the Land Development and Planning Ordinance, including lot sizes, frontage, access, sidewalk improvement requirements.*

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. *With imposition of recommended conditions, the proposed partition will be functional and will provide building sites, necessary utility easements, and access facilities. The proposed new parcel will be able to meet access standards at the time of a future building permit without undue impact to adjacent properties.*

**STAFF REPORT
MLP 10-01
Page 3 of 7**

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. *No private roads will be created by this partition.*

E. It must be demonstrated that all required public facilities and services are available, or will become available through future development, to adequately meet the needs of the proposed land division. *With imposition of a recommended condition, and as indicated by utility providers that have commented, service is or will become available through future development and in a the manner proposed by the applicant on his partition plan and associated narrative.*

Pursuant to 16.60.050 the Planning Commission shall require that for newly created lots adjacent to existing residential development, that homes built on such lots be designated on the partition plat as "Infill Homes" as defined by 16.04.255 and subject to the requirements of 16.60.050. *With the imposition of a condition this criterion is met.*

Pursuant to 16.60.060.A the applicant shall be responsible for the completion of all required improvements or the posting of adequate assurances in lieu thereof, prior to the recordation of the partition plat or transfer of title of any of the parcels involved. The proposed water and sewer lateral extensions may be installed prior to filing of the plat or with development of the lot since the street paving exists. *With the imposition of a condition this criterion is met.*

16.08 General Provisions - Sidewalks & Curbing Required

Pursuant to 16.08.090.B the Planning Commission may impose appropriate sidewalk and curbing requirements as a condition of approving any discretionary application it reviews. It has been determined that a sidewalk exists along the Juniper Street frontage and only identified repairs by the public works director/city engineer at the time of preparing the public improvement plans are necessary. A new sidewalk and associated accessible ramp at the street intersection is needed along the 10th Avenue frontage since there is no existing sidewalk along this street. Any possible retaining wall determined to be needed to lessen the impact on the front yard of the existing home by the sidewalk improvement shall be considered a part of the necessary public improvements to be shown on the improvement plans.

The applicant has agreed to the removal of the existing driveway onto Juniper Street which leads to the garage to be removed. The driveway approach within the right-of-way will be removed along with that portion on the private property and a new curb will be installed along with a sidewalk where the driveway is to be removed.

16.10 Off-Street Parking and Loading – Access & Single-family dwelling Parking

Pursuant to 16.10.070.B Access – vehicular access shall be provided from the public street to all newly created lots. The applicant desires to wait until a building permit is pulled to determine

STAFF REPORT
MLP 10-01
Page 4 of 7

the exact location for a driveway approach for the new vacant parcel being created. This would be an added expense to whoever owns the lot and pulls a building permit in the future if not installed prior to filing the partition plat. The location of the driveway is only limited by a 30 foot separation from any existing driveway on adjacent lots. Staff finds that this is a reasonable request to delay this driveway approach installation until the time of the building permit when the house plan is known. This driveway installation will be made at the time of a building permit without adversely impacting adjacent properties and can comply with the necessary separation requirement.

Table 16.10.050 Off-Street Parking Provisions – requires two parking spaces per dwelling unit. Existing single-family dwellings having only a single parking space shall not be considered to be nonconforming. The applicant has indicated that with removal of the existing garage due to the partition, he plans to convert what use to be garage in the existing home back into a single car garage again. This along with the fairly long driveway will provide the necessary two parking spaces, particularly in light of the regulations mention of existing dwellings. *This criterion is considered met.*

16.16 R-1 Low Density Residential Zone – Development Standards

The proposed resulting lot sizes comply with the 7,000 minimum. The lot with an existing home is allowed to exceed the normal 10,000 square foot maximum lot size standard. The minimum lot width of 60 feet is provided and the required interior side yard setback at 7 feet has been exceeded where the existing home is setback from the proposed new property line. *The development standards of the R-1 district are met or can be met on the new vacant lot when a building permit is issued.*

16.86 Street Alignments

Improvements to 10th Avenue are not considered to be applicable to this partition since the lot fronting on 10th Avenue is already occupied by an existing home and no new direct measurable impacts are expected to result to this street from this partition. Juniper Street, which will be impacted by a new home with a driveway to it, has adequate right-of-way and street width for its local street classification. The condition of the road was not raised as a concern by public works. *This criterion is considered to have been met.*

16.56 General Provisions (Land Division Regulations)

The submittals and review of this application has demonstrated compliance with the purpose statements for the review of land divisions, demonstrated that the tentative plans provided for review by the Planning Commission are appropriate and suitable in conjunction with the applicant's narrative, and that with recommended conditions there is conformance with the criteria outlined in 16.56.030. *The criterion is met.*

16.89 Application and Review Procedures

STAFF REPORT
MLP 10-01
Page 5 of 7

The staff report provides evidence that all necessary steps and procedures to process a Type III application have been executed and that required due process for involving the public provided. *This criterion has been met.*

PUBLIC INPUT:

Staff has received no public input to date on this application request.

AGENCY REFERRALS/COMMENTS:

A request for review and comments has been received from the following departments and agencies for this application: City of Canby Police, Public Works, City Engineer, Canby Disposal, Canby Telcom, Canby Electric Utility, City Attorney, Building Official, and N.W. Natural. Service provider comments indicate that all required public facilities and services exist, or will exist as proposed with this development to adequately meet the needs of the proposed development. Their comments, separate from the pre-application conference summary (see attached) are summarized as follows and contained in the file record along with the pre-application summary notes:

Canby Police: Adequate public services for their agency will be available.

Canby Public Works: Sanitary sewer is available along the Juniper Street frontage. The ditch line will need to be filled with C.D.F. resawed cut and patched with 1 6-inch service to new single family home or two service lines if a duplex. All storm water to be onsite, not to the street with development.

Consulting Engineer: Applicant will need to improve sidewalks to current ADA standards including driveway and curb return area.

Canby Disposal: Adequate public services for their agency will be available.

Canby Electric Utility: Adequate public services and needed easement will be available through development and the platting process.

City Attorney: No Comments.

Building Official: A building permit is required for the garage demolition or removal.

Canby Telcom: Adequate public service will become available through development.

NW Natural Gas: Gas is available to serve these parcels.

CONCLUSION

1. Staff concludes that the partition request, with appropriate conditions, is considered to be in conformance with the Comprehensive Plan and the Municipal Code.
2. Staff concludes that, with appropriate conditions, the overall design and arrangement of the proposed parcels are functional; utility easements and access facilities necessary for development of the subject property can be provided without unduly hindering the use or

development of adjacent properties.

3. No private roads will be created.
4. Staff concludes that all necessary public services will become available through the development of the property to adequately meet the needs of the proposed partition.

RECOMMENDATION

Based on the application and drawings submitted and based on the facts, findings and conclusions of this report, and without benefit of a public hearing, staff recommends that the Planning Commission approve MLP 10-01 with the following conditions unique to this application:

1. Remove the existing detached garage as indicated prior to approval and filing of the partition plat.
2. Abandon and remove the existing driveway as indicated both on private property and the public street approach on Juniper Street and replace the curb and sidewalk prior to filing of the partition plat or with adequate performance assurance.
3. The future driveway installation to serve Parcel 2 must maintain a 30-foot minimum separation from the nearest adjacent driveway.
4. Dedicate a 5-foot wide public utility easement adjacent to the west boundary of Parcel 1 on the final partition plat to be recorded as indicated to allow the extension of underground electric and telephone service to Parcel 2.
5. New residential construction on Parcel 2 shall comply with the City's Infill Home Standards of CMC 16.21.050 if the definition of 16.04.255 applies at the time of building permit by including the distances from lot lines to neighboring residences as well as existing heights of the neighboring buildings with the building permit application.
6. A final partition plat illustrating the conditions of approval shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application: **City of Canby File Number MLP 10-01.**

Exhibits:

1. Applicant's Partition Plan & Narrative
2. Pre-Application Meeting Notes Summary

**STAFF REPORT
MLP 10-01
Page 7 of 7**

228 NE 10th St Minor Partition Application Narrative

Proposal:

- Partition a new 7,000 sq ft lot from existing lot of 17,920 sq ft. Remaining lot of 10,920 sq ft to contain the existing house. All lots before and after partitioning will conform to the Canby Planning code. No adjustments or variances will be required.

Access:

- New driveway for the vacant lot being created will access Juniper St. Location to be determined at the time of building permit. No easements across other property will be needed.

Utilities:

- Install new sewer lateral in NE Juniper to service the proposed lot. Location and timing to be determined.
- Install new water lateral in NW Juniper to service the proposed lot. Location and timing to be determined.
- Install telephone and electrical power for the proposed lot underground from existing pole at the NE Corner of 10th and Juniper. Create public utility easement of 5' along the western edge of the remaining lot containing the existing house.
- All utility installations shall conform to the current Codes of the City of Canby and/or the utility companies providing service. No utility changes will be needed for the existing house.

Other:

- Demolish existing garage fronting Juniper. Remove driveway and approach. Replace with curb and sidewalk.
- Install Sidewalk along the 10th Street frontage of the existing lot. Install wheelchair ramp at the intersection of 10th and Juniper.
- All installations shall conform to the current City of Canby sidewalk profile.

PROPOSAL

PARTITION NEW 7,000 SQUARE FOOT LOT FROM EXISTING LOT AT THE NORTHEAST CORNER OF N.E. 10TH STREET AND N. JUNIPER STREET. NEW LOT WILL FRONT N. JUNIPER STREET.

ACCESS

NEW DRIVEWAY ACCESSING N. JUNIPER STREET FOR PROPOSED PARCEL 2 - LOCATION TO BE DETERMINED.
UTILIZE EXISTING DRIVEWAY OFF N.E. 10TH STREET TO ACCESS EXISTING HOUSE.

UTILITIES

INSTALL NEW SEWER LATERAL IN N. JUNIPER TO SERVICE PROPOSED PARCEL 2 - LOCATION AND TIMING TO BE DETERMINED.
INSTALL NEW WATER LATERAL IN N. JUNIPER TO SERVICE PROPOSED PARCEL 2 - LOCATION AND TIMING TO BE DETERMINED.
EXISTING UTILITIES TO EXISTING HOUSE TO REMAIN UNCHANGED.

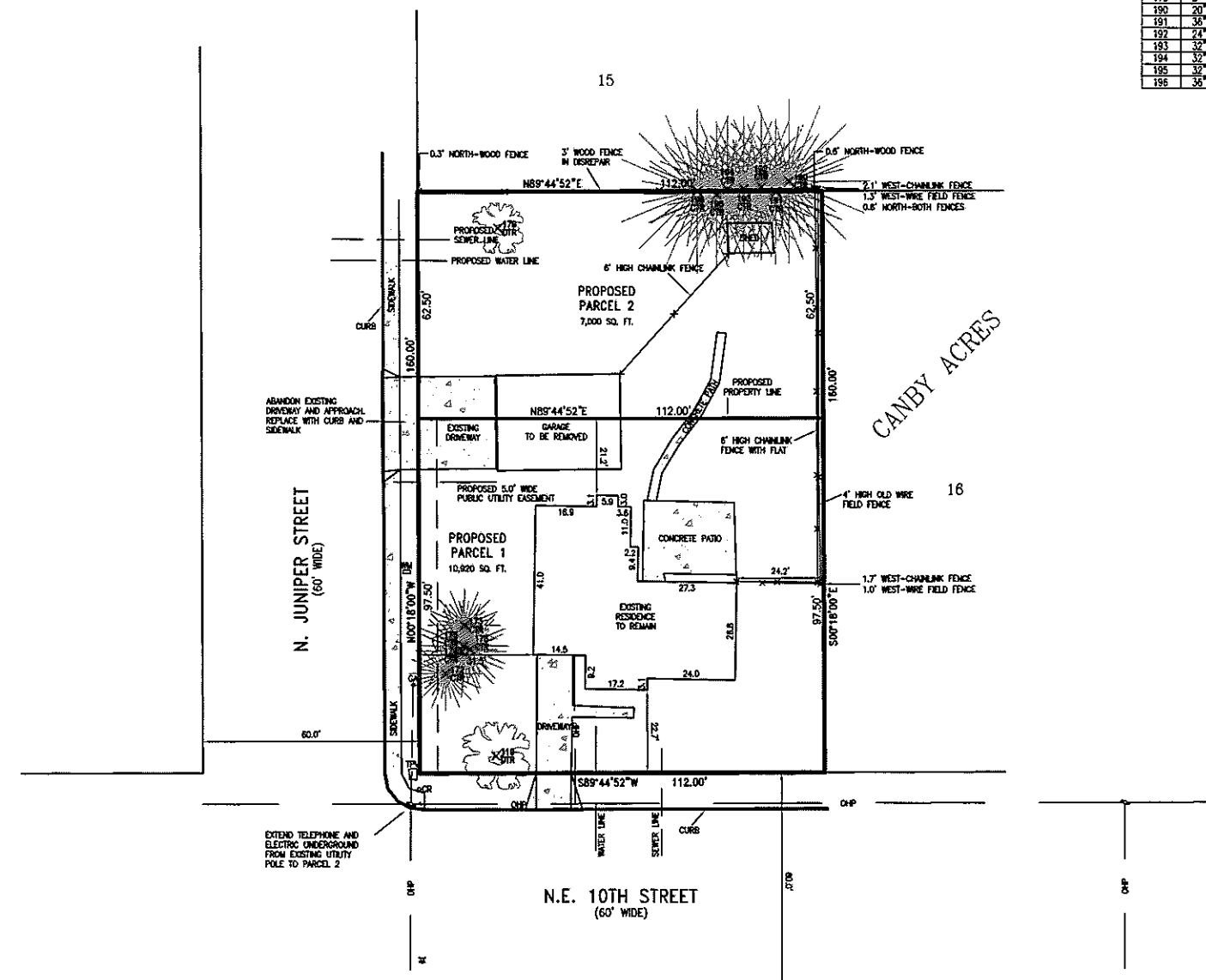
OTHER

DEMOLISH EXISTING GARAGE FRONTING N. JUNIPER STREET, ABANDON DRIVEWAY AND APRON AND REPLACE WITH CURB AND SIDEWALK.

EXISTING STRUCTURE IS ALREADY IN COMPLIANCE WITH CANBY SOLAR ACCESS STANDARDS.

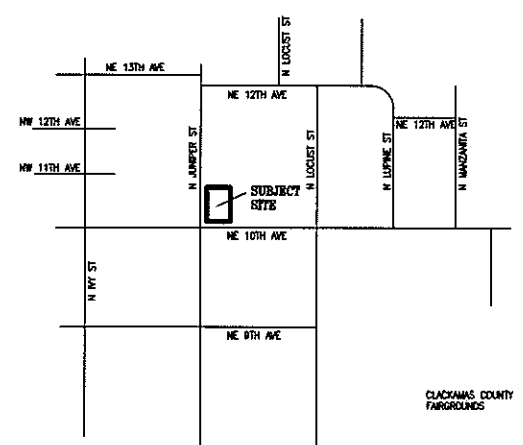
NEW STRUCTURE NEEDS TO MEET CITY OF CANBY PERFORMANCE REQUIREMENTS FOR SOLAR ACCESS. TO BE REVIEWED AT BUILDING PERMIT APPLICATION.

TREE TABLE			
NO.	TRUNK SIZE	TYPE	DBP
119	8"	DTR-FRUITING	20'
172	10"	CTR-DOGWOOD	20'
173	10"	CTR-DOGWOOD	20'
174	8"	CTR-CEEDAR	25'
175	10"	CTR-CEEDAR	25'
176	8"	CTR-CEEDAR	15'
179	8"	DTR-FRUIT TREE	15'
190	20"	CTR-CEEDAR	45'
191	36"	CTR-CEEDAR	40'
192	24"	CTR-CEEDAR	40'
193	32"	CTR-CEEDAR	40'
194	32"	CTR-CEEDAR	40'
195	32"	CTR-CEEDAR	40'
196	36"	CTR-CEEDAR	45'

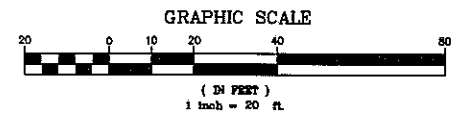


LEGEND

- WM WATER METER
- CA CUY ANCHOR
- CTR CONIFEROUS TREE
- DTR DECIDUOUS TREE
- UTILITY POLE
- OVERHEAD POWER
- ASPHALT PAVEMENT
- TPV TELEPHONE VAULT
- CR CABLE TV RISER



VICINITY MAP
SCALE: 1" = 400'



REVISIONS:

NO.	DATE	BY	DESCRIPTION
1	4/22/10	PCS	CHECKED BY: DTR
2	5/27/10	PCS	SCALE: 1"=20'
3	5/27/10	PCS	DATE: 5/27/10
4	5/27/10	PCS	PROJECT NO: 10-038
5	5/27/10	PCS	DATE: 5/27/10
6	5/27/10	PCS	SCALE: 1"=20'
7	5/27/10	PCS	DATE: 5/27/10
8	5/27/10	PCS	PROJECT NO: 10-038
9	5/27/10	PCS	DATE: 5/27/10
10	5/27/10	PCS	SCALE: 1"=20'
11	5/27/10	PCS	DATE: 5/27/10
12	5/27/10	PCS	PROJECT NO: 10-038
13	5/27/10	PCS	DATE: 5/27/10
14	5/27/10	PCS	SCALE: 1"=20'
15	5/27/10	PCS	DATE: 5/27/10
16	5/27/10	PCS	PROJECT NO: 10-038
17	5/27/10	PCS	DATE: 5/27/10
18	5/27/10	PCS	SCALE: 1"=20'
19	5/27/10	PCS	DATE: 5/27/10
20	5/27/10	PCS	PROJECT NO: 10-038
21	5/27/10	PCS	DATE: 5/27/10
22	5/27/10	PCS	SCALE: 1"=20'
23	5/27/10	PCS	DATE: 5/27/10
24	5/27/10	PCS	PROJECT NO: 10-038
25	5/27/10	PCS	DATE: 5/27/10
26	5/27/10	PCS	SCALE: 1"=20'
27	5/27/10	PCS	DATE: 5/27/10
28	5/27/10	PCS	PROJECT NO: 10-038
29	5/27/10	PCS	DATE: 5/27/10
30	5/27/10	PCS	SCALE: 1"=20'
31	5/27/10	PCS	DATE: 5/27/10
32	5/27/10	PCS	PROJECT NO: 10-038
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42	5/27/10	PCS	SCALE: 1"=20'
43	5/27/10	PCS	DATE: 5/27/10
44	5/27/10	PCS	PROJECT NO: 10-038
45	5/27/10	PCS	DATE: 5/27/10
46	5/27/10	PCS	SCALE: 1"=20'
47	5/27/10	PCS	DATE: 5/27/10
48	5/27/10	PCS	PROJECT NO: 10-038
49	5/27/10	PCS	DATE: 5/27/10
50	5/27/10	PCS	SCALE: 1"=20'

TENTATIVE PARTITION PLAN
FOR
WHOLESALE REAL ESTATE LLC
228 N.E. 10TH AVENUE
THE WEST 1/2 FEET OF LOT 16, "CANBY ACRES"
LOCATED IN THE NW 1/4 OF SECTION 33, T36N, R12E, W11, IN THE CITY OF CANBY, CLACKAMAS COUNTY, OREGON

REGISTERED PROFESSIONAL LAND SURVEYOR
WELLS
CLACKAMAS COUNTY, OREGON
DEED BOOK 14, PAGE 74-77
EXPIRES 12-31-10

W.B. WELLS
ENGINEERS-SURVEYORS-PLANNERS
4230 NE FREMONT STREET
PORTLAND, OREGON 97213
PHONE: (503) 84-8888 FAX: (503) 24-8330
e-mail address: info@wbwells.com





Pre-Application Meeting

**228 NE 10th Ave
February 24, 2010
10:30 am**

Attended by:

Gerald Engler, Wholesale Real Estate, 503-227-0440
Gary Stockwell, CU Electric Dept, 503-263-4307
Melissa Hardy, Planning Dept, 503-266-7001

Jeff Crowther, Public Works, 503-266-4021
Terry Smith, NW Natural, 503-585-6611
Pat Thurston, CU Water Distribution Dept, 503-263-4309

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OWNER, Gerald Engler

- We purchased the house at the SE corner of 10th and Juniper and the property is almost triple the minimum lot size. We plan to divide off the rear portion which fronts on N Juniper and create a 7,000 sq ft lot. Currently there is a detached garage we will have to remove because it will sit across the proposed lot line and we will restore the original garage and the original driveway still exists for the house. Basically, I am here to see what I need to do this land division.
- Gerald asked how long will this process take. Melissa said between the newspaper notice and the mailing notice it takes us approximately 3 to 4 weeks, the Planning Commission meets twice a month. We can usually get on the Planning Commission agenda fairly quick and I know in some Cities you have to wait months, but here we have a quick turn-around. Application completion date to actually getting on the agenda, maybe a month, it depends where we fall in the time line.
- Gerald asked if the City Council has to review it. Melissa stated no, only the Planning Commission. We do have an appeal process that would go in front of the Council, if needed.

PUBLIC WORKS, Jeff Crowther

- You are planning to use the existing sewer line to the existing house, correct. Gerald answered yes.
- We do have sewer available on N Juniper Street. We need a 6 inch stub to the sewer main; sewer main is on the west side of the street. You will need a street cut permit to access the main. We require a 6 inch lateral to the property line and then a clean out at the property line. Gerald asked who owns the clean out and is it on the public or private side. Jeff said it is right at the line, we require the clean out there so we can access the lateral.
- Jeff asked if he had sidewalks there, Gerald said yes on Juniper. Jeff said if it needs to be repaired or replaced we require that, but if they are in good shape. Gerald said do I need to have all the utilities and sidewalks done at the time of getting this land partition or can it be brought in during the building permit process? Melissa said you can bond for street improvements and you can also bond for all street improvements. Gerald said so the sewer lateral and curb cut would require a bond right? The answer was yes and Melissa said all public improvements you can either install before you file the final plat or you can bond if you want to do it after the final plat.

CANBY UTILTIY, ELECTRIC DEPARTMENT, Gary Stockwell

- Your point of contact for your new lot will be the pole on the SW corner of the existing property and therefore I will require an easement along the frontage. Basically, at the City's request now or at the time of development you provide a trench to the pole and we will put the conduit in and serve your house. Gerald said the power ditch will be on the private side or in the right-of-way. Gary said it will be an easement and I believe the required easement of the frontages are 12 feet, is that correct Melissa. Melissa said I am not sure, but engineering can tell me what that is. I believe on the frontages on the lots will be 12 foot easements. Gerald asked if this ditch is a standard universal where phone, cable, gas and power go in the same 3 foot wide ditch. Gary said we allow common trench and we have a specification which allows it. Where the gas, phone and cable will be coming from I can not answer it.
- Gary said from the standpoint of the Electric Department when you do the minor land partition, we like to see you get the extension over across the lot. The reason why is when you decide to sell the lot and sell the house and down the road they plant some shrubbery and when someone wants to build and we have to tear out the plants and it does not make them happy. This alleviates any future problems in future.

NW NATURAL, Terry Smith

- Is this the lot on the NW corner of the intersection, correct? Gerald said correct. Terry said we have a 4 inch steel gas main under asphalt from the curb going north/sough on Juniper, I am sure that is where the service will come from. We can come off that main on any place. Are you going to develop the property or sell it as a bare piece of property? Gerald said we are not certain yet, it is what the market bares. I am a builder, so I do not know yet what I will do, I might have a builder in Canby do it. Terry said if you build the house and intend to put gas to it, all we require is an open trench from property line to the gas meter location and it can be a joint trench. Our responsibility is from the gas main to the property line. We have no problem with a joint trench with Canby Utility Electric just as long as the configuration of the trench line is accurate.

CITY OF CANBY, PLANNING DEPARTMENT, Melissa Hardy

- The first thing you will want to do before you submit your partition application is obtain all deeds that have been recorded for the property back to August 1972 and you can get the deed chain from Clackamas County Records office or a Title company. This is to determine where the actual legal lot lines are located. The last plat recorded was #666 from 1947 and it shows a 44, 088 sq ft lot. If we take a look at the deed chain we can determine whether or not subsequently legally divided at some point between 1947 and 1972. After we look at that we can advise you how to proceed to achieve the lot configuration you want.
- We strongly encourage you, though it is not required, to hire a surveyor or an engineer to deal with your application.
- In order to split one legal lot into 3 or fewer parcels, a partition application must be submitted to the City and the application fee is currently \$1,280 for a minor partition and I have attached a copy to your packet. There is a check list for all submittals to include with the application and I put a note there stating "no neighborhood meeting" is required for this

application and no transportation analysis will be required, provided the new lot can accommodate a vehicle access which meets all minimum access standards.

- After you submit your application, the City will review your materials to ensure that all necessary information has been submitted and you will be notified within 30 days if the City needs any additional information. After the application is complete then a public hearing is scheduled in front of the Planning Commission and the City mails out the hearing notices based on the mailing labels you provide. You will be instructed at that time to post notice signs on the property, we have an administrative person that makes the signs and then you come in and pick them up and place them on the property. Gerald asked Melissa what the radius was on the mailing. Melissa said for a minor land partition is 200 feet.
- If the Planning Commission approves your tentative partition application you have one year to complete all the required improvements or bond for those improvements and record the replat with the County Surveyors office. In order to submit your final plat to the City for review for final plat application must be submitted and the application fee is currently \$100. I attached a final plat application with this packet.
- The property is zoned and R-1 low density residential.
- Minimum lot size 7,000 sq ft and maximum 10,000 sq ft, although maximum lot size does not apply to a lot with a pre-existing house located on it at the time of partition plat approval. So the lot you create that has this house on it can be larger than 10,000 sq ft.
- Minimum lot width of street frontage is 60 feet.
- Setbacks apply to all structures 30 inches or taller. I have setbacks for the corner lot and setbacks for interior lot and these are listed in the packet I provided you. Most of this will apply during the building permit process.
- There is a solar access standard and I have included it in the packet. It appears given the dimension and orientation of the proposed lot would be the performance option and so the plat would be conditioned that any house built on that lot would have its long access oriented within 30° of the east/west access and at least 80% of the ground floor south wall be protected from shade. If you have questions, I can talk to you about that in detail.
- There is a minimum vision clearance triangle at the intersection of 30 feet and a minimum clearance triangle at the driveway to the street of 10 feet. Minimum access spacing for a driveway onto Juniper is 30 feet from the intersection of N Juniper and NE 10th Avenue. A minimum allowed driveway width is 12 feet and maximum allowed is 40 feet and Public Works will approve and inspect the driveway permitting and construction.
- Existing detached garage must be removed and existing driveway on N Juniper will required to be removed and curb repaired prior to final plat recordation.
- Street improvements required on N Juniper Street along the frontage of newly created lot and I have included the local street adequacy standards. Usually engineering is here to determine whether or not it meets current adequacy standards, if you have questions about what your street improvements are going to be required engineering will determine it.

CANBY UTILITY, WATER DISTRIBUTION DEPARTMENT, Pat Thurston

- Your water service would join your lot basically at your NW corner of your property, close to your northern property line. We normally like to place all water services close to the property lines as possible. We have our water main approximately 6 feet off of the easterly curb line on N Juniper Street, so it will be relatively easy for you to get your water service. It

will be a 1 inch water service and then go to a 5/8 x 3/4 inch meter which is standard for residential, unless you require something larger. Standard cost would be \$725.00 to put the water service into your point of connection and the SDC is \$2,901.00 for a service and meter. There is a possibility for this amount of money to change because we typically change our SDC's around July 1st. Melissa said she included a current SDC price sheet with your packet.

- If you choose to build this yourself would you be sprinkling the residence, which is to say fire protection? Gerald said probably not, unless it is a requirement. It will probably be a one-level residence. Pat said sometimes the Fire Department would ask you this question because they are of the opinion if you can sprinkler a house, should a fire occur, the time between they call and the time dispatched can be a substantial savings in property and life to have residence sprinkled. It would also mean you would have to have a 1 inch meter, which is also more money.
- Gerald asked Pat if he could bond for the water or do we have to put the water stubbed to the property line. Pat said you do not have to stub the water to the lot, it can be done when you pull the building permit.

MINUTES
CANBY PLANNING COMMISSION
7:00 PM – June 28, 2010
City Council Chambers – 155 NW 2nd Avenue

PRESENT: Chair Dan Ewert, Vice Chair Jan Milne, Commissioners Sean Joyce, Chuck Kocher, John Proctor, Misty Slagle and Randy Tessman

ABSENT: None

STAFF: Bryan Brown, Planning Director and Jill Thorn, Planning Staff

OTHERS PRESENT: Brian Hodson, City Councilor and Planning Commission Liaison; Scott Caufield, Steven Morgan, Cindy Caufield, Peter Hostetler and Chris Morgan

1. CALL TO ORDER

2. CITIZEN INPUT

3. PUBLIC HEARINGS

a. DR 10-01 – DCS-Morgan – The applicant is seeking approval of a Site and Design Review application to build a 1,993 square foot commercial building and associated parking lot on a 11,138 sq ft site at 1535 SE 3rd Court (Clackamas County Assessor Map & Tax Lot No. 31E34C-03400).

Chair Ewert read the public hearing format. When asked if any Commissioner had a conflict of interest, none was expressed. When asked if any Commissioner had ex-parte contact, none was stated. Commissioners Tessman, Kocher, Milne, Proctor and Ewert stated they had visited the site, but had not drawn any conclusions. No questions were asked of the Commissioners.

Bryan Brown, Planning Director, entered the June 17, 2010, staff report into the record.

Commissioner Tessman said that when the original subdivision had been approved, he thought it was for only medical businesses. Mr. Brown responded that the subdivision had been approved for professional and business offices including, but not limited to medical businesses.

Commission Slagle asked about parking by construction workers as that had been a concern with the Warren building application. Mr. Brown responded that it was not an issue as this lot was not on a public street and there was adequate parking on the private street and sight distance issues at the intersection with Redwood Street were not applicable with this lot.

Commissioner Kocher asked if there were adequate restrooms based on the drawings received. Mr. Brown said that would be a question to ask the applicant's representative.

Commissioner Milne said she found the matrix table confusing in the area of the number of parking spaces. She understood the matrix rewarded applicants for less parking; but the other areas of the matrix rewarded for having more. Mr. Brown said that was correct as there is a desire to reward for less parking spaces.

Applicant: Scott Caufield, representing the applicants, Steve and Chris Morgan said that he was able to meet all of the City's code requirements and supported the staff's recommendation for approval. He went through various aspects of what was being provided on the project site plan, emphasizing that 1) shrubbery would be planted around the mechanical heat pump units at the rear of the building to shield the view of them from the neighboring property, 2) in response to a question by the Commission that adequate restroom facilities were being provided and had been reviewed by the City building official, 3) that the soakage pond design had changed since the original submittal to include retaining walls to increase its capacity as a result of the geotechnical study infiltration results, and, 4) that the streets trees proposed are a continuation of those started on the lot next door.

Commissioner Ewert said he had concerns about the retention pond and the fact it was close to the sidewalk. He asked if it would be fenced. Mr. Caufield stated that was a valid concern and had not thought about it, but would be willing to address the issue.

Mr. Brown said one idea would be to put a split rail type of fence which would look better than a chain link fence.

Commissioner Tessman felt something was needed as the site was close to the Logging Trail Road which attracted a lot of people.

Commissioner Joyce noted that Public Works had raised issues with planting cattails as they tend to contribute to plugging the draining of the pond. Mr. Caufield said he had no problem with changing the types of plants to be used in the pond.

Commissioner Ewert said he would like to see the pond have a barrier to block a child on a bike. Mr. Caufield said he would be happy to address that in the final plans to be submitted to the City.

Proponents: None

Opponents: None

Neutral: None

Rebuttal: None

Chair Ewert closed the public hearing.

Commissioner Milne said it was a very good staff report and an excellent application and she had no issues.

Commissioner Proctor wondered if the tree at the parking space that was hard to see should be removed. Commissioner Ewert felt that was not necessary.

Commissioner Ewert felt there should be a barrier around the pond. Commissioner Joyce agreed something was needed. Commissioner Ewert suggested Oregon Grape might be a good solution.

Commissioner Milne moved that the Planning Commission approve application DR 10-01 – DCS-Morgan as presented in the staff report and a condition to require a barrier of the applicant's choosing, possibly with landscaping be included with the construction plans, between the sidewalk and pond to help discourage or prevent purposeful or accidental access to or into the pond. It was seconded by Commissioner Slagle. The motion passed 7-0.

4. NEW BUSINESS **None**

5. FINAL DECISIONS

a. DR 10-01 – DCS-Morgan - It was moved by Commissioner Milne to approve the written findings for DR 10-01 – DCS-Morgan – as presented with the addition on one condition requiring a barrier between the sidewalk and pond to help discourage or prevent purposeful or accidental access to or into the pond. It was seconded by Commissioner Tessman. The motion passed 7-0.

6. MINUTES

a. April 26, 2010 - Commissioner Slagle moved to approve minutes of April 26, 2010 as presented. Motion seconded by Commissioner Kocher and passed 7-0.

7. ITEMS OF INTEREST FROM STAFF Bryan Brown reported he had approved a minor modification for Pioneer Pump for paving and removal of a pile of dirt on their property. He also reported that two Temporary Vendor applications had been approved for fireworks stands. He said that 61 applications had been received for the Associate Planner position and he would be interviewing six individuals on Wednesday, June 30.

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

9. ADJOURNMENT